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TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

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PART 671—LOCAL BOARD MEMORANDA

Pursuant to the provisions of the Administrative Procedure Act, the following directive, issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

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§ 671.77 *Moral standards.*

§ 671.77a *General.*

§ 671.77a-1 *Registrants to whom this part applies.* This part applies only to registrants who are within the age group currently being called for service. Therefore, if a registrant is of an age not currently called for service, no consideration shall be given by the local board to the question of his moral acceptability or his moral disqualification for service and none of the procedures set forth in this part is applicable to such registrants.

§ 671.77a-2 *All registrants morally acceptable unless within specified exceptions.* Every registrant shall be considered to be morally acceptable for service in the armed forces or morally acceptable for work of national importance under civilian direction except:

(a) A registrant who is in prison, whose moral acceptability shall be determined as provided in §§ 671.77b through 671.77b-3, inclusive; and

(b) A registrant who is in custody of the law, whose moral acceptability shall be determined as provided in §§ 671.77c through 671.77c-4, inclusive; and

(c) A registrant who has been convicted of a heinous crime, whose moral acceptability shall be determined as provided in §§ 671.77d through 671.77d-5, inclusive; and

(d) A registrant who has been separated from the land or naval forces under circumstances which cause him to

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be unacceptable for further service without a waiver of the land or naval forces moral standards. The moral acceptability of such a registrant shall be determined as provided in §§ 671.77e through 671.77e-3, inclusive. In addition, a registrant separated from the land or naval forces and placed in Class I-C or Class IV-F (moral) may not be classified into a class available for service unless the local board has been authorized by the Director to so reclassify such a registrant as provided in Local Board Memorandum No. 77-C (not published in FEDERAL REGISTER).

§ 671.77b *Registrants in prison.*

§ 671.77b-1 *Determination as to special panel local board.* When the local board is advised that a registrant is con-

fined in a prison, penitentiary, reformatory, or similar institution, as a result of having been convicted of a crime (including a heinous crime described in §§ 671.77d through 671.77d-5, inclusive); it shall, unless such information is already available, request the State Director of the State in which such institution is located to advise whether there is a special panel local board at the institution and, if so, the designation and address thereof.

§ 671.77b-2 *Procedure when there is a special panel local board at the prison.* If the local board learns that there is a special panel local board at such institution, it shall reclassify the registrant into Class IV-F unless the registrant has been separated from the land or naval forces by Honorable Discharge or Discharge Under Honorable Conditions in which case he shall be placed or retained in Class I-C as provided in § 622.15 (a) (4) of this chapter, or, unless the registrant has been separated from work of national importance in a civilian public service camp after having served for a period of at least six months in which case he shall be placed or retained in Class IV-E as provided in § 622.51 (d) and (f) of this chapter. The local board shall then forward the records of the registrant to the special panel local board in the manner provided in Part 662 of this chapter. If it appears from the records of a registrant heretofore or hereafter received by a special panel local board that the registrant was not placed or retained in Class IV-F, Class I-C, or in Class IV-E, as provided above, by his local board prior to forwarding his records, the special panel local board shall classify the registrant into Class IV-F, Class I-C, or Class IV-E, as the case may be, and notify his local board of such action; and the registrant's local board shall then note such action on its records and report same on Local Board Action Report (Form 110). So long as any such registrant remains in an institution where a special panel local board is organized, his case shall be handled by the special panel local board under separate instructions issued to such boards. When he leaves the institution where a special panel local board is organized, his records will be returned to his local board, together with information as to the action taken and information secured by the special panel local board during the period of time when he was in such institution.

§ 671.77b-3 *Procedure when there is no special panel local board at the prison.* If it is ascertained that no special panel local board is organized at the prison, penitentiary, reformatory, or similar institution in which the registrant is confined, the local board shall handle such registrant's case under the provisions of §§ 671.77c through 671.77c-4, inclusive; and, if he has been convicted of a heinous crime, the provisions of §§ 671.77d through 671.77d-5, inclusive; shall also be applicable.

§ 671.77c *Registrants in custody of the law.*

§ 671.77c-1 *When a registrant is in "custody of the law."* A registrant is in the custody of the law when: (1) He has been placed under arrest charged with the commission of a crime, whether he is held in prison or is at liberty pending the trial, or is actually being tried, or, subsequent to trial, is awaiting sentence; or (2) he has been sentenced and is awaiting execution of the sentence; or (3) he is actually in prison serving a sentence; or (4) his sentence has been suspended for a definite period of time which has not yet expired; or (5) following sentence, he has been placed upon probation; or (6) after commencing to serve his sentence, he has been released from prison on parole or conditional release.

§ 671.77c-2 *Request for release of civil authority.* When the local board is advised that a registrant is in the custody of the law (except a registrant whose records are forwarded to a special panel local board under § 671.77b-2, or a registrant who is found to be morally unacceptable for service under § 671.77d-3), it shall request the proper civil official to terminate civil authority over such registrant effective upon his entering the armed forces, or to suspend civil authority over the registrant during the period of his military service. If, however, a local board is instructed by the State Director or the Director to postpone the making of a request for termination or suspension of custody of a particular registrant or registrants, it shall comply with such special instructions.

§ 671.77c-3 *Form and use of release of civil authority.* The order terminating or suspending civil authority need be in no particular form but must be in writing, signed by the proper civil official, and must accompany the registrant's records when he is forwarded for preinduction physical examination and when he is forwarded for induction.

§ 671.77c-4 *Procedure when release of civil authority refused.* In the event the proper civil official refuses to issue an order terminating or suspending civil authority over a registrant who is in the custody of the law, the writing which notifies the local board of such refusal shall be placed in the registrant's Cover Sheet (Form 53), and the registrant must be considered as morally unacceptable for service.

§ 671.77d *Registrants convicted of heinous crimes.*

§ 671.77d-1 *Designation of "heinous crimes."* The term "heinous crimes" when used in this memorandum includes only the following crimes: Treason; murder; kidnapping; arson; rape; sodomy, pandering, or other crimes involving sex perversion; or illegal dealing in or use of narcotics or other habit-forming drugs.

§ 671.77d-2 *Definition of certain heinous crimes.* For the guidance of local boards, the terms "murder" and "rape" are defined as follows (other heinous crimes do not require further definition):

(a) The term "murder" means the unlawful killing of a human being with malice aforethought. In this connection, an "unlawful killing" means any killing without legal justification or excuse. "Malice aforethought" does not imply that the killing shall necessarily have been premeditated but does imply that there shall have been an intention to cause the death of or grievous injury to the person killed or that some act was done with the knowledge that it would probably result in the death of or grievous bodily injury to some persons.

(b) The term "rape" means only the common-law crime of unlawful carnal knowledge of a female with force and without her consent. Such offense may be committed on a female person of any age. A conviction of so-called statutory rape, that is, carnal knowledge with the consent of a female under the statutory age of consent, will not be considered to come within the term "rape" as used in this part.

§ 671.77d-3 *When such registrants may be morally acceptable.* When a registrant has been convicted of a heinous crime, he is morally unacceptable for service in the armed forces for the period of six months immediately following his release from confinement in an institution, or for a period of six months following the date of his conviction if after such conviction he is not confined but is released on suspended sentence or probation. After such period of six months, he continues to be morally unacceptable for service in the armed forces except in especially meritorious cases in which a waiver of the land or naval forces moral standards is issued in each instance by authority of the Commanding General of the Service Command or Department.

§ 671.77d-4 *Procedure for applications for waiver.* If, therefore, after the expiration of six months following his release from confinement, or his conviction if not confined, the local board is of the opinion that such registrant's case is especially meritorious, it shall forward to its State Director for transmission to the Commanding General of the Service Command or Department a request for a waiver of the land or naval forces moral standards. The request need not be in any particular form but must include the following information: The registrant's name in full; the date and place of his birth; a statement by the local board, based upon the information which it has received or upon the personal knowledge of one or more of its members, that in its opinion the registrant's case is especially meritorious; and a recommendation by the local board that the registrant's induction be approved and a waiver be issued.

§ 671.77d-5 *Procedure when waiver refused.* Unless the local board receives a waiver of the land or naval forces moral standards issued by the Commanding General of the Service Command or Department, every registrant who has been convicted of a heinous crime must be considered to be morallly unacceptable for service.

§ 671.77e *Registrants separated from land or naval forces.*

§ 671.77e-1 *Registrants discharged under certain conditions are morally unacceptable.* A registrant discharged from the land or naval forces under certain circumstances is morally unaceptable for further service unless a waiver of the land or naval forces moral standards is issued by The Adjutant General of the

Army for men separated from the Army, the Chief of Naval Personnel of the Navy for men separated from the Navy, the Commandant of the Marine Corps for men separated from the Marine Corps, and the Commandant of the Coast Guard for men separated from the Coast Guard. In order that the local board may know the cases for which such waiver must be issued by the proper branch of the land or naval forces before the registrant is morally acceptable for further service, there is attached hereto a document entitled "Types of Discharge and Separation From Land or Naval Forces."

§ 671.77e-2 *Procedure for applications for approval.* Applications for waivers of the land or naval forces moral standards shall be forwarded through the State Director to the Commanding General of the Service Command or Department for transmittal to the proper officer of the armed forces. The application need not be in any particular form but should contain the following information: The registrant's name in full; the date and place of his birth; his armed forces serial number; the date and place of his induction into the armed forces; the date and place of his separation from the armed forces; and the designation of the military organization with which he was serving at the time of his separation. The application should be accompanied by evidence of the registrant's current habits and behavior in the form of a letter from the local board based upon personal knowledge of one or more members thereof accompanied, if practicable, by one or more letters of recommendation from the registrant's employer, business associates, or neighbors. If none of the local board members is personally acquainted with the registrant the application shall so state and an effort will be made to obtain a written statement o the registrant's current character, habits, and record in the community from a local law enforcement officer or from some other responsible citizen.

§ 671.77e-3 *Procedure if approval refused.* In the event that the land or naval forces refuse to issue such waiver, the writing which notifies the local board of such refusal shall be placed in the registrant's Cover Sheet (Form 53), and the registrant must be considered as morally unacceptable for service.

§ 671.77f *Forwarding for preinduction physical examination.*

§ 671.77f-1 *Determination of moral acceptability of registrant.* A registrant who is otherwise qualified may be forwarded for preinduction physical examination and induction in the usual manner if (a) he is found to be morally acceptable for service under the provisions of this part, and (b) Local Board Memorandum No. 77-C has been complied with in the event he has been separated from service in the land or naval forces. All information in possesion of the local board bearing upon his moral qualifications for service will be forwarded with his other records. The armed forces, in determining the moral acceptability of a registrant for service will be guided by Army Regulations AR 615-500, paragraph 13b (See Appendix C).

§ 671.77f-2 *Reason for rejection shown in DSS Form 218.* Army regulations provide that when a registrant forwarded for preinduction physical examination is rejected because morally unacceptable, that fact and the reason for his rejection will be specifically noted upon the copy of his Certificate of Fitness (Form 218).

§ 671.77f-3 *Procedure when reason for rejection omitted.* If the local board receives advice that a registrant has been rejected because morally unacceptable but the reason therefor is not indicated on the copy of his DSS Form 218, the local board, through the State Director, shall request the induction station to make such entry on the copy of DSS Form 218.

§ 671.77f-4 *Procedure when reason for rejection is absence of required waiver or order.* If the reason indicated on the copy of DSS Form 218 for finding a registrant morally unacceptable for service is the absence of the required waiver or the absence of a proper order terminating or suspending civil authority over the registrant during his period of military service, the local board shall endeavor to secure the necessary waiver or order and, if it does so, shall return the registrant's records for further consideration by the induction station.

§ 671.77f-5 *Procedure when reason for rejection cannot be met.* If the reason indicated on the copy of DSS Form 218 for finding a registrant morally unacceptable for service is not corrected by securing the necessary waiver or order, the registrant must be considered to be morally unacceptable for service.

§ 671.77g *Use of Government appeal agent.*

§ 671.77g-1 *Assistance on procedures under this part.* It is suggested that the local board call upon the government appeal agent for advice when it is in doubt as to whether the case of a particular registrant comes within the provisions of this memorandum. It is further suggested that the local board call upon the government appeal agent to assist it in securing any documents required under the provisions of this part. The government appeal agent is usually an attorney and should be particularly helpful in these matters.

LEWIS B. HERSHEY,
Director.

APPENDIX A—TYPES OF DISCHARGE AND SEPARATION FROM THE LAND OR NAVAL FORCES

ENLISTED PERSONNEL

[[1] [2] indicate exceptions to table which are stated below and should be carefully observed]

Discharge Certificate Form No.	Color	Title	Morally acceptable without waiver of moral standards
ARMY			
W. D., AGO:			
55	White	Honorable discharge	Yes.[1]
56	Blue	Discharge	No.
57	Yellow	Dishonorable discharge	No.
NAVY			
NavPers or BNP:			
660	White	Honorable discharge	Yes.
661	do	Certificate of discharge under honorable conditions.	Yes.[2]
662	Yellow	Discharge (undesirable on unfavorable)	No.
662a	do	Bad conduct discharge (general or summary court martial).	No.
662b	do	Dishonorable discharge (general court martial)	No.
MARINES			
NMC or NAVMC:			
257	White	Honorable discharge	Yes.[2]
257a	do	do	Yes.[2]
257d	do	do	Yes.[2]
257k	do	do	Yes.[2]
257m	do	do	Yes.[2]
258	do	do	Yes.[2]
258a	do	do	Yes.[2]
259	do	do	Yes.[2]
385	Yellow	Bad conduct discharge	No.
385a	White	Discharge	No.
385b	Yellow	Dishonorable discharge	No.
385c	White	Discharge by reason of desertion	No.
COAST GUARD			
NavCG:			
2510	White	Honorable discharge	Yes.
2510A	do	Certificate of discharge under honorable conditions.	Yes.[2]
2510B	Yellow	Discharge (undesirable)	No.
2510C	do	Bad-Conduct discharge (general or summary court martial).	No.
2510D	do	Dishonorable discharge (general court martial)	No.

[1] A registrant who receives an Honorable Discharge from the Army is not morally acceptable without waiver if it is stated on the reverse side of the certificate that it was issued under the provisions of section VIII of Army Regulations 615-360 or under the provisions of Army Regulations 615-368 or 615-369.

[2] In the following instances, although the waiver is not required, the local board (using DSS Form 177) must request the State Director to obtain additional information as to the underlying cause for the discharge and, upon receiving such information, exercise its discretion in determining whether the registrant is morally qualified for service.

(1) A registrant who receives a Discharge Under Honorable Conditions from the Navy if the certificate shows as the reason for separation "unsuitability" or "inaptitude" or shows as the authority for separation Article D9110 or Article D9111, BuPers Manual.

(2) A registrant who receives a Discharge Under Honorable Conditions from the Coast Guard if the certificate shows as the reason for separation "unsuitability" or "inaptitude" or shows as the authority for separation Article 586 (1) (e), Article 587, or Article 590, Coast Guard Regulations.

(3) A registrant who receives an Honorable Discharge from the Marine Corps if the certificate shows as the reason therefor "unsuitability" or "inaptitude."

APPENDIX B—COMMISSIONED AND WARRANT OFFICERS

1. *General.* Officers and warrant officers in the land or naval forces are not given any of the forms of discharge certificates set forth above at the time of their separation from service. A registrant who was a commissioned or a warrant officer in the land or naval forces at the time of his separation or release from service shall be considered to be morally acceptable for service unless the information in the possession of the local board indicates that he was separated from service under conditions other than honorable.

2. *Certain officers separated from the Army or Navy.* In certain instances in which a commissioned or warrant officer is separated from the Army or the Navy under conditions other than honorable, The Adjutant General of the Army or the Chief of Naval Personnel of the Navy issues a letter to the Director for transmittal to the local board in the area of the man's residence, regarding the acceptability of such man for subsequent induction. Each such letter is in one of two forms:

(a) One form states that the man would not be acceptable for military service if presented for induction. Whenever a local board has received such a letter on a registrant, it may consider such registrant morally unacceptable for service and need take no further steps to obtain a waiver of the land or naval forces moral standards.

(b) The other form states that the man would be acceptable under the land or naval forces moral standards, if otherwise qualified, notwithstanding the conditions of his separation from service. Whenever a local board has received such a letter on a registrant, it should consider such a letter as a waiver of the moral standards of the land or naval forces insofar as his previous separation from service is concerned, and should include the letter with the records which accompany the registrant if he is forwarded to the induction station. If, however, other circumstances should arise subsequent to the date of his separation which would render him morally unacceptable for service under the provisions of Local Board Memorandum No. 77, the local board should proceed in accordance therewith to procure the removal of the registrant's moral disqualifications.

ADDITIONAL INFORMATION CONCERNING SEPARATION

1. *Registrants without evidence of separation.* If a registrant who has been separated from the land or naval forces does not have a certificate of discharge, an order or other document as to his service, the local board should advise him to secure a certificate or other evidence in lieu thereof in the manner prescribed in Local Board Memorandum No. 79.

2. *Local board request for additional information.* Whenever information regarding the reason for a registrant's separation from the land or naval forces is required by the local boards and is not available from the registrant's file or cannot be determined from the registrant's certificate of discharge or letter evidencing his separation from service, the local board may request the State Director to obtain such information, using Request for Information Concerning Discharge of Serviceman (Form 177). The State Director will obtain and transmit to the local board the information requested, except that as to any information which may not be transmitted because of restrictions imposed by the land or naval forces, the State Director will advise the local board of the effect of such information on the registrant's acceptability for induction.

APPENDIX C—ARMY MORAL STANDARDS

Paragraph 13b of Army Regulations 615-500 reads as follows:

(b) *Moral standards*—(1) *General rule.* Registrants forwarded to the armed forces induction stations for preinduction physical examination or for induction will be considered morally acceptable for service in the armed forces, provided only, that a registrant whose record or previous conduct is as described in (2), (3), or (4) below must meet the applicable conditions therein specified.

(2) *Discharge other than honorable and discharge under AR 615-368 and AR 615-369 or equivalent regulations.* A registrant who has been previously discharged from the Army, Navy, Marine Corps, or Coast Guard with a form of discharge certificate other than honorable (in the case of discharges from the Naval services, a discharge certificate other than honorable or other than under honorable conditions), or who has been discharged under the provisions of AR 615-368 and AR 615-369 or the equivalent regulations of the other armed services, is acceptable for induction in the armed forces *only* in a meritorious case specifically approved by the service from which discharged. A waiver by the Army (by The Adjutant General), by the Navy (by the Chief of Naval Personnel), by the Marine Corps (by the Commandant), or by the Coast Guard (by the Commandant) of a previous discharge or separation from the Army, Navy, Marine Corps, or Coast Guard, respectively, under conditions other than honorable, or under the provisions of AR 615-368 and AR 615-369 or the equivalent regulations of the other armed services, will operate to make the registrant eligible for induction into either the Army or the Naval services, provided he meets all other standards for induction. Before such a registrant reports at an armed forces induction station, the Selective Service local board will request, through the State Director of Selective Service, a waiver of the previous discharge by the armed service concerned. The State Director will forward such a case to the commanding general of the service command who will take the following action:

(*a*) If the last such discharge or separation was from the Army, the request will be submitted to The Adjutant General for final action and return to the Selective Service local board through the State Director of Selective Service concerned.

(*b*) If the last such discharge or separation was from the Navy, Marine Corps, or Coast Guard, the request will be transmitted to the Inspector of Navy Recruiting and Induction, Joint Service Induction Area, to be forwarded by him to the Chief of Naval Personnel, to the Commandant of the Marine Corps, or to the Commandant of the Coast Guard, whichever is appropriate, for final action and return to the Selective Service local board through the State Director of Selective Service concerned.

(3) *Current confinement in a penal institution for certain offenses.* (*a*) A registrant who is currently confined in a penal institution as a result of having been convicted of treason; murder; kidnapping; arson; rape, sodomy, pandering, or other crimes involving sex perversions; or illegal dealing in or using narcotics or other habit-forming drugs is not morally acceptable for service in the Army.

(*b*) A registrant who is currently confined in a penal institution for a period in excess of 1 year as a result of having been convicted of a crime other than those mentioned in (*a*) above is morally acceptable for service in the Army only when—

(*1*) The local board or special panel board responsible for forwarding the registrant furnishes a written statement that in its opinion the registrant will conduct himself in such a manner as not to be a detriment to the armed forces and a recommendation that the registrant be accepted for induction into the armed forces.

(*2*) Without complying with the requirements of (*3*) below, a registrant may be forwarded for preinduction physical examination within 60 days of the date when he will be eligible for parole, pardon, or conditional release, if the local board or special panel board responsible for forwarding him—

(a) Complies with (*1*) above.

(b) Forwards his institutional and selective service record.

(c) Forwards with his records a certificate that it has investigated his case and is of the opinion that the warrants consideration for parole to a civilian community if he is not found to be acceptable by the armed forces, and

(d) States that the board has been advised by the authority which is empowered to grant the registrant parole, pardon, or conditional release, that the determination by the armed forces of the registrant's physical and mental acceptability will not enter into its determination either to release or not to release the registrant on parole, pardon, or conditional release, when he becomes eligible therefor.

When a registrant is forwarded for preinduction physical examination under this provision and it is found that, except for the requirement of (*3*) below, he would be acceptable for service in the armed forces, his records will be returned to the local board which forwarded him with a notation that his final acceptability for service in the armed forces cannot be determined until the requirements of (*3*) below have been complied with and the documents evidencing such compliance, together with all of the records of the registrant, and the registrant himself are again forwarded to the armed forces induction station for final determination.

(*3*) The authority which is empowered to grant the registrant parole, pardon, or conditional release states that—

(a) The registrant has been granted a parole, pardon, or conditional release effective on or before the date of his contemplated induction into the armed forces.

(b) If the registrant is rejected for service in the armed forces, he is suitable for and will be released to a civilian community.

(c) It recommends that the registrant be accepted for induction into the armed forces.

(d) In its opinion, the registrant will conduct himself in such a manner as not to be a detriment to the armed forces.

(e) If the registrant is accepted, custody of civil authority has been terminated effective upon his entering the armed forces, or has been suspended during the period of his military service.

(*c*) A registrant who is currently confined in a penal institution as a result of having been convicted of a violation of the Selective Training and Service Act of 1940, as amended, is not subject to the provisions of (*b*) above. Such a registrant may be given a preinduction physical examination at any time. If on such examination he is found to be acceptable for service in the armed forces he may be inducted at any time within 90 days thereafter provided he is paroled for induction into the armed forces.

(4) *Certain types of criminal records.* (*a*) A registrant who has been convicted of treason; murder; kidnapping; arson, rape, sodomy, pandering, or other crimes involving sex perversion; or illegal dealing in or using narcotics or other habit-forming drugs, but who has been given a suspended sentence, placed on probation, released on parole or conditional release, or discharged from custody, is morally acceptable for service in the Army only in especially meritorious cases approved in each instance by authority of the commanding general of the service command or department. As an essential prerequisite to such approval, it must be determined that the registrant has lived in a civilian community at least 6 months subsequent to his release from confinement and that during such period his conduct has been above reproach. If a registrant is rejected under the provisions of this paragraph, that fact will be indicated by using the square in item No. 4 on the original and copy of DSS Form

No. 218 (Certificate of Fitness). In addition, a notation will be made on the duplicate copy *only* of Form No. 218 to show the reason for rejection.

(*b*) Regardless of the offense committed, a registrant who is found to be in frequent difficulty with law enforcement authorities, or to have displayed criminal tendencies or traits of character which might render him an unfit or undesirable associate of enlisted men, or to have a record which indicates a long history of antisocial behavior, or to be otherwise of questionable reputation or moral character, is not morally acceptable for service in the armed forces. However, in any instance regarded by the Selective Service System as exceptional, the individual case may be forwarded to the commanding general of the service command or department for decision prior to forwarding the registrant for preinduction physical examination or for induction. If a registrant is rejected under the provisions of this paragraph, that fact will be indicated by using the square in item No. 4 on the original and copy of DSS Form No. 218 (Certificate of Fitness). In addition, a notation will be made on the duplicate copy *only* of Form No. 218 to show the reason for rejection.

(*c*) A registrant on parole, conditional release, probation, or suspended sentence will not be accepted for induction until the proper authority either terminates civil custody effective upon his being inducted into the armed forces, or suspends civil custody during his period of military service. If a registrant is rejected under the provisions of this paragraph, that fact will be indicated by using the square in item No. 4 on the original and copy of DSS Form No. 218 (Certificate of Fitness). In addition, a notation will be made on the duplicate copy *only* of Form No. 218 to show the reason for rejection.

[F. R. Doc. 46-16778; Filed, Sept. 17, 1946; 9:49 a. m.]

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 Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; 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; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 3294—IRON AND STEEL PRODUCTION

[Gen. Preference Order M-21, Direction 13, as Amended Sept. 18, 1946]

The following direction is issued pursuant to General Preference Order M-21:

(a) *What this direction does.* The continued shortage of merchant pig iron, particularly in certain areas, threatens production of railroad brake shoes and certain items critically short for the Veterans' Emergency Housing Program. It is necessary to maintain production of these items at a high level, and at the same time insure that, as far as possible, this essential demand for merchant pig iron is spread as evenly as possible among furnaces and areas, so that individual foundries are not unfairly affected. This direction no longer provides for assistance in obtaining iron castings. CC ratings may be assigned for iron castings under Priorities Regulation 28, and special help may be given to certain products under Direction 18. This direction provides for the continued allocation of merchant pig iron during the fourth quarter. This direction is necessary and appropriate in the public interest, to promote the national defense, and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

(b) *What foundries may apply.* Foundries which make products on Schedule A of this direction, (including those which make components of Schedule A products and are wholly owned and operated by manufacturers of Schedule A products) may apply under this direction for authority to place a "certified order" for merchant pig iron needed to make Schedule A products.

(c) *When to file.* Applications should be filed on or before the 15th day of September on Form CPA-4504. The authorization will be returned by the 30th day of September, and may authorize purchases for October. Applications for November should be filed on or before October 5th, and for December by November 5th. Authorizations will be returned by the 20th.

(d) How to place a certified order.

(1) A purchase order for merchant pig iron may be certified by furnishing a certification in substantially the following form to the producer, signed as provided in Priorities Regulation 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I am authorized to place this order for merchant pig iron under Direction 13 to Order M-21, Serial No. .....

(2) *Canadian purchasers of merchant pig iron.* In the case of a Canadian purchaser of merchant pig iron who has been authorized pursuant to application on Form CPA-4504, a purchase order may be certified by furnishing a certification in substantially the following form:

> The undersigned purchaser certifies, subject to the penalties of Section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer, and to the Civilian Production Administration, that he is authorized to place this order for merchant iron under the provisions of General Instruction Letter No. 67 and Direction 13 to Order M-21.

(e) *Limitation on use of merchant pig iron obtained on certified orders.* Each foundry must put into production in each month for which it receives authorization not less than the amount of merchant pig iron authorized for that month on Form CPA-4504 to make products on Schedule A.

(f) *Periods for which certified orders may be placed.* Orders may be certified for delivery only in the months specifically authorized on Form CPA-4504.

(g) *Refusal of certified orders for merchant pig iron.* A producer need not accept a certification for merchant pig iron if it is received after the 25th day of the month preceding the month in which delivery is requested, except October orders must be accepted until October 5th.

(h) *Certified orders must be treated as rated orders.* Certified orders must be scheduled for production in preference to all other orders except for orders covered by specific written directives issued by the Civilian Production Administration. Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled, and delivered accordingly. The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them.

(i) *Equitable distribution to consumers.* Producers and foundries must distribute remaining amounts of merchant pig iron and iron castings in a fair and equitable manner after filling certified and rated orders.

(j) *Reports.* Producers and foundries must furnish such reports as may be required by the Civilian Production Administration from time to time, subject to approval by the Budget Bureau pursuant to the Federal Reports Act of 1942.

(k) *Other assistance to obtain merchant pig iron*—(1) *General.* Preference ratings will not be assigned to the deliveries of merchant pig iron, but instead authorizations to place certified orders, or directives may be granted, as the case requires.

(2) *Authorizations to place certified orders other than as provided in paragraph* (b). Ordinarily, CPA may grant authorizations to place certified orders for merchant pig iron required for products other than those on Schedule A under the conditions provided in Priorities Regulation 28. However, in certain areas, for certain types of merchant pig iron, and in the case of certain furnaces, the supply available may be insufficient to guarantee most foundries a minimum economic rate. In such case, the Civilian Production Administration will grant authorizations only under the conditions described in paragraph (h) of Priorities Regulation 28.

(3) *How to file.* Applications under paragraph (k) (2) should be filed on Form CPA-4504 together with Form CPA-541A (with blocks 7A, 7B, 9, 12, 13, 14, and 16 only filled out). Applications should be filed and will be acted on by the Civilian Production Administration only at the times provided by paragraph (c).

Issued this 18th day of September 1946.

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

SCHEDULE A

Gray and malleable iron castings required to make the following items:

1. Residential type products:

Cast iron soil pipe and fittings
Cast iron pressure pipe and fittings
Cast iron radiation (tubular and convector)
Warm air furnaces and floor and wall furnaces
Bath tubs, sinks, sink and tray combinations and lavatories
Low pressure boilers for residential heating use
Screwed pipe fittings in the following classes:
- (a) Gray cast recessed drainage, 2 in. and under
- (b) Gray cast steam fittings, 3 in. and under (125 lbs. S. W. P.)
- (c) Malleable fittings, including unions, 2 in. and under (150 lbs. S. W. P.)

Builders hardware (same types as Direction 18 to Priorities Regulation 28)
Electrical wiring devices (only of the types listed in Schedule I to Priorities Regulation 28)

2. Railroad brake shoes

[F. R. Doc. 46-16984; Filed, Sept. 18, 1946; 11:24 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 160, Amdt. 8]

INDIVIDUAL ADJUSTMENT TO MAINTAIN NORMAL PEACETIME EARNINGS FOR CERTAIN INDUSTRIES

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.

Appendix A to Supplementary Order No. 160 is amended by adding the following industries and profit margins under the subhead "Durable Goods Branch":

Industry:	Profit percentage
Stainless steel and copper clad stainless steel cooking untensils	3

This amendment is effective September 23, 1946.

Issued this 18th day of September, 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 8 TO SUPPLEMENTARY ORDER NO. 160

The accompanying amendment makes manufacturers of stainless steel and stainless steel copper clad cooking utensils eligible for adjustments under Supplementary Order No. 160. The industry producing these products, for which maximum prices are established by Maximum Price Regulation No. 188, meet the criteria for inclusion under the order given in the statement of considerations accompanying the original issuance of the order.

The profit percentage was derived from information contained in the Office's files regarding the earnings of several representative manufacturers during the base period.

[F. R. Doc. 46-16969; Filed, Sept. 18, 1946; 11:19 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[MPR 61, Amdt. 6]

LEATHER

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 61 is amended in the following respects:

1. Section 2 (a) is revised as follows: Subparagraph 1 reading "(1) Chamois, ostrich, reptile and aquatic leathers" is deleted.

2. Section 3 (b) is amended by deleting the word "Shearlings" therefrom.

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

(i) "Importer" means a person within chases, or receives on consignment, from the continental United States who pur- a foreign seller or his agent, leather produced outside the continental United States and which leather is delivered to a person in the continental United States.

4. Section 6 (d) (2) is amended by deleting the words "optional markup" from the sentence: "This sale has been made under the optional markup provisions of section 6 (d) of Maximum Price Regulation 61."

5. Section 14 is deleted and a new section 14 is added.

SEC. 14. *Application for the establishment of maximum prices: Reports.* (a) Applications for the establishment of maximum prices and reports of highest base period prices or in-line maximum prices shall be filed with the Leather, Fur and Fibers Branch, Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C. Such applications and reports shall be signed by the seller or importer, or his duly authorized representative and shall be filed on the form reproduced in Appendix A. Printed copies of this form may be obtained from any district or regional office of the Office of Price Administration. All information required by this form shall be set forth completely and in detail.

(b) A seller or importer, shall also furnish, as may be required from time to time by the Office of Price Administration, copies of invoices covering base period and current sales (or purchases in the case of an importer) of leather of the same and related types, weights, qualities and grades or in the case of cut stock, the same sizes.

(c) Reports required to be furnished pursuant to any general order issued under Maximum Price Regulation 61, except those of highest base period prices or in-line maximum prices as required by section 14 (a), above, shall be filed with the Leather, Fur and Fibers Branch, Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C., on the form reproduced in Appendix B. Printed copies of this form may be obtained from any district or regional office of the Office of Price Administration. All information required by this form shall be set forth completely and in detail.

6. A new section 20 is added, reading as follows:

SEC. 20—*Agents and brokers: fees.* (a) For the purpose of determining the maximum price of leather under Maximum Price Regulation 61, every person acting for or on behalf of the seller or buyer, shall be considered to be the agent of the seller and not the agent of the buyer.

(b) No person may charge or receive and no purchaser may pay a commission, fee or other remuneration for the service of locating, selling, buying or procuring any leather if such commission, fee or other remuneration will or may result, directly or indirectly, in a total payment by the purchaser of a price for such leather that is higher than the maximum price established or determined under Maximum Price Regulation 61.

This amendment shall become effective September 13, 1946.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

APPENDIX A

OPA Form No. 6064-2916 Budget Bureau No. 08-R1762

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON 25, D. C.

FORM A

Application for Price or Report of Price Under Maximum Price Regulation 61

Name ________ Date ________ Street address ________
Town ________ State ________
Nature of Business (Tanner, Jobber, Importer, etc.) ________
Names of companies which own over 10% of your capital stock or in which you own over 10% of the capital stock or companies with which you have profit sharing agreements, sales agreements or other such affiliations: ________

Application is for: (Check one.)
Establishment of maximum sales price ☐
Establishment of maximum purchase price landed at domestic port of entry ☐
Report of highest base period price ☐
Report of in-line price ☐
Establishment of resale price for imported leather sold not exactly as purchased ☐

If leather is contract tanned or finished:
Contract tanner or finisher ________
Service performed ________
Maximum price for service ________ Unit ________

INSTRUCTIONS

For each type of leather, send one copy of this application or report to the Leather, Fur and Fibers Branch, Office of Price Administration, Washington 25, D. C.

Application will not be considered unless all applicable information and required samples and patterns are submitted.

Samples Required: (Samples will be returned unless applicant is otherwise notified.)
Upper and light leathers: 3 skins of each grade.
Sole leather, heavy leathers and offal: 10 pounds of each grade.
Cut stock: 6 representative pairs or pieces, and a full run of patterns.
Scrap leather: 5 pounds of each grade.

If leather tanned domestically has been purchased for resale, give:

Source of supply
Tanner ________
Supplier ________

If this is a base period or earlier price
1941 price ________ per ________
Date of 1941 sale ________
Quantity sold ________
Class of customer (in 1941) ________

If this is an in-line price
Difference between leather sold in base period (or at approved price) and leather being priced: ________
Base period or approved price ________ per ________
Quantity sold at above price ________
Class of customer to whom sold ________

The information submitted on pages 1 and 2 is correct to the best of my knowledge.

Signed ________
Title ________

Description of Leather Being Priced (To be Given by all Sellers)

1. Type of leather and trade name
2. Raw material (origin, condition in which bought, quality, etc.)
3. Part of rawstock used (bottom grades, flat run, etc.)
4. How tanned (vegetable, curried, rolled, etc.)
5. How finished (corrected grain, embossed, pigment, colored, etc.)
6. For cut soles—give casing
7. Intended use (shoes, luggage, etc.)
8. Comparable leather produced or sold by applicant or competitors
   Description .... Price ....
9. Importers shall state, in United States currency and United States sale unit:
   a. Foreign invoice cost per unit $ .... per ....
   b. Total landed cost per unit (including all costs described in section 5 (a), MPR 61) $ .... per ....
10. Description of each grade and additional remarks

11. *Classes of customers* — *Terms of sale*

Prices requested. — For use of OPA.

Size (in numbers) e. g., 16 to 19¾ ft., 4 to 8 EE, etc.	Substance (in numbers) (check one) Ounces ☐ Irons ☐ Inches ☐ Other ☐	Grade	Estimated percent sorted in each grade and substance	Prices requested per: (check one) Lb. ☐ Sq. ft. ☐ Pair ☐ Doz. ☐ Other ☐	Section .... R. P.	Docket #6064 .... Comparisons				

For use of OPA

P. Req. ☐ P. Rd. ☐ P. Req. Rd. ☐

S.
R.
R.
R.

APPENDIX B

OPA No. 6064-2917 Budget Bureau No. 08-R1763

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

WASHINGTON 25, D. C.

FORM B

Report of Wettings and Purchases of Specified Raw Materials

Name .... Date .... Street address ....

Town .... State ....

Type of Raw skins for which report is being made ....

1. Wettings during the period .... (Month Day Year) to .... (Month Day Year)

Country of origin — *Quantity of raw skins soaked*

2. Purchases during the period .... (Month Day Year) to .... (Month Day Year)

Country of origin	Description of raw hide or skin	Quantity purchased	Price (in dollars)	Unit of purchase	Last price paid during 1945 for the same skins

I certify that this report is correct to the best of my knowledge:

Signed ....
Title ....

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 6 TO MAXIMUM PRICE REGULATION 61

The accompanying amendment to Maximum Price Regulation 61 changes the regulation in the following respects: 1/ Places chamois and shearling leather under the regulation; 2/ provides two simplified forms, one for applying for or reporting a maximum price, and the other to be used by producers of leather made from specified imported raw materials; 3/ prohibits the payment of fees or commissions which may or will result in an increase in the maximum price established or determined for such leather under the regulation, 4/ certain minor changes such as deleting the phrase "optional mark-up" for the invoice requirements under Section 6 (d).

Price Schedule 61, effective December 29, 1941, established maximum prices for all leathers, including chamois and shearlings at November 6, 1941 to December 6, 1941 levels. Since both chamois and shearlings were then almost wholly allocated to the Armed Forces it was deemed advisable to except these leathers from the provisions of the Schedule. Therefore, on April 11, 1942, when Revised Price Schedule 61 was issued, chamois and shearling were specifically exempted and were automatically included under the provisions of the General Maximum Price Regulation.[1]

Although both these industries, prior to the war, included few sellers, the impetus of high prices improperly determined under the General Maximum Price Regulation for new sellers, greatly expanded the number of firms, particularly in the shearling industry. There is no indication, however, of any great increase in the volume of shearlings produced since 1942, notwithstanding the entrance of these new firms. Chamois and shearling prices have been held, in general, at March 1942 levels for almost 4½ years, since May 1942.

Increases in tanning costs throughout the leather industry became apparent early in the second quarter of 1946, and, on June 7, 1946, tanners of all leathers whose prices are established under Maximum Price Regulation 61 were granted a 6% increase under the industry earnings standard. Producers of chamois and shearlings, however, whose costs, both of raw material and tanning, are similar to those of other leather tanners, were not granted such increases since they were not subject to the leather regulation. Return of these leathers to Maximum Price Regulation 61 is expected to give relief to tanners while at the same time reducing prices for a large group of sellers of shearlings whose General Maximum Price Regulation prices were improperly established.

In place of the previous reporting requirements of Section 14, the amendment sets up a standard form in Appendix "A" for all applications for maximum price approval and all reports of maximum price determined by the seller. Although the form requires substantially the same information as was previously required under Section 14 it is expected to reduce considerably the time necessary for issuance of individual price orders under the regulation, by providing the applicant with a convenient checklist of samples and information necessary for pricing. Since all applications which are incomplete with regard to samples or information will be returned to the sender unless, as in the case of certain imported leathers, such samples cannot be obtained until the leather is priced, the backlog of incompleted actions in the Office will be reduced and handling of completed applications will be facilitated.

A new reporting form has been added to the regulation in Appendix "B" to establish for producers, a uniform procedure for reporting increased costs of rawskins. Because of the dissolution of the Combined Raw Hides and Skins Committee and the consequent increases in costs of imported raw skins, this Office has found it necessary in a number of cases, to establish price increase factors for the various leathers tanned from such skins. Heretofore the preliminary

[1] The reference here is to tanned shearlings for civilian use. Tanned shearlings for the Armed Forces were placed under Maximum Price Regulation 141.

increases allowed have been based upon information covering selected portions of the industry. The industry, however, has pointed out that purchase prices vary between countries of origin and between the various purchasers. Form B provides the producer with a standard form on which he must report, whenever required by the appropriate general price order, his purchase prices and his wettings of each type of raw skin. The various segments of the industry affected by orders issued or about to be issued have indicated their desire to cooperate in this regard.

A new Section 20 has been added to the Regulation designed to prevent the changing, payment or receipt of any commission, fee or other remuneration for locating, buying, selling, or procuring any leather when such payment will or may result, directly or indirectly in a price in excess of the maximum price for such leather established or determined under Maximum Price Regulation 61. Any offer to do any of the foregoing, which, in effect, would violate the regulation is proscribed by Section 1. For the purposes of the Regulation every agent, whether acting for Buyer or Seller, is considered to be the agent of the seller. The new section is equally applicable to seller, purchaser and any third person and is added to prevent evasion of the Regulation by resort to the device of the addition of agents' or brokers' fees or commissions where the effect is to increase the price of leather beyond that established or determined in the provisions thereof.

Certain other minor changes have been made in the regulation. The exception in Section 2 (a) (1) of Maximum Price Regulation 61 has been deleted since all leathers included therein except chamois are now decontrolled. The jobber provision in Section 6 (d) has also been changed to delete the words "optional markup" from the statement which has been required to appear on the invoice. Purchasers have misunderstood the term "optional markup" and the trade is generally well acquainted with the manner in which Section 6 operates. Therefore the additional phrase is no longer necessary. The required statement which will hereafter appear on the jobber's invoice is: "This sale has been made under the provisions of Section 6 (d) of Maximum Price Regulation 61."

The definition of "importer" has been clarified to conform to the intent of Section 5. The term importer is applicable to any person who brings leather in to the Continental United States whether for resale or for industrial use.

All provisions of this amendment and their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids or methods established in the industry or industries affected, have been included in the amendment unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation or of the Act. To the extent that the provisions of this amendment compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of the regulation or of the Emergency Price Control Act of 1942, as amended.

Insofar as practicable, the Administrator has consulted with representatives of the industry affected by this amendment and has given consideration to their recommendations. In the opinion of the Administrator the maximum prices established by this amendment are fair and equitable to the industry generally and will effectuate the purposes of the Emergency Price Control Act, as amended, and Executive Orders 9250, 9328, 9599, 9651 and 9697.

[F. R. Doc. 46-16855; Filed, Sept. 18, 1946; 9:09 a. m.]

PART 1389—APPAREL

[MPR 594]

SUPPLEMENTARY STATEMENT OF CONSIDERATION

This statement accompanies, and explains the reason for, the putting into effect of a new hardship price adjustment formula under section 9b of Maximum Price Regulation 594 which is adapted to the peculiar conditions of the automobile industry at the present time and is not necessarily applicable to other industries which find themselves in financial hardship.

Section 9b of Maximum Price Regulation 594 was incorporated in that regulation to permit the Administrator to adjust the reconversion maximum prices for new passenger automobiles when such prices placed manufacturers in a financial hardship position. Prior to this action automobile manufacturers were considered to be in hardship when there had been general substantial increases in basic wage rates and materials prices subsequent to the end of the period on which the maximum reconversion prices were originally based. The Administrator found general increases in basic wage rates to have occurred since the issuance of maximum reconversion prices for passenger automobiles, and in the early spring of this year authorized adjustments in these maximum prices to compensate the manufacturers for such general increases. The Administrator also found increases to have occurred in the general levels of materials prices since the original issuance of the reconversion maximum prices and on May 22 of this year adjusted such prices to reflect these general increases. The standard by which such labor and materials cost increases were reflected in maximum prices was the recomputation of the increase factor under the reconversion formula for each automobile manufacturer using in addition to the cost increases on which the then existing increase factor was based the more recent cost increases which the Administrator determined should be reflected in the maximum reconversion prices. The more recent cost increases in the case of the early spring action were increases in basic wage rates and in the case of the May 22d action were increases in the general level of materials prices.

Despite a period of reconversion exceeding a year, automobile manufacturers as a whole have not been able to reach 1941 volume and in some cases the rate of production is substantially below the average 1941 rate. All companies face substantial difficulties in obtaining parts, semifinished and raw materials in normal quantities from normal sources. As a result, certain segments of the industry are in a current loss position and cannot reasonably be expected to reach a break-even point within the near future under present factory prices. It is the judgment of the Administrator that under these circumstances the Agency's maximum price adjustment policy regarding car manufacturers should be revised. From the date of issuance of this statement, the Administrator therefore will apply a new adjustment policy to car manufacturers in an over-all loss position and with little prospect of early change from that position. In doing so, the Administrator will use a temporary adjustment formula which recognizes, in addition to cost elements contained in the reconversion pricing formula, those elements of cost which are not attributable directly to low volume, labor inefficiency or other factors which, upon examination of all evidence available at this time appear fairly clearly to be temporary "bulge" costs.

For the reasons indicated above it is not appropriate to accept current recorded costs at their face value. Instead, the formula will permit the calculation for use during a period not to exceed 6 months, of an adjusted price increase factor over January 1941 prices. The adjusted price increase factor differs from the original price increase factor calculated under the reconversion formula in the following respects:

(1) The materials cost increase factor over 1941 materials cost will be based on August 31, 1946 recorded parts and materials purchase prices except where they reflect unusual purchasing procedures such as buying in abnormally small quantities, buying from a more distant or otherwise exceptional supply source, paying excess freight by reason of shipping a part to several different processors, or using a high proportion of uneconomical substitute materials or parts. The material increase factor so calculated will be applied to the cost of direct materials, indirect materials, and any supplies which might be included in commercial expense.

(2) Increases in direct and indirect factory labor cost shall be computed by using the percentage increase in average hourly earnings from January 1, 1941 to August 31, 1946 with allowance for increases in all fringe items such as paid lunch and wash-up periods. In addition increases in general, Administrative and selling salaries during the January 1, 1941 to August 31, 1946 period shall be included in the price increase factor up to an amount reflecting the increase factor for direct and indirect labor cost.

(3) Recorded vacation pay and Social Security taxes, applicable to all hourly labor and salaried employees shall be allowed in full.

(4) The profit factor shall reflect the same percentage profit as the one used in the reconversion formula which is the company's own 1936–39 average profit on cost before taxes, or 4.9 percent whichever is higher.

The price increase factor is to be determined by dividing the aggregate sales shown in the 1940–41 profit and loss statement into the statement of current adjusted costs and allowable profit as calculated in accordance with the formula referred to above. Where the increase factor yields a lower adjusted current cost than current recorded cost, the new maximum price shall be the January 1941 price for the corresponding model increased by the new increase factor, plus allowances for specification changes.

It is the opinion of the Administrator that in view of present and abnormal fluctuating conditions surrounding the production of automobiles temporary relief for a company which finds itself in financial hardship under such conditions should not exceed an amount necessary to allow the company to break even. Therefore, if the new increase factor yields adjusted current cost higher than current recorded cost, the new increase factor shall be reduced in proportion to the excess amount and then applied to the January 1941 price for the corresponding model, plus allowances for specification changes. Similar adjustments are available in the case of optional equipment.

In view of the relatively unstable conditions surrounding the availability of materials and the outlook on volume, it seems desirable to re-examine the position of the industry after the expiration of a reasonable test period. Therefore, any adjustment granted under the new hardship formula is to be temporary but subject to review and extension or modification after the end of the period of adjustment.

Issued this 16th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16883; Filed, Sept. 18, 1946; 9:22 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 94 (§ 1388.1231)]

HOTELS AND ROOMING HOUSES

Section 1 (b) (7) (i) of the Rent Regulation for Hotels and Rooming Houses is amended to read as follows:

(7) *Resort housing*—(i) *Exemption*—(*a*) *Summer resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

[1] 11 F. R. 4000, 4163, 4730, 5954, 5825, 5951, 5952, 6492, 6763, 7424, 7426, 8162, 8156, 8162, 8448.

This exemption shall be effective only from June 1, 1946 to September 30, 1946, inclusive.

(*b*) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of the regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946.

This exemption shall be effective only from October 1, 1946, to May 31, 1947, inclusive.

Effective September 18, 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT TO ACCOMPANY AMENDMENT 100 TO THE RENT REGULATION FOR HOUSING, AMENDMENT 94 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES, AMENDMENT 25 TO THE RENT REGULATION FOR HOUSING IN THE MIAMI DEFENSE-RENTAL AREA AND AMENDMENT 21 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE MIAMI DEFENSE-RENTAL AREA

This amendment exempts from the provisions of the housing, hotel and rooming house regulations, during the coming fall and winter season, strictly seasonal housing accommodations not rented during the summer of 1946. Only those units will qualify for exemption which were located in a winter resort community, were customarily rented on a seasonal basis prior to the effective date of the regulation in the particular area and were not rented during the period from June 1, 1946, to September 30, 1946.

During the war emergency there was in many winter resort areas an all year-round demand for houses and rooms. The Administrator by this amendment has recognized the fact that since the removal of military installations and war industries which were located in or nearby the resort areas some of these communities have now a purely seasonal tourist trade.

The Administrator is of the opinion that the exemption of this type of housing from regulation will have no detrimental effect on the stabilization program.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act. No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the Act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the Act.

[F. R. Doc. 46-16934; Filed, Sept. 17, 1946; 4:07 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 305, Amdt. 17]

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

Correction

In Federal Register Document 46-13519, appearing at page 8487 of the issue for Tuesday, August 6, 1946, the third line of paragraph 1 should read: "§ 1351.1754 and paragraphs (d) (2) and".

PART 388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 100 (§ 1388.118)]

HOUSING

Section 1 (b) (6) (i) of the Rent Regulation for Housing is amended to read as follows:

(6) *Resort housing*—(*i*) *Exemption*—(*a*) *Summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1, 1946 to September 30, 1946, inclusive.

(*b*) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of the regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946.

This exemption shall be effective only from October 1, 1946, to May 31, 1947, inclusive.

Effective September 18, 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT TO ACCOMPANY AMENDMENT 100 TO THE RENT REGULATION FOR HOUSING, AMENDMENT 94 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES, AMENDMENT 25 TO THE RENT REGULATION FOR HOUSING IN THE MIAMI DEFENSE-RENTAL AREA AND AMENDMENT 21 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE MIAMI DEFENSE-RENTAL AREA

This amendment exempts from the provisions of the housing, hotel and rooming house regulations, during the coming fall and winter season, strictly seasonal housing accommodations not rented during the summer of 1946. Only these units will qualify for exemption which were located in a winter resort community, were customarily rented on a seasonal basis prior to the effective date of the regulation in the particular area and were not rented during the period from June 1, 1946, to September 30, 1946.

[1] 10 F. R. 13528, 13545, 14399; 11 F. R. 247, 248, 740, 1299, 1773, 2116, 2189, 2445, 3480, 4015, 4153, 4731, 5396, 5824, 5952, 5953, 7337, 7341, 8106, 8160, 8162, 8164, 9697.

During the war emergency there was in many winter resort areas an all year-round demand for houses and rooms. The Administrator by this amendment has recognized the fact that since the removal of military installations and war industries which were located in or nearby the resort areas some of these communities have now a purely seasonal tourist trade.

The Administrator is of the opinion that the exemption of this type of housing from regulation will have no detrimental effect on the stabilization program.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act. No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the Act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the Act.

[F. R. Doc. 46-16935; Filed, Sept. 17, 1946; 4:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E,[1] Amdt. 55]

DYED COMBED AND CARDED YARNS

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

Section 2.14 is amended in the following respects:

1. In section 2.14 (a) (1) after the words "Column 1 or 3" add "or Column 5".

2. In section 2.14 (b) (1) (i) after the words "Columns 2 or 4" add "or Column 6".

3. In section 2.14 (b) (1) (ii) (*b*) after the words "Columns 2 or 4" add "or Column 6".

4. In section 2.14 (b) (1) (ii) (*c*) after the words "Columns 1 or 3" add "or Column 5".

5. Table A is amended to read as follows:

TABLE A

[Aug. 5, 1946, base grade grey yarn ceiling prices and increases since March 1942. Cents per pound]

Yarn Nos.	Band A[1]		Band B		Band AA[1]	
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Aug. 5 ceiling price [2]	Increase since March 1942	Aug. 5 ceiling price [2]	Increase since March 1942	Aug. 5 ceiling price [2]	Increase since March 1942
CARDED YARNS						
Singles:						
6s and under	54.75	16.75	53.25	15.25	55.55	17.55
8s	55.25	16.75	53.75	15.25	56.05	17.55
10s	56.00	17.00	54.50	15.50	56.80	17.80
12s	57.00	17.50	55.50	16.00	57.80	18.30
14s	58.00	18.00	56.50	16.50	58.80	18.80
16s	59.25	18.75	57.75	17.25	60.05	19.55
18s	60.25	19.25	58.75	17.75	61.05	20.05
20s	61.25	19.75	59.75	18.25	62.05	20.55
22s	62.50	20.50	61.00	19.00	63.30	21.30
24s	63.75	21.25	62.25	19.75	64.55	22.05
26s	65.50	22.00	64.00	20.50	66.45	22.95
28s	66.50	22.00	65.00	20.50	67.45	22.95
30s	67.75	22.25	66.25	20.75	68.70	23.20
32s	69.50	23.00	67.75	21.25	70.45	23.95
34s	70.75	23.25	69.00	21.50	71.70	24.20
36s	71.75	23.25	70.00	21.50	72.70	24.20
38s	73.00	23.50	71.25	21.75	73.95	24.45
40s	74.00	23.50	72.25	21.75	74.95	24.45
42s	75.75	23.75	74.00	22.00	76.85	24.85
44s	77.75	24.25	75.75	22.25	78.85	25.35
46s	79.50	24.50	77.50	22.50	80.60	25.60
48s	81.25	24.75	79.25	22.75	82.35	25.85
50s	83.50	25.00	81.50	23.00	84.60	26.10
Plied:						
6s and under	57.25	15.25	55.75	13.75	58.05	16.05
8s	57.75	15.25	56.25	13.75	58.55	16.05
10s	58.75	15.75	57.25	14.25	59.55	16.55
12s	60.25	16.75	58.75	15.25	61.05	17.55
14s	62.00	18.00	60.25	16.25	62.80	18.80
16s	63.25	18.75	61.50	17.00	64.05	19.55
18s	64.50	19.50	62.75	17.75	65.30	20.30
20s	65.75	20.25	64.00	18.50	66.70	21.20
22s	67.50	21.50	65.75	19.75	68.45	22.45
24s	69.25	22.75	67.50	21.00	70.20	23.70
26s	71.50	24.00	69.75	22.25	72.45	24.95
28s	73.00	24.50	71.25	22.75	73.95	25.45
30s	74.75	25.25	73.00	23.50	75.70	26.20
32s	76.25	25.75	74.50	24.00	77.35	26.85
34s	78.25	26.25	76.25	24.25	79.35	27.35
36s	79.25	26.25	77.25	24.25	80.35	27.35
38s	80.50	26.25	78.50	24.25	81.60	27.35
40s	82.00	26.50	80.00	24.50	83.10	27.60
42s	84.50	27.50	82.50	25.50	85.60	28.60
44s	86.25	27.75	84.00	25.50	87.50	29.00
46s	88.00	28.00	85.75	25.75	89.25	29.25
48s	90.00	28.50	87.75	26.25	91.25	29.75
50s	92.00	28.50	89.75	26.25	93.25	29.75
COMBED YARNS						
Singles:						
8s	63.75	22.25	61.75	20.25	64.70	23.20
10s	64.25	22.25	62.25	20.25	65.20	23.20
12s	64.75	22.25	62.75	20.25	65.70	23.20
14s	65.25	22.25	63.25	20.25	66.20	23.20
16s	66.00	22.50	64.00	20.50	66.95	23.45
18s	67.00	23.00	65.00	21.00	68.10	24.10
20s	68.00	23.50	66.00	21.50	69.10	24.60
22s	69.00	24.00	67.00	22.00	70.10	25.10
24s	70.25	24.25	68.00	22.00	71.35	25.35
26s	71.50	24.50	69.00	22.00	72.60	25.60
28s	73.00	25.00	70.75	22.75	74.10	26.10
30s	74.50	25.50	72.25	23.25	75.60	26.60
32s	76.25	26.25	73.75	23.75	77.95	27.95
34s	78.00	27.00	75.25	24.25	79.70	28.70
36s	79.75	27.25	76.75	24.25	81.45	28.95
38s	81.50	27.50	78.25	24.25	83.20	29.20
40s	83.25	27.75	79.75	24.25	85.15	29.65
42s	85.00	28.00	81.25	24.25	86.90	29.90
44s	87.00	28.00	83.00	24.00	88.90	29.90
46s	89.00	28.00	84.75	23.75	90.90	29.90
48s	91.00	28.00	87.00	24.00	93.05	30.05
50s	93.25	27.75	89.25	23.75	95.30	29.80
52s	95.50	28.00	91.25	23.75	97.55	30.05
54s	97.75	28.23	93.25	23.75	99.95	30.45
56s	100.00	28.50	95.25	23.75	102.80	31.30
58s	102.25	28.75	97.25	23.75	105.20	31.70
60s	104.50	29.00	99.25	23.75	107.45	31.95
62s	106.75	29.25	101.25	23.75	109.90	32.40
64s	109.00	29.50	103.25	23.75	112.15	32.65
66s	111.25	29.75	105.25	23.75	114.55	33.05
68s	113.50	30.00	107.25	23.75	116.80	33.30
70s	116.00	30.50	109.50	24.00	119.45	33.95
72s	118.50	31.00	111.75	24.25	121.95	34.45
74s	121.00	31.50	114.00	24.50	124.60	35.10
76s	123.50	32.00	116.25	24.75	127.10	35.60
78s	126.00	32.50	118.50	25.00	129.75	36.25
80s	128.50	33.00	120.75	25.25	132.25	36.75
82s	131.00	33.50	123.00	25.50	134.90	37.40
84s	133.50	33.00	125.50	25.00	137.40	36.90
86s	137.50	33.00	129.50	25.00	141.55	37.05
90s	145.50	33.00	137.50	25.00	149.90	37.40
100s	170.50	38.00	159.50	27.00	176.90	44.40
110s	195.25	42.75	182.25	29.75	202.60	50.10
120s	224.50	48.50	208.50	32.50	232.95	56.95
130s	261.50	53.50	244.50	36.50	271.50	63.50
140s	317.50	64.50	296.50	43.50	329.70	76.70
Plied:						
8s	66.50	22.00	64.50	20.00	67.45	22.95
10s	67.00	22.00	65.00	20.00	68.10	23.10
12s	68.00	22.50	66.00	20.50	69.10	23.60
14s	69.00	23.00	67.00	21.00	70.10	24.10
16s	70.00	23.50	68.00	21.50	71.10	24.60
18s	71.00	24.00	69.00	22.00	72.10	25.10
20s	72.50	24.50	70.25	22.25	73.60	25.60
22s	74.00	25.00	71.75	22.75	75.10	26.10
24s	75.50	25.50	73.25	23.25	76.60	26.60
26s	77.25	26.25	74.75	23.75	78.50	27.50
28s	79.25	27.25	77.00	25.00	80.50	28.50
30s	81.25	28.25	79.00	26.00	82.50	29.50
32s	83.25	28.75	80.50	26.00	85.15	30.65
34s	85.25	29.25	82.50	26.50	87.15	31.15
36s	87.25	29.75	84.00	26.50	89.15	31.65
38s	89.25	30.25	85.50	26.50	91.30	32.30
40s	91.25	30.25	87.50	26.50	93.30	32.30
42s	93.25	30.25	89.50	26.50	95.30	32.30
44s	95.50	30.50	91.25	26.25	97.70	32.70
46s	97.75	30.75	93.00	26.00	99.95	32.95
48s	100.00	31.00	95.25	26.25	102.20	33.20
50s	102.25	30.75	97.50	26.00	104.45	32.95
52s	104.50	31.00	99.50	26.00	106.85	33.35
54s	106.75	31.25	101.50	26.00	109.10	33.60
56s	109.00	31.50	103.50	26.00	112.15	34.65
58s	111.50	31.50	106.00	26.00	114.80	34.80
60s	114.00	31.50	108.50	26.00	117.30	34.80
62s	116.50	32.00	110.50	26.00	119.80	35.30
64s	119.00	32.50	112.50	26.00	122.45	35.95
66s	121.50	33.00	114.50	26.00	124.95	36.45

See footnotes at end of table.

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[1] 11 F. R. 8864, 9357, 9633, 9634.

TABLE A—Continued

[Aug. 5, 1946, base grade grey yarn ceiling prices and increases since March 1942. Cents per pound]

Yarn Nos.	Band A[1]		Band B		Band AA[1]	
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Aug. 5 ceiling price[2]	Increase since March 1942	Aug. 5 ceiling price[2]	Increase since March 1942	Aug. 5 ceiling price[2]	Increase since March 1942
COMBED YARNS						
Plied:						
68s	124.00	33.00	116.75	26.75	127.60	36.60
70s	126.75	33.25	119.75	26.25	130.35	36.85
72s	129.50	34.00	122.00	26.50	133.25	37.75
74s	132.25	34.75	124.25	25.75	136.15	38.65
76s	135.00	35.50	126.50	27.00	138.90	39.40
78s	137.75	36.25	128.75	27.25	141.80	40.30
80s	140.50	37.00	131.00	27.50	144.55	41.05
82s	143.25	35.75	134.25	26.75	147.45	39.95
COMBED YARNS						
Plied:						
84s	146.00	34.50	138.00	26.50	150.40	38.90
86s	150.00	33.50	142.00	25.50	154.55	38.05
90s	160.00	35.50	152.00	27.50	164.85	40.35
100s	191.00	44.50	179.00	32.50	198.20	51.70
110s	222.25	53.75	206.25	37.75	230.70	62.20
120s	253.25	60.75	234.25	41.75	262.95	70.45
130s	300.75	69.75	280.75	49.75	312.30	81.30
140s	373.25	86.25	348.25	61.25	387.65	100.65

[1] If you are a producer qualified under S. O. No. 131 to charge Band A or Band AA prices for carded or combed yarn, of if you are a producer, commission dyer, jobber or other seller of dyed yarn who pays Band A or Band AA prices for the carded or combed grey yarns used in the dyed yarn you are pricing, use the applicable columns under Band A or Band AA, whichever is appropriate. All other sellers must use the Band B columns.

[2] Any seller of dyed yarn, who normally purchased the major portion of grey yarn used in his dyed sales yarn, may include in the August 5 ceiling price, the 5% producers' premium, if such premium was actually charged for the grey yarn used in the dyed yarn being priced. Producers pricing dyed sales yarn may not include the 5% producers' premium for grey yarn, whether spun or purchased, in their computation of dyed yarn maximum prices. In all cases, the cents per pound increase factors in Columns 2, 4, and 6 will be used as set forth.

This amendment shall become effective September 18, 1946.

Issued this 16th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 55 TO SUPPLEMENTARY REGULATION 14E

The accompanying amendment grants to Band AA producers of dyed yarns the same increases which are being given grey yarns by Amendment 33 to Supplementary Order No. 131 which is being issued simultaneously with this amendment. The action is accomplished by substituting for the table containing August 5th carded and combed grey yarn ceilings the table subsequently issued in Amendment 33 for Band AA. Amendment 33 ceilings reflect the wage increase approved and first announced by the National Wage Stabilization Board on September 6, 1946. This action is being taken in accordance with the previous practice of treating dyed yarns in the same manner as the major items of carded and combed yarns. The considerations involved in the issuance of this amendment are the same as those set forth in the statement of considerations issued with Amendment 33 to Supplementary Order No. 131.

[F. R. Doc. 46-16884; Filed, Sept. 18, 1946; 9:22 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses, Miami Area,[1] Amdt. 21 (§ 1388.1401)]

HOTELS AND ROOMING HOUSES IN MIAMI AREA

Section 1 (b) of the Rent Regulation for Hotels and Rooming Houses in the Miami Defense-Rental Area is amended by adding the following paragraph:

(7) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 15, 1943, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946.

This exemption shall be effective only from October 1, 1946, to May 31, 1947, inclusive.

Effective September 18, 1946.

Issued September 17, 1946.

PAUL A. PORTER,
Administrator.

STATEMENT TO ACCOMPANY AMENDMENT 100 TO THE RENT REGULATION FOR HOUSING, AMENDMENT 94 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES, AMENDMENT 25 TO THE RENT REGULATION FOR HOUSING IN THE MIAMI DEFENSE-RENTAL AREA AND AMENDMENT 21 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE MIAMI DEFENSE-RENTAL AREA

This amendment exempts from the provisions of the housing, hotel and rooming house regulations, during the coming fall and winter season, strictly seasonal housing accommodations not rented during the summer of 1946. Only those units will qualify for exemption which were located in a winter resort community, were customarily rented on a seasonal basis prior to the effective date of the regulation in the particular area and were not rented during the period from June 1, 1946, to September 30, 1946.

During the war emergency there was in many winter resort areas an all-year-round demand for houses and rooms. The Administrator by this amendment has recognized the fact that since the removal of military installations and war industries which were located in or nearby the resort areas some of these communities have now a purely seasonal tourist trade.

The Administrator is of the opinion that the exemption of this type of housing from regulation will have no detrimental effect on the stabilization program.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act. No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the Act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the Act.

[F. R. Doc. 46-16937; Filed, Sept. 17, 1946; 4:08 p. m.]

[1] 10 F. R. 318, 2405, 5090, 9445, 11071, 15212; 11 F. R. 4015, 5951, 6136, 8164.

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Amdt. 4 to Supp. 9 (§ 1351.485)]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1946 AND LATER PACKS

Correction

In Federal Register Document 46-15163, appearing at page 9528 of the issue for Thursday, August 29, 1946, the bracket heading should read as set forth above.

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Corr. to Supp. 18[1] (§ 1351.483)]

IMPORTED GREEN SPANISH OLIVES

The figure "$2.315" appearing opposite item 9 in the column headed Zone 2 in table 6 in section 4 (a) is corrected to read "$2.815."

This correction shall become effective September 18, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16970; Filed, Sept. 18, 1946; 11:19 a. m.]

[1] 11 F. R. 4728, 9342.

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 270, Corr. to Amdt. 16]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

In item 3 of Amendment 16 the reference to section 3a is corrected to read 3b, wherever it appears.

This correction shall be effective as of September 9, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16976; Filed, Sept. 18, 1946; 11:22 a. m.]

PART 1305—ADMINISTRATION

[SO 131,[1] Amdt. 33]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

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

Supplementary Order No. 131 is amended in the following respects:

1. In section 1 (b) insert the following after the second undesignated paragraph:

Band AA maximum prices were established on September 18, 1946 and in most cases provide for a percentage increase over the Band A ceilings in effect on August 15, 1946.

2. Section 1 (c) (4) is amended to read as follows:

(4) Band A and Band AA prices may be charged only by those producers who meet the requirements set forth in section 2 below. Such prices may only be charged by a producer who receives an acknowledgment from OPA of the required certification that he is paying a wage increase of a specified minimum amount for the Band concerned, except that a producer who is eligible to make certification for Band AA may charge the price applicable to such Band for deliveries made prior to October 15, 1946, even if he has not received acknowledgment of such certification.

3. The caption of section 2 is amended to read as follows: "To whom Band A and Band AA ceilings apply, certification."

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

(c) Notwithstanding paragraph (h) below, any producer upon becoming eligible to make any of the certifications there mentioned may charge Band AA ceilings for deliveries made prior to October 15, 1946.

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

(h) *Band AA certification.* (1) A producer may certify that he is eligible to charge Band AA prices if (i) his average current straight time wage rates exceed those which he was paying when he qualified to charge Band A prices by 5 cents per hour and (ii) the wage increase involved has been approved pursuant to Executive Order 9697. Any producer who has not certified and received acknowledgement of his eligibility to charge Band A prices must do so in compliance with the provisions set forth in sections 2 (b), 2 (d) or 2 (g) above in order to establish his eligibility for Band AA. However, certifications for Band A and Band AA may be made at the same time.

(2) Notwithstanding (1) above, any producer may certify that he is eligible to charge Band AA prices if (i) he is now paying wage rates at least 15 cents an hour, across-the-board, above the guide post rates published by the Southern Textile Commission on August 30, 1945, or at least 13 cents an hour across-the-board above the occupational rates established in the Textile Directive Steering Committee Case by the Northern Textile Commission of the National War Labor Board; and (ii) the wage increase involved has been approved pursuant to Executive Order 9697.

(3) Notwithstanding (1) above any producer may certify that he is eligible to charge Band AA prices if (i) he is paying a minimum wage of at least 70 cents per hour and an average hourly straight-time wage of at least 95 cents per hour and (ii) the wage increase involved has been approved pursuant to Executive Order 9697.

(4) The certifications referred to above shall be filed with the Textile Price Branch, Office of Price Administration, Washington 25, D. C. Those which meet the requirements of this paragraph (h) shall be acknowledged within 10 days of their filing and the acknowledgments shall bear a number and the following words: "Band AA OPA No. " Each producer receiving such acknowledgment shall thereafter include the words: "Band AA OPA No. " (together with the number assigned) on all invoices covering sales or deliveries at Band AA prices, except that prior to October 15, 1946, any producer eligible to charge Band AA who has not received a Band AA OPA number must state on all such invoices "Band AA OPA Number Pending".

6. To section 3c (b) (2) (i) add "Reference No. 41".

7. Section 6 is amended to read as follows:

Any person who on or after August 5, 1946 contracted to sell goods subject to Revised Price Schedule No. 7, Maximum Price Regulation No. 11, Maximum Price Regulation No. 33, Revised Price Schedule No. 35, Maximum Price Regulation No. 39, Revised Price Schedule No. 89 or Maximum Price Regulation No. 118, and who reserved the right to charge, on undelivered portions thereof, such additional wage increase factor as may be established by the Office of Price Administration, and who is now eligible to charge Band AA prices, may charge, on any such undelivered portions of such contracts, the following amount as the additional wage increase factor:

The difference between the maximum price in effect on August 15, 1946 and the Band AA maximum price as established[2] in section 3b of this order with respect to the goods being priced.

The adjustable pricing permission granted by section 6 on August 5, 1946 is hereby revoked.

8. Section 3c (d) is added to read as follows:

(d) (1) The cents-per-pound of cotton increases granted by sections 3c (a), 3c (b), and 3c (c) may be adjusted to offset required trade or cash discounts prior to their addition to the base ceiling prices set forth in section 3b above. To adjust the increase for required cash or trade discounts, a divisional factor, obtained by subtracting the required percentage discount from 100, may be applied to the cents-per-pound increase factor.

(2) The increase factors whether or not adjusted in accordance with (1) above, are to be applied to the weight of the clean cotton content of the textile item priced in the applicable basic regulation. The finished weight is to be used as the basis for goods sold and priced in the finished state and the gray weight for those sold and priced in the gray.

9. The caption of section 3b is amended to read as follows: "*Revised Band A and Band B maximum prices and Brand AA maximum prices.*"

10. Sections 3b (a) to 3b (q) inclusive are amended to read as follows:

(a) (1) *How to compute Band AA ceilings.* (i) Where Band AA sets forth a percentage increase factor:

(*a*) Increase the August 15, 1946 Band A ceiling (exclusive of a 5% incentive) by the percentage set forth.

(*b*) Add the August 30th cotton increase factor (2.34 cents per pound or 2.73 cents per pound, whichever is applicable) established in 3c.

(*c*) Increase the sum of (*a*) and (*b*) above by the 5% incentive where applicable.

(ii) When Band AA sets forth dollars and cents prices:

(*a*) Add the August 30th cotton increase factor (2.34 cents per pound or 2.73 cents per pound whichever is applicable) to the dollars and cents price set forth.

(*b*) Increase the price computed in (*a*) above by the 5% incentive where applicable.

(2) The maximum prices established by section 3 (a) for the goods covered therein and bearing the reference numbers there set forth and repeated below are increased as follows:

Reference No.	Item	Band A and Band B (percent increase)	Band AA (percent increase over Band A ceiling)
1	Bed linens	15.75	2.49
2	Bleached pillow tubing	15.75	2.49
3	Chambrays and coverts	14.50	1.66
4	Napped back cottonades	14.50	1.66
5	Napped back whipcords	14.50	1.66
6	Sheeting yarn fabrics	20.25	1.77
7	Grey soft filled sheetings	20.25	1.77
8	Wide sheeting, wide broken twills, wide drills, and four-leaf twills, and wide sateens	20.25	1.77
9	Warp sateens	20.25	1.77
10	Grey carded gabardines	20.25	1.77
11	Birdseye nursery products	20.25	1.77
12	Grey birdseye diapercloth	20.25	1.77

[1] 10 F. R. 11296.

[2] The Band AA prices set forth in section 3b are the prices before the section 3c cents-per-pound increase factors are added.

Reference No.	Item	Band A and Band B (percent increase)	Band AA (percent increase over band A ceiling)
13	Denims	21.75	1.36
14	Pinchecks	21.75	1.36
15	Pinstripes	21.75	1.36
16	Print cloth yarn fabrics	18.25	1.84
17	Wide print cloths	18.25	1.84
18	Gauze diapers	18.25	1.84
19	Bunting and certain bleached cheesecloth	18.25	1.84
20	Bleached sanitary napkin gauze and certain bleached cheesecloth	18.25	1.84
21	Osnaburgs	17.50	1.72
22	Cotton seamless bags	18.75	1.68
23	Grey insulation tubing	18.25	1.84
24a	Bleached and solid colored flannels	17.50	1.76
24b	Fancy woven outing flannels	17.50	1.76
24c	Fancy and plain woven shirting flannels	17.50	1.76
24d	Canton flannels (jobber type)	16.25	1.91
24e	Glove and mitten flannels	16.25	1.91
24f	Interlining flannels	17.50	1.76
24g	Printed flannels	17.50	1.76
25	Flannelette diapers	17.50	1.76
26	Terry products	18.50	2.31
27	Huck and crash towels and corded napkins	18.50	2.31
28	Ducks (in the grey)	23.00	1.24
29	Paper-makers' dryer felts	[1]	[1]
30	Certain surgical dressings	[1]	[1]
31	Wide laundry cover cloth	20.25	1.77
32	Blanket linings	11.50	2.42
33	Certain 100% American cotton blankets and robecloth [2]	15.25	2.26
34	Woven table and laundry felts	15.25	2.26
35	Certain woven tickings	16.50	1.79
36	Certain woven tickings	16.50	1.79
37	Ginghams, seersuckers and related fabrics	15.75	1.81
38	Grey uncut corduroy	17.75	1.75
39	Velveteen	17.25	1.99
40a	Class D broadcloths made of 40's or finer warp yarns	12.18	2.67
40b	Poplins of Class D-1, D-2, and D-3 made of 40's or finer warp yarns	12.42	2.45
41	Combed bed linens	15.75	2.49
42	Terry products, huck and crash towels, toweling and corded napkins made by certain producers	18.50	2.31
43	Certain carded Class C four-leaf twills	20.25	1.77
44	Knitted dish cloths	17.50	1.72
45	Cotton tire cord, tire cord fabric, and cord breaker fabric	20.00	1.36
46-1	Checked fabrics (other than marquisettes) made on a box loom and containing colored yarn elsewhere than in the selvage	10.00	2.50
46-2	Cross-bordered handkerchief cloth	12.91	2.65
46-3	Twills (including gabardines)	12.18	2.67
46-4	Fabrics made on a jacquard loom containing colored yarn elsewhere than in the selvage	12.18	2.67
47a	Certain cotton and part wool blankets, Class II and III, all cotton	15.25	2.26
47b	Certain cotton and part wool blankets, Class II and III, 95 percent cotton, 5 percent wool	14.25	2.26
48	Certain blanket robe cloth, Class VII	15.25	2.26

[1] Suspended.

[2] No seller of crib blankets shall discontinue or alter to the prejudice of a purchaser any discount or service granted or rendered to purchasers of the same general class on June 30, 1946. Section 1400.108 (b) (3) of Maximum Price Regulation No. 118 shall not apply to sales of crib blankets.

(b) In lieu of any other maximum prices set forth in this Supplementary Order No. 131 or in Revised Price Schedule No. 7, the maximum prices for combed cotton yarns covered by § 1307.12 (b) (Table I) of Revised Price Schedule No. 7 shall be the following:

[Cents per pound]

Yarn Nos.	Band A		Band B		Band AA	
	Single	Plied	Single	Plied	Single	Plied
8s and under	63.75	66.50	61.75	64.50	64.70	67.45
10s	64.25	67.00	62.25	65.00	65.20	68.10
12s	64.75	68.00	62.75	66.00	65.70	69.10
14s	65.25	69.00	63.25	67.00	66.20	70.10
16s	66.00	70.00	64.00	68.00	66.95	71.10
18s	67.00	71.00	65.00	69.00	68.10	72.10
20s	68.00	72.50	66.00	70.25	69.10	73.60
22s	69.00	74.00	67.00	71.75	70.10	75.10
24s	70.25	75.50	68.00	73.25	71.35	76.60
26s	71.50	77.25	69.00	74.75	72.60	78.50
28s	73.00	79.25	70.75	77.00	74.10	80.50
30s	74.50	81.25	72.25	79.00	75.60	82.50
32s	76.25	83.25	73.75	80.50	77.95	85.15
34s	78.00	85.25	75.25	82.50	79.70	87.15
36s	79.75	87.25	76.75	84.00	81.45	89.15
38s	81.50	89.25	78.25	85.50	83.20	91.30
40s	83.25	91.25	79.75	87.50	85.15	93.30
42s	85.00	93.25	81.25	89.50	86.90	95.30
44s	87.00	95.50	83.00	91.25	88.90	97.70
46s	89.00	97.75	84.75	93.00	90.90	99.95
48s	91.00	100.00	87.00	94.25	93.05	102.20
50s	93.25	102.25	89.25	97.50	95.30	104.45
52s	95.50	104.50	91.25	99.50	97.55	106.85
54s	97.75	106.75	93.25	101.50	99.95	109.10
56s	100.00	109.00	95.25	103.50	102.80	112.15
58s	102.25	111.50	97.25	106.00	105.20	114.80
60s	104.50	114.00	99.25	108.50	107.45	117.30
62s	106.75	116.50	101.25	110.50	109.90	119.80
64s	109.00	119.00	103.25	112.50	112.15	122.45
66s	111.25	121.50	105.25	114.50	114.55	124.95
68s	113.50	124.00	107.25	116.75	116.80	127.60
70s	116.00	126.75	109.50	119.75	119.45	130.35
72s	118.50	129.50	111.75	122.00	121.95	133.25
74s	121.00	132.25	114.00	124.25	124.60	136.15
76s	123.50	135.00	116.25	126.50	127.10	138.90
78s	126.00	137.75	118.50	128.75	129.75	141.80
80s	128.50	140.50	120.75	131.00	132.25	144.55
82s	131.00	143.25	123.00	134.25	134.90	147.45
84s	133.50	146.00	125.50	138.00	137.40	150.40
86s	137.50	150.00	129.50	142.00	141.55	154.55
90s	145.50	160.00	137.50	152.00	149.90	164.85
100s	170.50	191.00	159.50	179.00	176.90	198.20
110s	195.25	222.25	182.25	206.25	202.60	230.70
120s	224.50	253.25	208.50	234.25	232.95	262.95
130s	261.50	300.75	244.50	280.75	271.50	312.30
140s	317.50	373.25	296.50	348.25	329.70	387.65

(c) (1) The maximum prices established by section 3 (c) (1) for the goods covered therein and bearing the reference numbers there set forth and repeated below are increased as follows:

Reference No. in paragraph (qq)	Item	Band A and band B (percent increase)	Band AA (percent increase over band A ceiling)
1	Brassiere cloth (rayon decorated).	18.25	1.84
2	Buff cloth (sheeting yarns).	20.25	1.77
3	Dimity cord	18.25	1.84
4	Dimity check	18.25	1.84
5	Dotted swiss	18.25	1.84
6	Colored yarn dress goods and shirtings, including ginghams, seersucker, chambray, madras, pique, and broadcloth.		
7	Lawn		
8	Leno bag fabrics	17.50	1.72
9	Laundry nets	20.25	1.77
10	Marquisette	18.25	1.84
11	Grey meads cloth of the following construction conforming to Federal Specifications U-P-401 or any closely related construction serving the same functional use; 40½" to 41", 74 to 75 warp ends, 86 picks, 2.85 yards to 2.90 yd. per lb.	18.25	1.84
12a-12b	Finished meads cloth produced from the following grey constructions or any closely related constructions serving the same functional use, conforming to Federal Specifications U-P-401.	18.25	1.84
12a	41" 74 x 86 2.90 (grey)		
12b	40½" 74 x 86 2.80 (grey)		
13	Grey moleskins	20.25	1.77
14	Oxfords, grey	20.25	1.77
15	Oxfords, colored-yarn		
16	Pique, grey	18.25	1.84
17	Play cloth	15.75	1.81
18	Pongee		
19	Grey sanitary napkin gauze	18.25	1.84
20	Scrim (2-ply warp and filling)	20.25	1.77
21	Carded filling sateens and sateen yarn twills.	18.25	1.84
22	Voile		
23	Waffle cloth	18.25	1.84
24	Double and tubular woven tabacco shade cloth.	18.25	1.84
25	Rayon decorated broadcloth.	18.25	1.84
26	Three-leaf twills which by virtue of thread count width, or weight are excluded from the coverage of RPS 35.	18.25	1.84
27	Grey fancy-bordered handkerchief cloth.	18.25	1.84
28	Leno woven dobby broadcloth.	18.25	1.84
29	Cotton rayon-flake fabrics.	18.25	1.84
30	Print cloth yarn fabrics with warp yarns of 28's-32's, filling yarns of 36's-45's, average yarn 33's or more, with a thread count of 161 or more per square inch.	18.25	1.84
31	Natural yarn seersucker.	15.75	1.81
32	Woven awning stripes	23.00	1.24
33	Industrial wiping towels.	20.25	1.77
34	Leno woven dish cloths.	17.50	1.72

(2) The maximum prices established by section 3 (c) (2) for certain of the goods (when made of warp yarns 40's or finer) covered therein and bearing the reference numbers set forth in section 3 (c) (1) and repeated below, shall be the Band A or Band B maximum prices established by section 3 (c) (2) increased by the percentages set forth below and the Band AA maximum price shall be the Band A price increased by the percentage for Band AA set forth below.

Ref. No. in par. (qq)	Name of fabric	Band A and band B (percent increase)	Band AA (percent increase over band A ceiling)
1	Brassiere cloth (rayon decorated).	12.00	2.55
3	Dimity cord	13.56	2.56
4	Dimity check	13.56	2.56
5	Dotted swiss	8.67	3.30
6	Colored yarn dress goods and shirtings; including ginghams, seersucker, chambray, madras, pique, and broadcloth.	10.00	2.50
7	Lawn	12.91	2.65
10	Marquisette	13.31	2.69
14	Oxfords, grey	13.64	2.32
15	Oxfords, colored-yarn	10.00	2.50
16	Pique, grey	11.49	2.99
18	Pongee	13.09	2.57
21	Carded filling sateens and sateen yarn twills.	12.14	2.69
22	Voile	12.31	2.78
23	Waffle cloth	11.49	2.99
26	Three-leaf twills which, by virtue of thread count, width, or weight, are excluded from the coverage of Revised Price Schedule No. 35.	12.18	2.67

(d) (1) In lieu of the maximum prices established by § 1316.4 (d) (Table I) of Maximum Price Regulation No. 11, by sections 4 (gg) (1) of Supplementary Order No. 131 and by sections 4 (uu) (1), (2) and (3) of Supplementary Order No. 131, the Band A and Band AA maximum prices for those constructions of fine cotton goods there covered, which are of the types and bear the reference numbers set forth below, shall be the following, and the Band B maximum prices shall be 93.5 percent of the Band A prices:

[Cents per yard]

Type	Reference No.	Band A	Band AA
Combed broadcloth	AA1	29.04	29.74
	AA2	28.58	29.27
	AA3	28.43	29.12
	AA4	36.02	37.01
	AA5	40.92	41.95
	AA6	30.77	31.54
	AA7	34.48	35.39
	AA8	64.89	66.80
	AA9	66.52	68.43
	AA10	91.42	94.16
	AA11	93.63	96.37
	AA12	43.35	44.45
	AA13	32.74	33.57
	AA14	33.90	34.81
	AA15	49.37	50.85
	AA16	27.61	28.25
	AA17	40.39	41.22
	AA18	30.34	31.07
	AA19	23.60	24.15
	AA20	50.17	51.63
	AA21	30.67	31.43
	AA22	33.81	34.65
	AA23	27.73	28.42
	AA24	46.60	47.77
Lawns	AB1	14.18	14.55
	AB2	17.20	17.67
	AB3	14.28	14.63
	AB4	16.73	17.16
	AB5	22.18	22.79
	AB6	16.15	16.58
	AB7	17.46	17.90
	AB8	17.65	18.11
	AB9	17.47	17.92
	AB10	20.50	21.05
	AB11	23.43	23.97
	AB12	34.37	35.13
	AB13	26.25	26.91
	AB14	27.12	27.83
	AB15	32.05	32.83
	AB16	34.56	35.39
	AB17	18.27	18.75
	AB18	21.38	21.94
	AB19	19.86	20.39
	AB20	20.69	21.23
	AB21	22.09	22.64
	AB22	22.68	23.28
	AB23	23.19	23.82
	AB24	30.21	30.95
	AB25	21.05	21.64
	AB26	23.79	24.38
	AB27	22.42	23.01
	AB28	22.56	23.15
	AB29	30.58	31.35
	AB30	26.21	26.92
	AB31	27.58	28.26
	AB32	31.04	31.81
	AB33	28.83	29.64
	AB34	28.10	28.91
	AB35	26.01	26.74
	AB36	31.84	32.67
	AB37	31.92	32.75
	AB38	28.17	28.93
	AB39	26.85	27.57
	AB40	33.26	34.20
	AB41	38.15	39.28
	AB42	41.63	42.89
	AB43	23.86	24.46
	AB44	29.31	30.14
	AB45	30.21	31.05
	AB46	31.59	32.48
	AB47	19.05	19.51
	AB48	25.21	25.85
	AB49	26.29	26.98
	AB50	21.99	22.57
	AB51	37.92	38.96
	AB52	23.97	24.60
	AB53	45.97	47.37
	AB54	38.07	39.08
Dimities	AC1	17.46	17.90
	AC2	20.45	20.97
	AC3	18.60	19.06
	AC4	19.24	19.73
	AC5	19.37	19.85
	AC6	22.07	22.63
Dimity check	AD1	12.49	12.80
	AD2	17.12	17.55
	AD3	16.11	16.53
	AD4	20.48	21.03
	AD5	20.73	21.29
Pique	AE1	47.36	48.74
	AE2	64.99	67.08
	AE3	70.46	72.70
	AE4	22.18	22.74
	AE5	24.14	24.75
	AE6	49.12	50.56
	AE7	68.33	70.49
	AE8	78.99	81.29
	AE9	57.94	59.63
Pongee	AF1	23.05	23.63
	AF2	21.00	21.55
Voile	AG1	11.70	12.00
	AG2	12.34	12.65
	AG3	15.45	15.85
	AG4	15.25	15.65
	AG5	14.90	15.29
	AG6	13.51	13.86
	AG7	24.95	25.60
	AG8	25.69	26.34
	AG9	28.22	28.95
	AG10	26.47	27.11
	AG11	47.39	48.82
	AG12	52.32	54.09
	AG13	15.98	16.42
Marquisettes	AH1	20.75	21.32
	AH2	26.08	26.80
	AH3	21.14	21.64
	AH4	26.00	26.63
	AH5	10.15	10.41
	AH6	11.04	11.33
	AH7	11.22	11.51
	AH8	12.03	12.34
	AH9	12.41	12.73
	AH10	13.39	13.73
	AH11	14.35	14.73
	AH12	15.42	15.81
	AH13	16.64	17.07
	AH14	13.42	13.79
	AH15	15.48	15.89
	AH16	15.75	16.17
	AH17	15.51	15.94
	AH18	17.08	17.54
	AH19	24.08	24.84
	AH20	29.24	30.15
	AH21	10.77	11.04
	AH22	25.04	25.72
	AH23	12.26	12.59
	AH24	9.21	9.45
Scrim	AI1	32.85	33.80
	AI2	40.63	41.81
	AI3	22.92	23.59
	AI4	24.04	24.74
	AI5	24.39	25.10
	AI6	25.30	26.03
	AI7	24.36	25.07
	AI8	24.51	25.22
Fine combed plains	AJ1	7.04	7.23
	AJ2	8.38	8.61
	AJ3	9.14	9.37
	AJ4	13.85	14.21
	AJ5	45.71	47.02
	AJ6	39.95	40.92
	AJ7	65.36	66.99
	AJ8	72.09	74.12
	AJ9	34.69	35.43
	AJ10	56.88	58.07
	AJ11	65.28	67.09
	AJ12	28.50	29.26
Organdie	AK1	24.93	25.62
	AK2	24.03	24.72
	AK3	24.65	25.41
	AK4	26.61	27.40
	AK5	26.46	27.25
	AK6	27.10	27.89
	AK7	27.94	28.75
	AK8	27.70	28.51
	AK9	28.39	29.20
	AK10	28.93	29.69
	AK11	25.93	26.63
	AK12	27.66	28.43
	AK13	23.87	24.56
	AK14	25.34	26.07
	AK15	29.19	30.04
Typewriter Cloth	AL1	71.47	73.90
	AL2	70.43	72.72
	AL3	45.70	47.03
	AL4	43.63	44.88
	AL5	67.31	69.47
	AL6	70.99	73.30
	AL7	72.16	74.52
	AL8	69.66	71.94
	AL9	64.20	66.33
	AL10	51.87	53.53
	AL11	70.68	72.94
	AL12	69.28	71.50
	AL13	44.25	45.67
	AL14	66.30	68.42
Umbrella cloth	AM1	29.44	30.33
	AM2	29.96	30.87
	AM3	27.06	27.80
Collar cloth	AN1	63.76	65.40
	AN2	45.41	46.75
	AN3	32.00	32.77
	AN4	36.86	37.74
	AN5	146.21	150.49
	AN6	40.60	41.65
	AN7	56.20	57.63
	AN8	58.33	59.85
Collar cloth (continued)	AN9	76.68	79.06
	AN10	44.55	45.81
	AN11	62.86	64.47
Poplins	AO1	39.22	40.20
	AO2	41.46	42.48
	AO3	40.81	41.78
	AO4	53.07	54.30
	AO5	62.76	64.23
	AO6	48.26	49.49
	AO7	30.93	31.61
	AO8	28.65	29.29
	AO9	31.82	32.52
	AO10	36.15	37.00
	AO11	36.45	37.29
	AO12	41.89	42.82
	AO13	33.61	34.41
	AO14	58.67	60.23
	AO15	44.36	45.73
	AO16	46.17	47.31
	AO17	42.02	43.12
	AO18	44.15	45.31
	AO19	49.48	50.85
	AO20	29.93	30.65
Beat up marquisettes	AP1	10.48	10.77
	AP2	16.57	17.02
	AP3	15.31	15.72
	AP4	12.85	13.19
	AP5	17.70	18.18
	AP6	18.01	18.50
	AP7	18.15	18.64
	AP8	20.11	20.66
Sateen	AQ1	26.23	26.88
	AQ2	27.38	28.04
	AQ3	30.80	31.54
	AQ4	31.26	32.02
	AQ5	34.59	35.40
	AQ6	99.76	103.00
	AQ7	125.38	128.93
	AQ8	58.17	59.53
	AQ9	40.98	41.96
Tracing cloth	AR1	18.86	19.32
	AR2	22.13	22.67
	AR3	24.93	25.54
	AR4	25.35	25.96
	AR5	34.97	35.88
	AR6	27.28	28.12
	AR7	31.06	32.00
	AR8	37.52	38.69
	AR9	35.27	36.34
	AR10	39.71	40.94
	AR11	23.82	24.48
	AR12	38.52	39.72
	AR13	35.86	36.91
	AR14	24.45	25.12
	AR15	27.86	28.62
	AR16	37.52	38.74
	AR17	41.04	42.34
	AR18	28.73	29.62
	AR19	31.54	32.51
	AR20	40.13	41.41
Aeroplane fabrics (ply yarn).	AS1	57.36	58.79
	AS2	58.54	59.96
	AS3	55.83	57.07
	AS4	64.59	65.99
	AS5	50.37	51.77
	AS6	56.45	57.79
	AS7	60.90	62.60
	AS8	58.89	60.22
	AS9	89.37	92.27
	AS10	56.87	58.33
	AS11	64.63	66.29
Aeroplane fabric (merc. ply yarn).	AT1	59.50	61.08
	AT2	68.22	70.05
	AT3	101.62	104.28
	AT4	116.68	119.91
	AT5	166.23	170.85
	AT6	159.35	163.97
	AT7	105.72	108.54
	AT8	118.42	121.58
	AT9	155.82	159.97
	AT10	57.58	59.14
	AT11	66.24	68.03
Aeroplane fabrics (single yarn).	AU1	49.12	50.18
	AU2	42.49	43.17
	AU3	52.48	53.65
	AU4	52.45	53.65
	AU5	48.51	49.62
Dotted swiss (unclipped weights).	AV1	27.50	28.36
	AV2	32.10	33.17
	AV3	27.75	28.69
	AV4	33.89	35.04
	AV5	32.79	33.84
	AV6	37.85	39.13
	AV7	37.05	38.31
	AV8	31.46	32.46
	AV9	50.60	52.26
	AV10	33.52	34.62
Jacquard broadcloth	AW1	44.15	45.51
	AW2	46.91	48.32
Decating apron cloth	AX1	275.47	283.54
	AX2	239.13	246.67
	AX3	233.90	240.46
	AX4	258.65	266.33
	AX5	222.96	229.75
	AX6	401.68	413.25
	AX7	262.68	270.52

[Cents per yard]

Type	Reference No.	Band A	Band AA
Decating apron cloth(con.)	AX8	221.71	226.72
	AX9	268.86	276.14
Decating cloth	AY1	273.88	281.58
	AY2	244.37	249.60
	AY3	256.33	263.86
	AY4	228.24	233.77
	AY5	208.67	215.18
	AY6	338.35	347.82
	AY7	176.98	181.83
	AY8	206.81	213.31
	AY9	313.21	320.60
Decating blanket	AZ1	146.49	150.59
Aeroplane deicer cloth	BA1	75.04	76.72
Jacket cloth for rubber trade.	BB1	32.90	33.78
	BB2	53.43	54.79
	BB3	63.22	64.82
Carrier apron for rubber trade.	BC1	72.97	75.04
	BC2	83.86	86.20
	BC3	110.66	113.81
	BC4	114.17	117.40
	BC5	117.54	120.87
	BC6	52.54	54.00
	BC7	65.87	67.72
	BC8	78.28	80.48
	BC9	99.00	101.78
Printers blanket fabric	BD1	118.48	120.99
	BD2	148.71	151.80
	BD3	81.42	83.10
	BD4	98.40	100.49
	BD5	76.83	78.64
	BD6	88.40	90.55
	BD7	93.83	96.18
	BD8	88.64	90.20
	BD9	114.45	116.92
	BD10	77.11	78.66
	BD11	112.56	115.02
	BD12	130.82	133.65
	BD13	144.18	147.27
	BD14	164.61	168.09
	BD15	100.67	103.08
	BD16	91.13	93.27
	BD17	116.25	119.16
	BD18	126.82	129.98
	BD19	159.42	163.40
	BD20	116.85	119.62
	BD21	134.63	137.90
	BD22	90.54	92.75
	BD23	127.35	130.46
	BD24	100.11	102.39
Table cloth	BE1	51.17	52.49
	BE2	57.79	59.25
	BE3	51.17	52.49
	BE4	57.79	59.25
Linen warp card clothing cloth.	BF1	358.65	363.57
Lapping cloth	BG1	84.06	86.35
	BG2	86.70	90.23
Special combed duck	BH1	82.04	84.34
	BH2	92.54	95.14
	BH3	67.23	69.01
	BH4	70.80	72.91
	BH5	90.03	92.71
	BH6	89.63	92.30
	BH7	153.33	157.90
	BH8	84.41	86.93
	BH9	116.37	119.84
	BH10	129.38	133.24
Life vest (air corps special).	BI1	145.19	149.48
	BI2	133.27	136.38
	BI3	119.60	123.05
	BI4	126.81	130.47
	BI5	117.36	120.72
Insulating fabric	BJ1	12.70	12.98
	BJ2	31.40	32.26
	BJ3	43.10	43.95
Acid resistant glove cloth	BK1	228.05	233.91
Bedford cord	BL1	49.36	50.84
Shade cloth	BM1	144.03	147.42
	BM2	179.27	183.53
Jersey	BN1	24.33	24.99
	BN2	27.05	27.79
	BN3	32.70	33.59
	BN4	27.70	28.45
	BN5	33.90	34.83
Skip dent shirting	BO1	25.58	26.24
Filter cloth	BP1	30.27	31.11
	BP2	72.42	73.83
Mechanical boat cloth (ply yarns) (American Pima).	BQ1	122.79	125.19
Insect netting	BR1	20.84	21.48
	BR2	24.34	25.09
	BR3	25.61	26.39
	BR4	19.27	19.85
	BR5	23.11	23.81
Oxford shirting	BS1	34.33	35.12
	BS2	29.20	29.87
	BS3	32.02	32.76
	BS4	32.61	33.36
	BS5	38.15	39.02
	BS6	38.87	39.76
	BS7	39.32	40.23
	BS8	40.22	41.14
	BS9	31.94	32.69
	BS10	32.45	33.27

[Cents per yard]

Type	Reference No.	Band A	Band AA
Madras shirting (dobby weave).	BT1	36.67	37.51
	BT2	44.83	45.86
Shoe lining	BU1	52.59	53.83
Brassiere fabrics	BV1	43.16	44.15
	BV2	46.55	47.61
	BV3	42.33	43.37
	BV4	45.44	46.55
	BV5	44.34	45.37
	BV6	47.88	48.98
	BV7	42.04	43.15
	BV8	45.09	46.27
	BV9	47.59	48.75
	BV10	51.37	52.61
	BV11	36.34	37.22
	BV12	38.70	39.63
	BV13	35.93	36.85
	BV14	38.07	39.03
	BV15	39.16	40.26
	BV16	98.72	101.55
	BV17	89.85	92.43
Mechanical boat cloth (single yarn, American Pima.)	BW1	91.77	93.61
Warp clip fabric	BX1	24.35	25.04
	BX2	25.52	26.26
	BX3	24.17	24.89
	BX4	25.18	25.92
	BX5	26.41	27.20
	BX6	27.01	27.83
Mock leno shirtings	BY1	29.69	30.43
	BY2	33.57	34.40
	BY3	34.45	35.30
Leno corset fabric	BZ1	58.38	60.10
Radar cloth	CA1	61.15	63.06
Sail cloth	CB1	65.16	66.97
	CB2	64.10	65.88
	CB3	71.60	73.59
	CB4	59.50	61.15
Seersucker	KB9	48.00	49.50
	KB10	45.49	46.78
Broadcloth	KC25	35.16	36.17
Chambray	KE1	82.55	84.59
	KE2	31.95	32.74
	KE3	32.95	33.77

(d) (2) In lieu of the maximum prices established by reference to the cents-per-yard increase set forth in section 3 (d) (2) of Supplementary Order No. 131 and in section 4 (gg) (2) of Supplementary Order No. 131, the Band A and Band B maximum prices for the construction of colored shirtings and seersuckers of the types and bearing the reference numbers set forth in Table I of § 1316.4 (d) of Maximum Price Regulation No. 11 and repeated below, shall be the prices established by Table I of § 1316.4 (d) of Maximum Price Regulation No. 11, increased by the following cents per yard. The Band AA maximum prices for these goods shall be the Band A price increased by 2.5 percent.

[Cents per yard]

Type	Reference No.	Band A	Band B
Madras	KA1	8.01	6.16
	KA2	7.94	6.10
	KA3	8.47	6.51
	KA4	9.23	7.09
	KA5	9.30	7.15
	KA6	9.63	7.40
	KA7	8.54	6.57
	KA8	9.66	7.44
	KA9	9.72	7.47
	KA10	9.57	7.36
	KA11	10.09	7.76
	KA12	11.74	9.03
	KA13	11.98	9.21
	KA14	12.20	9.38
Seersuckers	KB1	11.26	8.66
	KB2	10.38	7.98
	KB3	11.01	8.47
	KB4	10.15	7.80
	KB5	11.53	8.87
	KB6	10.88	8.37
	KB7	13.92	10.70
	KB8	12.89	9.91
Broadcloth	KC1	8.86	6.81
	KC2	8.63	6.63
	KC3	8.44	6.37
	KC4	8.94	6.87
Broadcloth	KC5	9.26	7.12
	KC6	9.49	7.30
	KC7	9.69	7.45
	KC8	9.93	7.63
	KC9	10.02	7.70
	KC10	10.26	7.89
	KC11	10.14	7.80
	KC12	10.32	7.94
	KC13	10.94	8.41
	KC14	10.71	8.24
	KC15	10.94	8.41
	KC16	10.57	8.13
	KC17	10.80	8.30
	KC18	11.43	8.79
	KC19	12.92	9.94
	KC20	8.30	6.38
	KC21	8.67	6.67
	KC22	8.94	6.87
	KC23	9.19	7.07
	KC24	9.08	6.98
Oxfords	KD1	8.89	6.84
	KD2	9.17	7.05
	KD3	8.93	6.87
	KD4	9.46	7.28

(d) (3) In lieu of the differentials for colored shirting and seersuckers set forth in the footnote to Table I in § 1316.4 (d) of Maximum Price Regulation No. 11 and in sections 3 (d) (3) and 4 (gg) (3) of Supplementary Order No. 131, the differentials for Band B shall be 93.5% of the figures set forth below and the differentials for Band A shall be the following and the Band AA maximum prices for these goods shall be the Band A price increased by 2.5 percent:

	Greige per 100 ends	Color per 100 ends		
		Pastel 27 cent	Medium 46 cent	Dark 66 cent
40/1	$0.00302	$0.00394	$0.00459	$0.00527
50/1	.00276	.00349	.00401	.00455
60/1	.00246	.00307	.00350	.00396
40/2	.00604			
40/3	.00906			
40/4	.01208			
50/2	.00552			
60/2	.00492			

(d) (4) In lieu of the pickage change differentials of 0.18¢ and 0.28¢ set forth in paragraph (c) in the footnote to Table I in § 1316.4 (d) of Maximum Price Regulation No. 11, (as increased by section 3 (d) (4) of Supplementary Order No. 131), the pickage change differentials shall be 0.22¢ and 0.34¢ per pick, respectively.

(e) In lieu of the maximum prices and differentials for standard unfinished box-loom clip-spot marquisettes covered and established by § 1316.4 (d) (table II) of Maximum Price Regulation No. 11 and 4 (gg) (4) of Supplementary Order No. 131, the Band A base maximum price shall be 13.62 cents per yard and the Band AA base maximum price shall be 14.01 cents per yard and the Band A or Band AA maximum prices for any standard construction other than base construction shall be the base maximum price adjusted by the differentials set forth below. Band B maximum prices shall be 93.5 percent of the prices (including all differentials) for Band A. The per yard differentials are as follows:

A. WIDTH DIFFERENTIALS

	Band A	*Band AA*
35″ deduct	$0.0094	$0.0096
46″ add	.0133	.0136
48″ add	.0267	.0275

B. WARP DIFFERENTIALS—GROUND

[Where ground ends are more or less than 40 per inch]

	Band A				Band AA			
	35"	39½"	46"	48"	35"	39½"	46"	48"
40s or 50s combed								
Gray, add or subtract for each 2 ends per inch	$0.0021	$0.0023	$0.0027	$0.0028	$0.0021	$0.0024	$0.0027	$0.0029
Pastel colors, add per end per inch	.00044	.00050	.00058	.00061	.00044	.00050	.00059	.00061
Empire colors, add per end per inch	.00058	.00065	.00076	.00079	.00058	.00066	.00076	.00080
40s or 50s carded								
Subtract from combed for 2 ends per inch	.00025	.00028	.00033	.00035	.00025	.00029	.00034	.00035

C. FILLING DIFFERENTIALS

[Where ground picks are more or less than 18 per inch]

	Band A				Band AA			
	35"	39½"	46"	48"	35"	39½"	46"	48"
1. GROUND								
40s or 50s combed								
Gray, add or subtract for 2 picks per inch	$0.0051	$0.0054	$0.0059	$0.0068	$0.0053	$0.0056	$0.0061	$0.0071
Pastel colors, add per pick per inch	.00052	.00058	.00068	.00071	.00052	.00059	.00069	.00072
Empire colors, add per pick per inch	.00066	.00074	.00086	.00090	.00066	.00075	.00087	.00091
40s or 50s carded								
Subtract from combed for 1 pick per inch	.000130	.000147	.000171	.000178	.000132	.000149	.000173	.000181
2. ROVING								
Subtract	.0134	.0150	.0170	.0184	.0136	.0154	.0172	.0188
And add per pick per inch:								
Gray:								
4 hank	.0089	.0098	.0111	.0120	.0091	.0100	.0113	.0122
6 hank	.0067	.0075	.0085	.0092	.0068	.0077	.0086	.0094
8 hank	.0055	.0060	.0067	.0074	.0057	.0061	.0068	.0076
10 hank	.0047	.0053	.0058	.0064	.0048	.0054	.0059	.0066
12 hank	.0044	.0048	.0053	.0060	.0045	.0049	.0055	.0061
Pastel:								
4 hank	.0130	.0145	.0166	.0177	.0132	.0147	.0168	.0179
6 hank	.0091	.0101	.0115	.0124	.0093	.0102	.0117	.0126
8 hank	.0074	.0081	.0092	.0101	.0076	.0082	.0093	.0103
10 hank	.0063	.0068	.0076	.0085	.0064	.0070	.0078	.0087
12 hank	.0056	.0061	.0068	.0076	.0057	.0062	.0069	.0077
Empire:								
4 hank	.0141	.0157	.0180	.0191	.0143	.0159	.0182	.0194
6 hank	.0098	.0109	.0125	.0134	.0100	.0111	.0127	.0136
8 hank	.0079	.0087	.0099	.0109	.0081	.0088	.0100	.0110
10 hank	.0067	.0073	.0083	.0091	.0068	.0075	.0084	.0092
12 hank	.0059	.0066	.0072	.0081	.0060	.0067	.0073	.0082

D. PATTERN DIFFERENTIALS

	Band A				Band AA			
	35"	39½"	46"	48"	35"	39½"	46"	48"
Over 10 jumpers and/or 15 harness:								
Per yard per pick, 2 shuttles	$0.000166	$0.000166	$0.000204	$0.000204	$0.000174	$0.000174	$0.000214	$0.000214
Per yard per pick, 3 and 4 shuttles	.000204	.000204	.000256	.000256	.000214	.000214	.000268	.000268

	Band A	Band AA
20/2 carded cords (other than salvage)—add per end (all widths):		
Grey	$0.000090	$0.000091
Pastel	.000131	.000133
Empire colors	.000147	.000148

E. LOOP CUTTING

	Band A	Band AA
Add: All widths per yard	$0.0052	$0.0054

F. PRODUCTION DIFFERENTIALS

	Band A	Band AA
After applying all necessary differentials add or subtract for each pick over or under an over-all count of 20 picks (all widths)	$0.0003	$0.0003

(f) In lieu of any other maximum prices set forth in this Supplementary Order No. 131 or in Maximum Price Regulation No. 33, the maximum prices for carded cotton yarns covered by paragraph 1307.66 (b) (2) (Table II) of Maximum Price Regulation No. 33 shall be the following:

[Cents per pound]

Yarn nos.	Band A		Band B		Band AA	
	Single	Plied	Single	Plied	Single	Plied
6s and under	54.75	57.25	53.25	55.75	55.55	58.05
8s	55.25	57.75	53.75	56.25	56.05	58.55
10s	56.00	58.75	54.50	57.25	56.80	59.55
12s	57.00	60.25	55.50	58.75	57.80	61.05
14s	58.00	62.00	56.50	60.25	58.80	62.80
16s	59.25	63.25	57.75	61.50	60.05	64.05
18s	60.25	64.50	58.75	62.75	61.05	65.30
20s	61.25	65.75	59.75	64.00	62.05	66.70
22s	62.50	67.50	61.00	65.75	63.30	68.45
24s	63.75	69.25	62.25	67.50	64.55	70.20
26s	65.50	71.50	64.00	69.75	66.45	72.45
28s	66.50	73.00	65.00	71.25	67.45	73.95
30s	67.75	74.75	66.25	73.00	68.70	75.70
32s	69.50	76.25	67.75	74.50	70.45	77.35
34s	70.75	78.25	69.00	76.25	71.70	79.35
36s	71.75	79.25	70.00	77.25	72.70	80.35
38s	73.00	80.50	71.25	78.50	73.95	81.60
40s	74.00	82.00	72.25	80.00	74.95	83.10
42s	76.75	84.50	74.00	82.50	76.85	85.60
44s	77.75	86.25	75.75	84.00	78.85	87.50
46s	79.50	88.00	77.50	85.75	80.60	89.25
48s	81.25	90.00	79.25	87.75	82.35	91.25
50s	83.50	92.00	81.50	89.75	84.60	93.25

(g) In lieu of any other maximum prices set forth in this Supplementary Order No. 131 or in Maximum Price Regulation No. 33, the maximum prices for use in establishing "in-line with" prices for carded yarn of numbers less than 6's containing low grade and/or cotton waste covered by § 1307.67 (f) (1) of Maximum Price Regulation No. 33 shall be the following:

[Cents per pound]

Yarn nos.	Band A		Band B		Band AA	
	Single	Plied	Single	Plied	Single	Plied
1s	53.50	56.00	52.00	54.50	54.30	56.80
2s	53.75	56.25	52.25	54.75	54.55	57.05
3s	54.00	56.50	52.50	55.00	54.80	57.30
4s	54.25	56.75	52.75	55.25	55.05	57.55
5s	54.50	57.00	53.00	55.50	55.30	57.80

(h) For the cotton rope, twine, yarn and cord covered by section 3 (h) of this Supplementary Order No. 131, producers' Band B and Band A maximum prices shall be the prices established by that section increased by 10 cents per pound

of cotton and/or cotton waste content in the rope, yarn, twine or cord. The Band AA maximum price shall be the Band A price increased by 0.8 cent per pound of cotton and/or cotton waste content in the rope, yarn, twine or cord.

(i) The maximum prices established by section 4 (aaa) for the yarn dyed slack suitings covered therein are increased by 18 percent for Band A and Band B. The Band AA maximum price shall be the maximum price established for a producer eligible for Band A increased by 1.94 percent.

(j) (1) The maximum prices established by section 3 (j) (i) and (ii) for the grey coutils covered therein are increased by 15.25 percent for Band A and Band B. The Band AA maximum price shall be the maximum price established for a producer eligible for Band A increased by 1.84 percent.

(2) The maximum prices established by section 3b (j) (1) for the grey coutils covered in sections 3 (j) (i) and (ii) made from a grade and staple of cotton 1⅛" strict low middling or better are increased by 3 percent for Band A and Band B. The Band AA maximum price shall be the maximum price established for a producer eligible for Band A increased by 1.84 percent.

(k) The maximum prices established by section 3 (k) for the goods covered therein and bearing the reference numbers there set forth and repeated below are increased as follows:

Reference No.	Item	Band A and Band B (percent increase)	Band AA (percent increase over Band A ceilings)
1	Girl Scout colored yarn uniform cloth.	15.75	1.81
2	Luggage cloth	15.75	1.81
3	Cap cloth	17.50	1.72
4	Export suitings	14.50	1.66
5	Grey trouserings (rayon decorated).	14.50	1.66
6	Cheesecloth (woven checks).	18.25	1.84
7	Cheesecloth (woven stripes).	18.25	1.84
8	Packaged polishing cloth (print cloth yarn).	18.25	1.84
9	Grey reinforced mosquito netting (print cloth yarns).	18.25	1.84
10	Colored yarn dress goods, Styles Nos. 2600, 2600D, 2600G, 2600I, R-11, 1900 of the Stevens Mfg. Co.	15.75	1.81
11	Hopsacking, Style BEA of the Dallas Cotton Mills Co.	17.50	1.72
12	Cotton wool blend, Style 637CW, of Borden Mills.	18.25	1.84
13	Herringbone twill, Style 628FM, of Borden Mills.	18.25	1.84
14	Crepe, Style 627M, of Borden Mills.	18.25	1.84

(l) The maximum prices established by section 3 (l) for the goods bearing the reference numbers there set forth and repeated below are increased as follows:

Reference No.	Item	Band A and Band B (percent increase)	Band AA (percent increase over Band A ceiling)
1	Fancy whipcords, less than 25 percent wool, woven on woolen system	14.50	1.66
2	Cotton suitings, less than 25 percent wool, woven on woolen system	14.50	1.66
3	Cotton velvet, with all combed yarn back and carded yarn pile	17.25	1.99
4	Knitted polishing cloths	17.50	1.72
5	Knitted laundry padding	17.50	1.72
6	Balloon cloth	19.56	2.56
7	Hospital draw sheets, produced from type 140 unbleached sheeting	15.75	2.49
8	Hospital draw sheets, produced from unbleached wide warp sateens	20.25	1.77

(m) The maximum prices established by section 3 (m) for the hospital gauze diapers, nursery gauze pads and gauze bibs there covered, are increased by 18.25 percent for Band A and Band B. The Band AA maximum price shall be the maximum price established for a producer eligible for Band A increased by 1.84 percent.

(n) The maximum prices established by section 4 (jj) for the cotton bedspreads covered therein are increased by 17 percent for Band A and Band B except that for cotton bedspreads subject to Maximum Price Regulation No. 118 containing less than 95 percent of cotton by weight after finishing, 2 percent is subtracted for each 10 percent (or major fraction thereof) of cotton content less than 100 percent. The Band AA maximum price shall be the Band A price increased by 1.85 percent.

(o) The maximum prices established by section 4 (kk) for the table napery covered therein are increased by 17 percent for Band A and Band B, except for napery subject to Maximum Price Regulation No. 118 containing less than 95 percent of cotton by weight after finished, 2 percent is subtracted for each 10 percent (or major fraction thereof) of cotton content less than 100 percent. The Band AA maximum price shall be the Band A price increased by 1.85 percent.

(p) The maximum prices established by section 4 (ll) for the woven decorative fabrics covered therein are increased by 17 percent for Band A and Band B, except that for woven decorative fabrics subject to Maximum Price Regulation No. 39 or Maximum Price Regulation No. 118 containing less than 95 percent of cotton by weight after finishing, 2 percent is subtracted for each 10 percent (or major fraction thereof) of cotton content less than 100 percent. The Band AA maximum price shall be the Band A price increased by 1.85 percent.

(q) The maximum prices established by section 4 (yy) for the finished combed corduroys covered therein are increased by 17.25 percent for Band A and Band B. The Band AA maximum price shall be the Band A price increased by 1.99 percent.

11. Section 3b (t) (3) is added to read as follows:

(3) The Band AA maximum prices for blankets and blanket robe cloth covered by the tables in §§ 1400.118 (d) (27) (ix) except those covered by reference numbers 33, 47a, 47b and 48 of section 3b (a) (2) of this order shall be the maximum price established for a producer eligible for Band A increased by 2.26 percent.

12. Sections 3b (u) and 3b (v) are amended to read as follows:

(u) (1) The maximum price for all constructions of Type 4 carded military twills meeting Army Specification 6-201B shall be 67.762 cents per pound for Band A. The Band AA maximum price shall be the Band A price increased by 1.77 percent.

(2) The maximum price for all constructions of carded navy twills meeting Navy Specification 27-T-25A shall be 73.342 cents per pound for Band A. The Band AA maximum price shall be the Band A price increased by 1.77 percent.

(3) The maximum price for all carded 6-ounce army shirting twills meeting Army Specification 6-311 shall be 85.25 cents per pound for Band A. The Band AA maximum price shall be the Band A price increased by 1.77 percent.

(v) The maximum prices established by section 4 (xx) for the finished carded corduroys covered therein are increased by 13 percent for Band A and Band B. The Band AA maximum price shall be the Band A price increased by 1.22 percent.

13. Section 3b (y) is added to read as follows:

(y) The maximum prices for cotton and wool blended merino yarns spun on the cotton system covered by § 1410.64 (e) (2) (i) and (ii) of RPS 58 shall be increased in the following manner:

(1) For the yarn count and ply concerned take the maximum price per pound as established under RPS 58 (less incentive premium, if any);

(2) Find the appropriate cents per pound increase factor for such count and ply from Tables A or B below; for combed yarn use Table A, for carded yarn use Table B.

(3) Multiply this increase factor by the percentage of cotton content by weight in each pound of yarn;

(4) Add the result obtained in step (3) to the maximum price for the yarn as determined in step (1);

(5) Add the incentive premium, if any, to the amount obtained in step (4). This is the maximum price per pound for the yarn.

TABLE A—COMBED YARNS MERINO

[Increase factor (cents per pound)]

Yarn nos.	Band AA		Band A		Band B	
	Single	Plied	Single	Plied	Single	Plied
8s and under	14.68	14.93	13.73	13.98	13.73	13.98
10s	14.68	15.08	13.73	13.98	13.73	13.98
12s	14.68	15.08	13.73	13.98	13.73	13.98
14s	14.68	15.08	13.73	13.98	13.73	13.98
16s	14.68	15.08	13.73	13.98	13.73	13.98
18s	15.08	15.08	13.98	13.98	13.98	13.98
20s	15.08	15.33	13.98	14.23	13.98	14.23
22s	15.08	15.33	13.98	14.23	13.98	14.23
24s	15.08	15.33	13.98	14.23	13.98	14.23
26s	15.08	15.48	13.98	14.23	13.98	14.23
28s	15.33	15.73	14.23	14.48	14.23	14.48
30s	15.33	15.73	14.23	14.48	14.23	14.48
32s	15.93	16.38	14.23	14.48	14.23	14.48
34s	15.93	16.38	14.23	14.48	14.23	14.48
36s	15.93	16.38	14.23	14.48	14.23	14.48
38s	15.93	16.53	14.23	14.48	14.23	14.48
40s	16.13	16.53	14.23	14.48	14.23	14.48
42s	16.13	16.53	14.23	14.48	14.23	14.48
44s	16.38	16.93	14.48	14.73	14.48	14.73
46s	16.63	17.18	14.73	14.98	14.73	14.98
48s	17.03	17.43	14.98	15.23	14.98	14.23
50s	17.28	17.68	15.23	15.48	15.23	15.48

TABLE B—CARDED YARNS MERINO

[Increase factor (cents per pound)]

Yarn Nos.	Band AA		Band A		Band B	
	Single	Plied	Single	Plied	Single	Plied
6s and under	13.14	13.14	12.34	12.34	12.34	12.34
8s	13.14	13.14	12.34	12.34	12.34	12.34
10s	13.14	13.14	12.34	12.34	12.34	12.34
12s	13.14	13.14	12.34	12.34	12.34	12.34
14s	13.14	13.14	12.34	12.34	12.34	12.34
16s	13.14	13.14	12.34	12.34	12.34	12.34
18s	13.14	13.14	12.34	12.34	12.34	12.34
20s	13.14	13.29	12.34	12.34	12.34	12.34
22s	13.14	13.29	12.34	12.34	12.34	12.34
24s	13.14	13.29	12.34	12.34	12.34	12.34
26s	13.29	13.29	12.34	12.34	12.34	12.34
28s	13.29	13.29	12.34	12.34	12.34	12.34
30s	13.29	13.29	12.34	12.34	12.34	12.34
32s	13.29	13.44	12.34	12.34	12.34	12.34
34s	13.29	13.44	12.34	12.34	12.34	12.34
36s	13.29	13.44	12.34	12.34	12.34	12.34
38s	13.29	13.44	12.34	12.34	12.34	12.34
40s	13.29	13.44	12.34	12.34	12.34	12.34
42s	13.44	13.44	12.34	12.34	12.34	12.34
44s	13.44	13.59	12.34	12.34	12.34	12.34
46s	13.44	13.59	12.34	12.34	12.34	12.34
48s	13.44	13.59	12.34	12.34	12.34	12.34
50s	13.44	13.59	12.34	12.34	12.34	12.34

14. Section 3 (b) (z) is added to read as follows:

(z) The premiums for mercerized, bleached, and/or gassed cotton yarns and the maximum prices for mercerizing, bleaching, and/or gassing cotton yarns, now covered by § 1307.12 (d) (4) (vi) of RPS 7 and § 1307.69 of MPR 33, shall be increased 13¾ percent.

15. Section 3c (c) is amended by adding the following thereto: "The Band AA maximum price shall be a percentage 'on the list' of 0.36%."

This amendment shall become effective September 18, 1946, except that paragraph 6 of this amendment shall be effective as of August 30, 1946.

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

Issued this 16th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN AMENDMENT NO. 33 TO SUPPLEMENTARY ORDER NO. 131

The accompanying amendment revises producers' maximum prices for each major item of cotton textiles to reflect a five cents per hour wage increase approved and first announced by the National Wage Stabilization Board on September 6, 1946. This amendment is being issued in compliance with the legislative requirement that maximum prices for major items of cotton textiles shall be not less than the sum of current cotton cost, conversion costs (including approved wage increases), and the average 1939–1941 unit profit.

In general, the wage increase actually paid amounted to 8 cents per hour. Of this sum, only 5 cents per hour was approved by the National Wage Stabilization Board. As pointed out in the Board's ruling: "A wage increase which is not approved is nevertheless lawful and may be effected or continued in effect notwithstanding lack of Board approval. Lack of approval of the wage increase, or any part thereof, means, however, that such increase, to the extent not approved, may not be used, in whole or in part, as a basis for price relief or for increasing cost to the Government." Since the approved five cents per hour wage increase, when paid, results in greater conversion costs, which must be recognized by this office, the accompanying amendment is being issued to establish new ceiling prices to reflect this additional factor. Following the pattern previously set by the Administrator with respect to recognition of approved wage increases, a new Band AA has been added to the Regulation.

The increases in maximum prices necessitated by the wage increase were computed, for each major item, on the basis of their August 15, 1946 ceilings. In most instances, Band AA sets forth percentage increase factors although for yarns and fine goods new dollars and cents prices are established. It should be emphasized that Band AA does not include the August 30 cotton increase factor or the 5% incentive, where the latter is applicable. In order to arrive at maximum prices, these increase factors are to be added to the figures computed by the use of Band AA.

A producer who meets the criteria set forth below is eligible to charge Band AA maximum prices and shall certify to the OPA that he is eligible. The OPA will then acknowledge his certification and will furnish him with an Band AA OPA number which must appear on all invoices of goods sold at Band AA ceilings. After the effective date of this amendment and prior to October 15, 1946 an eligible producer who has not yet received his Band AA number may charge Band AA ceilings if he places on the appropriate invoices the notation "Band AA OPA Number Pending". However, if he does not have an official Band AA OPA number by October 15, 1946 he may not charge Band AA ceilings thereafter until he obtains one. Certifications will be acknowledged promptly by the OPA.

A producer is eligible to charge Band AA ceilings if he meets any one of the following three criteria:

1. He is paying a wage which is 5 cents per hour higher, on the average than the level which qualified him (or would qualify him) for Band A; or

2. He is paying a wage which is 15 cents an hour above the guide post rates established by the Southern Textile Commission or 13 cents per hour above the guide post rates established by the Northern Textile Commission; or

3. His minimum wage is 70 cents per hour and his average wage is 95 cents per hour.

A producer who has a Band A number may make his certification by means of a letter stating which of the above criteria he meets and setting forth his Band A number. He must submit a copy of the National Wage Stabilization Board approval of the increase over the level which qualified him for Band A. However, if his approval were granted in the form of a preapproval ruling, as was done in the area of the Fourth Regional Wage Stabilization Board, he need not submit a copy of the ruling but he must refer to it. No producer who has a Band A number need submit OPA Form 6066–2798.

A producer who does not have a Band A number but grants wage increases to an extent that will qualify him for Band AA, may certify for Band AA. However, he must submit Form 6066–2798, in addition to the statement of the criterion under which he meets Band AA standards and a copy of the National Wage Stabilization Board approval which qualifies him for Band AA.

Band B and Band A prices still prevail. Any producer may still charge Band B prices. The criteria for charging Band A ceilings and the manner of certification for Band A remain unchanged.

The major items of carded and combed yarns are expanded to include merino yarns, which are combination cotton and wool yarns composed primarily of cotton. Merino yarns were priced under Revised Price Schedule 58. Specific ceiling prices were set forth therein for yarns containing 50% wool and 50% cotton, while the prices originally established under the General Maximum Price Regulation prevailed for other combinations. Merino yarns were placed under price control later than grey yarns and consequently had much more favorable profit margins. In addition, their wool costs have not increased.

Furthermore, the half-cotton half-wool yarns, which include the majority of merino yarn production enjoy a five percent incentive premium. In view of the foregoing, it is the Administrator's opinion that merino yarns need not be given all the increases granted to the cotton yarn major items but may best be brought into the proper relationship with the yarn major items by being given the price increases granted such major items since July 1, 1946.

Accordingly, this amendment sets forth cents-per-pound adjustment fac-

tors which include the adjustments granted to all-cotton yarns on August 5 and August 30, plus an allowance for the wage increase approved and first announced by the National Wage Stabilization Board on September 6, 1946. The proportion of the applicable adjustment factor which may be added to the ceiling price shall be the same as the proportion of cotton in the merino yarn. For example, the factor for 20's single yarns is 13.14 cents per pound. In the case of a 20's single yarn composed of 60% cotton and 40% wool, there would be added to the existing ceiling price 60% of 13.14 cents, or 7.884 cents. A five per cent incentive, if any, would be added as the final step. The adjustments set forth for merino yarns in this amendment are of an interim nature, pending the completion of an accounting survey at the mills.

The Tables in RPS 7 and MPR 33 are amended to increase by 13¾ percent, the (1) premiums for cotton yarn which is mercerized, bleached and/or gassed, and the (2) maximum prices for mercerizing, bleaching, or gassing such yarn. This action is being taken in conformance with the product standard and returns to yarn processors the current total weighted average cost of these specified operations.

The accompanying amendment also provides that the cents-per-pound increase factors set forth in Amendment 32 to Supplementary Order No. 131 shall not be reduced by any terms or trade discounts required by OPA regulations. Producers may accomplish this by increasing the cents-per-pound factors to an extent which would result in the same cents-per-pound factor after a discount is removed from the maximum price. For example, a producer granted a 2.34 cents per pound increase who is required to allow a discount of 2% in certain cases, may divide 2.34 by 100 minus 2%, or 98%. This gives a revised factor of 2.388. The revised factor is then used in calculations of maximum prices for persons granting a 2% discount. Thus when the 2% discount is taken from the ceiling price the producer will still have advantage of the full 2.34 cents and will not be required to absorb any of it. In all such cases, any 5% incentive involved will be added as the final step in computing a price before discount.

The accompanying amendment also permits the ceilings of combed bed linens to be increased by 2.73 cents per pound, effective August 30, 1946. Through inadvertence this product was given no increase in Amendment 32, effective August 30, 1946.

In order to clarify the method by which the August 30 cotton increase factors granted in Amendment 32 are applied, it should be explained that they are to be applied to the finished weight of goods sold in the finished state and to the grey weight of goods sold in the grey state. In the case of bed sheets, for instance, the increase factor would be applied to the finished item. It should be repeated that only the clean cotton content of an item is affected by the increase factor. Cotton waste content, for example, would not be subject to the increase.

[F. R. Doc. 46-16885; Filed, Sept. 18, 1946; 9:21 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area, Amdt. 25 (§ 1388.1341)]

HOUSING IN MIAMI AREA

Section 1 (b) of the Rent Regulation for Housing in the Miami Defense-Rental Area is amended by adding the following paragraph:

(6) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to November 1, 1943, which were not rented during any portion of the period beginning on June 1, 1946 and ending on September 30, 1946.

This exemption shall be effective only from October 1, 1946, to May 31, 1947, inclusive.

Effective September 18, 1946.

Issued September 17, 1946.

PAUL A. PORTER,
Administrator.

STATEMENT TO ACCOMPANY AMENDMENT 100 TO THE RENT REGULATION FOR HOUSING, AMENDMENT 94 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES, AMENDMENT 25 TO THE RENT REGULATION FOR HOUSING IN THE MIAMI DEFENSE-RENTAL AREA AND AMENDMENT 21 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE MIAMI DEFENSE-RENTAL AREA

This amendment exempts from the provisions of the housing, hotel and rooming house regulations, during the coming fall and winter season, strictly seasonal housing accommodations not rented during the summer of 1946. Only those units will qualify for exemption which were located in a winter resort community, were customarily rented on a seasonal basis prior to the effective date of the regulation in the particular area and were not rented during the period from June 1, 1946, to September 30, 1946.

During the war emergency there was in many winter resort areas an all year-round demand for houses and rooms. The Administrator by this amendment has recognized the fact that since the removal of military installations and war industries which were located in or near-by the resort areas some of these communities have now a purely seasonal tourist trade.

The Administrator is of the opinion that the exemption of this type of housing from regulation will have no detrimental effect on the stabilization program.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act. No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the Act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the Act.

[1] 9 F. R. 14994; 10 F. R. 331, 1973, 2403, 2872, 5090, 11670, 14399; 11 F. R. 2115, 2447, 4031, 6136, 8162, 8164.

[F. R. Doc. 46-16936; Filed, Sept. 17, 1946; 4:08 p. m.]

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

[MPR 30,[1] Amdt. 20]

WASTEPAPER

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

Maximum Price Regulation 30 is amended in the following respect:

Section 1347.11 (a) (2) of Maximum Price Regulation 30 is amended to read as follows:

(2) "Wastepaper" includes papers and paper products which have been used or discarded, or which result as by-products from a manufacturing or conversion operation, or which are sold for reuse in a manufacturing or conversion operation involving repulping, shredding, or grinding.

It includes all grades listed in paragraph (a) of § 1347.14 of this Maximum Price Regulation 30 and all specialty grades under paragraph (c) of this Maximum Price Regulation 30 regardless of the use for which purchased or sold.

This amendment shall become effective September 18, 1946.

Issued this 18th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 20 TO MAXIMUM PRICE REGULATION 30

The accompanying amendment to Maximum Price Regulation 30 modifies the definition of "wastepaper" to include specifically under the regulation all grades in Appendix A regardless of the use for which bought or sold. Previously it was held that grades sold for use as packing and wrapping were exempt from the regulation. This exempted wastepaper consisted largely of "over-issue news" and "No. 1 news", which types have been sold largely for export use. Until recently the exemption of this wastepaper had no harmful diversionary consequences because of the small export trade. With the gradual resumption of export trade a large amount of wastepaper has been diverted to the detriment of domestic users. The diversionary consequences are especially disturbing at this time because of the difficulty manufacturers of liner for wallboard have had in obtaining wastepaper for the production of this commodity, which is essential to the housing program.

[1] 7 F. R. 9732; 8 F. R. 3845, 6109, 7199, 7350, 7821, 13049, 17483; 9 F. R. 6107, 8056, 1108; 10 F. R. 1787, 4103, 4492, 73358, 12809; 11 F. R. 532, 3745, 6864, 7416, 8962.

The maximum prices that will apply to the wastepaper sold for packing or wrapping are the same as those applicable to others sales. The Administrator considers these prices to be generally fair and equitable on the basis of past experience and discussions with industry representatives.

While wastepaper in general was normally channeled through established wastepaper dealers, the exempt sales of wastepaper for packing or wrapping purposes have to a large extent recently been through export dealers who have normally not engaged in this business to any extent.

To the extent practicable, the Administrator has advised and consulted with representatives of the industry which will be affected by this amendment and has given due consideration to their recommendations.

The amendment is consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Order No. 9599.

[F. R. Doc. 46-16973; Filed, Sept. 18, 1946; 11:20 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 70]

ACIDLESS TALLOW OIL AND ACIDLESS TALLOW

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.

Article 14 of Maximum Price Regulation No. 53 is amended by adding section 14.3 to read as follows:

SEC. 14.3 *Maximum prices of acidless tallow oil, acidless tallow on sales to soap makers.* No addition over the listed prices set out in section 14.1 above may be charged for sales of any tallow or grease to soap makers, except that for sales to such purchasers of acidless tallow oil and/or acidless tallow having a minimum titre of 41.5 degrees, a free fatty acid ranging from zero to 2 percent, an M. I. U. content of not more than 1 percent and a maximum untreated, unbleached F. A. C. color No. 7, the ceiling price shall be the ceiling price for fancy tallow as set out in section 14.1 above plus ¼ of a cent per pound.

This amendment shall become effective September 23, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 70 TO MAXIMUM PRICE REGULATION 53

Prior to price control of fats and oil, acidless tallow oil and/or acidless tallow were principally used as a lubricating oil in steam cylinders. The product is made from a good grade of inedible tallow either choice or prime tallow which is pressed in the same manner as lard oil or neatsfoot oil to extract the acidless tallow oil and/or tallow. This product is further refined to take out excessive acids and impurities. Rigid specifications were established by the companies manufacturing this product, and prior to price control only about nine companies in the United States were equipped to produce and did produce acidless tallow and/or oil. These specifications included F. F. A., Cloud test, Titre, Flash point, Fire point, Specific gravity, Baume, Sap. No., Iodine Number and Color. The product was used by petroleum companies blended with a paraffin mineral oil base and is also used by cotton mills for sizing cloth as well as being used by lard oil manufacturers in combination with lard oil. In addition some of the product is used to recover copper in cyanamid tanks. Some acidless tallow oil is also used in wire and tube drawing.

Prior to price control acidless tallow oil was not used by soap manufacturers. The specifications enumerated above with the exception of free fatty acid and were not commercially important to the soap makers. Increasing numbers of complaints have been received by the Office of Price Administration both from soap manufacturers and from sellers of tallow and grease to the effect that certain segments of the industry are selling what is called an acidless tallow oil and/or tallow to soap manufacturers. They charge for this product a premium up to three and three-quarter cents over fancy tallow, the best grade of tallow. As a matter of fact the information received by this Office is that in most cases such product is not acidless tallow oil at all but in many cases is no more than fancy tallow and even in some cases a grade of tallow inferior to fancy tallow.

The present amendment provides a flat price on all sales of acidless tallow oil and/or tallow to soap manufacturers. The price fixed is one-fourth of a cent over the ceiling for fancy tallow and is more than ample to compensate tallow and grease manufacturers for any additional cost in reducing the free fatty acid from the four percent maximum provided for fancy tallow to the two percent provided for acidless tallow oil and/or tallow. Sales of acidless tallow oil and/or tallow to those users who used this commodity prior to price control will remain under Article 2 of Maximum Price Regulation No. 53 at the individual freeze price provided in that Article. In the future, however, no sale to a soap manufacturer may be made at any price in excess of one-fourth cent over the price for fancy tallow.

Many conferences have been had by members of the Fats and Oil Section of the Office of Price Administration with both the manufacturers of tallow and grease as well as with the users of these products and members of the Inedible Animal Fat Producers Industry Advisory Committee have been informally contacted prior to the issuance of this amendment.

All provisions of this amendment and their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected have been considered carefully. No provisions which might have the effect of requiring a change in such practice, means, aids or methods established in the industry or industries affected, have been included in the amendment unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation. To the extent that the provisions of this amendment compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this regulation or of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-16975; Filed, Sept 18, 1946; 11:20 a. m.]

PART 1305—ADMINISTRATION

[SO 183]

ADJUSTMENT OF MAXIMUM PRICES UNDER SECTION 6 OF EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

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

Sec.
1. Purpose of this order.
2. The effect of the product pricing amendment.
3. Right to apply.
4. Advance approval of advisory committee proposals.
5. Application of the standard of the product pricing amendment.
6. Information required.
7. Definition of "product".
8. Rules for determining the practicability of a substantial expansion in production and use.
9. Methods of calculating admissible costs and profit margins under the product pricing amendment.
10. Form of application, filing, and docketing.
11. Action by the Administrator.

Appendix A: Selection of sample.
Appendix B: Data required under the product amendment.
Appendix C: Application of the standard of the product pricing amendment by using unit average cost and profit figures.

SECTION 1. *Purpose of this order.* This order prescribes and explains the rules governing the preparation, filing and processing of applications for price increases under the statutory product pricing provision in section 6 of the Emergency Price Control Act of 1942, as amended. (For convenient reference, this provision will be called the "product pricing amendment".) The product pricing amendment authorizes the Administrator to establish fair and reasonable methods of calculation to be used in applying the standards it prescribes. Such methods as established by the Administrator are included within the rules set forth in this order.

This order is comprehensive and detailed in explaining the standards of the product pricing amendment and the rules relating to applications for adjustment under that amendment so that industry members may thoroughly understand the standards of the product pricing amendment and the rules of the Administrator and so that committee re-

quests may be accepted without change in many cases and in general be more expeditiously processed by the Office of Price Administration.

While it should be possible for many committees to comply with the requirements of the product pricing amendment and this order without consultation with OPA representatives, the Administrator urges that committees thoroughly discuss with OPA representatives their proposed applications under the amendment and problems involved in its application to their industries. The application of the product pricing amendment will produce a number of difficult and exceptional problems. The Administrator has attempted to foresee and expressly provide for these in this order, without the need of further authorization, to the greatest extent considered practicable. However, the order indicates that the Administrator may exercise his discretion in a few situations.

Revised Procedural Regulation No. 1, which contains rules relating to applications for adjustment in general, does not apply to applications pursuant to the product pricing amendment.

SEC. 2. *The effect of the product pricing amendment.* The product pricing amendment prescribes a new pricing standard for the establishment of "adequate general price levels" to "bring about maximum production and employment." This new standard, which the OPA is required to use only upon application by an industry advisory committee—called the "applicant committee" in this order—is to be used only on an industry-wide basis (as distinguished from individual adjustments). It applies to major products of a producing, manufacturing, or processing industry,[1] or an industry furnishing service or transportation the charges for which are subject to OPA control. However, it does not apply to products made in whole or in major part from cotton or cotton yarn or wool or wool yarn.

The basic standard calls for the adjustment of the maximum prices of the product to the extent that, on the average, they fail to cover the average dollar price of the product in 1940 plus the average increase in its cost since 1940. However, the extent of the price increase required by the basic standard is subject to the two following limitations:

(a) Where the average maximum price as increased by the basic standard would be higher than the product's current average cost plus the industry's average over-all percentage profit on sales in 1940, the maximum prices need be raised no higher than the latter level.

(b) Where the average maximum price as increased by the basic standard would be higher than the product's current average cost plus a reasonable profit, the maximum prices need be raised no higher than the latter level, unless the output and the use of the product can be substantially increased without curtailing the product of any other product at least equally needed.

[1] As used in this order, the term "industry" refers to the group of firms making the product in question.

The standards used by OPA prior to the enactment of the product pricing amendment in meeting the statutory requirements that maximum prices be generally fair and equitable will continue to apply to all products. Where the new standard allows a higher ceiling for a major product than the old standards, the higher level will be allowed after the filing of an industry advisory committee application in accordance with this order.

The OPA will continue to use such discretionary standards as are appropriate to achieve the purposes of the price control legislation and applicable Executive Orders. The product pricing amendment expressly allows the Administrator to continue to make individual seller adjustments. The applicable regulations will control such adjustments.

SEC. 3. *Right to apply.* Any industry advisory committee may apply for a maximum price increase in accordance with the standards of the product pricing amendment as to a product within the scope of the committee. An increase under that amendment is not required upon the application of any person or group of persons other than an industry advisory committee formed in accordance with Procedural Regulation No. 13. New committees for products not within the scope of previously established committees may be organized in accordance with that procedural regulation.

SEC. 4. *Advance approval of advisory committee proposals.* In order to expedite the adjusting of maximum prices under the product pricing amendment and avoid unnecessary work, the Administrator will give his opinion to an industry advisory committee or its representatives, such as counsel or a task committee, in advance of the filing of an application, as to certain points that might be otherwise be uncertain and controversial. In any case, upon request, the Administrator will give his advance approval or disapproval of the following:

(a) The selection of the product;

(b) The proposed sample of firms for the industry survey;

(c) The substitution of a period other than 1936-39 as a normal peacetime period for purposes of Alternative B in section 5 (b) (3);

(d) Whether the information requested by a form prepared by a committee or its representatives meets the requirements of this order;

(e) The omission from the application of data relating to one of the three amounts to be considered under the product pricing amendment, because it clearly appears without collecting the relevant data and making the exact computations that the amount would be larger than one or both of the others and hence would not be controlling (See section 5, footnote 2);

(f) The use of the special method of computation set forth in paragraph (c) of Appendix C for use when the product is comprised of two or more articles differing substantially in size, cost and specifications (other than differences solely in price line or quality), and the proportions of sales of those various articles have changed substantially since 1939.

The Administrator will consider requests that he give such advance approval to proposals regarding other problems that may be met and give an advance opinion whenever he considers it proper to do so. Unless any such advance opinion given by the Administrator indicates otherwise, the opinion may be relied upon by the committee in preparing its application and any facts or proposals agreed to or approved by the Administrator in advance will not be questioned by him in passing upon the application. Such advance approval must be requested by a letter to the Administrator. Only a written opinion of the Administrator in response to such request may be considered an advance opinion with the consequences described above.

SEC. 5. *Application of the standard of the product pricing amendment*—(a) *The three amounts to be considered in applying the standard.* The product pricing amendment relates to average costs and profit for the particular product. However, the simplest way to determine whether, and to what extent, an increase is required by the amendment is to apply the standard in terms of aggregate dollar amounts rather than amounts per unit of product. This procedure produces the same end results as using amounts per unit of product and is the only practicable one in cases where no satisfactory common unit can be found for the product. This section contains directions for applying the standard in terms of aggregate dollar amounts. For the assistance of any advisory committees that may choose to apply the standard in terms of average unit costs and profit for the product, directions for doing so are set forth in Appendix C.

The product pricing amendment provides for the adjusting of maximum prices to the extent that total current sales of the product under application fail in the aggregate to provide the aggregate minimum sales realization to which the industry is entitled under the amendment. To find the aggregate minimum sales realization to which the industry is entitled under the amendment, the applicant committee must first calculate the following amounts:[2]

Amount 1. Find total 1940 net sales, adjusted to current volume, plus increases in cost[3] since 1940 (see paragraph (b) (1) below);

Amount 2. Find total current cost plus a profit at the 1940 rate of profit on overall net sales for the industry (see paragraph (b) (2) below);

[2] In some cases it may clearly appear, without collecting the relevant data required in Appendix B and making the exact computations, that one of the three amounts to be considered would be larger than one or both of the others and hence for that reason would not be controlling. Where the Administrator finds this to be so, he will give his advance approval to the omission from the application of such larger total and of the data that would otherwise be required in order to compute it.

[3] When used in this order, the terms "cost" and "profit" mean admissible cost and profit computed in accordance with the provisions of section 9 unless specifically indicated otherwise.

Amount 3. Find total current cost plus a reasonable profit in accordance with paragraph (b) (3) below.

OPA will increase the maximum prices of the product to the extent, if any, necessary to yield a current net sales realization equal to the lowest of the three amounts unless the Administrator finds that a substantial increase in the production and use of the product is practicable without curtailing the production of any other product which is at least equally needed. In the latter event the adjustment will be based on the lower of Amounts 1 and 2 only.

The excess, if any, of the lower or lowest of Amounts 1 and 2, and, if applicable, Amount 3, over total current net sales at current prices may be converted to a percentage uniformly applicable to all current ceiling prices for the product by dividing such excess by the amount of total current net sales at current prices. If preferred, uniform dollar and cents additions to current ceiling prices may be computed instead. Where the Administrator finds it appropriate to do so, as, for example, to encourage the production of low-end styles or grades, he may provide for other than a uniform percentage or dollar and cents increase. An industry advisory committee may recommend the method which it prefers for allocating the allowable aggregate increase to the individual styles, grades, types or other classifications of a product.

(b) *Methods for computing the three amounts to be considered.* In computing Amounts 1, 2 and 3 described in paragraph (a), the applicant committee must apply the methods and adjustments prescribed in section 9 of this order, using the data specified in Appendix B. One of the important adjustments required in section 9 is for anticipated volume increases (section 9 (d)). Therefore, when the order refers to current sales, costs, rate of production, etc. or to such items for the current reporting period, it means that these items shall reflect the adjustment for anticipated volume increase. The term "current reporting period", as used in this order, refers to the shortest and most recent representative period for which profit and loss data based on physical or book inventories are available but not less than a three month period.

In computing the three amounts described in paragraph (a), there shall be totaled the adjusted amounts or adjusted unit quantities, as the case may be, reported by all the firms in the sample. To accord with the definition of "product" in the product pricing amendment, the computation of total cost and sales must cover all the styles, models, sizes, and price lines comprising the product.

(1) *Total 1940 net sales, adjusted to current volume, plus cost increases since 1940.* The amount of increase in cost since 1940, if any, shall be found by comparing the total costs of the product for the current reporting period, converted to an annual basis, with the total of the costs of the product for the fiscal year 1940 when proportionately adjusted for the change in total annual physical sales volume occurring between 1940 and the current reporting period.[4] Any excess of current costs over 1940 costs shall be added to the total net sales of the product for the fiscal year 1940 when proportionately adjusted for the change in total annual physical sales volume of the product occurring between 1940 and the current reporting period.[4]

(2) *Total current cost plus a profit at the 1940 rate of overall profit.* This shall be computed by dividing the total current cost by the difference between 100% and the 1940 percentage of total profit on total overall net sales. The latter percentage is computed by dividing the total 1940 overall profit by the total 1940 overall net sales.

(3) *Total current cost plus a reasonable profit.* The applicant committee may choose either of the following alternatives as the measure of reasonable profit:

Alternative A. A reasonable profit on sales of a product is the aggregate profit realized on the product during 1939 when adjusted correspondingly by one-half the percentage change in total annual physical sales volume of the product occurring between 1939 and the current reporting period.

Alternative B. A reasonable rate of profit on sales of a product is one-half the industry's average percentage of the profit on overall industry net sales during 1936–39. The average percentage is determined by dividing the total overall profit for the fiscal years 1936–1939 by the total overall net sales for the same period. In making the computation, if the total overall margin for any year is a net loss, the total profit for such year or years shall be considered to be zero. One-half the average profit percentage thus obtained, applied to total current cost in the manner outlined in (2) above for the 1940 rate of overall profit will give total current cost plus a reasonable profit.

In applying Alternative B for determining a reasonable profit, an applicant committee may substitute a more representative four year period for 1936–1939 if it can clearly show that 1936–1939 was not a normal peacetime period. If a different period for determining price increases for the particular product has been previously used by the OPA, the applicant committee may, at its option, use that period in place of 1936–1939.

In some cases the alternative selected by the applicant committee may result in a negative amount or an amount of profit so small that it cannot be considered reasonable for purposes of the product pricing amendment. Where that is the case and where it is not practicable to use the other alternative or it would not result in a significantly higher profit, the Administrator will by order establish the profit margin to be used in computing Amount 3 in paragraph (a).

In any case in which, because of marked industry increases since 1939 in prices or in volume of production relative to net worth of the industry or both, it appears to the Administrator that the profit, as calculated in accordance with either Alternative A or B, if applied on all products of the industry, would yield a rate of return on net worth greatly in excess of that earned by the industry on its overall operations in the period 1936–1939, the Administrator may reduce the rate of profit calculated by the applicant committee.

(c) *Method of applying the standard of the product pricing amendment in exceptional circumstances.* The use of aggregate dollar amounts of cost, sales and profit for a product in applying the standard may give results inconsistent with the purposes of the product pricing amendment if the product is comprised of two or more articles differing substantially in size, cost and specifications (other than differences solely in price line or quality), and the proportions of sales of those various articles have changed substantially since 1939. The amount of adjustment, if any, under the product pricing amendment must be computed in such cases by the use of a special method set forth in paragraph (c) of Appendix C. The Administrator, upon request, will give advance approval or disapproval of the use of that method.

SEC. 6. *Information required.* In addition to the formal requirements set forth in section 10, an application under the product pricing amendment must contain the following:

(a) A description of the product or products for which maximum price increases are sought. (See section 7 below for definition of "product".)

(b) The amount of increase applied for.

(c) A statement as to which of the pricing methods in section 5 was used to determine the amount of adjustment. The application must, in addition, contain computations showing that a lesser amount is not applicable under one of the other methods except to the extent that such computations have been found by the Administrator to be unnecessary. (See footnote 2).

(d) Facts showing that the output of the product can be substantially increased without curtailment of production of another product at least equally needed, where the amount of adjustment applied for requires such a finding. (See section 8 below for applicable rules.)

(e) Cost and profit information adequate for the determination of maximum prices in accordance with the product pricing amendment. (See section 9 below and Appendix B.)

An application for a maximum price adjustment pursuant to the product pricing amendment must contain the basic cost and profit information required by Appendix B in order to apply the particular measure of adjustment which the applicant committee claims to be appropriate for the product under consideration. In addition, the application must set forth the amount of maximum price increase which the committee claims is justified by the cost and profit data submitted. It must relate that proposed increase to the basic statistical and accounting material, showing such particulars as the required averaging of individual firm information and the adjustments required by section 9 below.

SEC. 7. *Definition of "product".* For the purpose of applications under this order, a product is any item or article different in character from the other products of

[4] The change in physical volume may be calculated on any reasonable basis, such as the number of units sold in each period, or net dollar sales after excluding the effect of price changes since 1940. In any case the physical volume for the current reporting period must reflect the adjustment prescribed in section 9 (d) for anticipated volume increase and must be on an annual basis.

the industry, but including all styles, models or other varieties of such article or item. In determining whether an item or group of items qualifies as a product, the applicant committee should follow the general usage of the industry to the extent that it is consistent with the pro-provisions of the product pricing amendment. In general, an item or items previously considered a product by the Administrator for purposes of applying the the agency's product standard will be considered a product for purposes of the product pricing amendment. When it is uncertain whether an item is a separate product or whether two items are the same product, the decision will be made upon the following considerations:

(a) Differences in physical characteristics.

(b) Differences in end use.

(c) Differences in manufacturing processes, including materials used.

(d) Differences in the firms manufacturing the items under consideration.

Despite differences in physical characteristics, different styles, sizes, models or varieties of an article are to be grouped together as well as all price lines of an item or article.

Applications may be made for a price increase on a product only where it is of major importance in the economy or the industry. As a general rule, an item or article will be considered major if it accounts for at least 5% of the current sales volume of an industry and if current sales of the product at an annual rate aggregate five million dollars or more per annum. However, any product which accounts for 30% or more of the sales volume of an industry will be regarded as major regardless of its aggregate sales.

Examples

Hot rolled steel sheets and cold rolled steel sheets are different products because they differ in physical characteristics and in end use although they are made by the same group of manufacturers by substantially the same manufacturing process and from the same material.

Bricks and cement blocks have largely the same end use but are different products because of physical differences and materials used.

Canned peas and canned beans are different products although they are made in the same equipment by the same manufacturers but of wholly different materials. Canned, frozen and dried peas are different products although they are the same material and have the same end use but have different physical characteristics and go through different manufacturing processes.

Innerspring and felt mattresses are different products because of differences in physical characteristics although made by largely the same manufacturers on similar types of equipment and having the same end use.

Work shirts and dress shirts are different products although they are made by similar processes but of different materials and largely by different manufacturers.

Enamelware kitchen utensils, while different in many physical characteristics and end uses, may be considered as a single product since they are made by the same manufacturing processes, from the same materials, and by substantially the same manufacturers and have been considered as one group in industry practice.

SEC. 8. *Rules for determining the practicability of a substantial expansion in production and use*—(a) *General rule.* A substantial expansion in production normally means an increase of at least 15% over the current level of physical production by the end of approximately six months following the time of filing the application. However, a substantial expansion may mean an expansion of more or less than 15% over the current level for certain types of cases described below.

The current level of production is the highest monthly production rate in any one of the three months preceding the date of petition. The Administrator, in assessing the practicability of the production increase, will take into account data available up to the time of a determination.

(b) *Modification of the general rule.* The meaning of "substantial" may vary from product to product depending on the production picture during the past year and on the characteristics of the product. The Administrator will modify the general rule in accord with specific situations, such as the following:

(1) *Seasonal products.* Two types of seasonal situations occur, namely, where the same commodity is produced in varying amounts and where different commodities are produced in alternate seasons by the same manufacturer. In either case, a "substantial expansion in production" means a substantial increase over a normal seasonal increase or decrease.

(2) *Temporary abnormalities in current production period.* The production level in the most recent period may reflect factors of temporary duration such as strikes in the plants producing the product or in important supplying industries, temporary shortage of particular materials, etc. The computation of the current level of production should be adjusted to exclude such temporary factors.

(3) *Other special cases.* The Administrator may in other exceptional circumstances require or permit the use of a different percentage, such as, for example, where there is unused plant capacity in an abnormally large degree.

(c) *Findings as to practicability of expansion in production and use.* In finding whether a substantial expansion in the production and use of a product is practicable without curtailing the production of another product at least equally needed, the Administrator will make findings as to (1) the availability of facilities, materials and manpower for the production of the product, (2) the effect on the output of other at least equally needed products, and (3) the sufficiency of the demand for a substantially expanded output of the product. These findings will be based on the information specified in Appendix B which the applicant committee is required to furnish and such other information as may be available to the Administrator.

SEC. 9. *Methods of calculating admissible costs and profit margins under the product pricing amendment.* The product pricing amendment provides that the Administrator shall follow accepted methods of accounting and may by regulation establish fair and reasonable methods of calculation, including adjustments for temporary cost abnormalities which may be reasonably anticipated to be eliminated within the three months following the Administrator's action upon a committee's application,[8] and adjustments for increases in the volume of production which may be reasonably anticipated to be experienced in that period. This section sets forth the methods of calculation established by the Administrator pursuant to that authorization.

(a) *General rules.* (1) The basis for calculating costs and profits margins admissible for purposes of the product pricing amendment shall be accounting data as recorded in the books of account and related records of firms selected as a sample of the industry.

(2) The books and records from which the basic data are taken must have been kept in accordance with accepted methods of accounting during the periods for which data are required. However, data taken from "standard" or "estimating" cost records must first be adjusted to reflect actual costs.

(3) If a major change in accounting methods has been instituted by a reporting firm subsequent to the beginning of its fiscal year 1940, its accounting data shall be adjusted to reflect a consistent application of such methods. If this is not reasonably practicable, the firm may not be included in the sample.

(4) Multi-product firms may include with the costs reported for the product under application reasonable allocations of manufacturing overhead and selling, general, and administrative expenses even though allocations of such costs may not have been reflected in the accounts. However, a multiple-product firm may not be included in the sample if, for the periods for which costs are required by the regulation it did not maintain as part of a continuing cost system records showing separately for the product either its direct material and labor cost or its manufacturing costs. The latter rule, however, will be waived for any firm if (i) its sales of the product during the required cost periods amounted to more than three times those of the other products with whose costs its costs were combined, and (ii) the costs attributable to products or items other than the product under application are excluded from the submitted costs on the basis of reasonable estimates.

(5) Admissible costs and profit margins shall be limited to operating costs and operating profits reported in conformity with this section. Operating

[8] Since the time of the Administrator's action will not be known at the time of filing an application, it is necessary to use a substitute period that is determinable at the time of filing. Six months from the close of the current reporting period is used for this purpose. That period will in general approximate the statutory three month period, allowing for a lapse of time between the end of the current reporting period and the beginning of preparation of the application and a reasonable time for the preparation and processing of the application. It will be the policy of the Administrator to act upon applications as quickly as possible, and, consequently, many will be processed in less than sixty days from the time of filing.

costs are direct material and labor, and manufacturing, selling, and general and administrative expenses less income received from by-products and from other sources the expenses for which have been included in operating costs. Operating costs and profit margins do not include those classes of items commonly referred to as non-operating income and expense, chief among which are: interest, amortization of bond premiums and discounts, income from investments, non-operating gains and losses, provisions for contingencies, and state and federal taxes on income and profits.

(b) *Adjustments, other than for temporary cost abnormalities and changes in volume.* (1) Exclude the effect of wage and salary increases instituted after February 14, 1946, which have not been approved by the Wage Stabilization Board.

(2) Exclude the effect of increases in prices of materials or the product under consideration which were illegal under OPA regulations or orders, or which were effected during the period July 1 to July 25, 1946, and not subsequently approved by OPA.

(3) Exclude the effect of major changes occurring since the beginning of the fiscal year 1940 in the basis of accounting for interdepartmental transactions or transactions with affiliated companies.

(4) Apply retroactively as if they had occurred at the beginning of the current reporting period the effect of changes in operating income and costs (other than those due to changes in volume) which have occurred subsequent to the beginning of such period and which will not be eliminated within six months after the close of the current reporting period. Such changes include: approved wage and salary increases, changes in overtime worked, changes in prices of products and services sold and purchased, and changes in rates charged by carriers and public utilities. Similar adjustment should also be made for such cost changes which have not been incurred but which have been announced previously and are expected with reasonable certainty before the end of six months after the close of the current reporting period. An example is announced changes in freight rates to become effective within that period.

(c) *Adjustments for temporary cost abnormalities other than those due to abnormal volume.* Temporary cost abnormalities are items of reported cost which are higher or lower than the reporting firm has usually experienced and which may be reasonably anticipated to be eliminated entirely or altered in size within the three months following the Administrator's determination in the case (considered as six months after the close of the current reporting period). Cost abnormalities due to abnormal volume are dealt with in paragraph (d) below.

The character of temporary cost abnormalities will depend on the individual case. However, in general, guiding rules for two types of products should be distinguished: (1) reconversion products, (2) all other products. For the purpose of this distinction, "reconversion product" means any product the price of which, following V-J Day, has been adjusted, or is eligible for adjustment by OPA, on the basis of a projection of the industry's normal pre-war cost experience. The term therefore includes products whose output during the war was reduced by 50% or more of the last pre-war normal year and other products the production and sale of which have undergone radical changes during the war and since V-J Day.

(1) *Adjustments for temporary cost abnormalities applicable to other than reconversion products.* Recorded current costs after adjustments discussed in (b) above shall be further adjusted for the following:

(i) Cost items, reflecting seasonal or non-recurring events affecting operations during the reporting period. Examples: strikes, floods, breakdowns, etc.

(ii) Wage costs reflecting a ratio of overtime payments to total earnings at straight-time rates different from the rate expected by the end of six months after the current reporting period.

(iii) Wage costs reflecting labor productivity different from that expected to prevail by the end of six months after the current reporting period.

(iv) Overhead costs reflecting clearly non-recurring factors such as war-time rates of amortization, provisions for war losses, employee training programs, etc.

(v) Other cost abnormalities, such as buying in unusually small quantities, buying from unusual sources of supply, use of an unusual proportion of substitute materials, an unusual extent of wastage.

(2) *Adjustments for temporary cost abnormalities relating to reconversion products.* Rules controlling adjustments for temporary cost abnormalities relating to reconversion products, which are not of interest to most advisory committees, are being issued separately by the Administrator.

(d) *Adjustments in costs for abnormal volume and anticipated increase in volume of production.* The product pricing amendment permits the Administrator to make adjustments for the disappearance of cost abnormalities caused by abnormal volume and increases in the output of the product which may reasonably be experienced within three months after the determination by the Administrator (considered as six months from the close of the current reporting period). Before making adjustments in accordance with the rules outlined below, estimate the monthly production rate which is expected to prevail at the end of six months from the close of the current reporting period, taking into account available material, labor and plant facilities. The amount, if any, by which this figure exceeds the average monthly production rate realized during the current reporting period should be divided by the latter figure to determine the percentage increase required below for making adjustments in the operating data. These adjustments are to be computed on the basis that the projected volume of sales will be identical with the projected volume of output.

(1) *Other than reconversion products.* In the case of non-reconversion products it is the opinion of the Administrator that, generally, an increase in volume will not result in any increase in the aggregate overhead other than indirect labor and materials but will effectuate savings in the fixed per unit costs in factory burden and selling, general and administrative expenses adjusted in accordance with the rules in (b) and (c) above. Therefore, unless other treatment is shown to be warranted, no upward adjusjtment for increase in volume will generally be made in the aggregate admissible amounts for the current reporting period of factory burden and selling, general and administrative expenses, other than indirect labor and material cost. Aggregate net sales and admissible direct and indirect labor and material costs will be increased in proportion to the increase in the rate of output. If substantial changes in finished goods inventories occurred during the current reporting period, appropriate adjustments shall be made to place costs and sales upon a comparable basis.

If other adjustments for anticipated volume increases should be made with regard to a particular product, the application should set forth such adjustments together with considerations supporting them. Where such additional adjustments are found to be justified they will be allowed by the Administrator in passing upon the application.

(2) *Reconversion products.* Rules controlling adjustments for the disappearance of cost abnormalities caused by abnormal volume and anticipated increases in the output of reconversion products will be issued subsequently by the Administrator. Such rules, as well as the rules controlling adjustments for temporary cost abnormalities, should be obtained by an advisory committee considering applying for a price increase on a reconversion product under the product pricing amendment.

SEC. 10. *Form of application, filing, and docketing*—(a) *Information in addition to that required by section 6 of this order.* Every application shall contain:

(1) A heading clearly designating it as an application pursuant to section 6 of the Emergency Price Control Act, as amended.

(2) The name of the committee.

(3) The regulation or regulations covering the product or products dealt with in the application.

(4) The name and post-office address of the person to whom all communications from the Office of Price Administration relating to the application shall be sent.

(5) A statement that the application has been filed in accordance with a resolution adopted at a meeting of the industry advisory committee held in accordance with the provisions of Revised Procedural Regulation No. 13.

(6) A statement that the application (including all exhibits thereto) has been presented and read at a meeting of the committee or has been submitted by mail or otherwise to each member of the committee, except that cost and profit data relating to individual firms need not be read or submitted.

Items (1), (2) and (3) should appear on the first page of an application.

(b) *Signing.* Applications must be signed by or for the industry advisory committee. An application will be considered signed by or for the committee if it is (1) signed by at least one-half of the members of the committee, or (2) signed by a person or persons authorized to do so by the committee. If the application is signed by a person or persons for the committee, at least one-half of the members of the committee must first have indicated their approval of the application after reading it (with the exception of cost and profit data relating to individual firms).

(c) *Filing, docketing and notice.* Four copies of the application and all accompanying documents other than the individual firm data shall be filed. Only two copies of the data from each firm in the sample need be filed. Applications shall be filed with the Secretary, Office of Price Administration, Washington 25, D. C. Applications shall be deemed filed on the date received by the Secretary. Upon the filing of an application the Secretary of the Office of Price Administration shall assign a docket number to such application and shall advise the applicant committee of the number.

SEC. 11. *Action by the Administrator.* The administrator shall consider the evidence set forth in an application and all evidence otherwise available to him, and within sixty days after receipt of an application he shall make the adjustments in maximum prices required by the product pricing amendment. If he finds that no adjustments are required, he shall deny the application. If the Administrator neither makes the adjustments in the maximum prices required by the product pricing amendment nor denies the application within the sixty-day period, the industry advisory committee may petition the Emergency Court of Appeals for relief. That Court has jurisdiction to require the Administrator to make such adjustments or deny the application within such time, not to exceed thirty days, as may be fixed by the Court. If the Administrator fails to make adjustment or deny the application within the time fixed by the Court, no maximum price shall thereafter be applicable with respect to any sale of the product by any seller.

A denial of an application, whether in whole or in part, may be protested in accordance with Article V of Revised Procedural Regulation No. 1.

Any application failing in a substantial manner to conform to the requirements of this order will not be accepted as filed under the Statute. In such a case the Administrator will give the committee written notice, addressed and mailed by registered mail to the person designated by the application to receive notice, that the application has been dismissed without prejudice to the right of the committee to file a new application in the proper form.

APPENDIX A—SELECTION OF SAMPLE

The product pricing amendment indicates that adjustments under its provisions will be based upon "comprehensive evidence with respect to costs and prices of a reasonable number of typical producers, manufacturers, or processors." This appendix outlines the standards for the selection of a representative sample of firms for the purpose of assembling comprehensive cost and price data.

In exceptional cirmumstances, the construction of a sample consistent with each of the standards outlined below may not be feasible. In the event a different sample is submitted the application must show that the firms selected are truly representative of the producers in the industry for which the petition is filed.

To satisfy the statutory requirements mentioned above, the sample must not only afford adequate coverage of the total sales volume of the product or industry; it must also insure adequate representation for any significant differences among the producing firms with respect to volume, geographic location, degree of specialization and integration, and any other relevant factors. The criteria according to which adequacy and representativeness may be evaluated are outlined below.

(a) *Number of firms.* The number of firms necessary to obtain an accurate index of the industry's realization on a given product depends partly on the size of the firms selected, and partly on the number of firms in the industry. To a certain extent, sales coverage may be substituted for coverage in terms of the number of firms, for if the sample accounts for most of the production and sales of the product, it will accurately reflect the product's average cost and average realization, regardless of how limited the number of firms it contains. But adequacy based principally on sales coverage can ordinarily be readily achieved only in small industries or industries in which production is highly concentrated. Where a large proportion of the sales volume cannot readily be included, then the sample must be carefully balanced with respect to size, location, and any other significant features of the firms manufacturing the product.

Accordingly, a sample will be regarded as adequate in terms of the number of firms manufacturing the product if it satisfies one of the following two tests:

(1) The sample contains firms accounting for at least 75% of the total current sales volume of the product; or

(2) The sample contains firms accounting for the percentage of the total number of firms manufacturing the product as required in the table below for the appropriate industry group:

Total number of firms manufacturing the product:	*Required sample (percent of total number of producing firms)*
Under 50	50%.
50–100	30% but not less than 25 firms.
100–300	20% but not less than 30 firms.
300–600	10% but not less than 50 firms.
600–1,500	5% but not less than 60 firms.
Over 1,500	3% but not less than 75 firms.

(b) *Distribution of firms.* Because of characteristic variations in profitability among firms varying in size, geographic location, degree of integration and specialization, etc., an acceptable sample must give consideration to all such significant characteristics unless a sufficient percentage of the total sales volume of the product is included. The standards with respect to each significant characteristic of the sample are outlined below. These standards should be satisfied for each sample compiled under the test in paragraph (a) (2) above. Any sample which satisfies the test in (a) (1) may be regarded as representative for the product as a whole without regard to the various attributes of the firms which it includes; although wherever feasible, adherence to these standards, even where adequate coverage is assured, would enhance the validity of the findings.

(1) *Size distribution.* In determining the appropriate distribution in the sample of firms of different sales volume, information regarding the distribution of firms by size must be available for all producers of the product. For most products, this information is outlined in the 1939 Census of Manufactures, although when using the 1939 Census data, appropriate adjustments should be made for estimated changes in sales volume since that time.

On the basis of this information, three size categories of firms should be defined, which may be designated large, medium, and small. The sales-volume boundaries to be used in establishing these classifications must be determined after due consideration has been given to the composition of the industry. Firms manufacturing products which, for economic production, require heavy capital investment will ordinarily show a substantial turnover. All members of such industries, large or small, may show annual sales amounting to several millions of dollars. Industries requiring very little capital investment will generally be comprised of relatively small firms, in which case annual sales of one million dollars might be regarded as a large output.

Therefore, in setting up appropriate size classifications for a given product, the distribution of firms in the various size categories should be carefully examined and such groupings established as appear meaningful. The number and identity of the firms comprising the large firm category will generally be common knowledge in the industry. If a clear line of demarcation does not exist between the medium and small firms, a sales boundary should be established so that their numerical ratio is approximately one to two. The size group into which each firm belongs should be determined by reference to its sales of the product and not its overall sales.

After making these classifications, the size distribution of firms in the sample normally should be selected as follows:

(i) All, or nearly all, large firms should be included.

(ii) Subtract the number of firms selected in (i) from the number of firms in the sample, as determined in paragraph (a) (2) above.

(iii) Allocate the remainder of the sample as found in (ii) between medium and small firms roughly in the same ratio which the total number of firms in each of these groups bear to each other among all manufacturers of the product.

Because of the unreliability of accounting records among the smallest firms in most industries, the sample should rarely include firms whose overall annual sales volume is less than $50,000, unless satisfactory data are believed to be obtainable.

(2) *Geographic distribution.* Where the manufacture of the product is widely dispersed geographically, the sample should, so far as practicable, reflect the production pattern of the industry as a whole.

In some industries, production tends to be concentrated in a limited number of areas because of the proximity of raw materials, an amply supply of skilled labor, a ready market, or for other contributory environmental factors. It is particularly important that each such area be given its proportionate weight in the total sample. Ordinarily, the proportion of sales in the sample from each major producing area should be roughly the same as the total sales of the product in that area bears to the production of the product in the industry as a whole.

The sample from each area should also afford a proper distribution by size categories in conformance with the standards in (b) (1) above. Ordinarily the distribution in each major producing area will be regarded as satisfactory if it conforms with the distribution determined above for the product as a whole. Moreover, where marked regional differences are evident in the characteristic sales volume of the firms, a separate distribution of firms according to size

may be necessary for each region. In such cases, the standards outlined in (b) (1) above should be applied separately to each region.

(3) *Type distribution.* Depending on the industry, there will be other significant factors which condition the financial showing of the various members of the producing group. Of importance for the present purpose are, for example, the degree of integration (i. e., the extent to which the firm has become self-sufficient is providing its materials and parts), the extent to which the product is manufactured along with other product lines (single line producers or multi-product firms), whether there are branded and unbranded lines, etc. So far as practicable, the sample should include proportionate representation (in sales) for each such significant variable which is relevant to the study of the eligible product.

(4) *Method of selecting the reporting firms.* After the general composition of the sample has been determined, particular firms satisfying these requirements must be selected. The selection, so far as practicable, should be made on a random basis from among all the firms which satisfy the requirements of each category. Substitutions are, of course, permissible where the financial records available from a particular firm are known to be inadequate in relation to the requirements outlined in this order.

APPENDIX B—DATA REQUIRED UNDER THE PRODUCT PRICING AMENDMENT

Applications must contain the data outlined in this Appendix B, which in the case of paragraphs (a) and (b) must be obtained from a representative sample of firms[1] selected in accordance with the instructions given in Appendix A. The required accounting data should be secured from the books and records of each firm in accordance with the general rules prescribed under section 9. In some cases it may clearly appear, without collecting the relevant information required in this Appendix B and figuring the exact amount under one of the methods outlined in section 5, that such amount is higher than one or both of the amounts calculated under the other methods and for that reason will not be controlling. Where the Administrator finds this to be so, he will give his advance approval to the omission from the application of the computation of the higher amount and of the data that would otherwise be required in order to compute it.

(a) *Financial and operating data for aech firm in the sample.* (1) Profit and loss statements covering the firm's total operations for: (i) the fiscal year 1940,[2] and (ii) the current reporting period, which for the purposes of the product pricing amendment shall be the shortest and most recent representative period for which profit and loss data based on physical or book inventories are available, but not less than a three-month period. (If a period longer than three months is used data reported for this period shall be converted pro rata to a three-month basis before tabulation for the industry is made.) The calendar period covered by each statement shall be shown. These profit and loss statements shall show the following data as a minimum:

Net sales.
Cost of sales.
  Direct materials.
  Direct labor.
  Manufacturing overhead.[3]
  Inventory changes.
Gross profits.
Selling and advertising expenses.[3]
General and administrative expenses.[3]
Operating profit.
Non-operating income.[3]
Non-operating expenses.[3]
Net profit before reserves and taxes.
Provisions for special reserves and income.
Taxes on income and profits.
Net profit carried to surplus.

(2) Financial data relating to the calculation of a reasonable profit under one of the alternative methods in section 5 (b) (3):

(i) Alternative A—Net sales, operating costs, and operating profit exclusively for the product for the fiscal year 1939.

(ii) Alternative B—Condensed profit and loss statements covering the firm's overall operations for the fiscal year 1936 through 1939 (identifying the calendar periods covered) reflecting as a minimum the following: net sales, operating costs, operating profit, and net profit before income taxes.

(3) Operating data exclusively for the product under application for the fiscal year 1940 and the current reporting period showing:

Net sales.
Manufacturing cost of sales (showing separately, for the current reporting period only, direct material, direct labor, indirect material, indirect labor, other manufacturing expenses, credits for by-products, waste, etc., net change in inventories).
Gross profit.
Selling expenses.
General and administrative expenses.
Operating profit.

The adjustments to operating data prescribed by section 9 and the unadjusted data shall be reported separately by each firm. To the extent necessary, the breakdown of manufacturing costs may be compiled from continuing unit cost records or estimated.

(4) Number of units of the product produced and number sold during the fiscal year 1940 and during the current reporting period, and the number (on a monthly basis) which will be produced at the estimated rate of production which will prevail at the end of six months from the close of the current reporting period. Such quantities must be expressed in units, dozen, gross, pair, pounds, tions, yards, feet or other appropriate measure. Provide also conversion factors for converting the various varieties of the product into a common denominator. If the product is not homogeneous in character, some common denominator of physical volume should be found if possible, such as quantity of a principal material (if a common principal material is used). The same common denominator should be used by all firms in the sample. If the industry advisory committee computes the measure of reasonable profit by Alternative A set forth in section 5 (b) (3) of this order, the total number of units of the product produced in the fiscal year 1939 must be submitted in addition to the above data.

(b) *Adjustments required under paragraphs (b) through (d) of section 9 for calculation of current admissible costs and profit margins.* The data submitted should show the amounts necessary to reflect each type of adjustment and a reasonable amount of details in support of the computations and must cover the following:

(1) Exclusion of the effect of wage and salary increases instituted after February 14, 1946, but not approved by the Wage Stabilization Board. The individual firm information accompanying an application must include a certification by a representative of the firm having knowledge of the facts that adjusted costs do not reflect unapproved wage or salary increases instituted after February 14, 1946.

(2) Exclusion of the effect of major changes occurring since the beginning of the fiscal year 1940 in the basis of accounting for inter-departmental transactions or transactions with affiliated companies.

(3) Exclusion of the effect of increases in prices of materials or the product under consideration which were illegal under Office of Price Administration regulations or orders or which were effected during the period July 1 to July 25, 1946 and not subsequently approved by the Office of Price Administration.

(4) Retroactive application, as if they had occurred at the beginning of the current reporting period, of the effect of changes in operating income (including price changes for the product) and costs which have occurred subsequent to the beginning of such period (or which, while not yet in effect, have been announced and are expected with reasonable certainty before the end of six months after the close of the current reporting period) and which will not be eliminated by the end of six months from the close of the current reporting period. (See section 9 (b) (4).)

(5) Elimination of the effect of abnormal costs which have changed or which may reasonably be expected to change by the end of six months from the close of the current reporting period. Amounts should be computed in conformity with the requirements of section 9 (c) and the data reported separately for each applicable factor.

(6) The effect on reported operating income and costs of any increase in rates of production and sales over those prevailing during the current reporting period that it may be reasonably anticipated will be achieved by the end of six months from the close of that period as required by section 9 (d), and showing separately the effect on each major element of cost and income.

(c) *Data required to demonstrate the practicability of a substantial expansion in the production of the product without reducing the production of at least equally needed products.* (1) Production capacity of existing plant facilities for producing the product and percentage thereof in use during the current reporting period; also production capacity of any new plant facilities now under construction which will be in operation within six months from the end of the current reporting period.

(2) Evidence that the necessary materials will be available six months from the end of the current reporting period in the quan-

[1] Whenever, by reason of its size and the diversification of its operations, the inclusion of the over-all earnings of a particular corporation in the computation of the industry's over-all earnings will have the effect of seriously distorting the industry's earnings, the earnings of that corporation shall be reflected only by the earnings reported for the subdivision or subdivisions of the corporation making the eligible and related products, or, if the company did not customarily keep its records by subdivisions, then the earnings of such corporation shall be excluded from the industry computation.

[2] The term "fiscal year 1940" means the period customarily recognized in the particular industry as the fiscal year 1940 except that for a firm not using the customarily recognized period the term means the fiscal year of the firm which most nearly coincides with the fiscal year customarily recognized by the industry. For firms in an industry which did not customarily recognize any period as the fiscal year 1940, the term means the fiscal year ending in 1940.

[3] Show breakdown by major subdivisions.

tities found necessary to permit the designated increase in the production of the product and that the increased quantity of the material made available for the product under consideration would not cause a reduction below current levels in the supplies made available for other products using the material. If expansion of the supply would require a reduction for other products, the industries using the material whose supplies of the material would be curtailed and the approximate extent of the curtailment must be shown. Such evidence may consist of suppliers' affirmations.

(3) Evidence showing that sufficient manpower is available to permit the projected increase in the output of the product. Such evidence may show that the additional manpower will be available from any one or more of the following sources: longer hours, improved operating efficiency, redeployment of labor from other tasks, or the employment of additional personnel.

(i) In the event increased production is contingent on the hiring of additional employees, the evidence must include information showing the availability of the number of employees (in each of the required skills) which the industry will require to sustain the indicated production increase. Such information may be that furnished by the local offices of the U. S. Employment Service.

(4) Where the expanded output of the product will cause a reduction in the output of other products, because of a diversion in materials, manpower, or plant facilities, the products which will be subject to curtailed production must be identified, and where those products are believed less urgently needed than the product covered by the petition, supporting reasons must be given.

(5) Evidence that a substantial expansion in the use of the product is practicable. Such evidence may include, among other facts, the following: statistics on inventories and unfilled orders, affirmations by a reasonable number of producers at the next processing state (in the case of prefabricated parts and subassemblies), reference to government allocations or priority controls on the products, proof of the existence of informal rationing by producers of the product, etc.

APPENDIX C—APPLICATION OF THE STANDARD OF THE PRODUCT PRICING AMENDMENT BY USING UNIT AVERAGE COST AND PROFIT FIGURES

(a) *The average net unit prices to be considered in applying the standard.* Section 5 sets forth instructions for applying the standard of the product pricing amendment in terms of aggregate dollar amounts as distinguished from amounts per unit of product. Both produce the same end result. In general, the methods described in section 5 are the simplest to apply and the most direct. However, some committees may prefer to use the average per unit of product method in preparing their applications or computing the amount of adjustment which may be available under the product pricing amendment. Consequently, instructions for doing so are set forth in this Appendix.

To find whether an increase in the maximum prices of a product is required by the product pricing amendment, an applicant committee must first calculate the following average prices [1]:

Average Price 1. An average net unit price consisting of the sum of the 1940 average net unit price of the product and the increase in its average unit cost [2] since 1940. (See paragraph (b) (1) below.)

Average Price 2. An average net unit price consisting of the sum of the current average unit cost of the product and a profit margin equivalent to the industry's 1940 profit percentage [2] on overall sales. (See paragraph (b) (2) below.)

Average Price 3. An average net unit price consisting of the sum of the current average unit cost of the product and a reasonable profit in accordance with paragraph (b) (3) below.

OPA will increase the maximum prices of the product to the extent, if any, necessary to yield a current average net unit price equal to the lowest of the three foregoing average net unit prices unless the Administrator finds that a substantial increase in the production and use of the product is practicable without curtailing the production of any other product which is at least equally needed. In the latter event the adjustment will be based on the lower of Average Prices 1 and 2 only.

The excess, if any, of the lower or lowest of Average Prices 1 and 2 and, if applicable, Average Price 3, over the current average net unit price (see paragraph (b) (4) below), is the increase in average net unit price of the product allowable under the product pricing amendment. The unit amount may be converted to a percentage uniformly applicable to all current ceiling prices for the product by dividing this average net unit increase by the current average net unit price. Where the Administrator finds it appropriate to do so, as for example to encourage the production of low-end styles or grades, he may provide for other than a uniform dollar and cents or percentage increase. An industry advisory committee may recommend the method which it prefers for allocating the allowable average increase to the individual styles, grades, types, or other classifications of a product.

(b) *Methods for computing the average unit amounts.* In computing the average unit amounts set forth in paragraph (a) of this Appendix, the applicant committee must apply the methods and adjustments prescribed in section 9 of this order, using the data specified in Appendix B. One of the important adjustments required in section 9 is for anticipated volume increases (section 9 (d)). Therefore, when the order refers to current sales, costs, rate of production, etc., or to such items for the current reporting period, it means that these items shall reflect the adjustments for anticipated volume increase.

In computing the average unit amounts set forth in paragraph (a) there shall be totaled the adjusted amounts or adjusted unit quantities, as the case may be, reported by all firms in the sample. To accord with the definition of "product" in the product pricing amendment, the computation of sales and costs must cover all the styles, models, sizes and price lines comprising the product.

(1) *How to find the average net unit price which reflects cost increases since 1940.* To figure the average net unit price for the product which will reflect cost increases since 1940, the following steps must be taken:

Step 1. Find the 1940 average net unit price by dividing the total 1940 net sales of the product by the total number of units sold in 1940.

Step 2. Find the current average unit cost of the product by dividing the aggregate cost of the product in the current reporting period by the total number of units sold in the period.

Step 3. Find the 1940 average unit cost of the product by dividing the aggregate 1940 cost of the product by the total number of units sold in 1940.

Step 4. Find the increase in average unit cost since 1940, if any, by subtracting from the current average unit cost found in Step 2 the 1940 average unit cost found in Step 3.

Step 5. Find the average net unit price by adding to the 1940 average net unit price found in Step 1 the increase in average unit cost since 1940 found in Step 4.

(2) *How to find the average net unit price which reflects the industry's 1940 profit margin on over-all sales.* To figure the average net unit price for the product which reflects the industry's 1940 percentage profit on over-all sales, the following steps must be taken:

Step 1. Find the current average unit cost of the product, as in Step 2 of paragraph (1) above.

Step 2. Find the 1940 percentage of over-all profit to over-all sales for the industry.

Step 3. Figure the average net unit prices by adding to the current average unit cost of the product a profit margin which allows the same profit percentage on sales of the product which the industry realized on its over-all sales in 1940 as found in Step 2.

Example: Suppose the 1940 profit percentage on over-all sales was 12% and the current average unit cost of the product is $1.50. Subtract 12% from 100%. Divide $1.50 by 88%. The resulting figure, $1.70, is the average net unit price of the product reflecting the industry's 1940 percentage profit margin on over-all sales. ($.20 profit on price of $1.70 = 12%.)

(3) *How to find an average net unit price which reflects a reasonable profit over current cost.* To figure the average net unit price for the product which will reflect a reasonable profit over current cost, the applicant committee may choose either of the following alternatives as a measure of a reasonable profit:

Alternative A. A reasonable profit on a product is an amount per unit computed by dividing the number of units currently produced annually into the industry's total 1939 dollar profit on the product adjusted by one-half the percentage change in the annual rate of physical volume since 1939. The margin of profit is to be calculated and applied to the current average unit cost of the product as follows:

Step 1. Find the aggregate dollar profit earned on the product in 1939.

Step 2. Find the number of units of the product produced in the current reporting period, on an annual basis.

Step 3. Find the amount by which the number of units found in Step 2 differs from the number of units of the product sold in 1939.

Step 4. Express the difference found in Step 3 as a percentage of the number of units sold in 1939.

Step 5. If the number of units found in Step 2 exceeds the number sold in 1939, increase the aggregate dollar profit found in Step 1 by one-half the percentage found in Step 4. If the number found in Step 2 is the lesser, decrease the total dollar profit found in Step 1 by one-half the percentage found in Step 4.

Step 6. Find the reasonable unit dollar profit for the product by dividing the adjusted total dollar profit found in Step 5 by the number of units found in Step 2.

Step 7. Add the unit dollar profit found in Step 6 to the current average unit cost found in Step 2 of paragraph (1) above.

Alternative B. A reasonable profit on a product is one-half the industry's average percentage profit on overall sales in the period 1936–1939, inclusive. This percentage shall

[1] In some cases it may clearly appear, without collecting the relevant data required in Appendix B and making the exact computations, that one of the average unit amounts called for would be larger than one or both of the others and hence for that reason would not be controlling. Where the Administrator finds this to be so he will give his advance approval to the omission from the application of such larger total and of the data that would otherwise be required in order to compute it.

[2] When used in this order the terms "cost" and "profit" mean admissible cost and profit computed in accordance with the provisions of section 9 unless specifically indicated otherwise.

be applied as in Step 3 of paragraph (2) above to the current average unit cost of the product found in Step 2 of paragraph (1) above. In computing the industry's average percentage profit on overall sales in the period 1936–1939, if the total overall margin for any year is a net loss, the profit for that year shall be considered to be zero.

In applying Alternative B for determining a reasonable profit, an applicant committee may substitute a more representative four year period for 1936–1939 if it can clearly show that period was not a normal peacetime period. If a different period for determining price increases for the particular product has been previously used by the OPA, the applicant committee may, at its option, use that period in place of 1936–1939.

In some cases the alternative selected by the applicant committee may result in a negative amount or an amount of profit so small that it cannot be considered reasonable for purposes of the product pricing amendment. Where that is the case, and where it is not practicable to use the other alternative or it would not result in a significantly higher profit, the Administrator will by order establish the profit margin to be used in computing an average net unit price which reflects a reasonable profit over current cost.

In any case in which, because of marked industry increases since 1939 in prices or in volume of production relative to net worth of the industry or both, it appears to the Administrator that the profit, as calculated in accordance with either Alternative A or B, if applied on all products of the industry, would yield a rate of return on net worth materially in excess of that earned by the industry on its overall operations in the period 1936–1939, the Administrator may reduce the rate of profit calculated by the applicant committee.

(4) *How to find the current average net unit price.* To find the current average net unit price divide the total net sales of the product for the current reporting period by the corresponding number of units sold.

(c) *Method of applying the standard of the product pricing amendment where there has been a substantial shift in the nature of the product.* If the product is comprised of two or more articles differing substantially in size, cost, and specifications (other than differences solely in price line or quality), and the proportions of sales of these various articles have changed substantially since 1939, the application of the methods for applying the standard of the product pricing amendment, set forth in section 5 and this Appendix, may give results inconsistent with the purposes of the amendment. In such cases, the following procedure must be substituted:

Step 1. Select sample items made in both periods which are representative of each of the major lines included in the product.

Step 2. Apply the procedures of paragraphs (b) (1), (2) and (3) to the sample items, treating each item as if it were a separate product.

Step 3. Find the average of the prices determined by applying the method under paragraph (b) (1) to the sample items. In calculating the average, weight each price on the basis of the current relative importance of the group of items it represents. Find the same sort of average of the prices determined under paragraphs (b) (2) and (b) (3), respectively.

The Administrator, upon request, will give advance approval or disapproval of the use of this substitute method of applying the standard.

This order shall become effective September 17, 1946.

NOTE: The reporting and record-keeping requirements of this supplementary order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as amended.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF SUPPLEMENTARY ORDER 183

This Supplementary Order implements section 6 of the Emergency Price Control Act of 1942, as amended (referred to in the order and this Statement as the product pricing amendment). As recently adopted by Congress, that section provides a mandatory pricing standard for major products which comes into operation only upon application by the appropriate industry advisory committee. This Order furnishes the procedure for such petitions, defines and sets up standards for the use of certain terms and provisions of the product pricing amendment, and establishes fair and reasonable methods of calculation (as authorized by the amendment).

The new pricing standard calls for the adjustment of the maximum prices of the product when, on the average, they fail to cover the average dollar price of the product in 1940 plus the average increase in its cost since 1940. However, the extent of the price increase required by the basic standard is subject to the two following limitations:

(a) Where the average maximum prices thus increased would be higher than the product's average current total costs plus the industry's average *overall* percentage profit on sales in 1940, the maximum prices need be raised no higher than the latter level.

(b) Where the average maximum prices thus increased would be higher than the product's average current total costs plus a reasonable profit, the maximum prices need be raised no higher than the latter level unless the output and the use of the product can be substantially increased without curtailing the production of any other product at least equally needed.

This statutory standard has been superimposed by Congress on the standards used by the Administrator in seeing that ceilings meet the requirements of section 2 of the Act that maximum prices be generally fair and equitable. Hence, the Administrator will continue to apply the industry earnings and product standards generally and will in addition now be required to adhere to this new major product standard under the conditions described in the product pricing amendment.

Much of this order deals with the type of information that must be submitted by an industry advisory committee in applying under section 6. A considerable amount of fairly detailed information is called for. As the Administrator pointed out during the consideration of this and other product pricing amendments by the Congress, the application of any standard which requires the ascertainment of base period and current costs and profits on a product, rather than on an overall, basis places an accounting burden of great difficulty both upon industry in applying for price increases under the standard and upon the agency in passing on such applications. Recognizing this difficulty, the Congress required that applicant industry advisory committees submit with their applications comprehensive evidence with respect to costs and prices.

The standard's use of 1940 and current product costs and profit requires that cost and profit information be submitted on a product basis. The use of 1940 industry overall profit calls for facts showing that profit. Other information called for relates directly to the provisions of the product pricing amendment. For example, there must be sufficient information to judge what is a reasonable profit for the product and what adjustments should be made for temporary cost abnormalities and anticipated increase in volume. Where an applicant committee claims that a substantial increase in production is practicable without curtailing the supply of goods at least equally needed, supporting information must be filed.

The order describes how the required data are to be used in determining the amount of adjustment available under the product pricing amendment. The order is in sufficient detail so that an advisory committee would be able without the assistance of OPA to apply the standards of the amendment and compute the amount of increase in many cases. However, there is no need for any applicant committee to proceed without assistance. On the contrary, the fullest possible cooperation between applicant committees and representatives of OPA is urged so that applications may be prepared and processed with maximum efficiency. It is believed that timely and full discussion will avoid later controversy and delay. To this end the order authorizes advance approval by the Administrator as to certain items that might otherwise be uncertain. Upon request of the committee the Administrator will in advance of the filing of an application pass upon the committee's understanding as to what is a product for the purpose of the product pricing amendment, what is a proper industry sample for the purpose of the necessary surveys, and whether there are exceptional conditions warranting special methods of computation in particular instances. He will give such advance approval regarding other matters whenever appropriate.

The generality of certain phrases used in the statute is such that it has been found necessary to formulate administrative interpretations of these phrases in terms sufficiently specific to make possible the uniform, non-discriminatory application of the amendment. Two of the most important of these phrases are "reasonable profit" and "substantial expansion in the production or use of the product", both of which appear in paragraph (f) of section 6 of the Act as amended. That paragraph sets forth one of the provisos to the basic standard and allows the Administrator to use total product costs plus a reasonable profit as a limitation upon the increase otherwise required, unless it appears that a substantial expansion in the production of the product would not be prac-

ticable without reducing the production of at least equally needed products.

In selecting a method of measuring "a reasonable profit" for purposes of the product pricing amendment, the Administrator sought a standard related to peacetime experience that would be consistent with the meaning of paragraph (f). Two important considerations that have influenced the Administrator in interpreting paragraph (f) are the relation of the standard of that paragraph to the basic standard of the product pricing amendment and the relation of that amendment to the overall industry earnings standard used in testing the general fairness of maximum prices under section 2 of the Price Control Act.

An examination of the product pricing amendment clearly discloses that the function of paragraph (f) is to impose a limitation on the operation of the pricing standards in paragraph (b) rather than to substitute an alternative pricing standard. Paragraph (f) limits the amount of a price increase which would otherwise be required by paragraph (b) in cases where, despite price increases, no substantial net production gains would be possible. Since costs would be the same under both paragraphs, the limitation in paragraph (f) could be effective only if, in general, the profit factor prescribed by it were lower than the profit factors prescribed by paragraph (b). This means that the term "reasonable profit" in paragraph (f) must be interpreted as looking to a profit margin which as a rule will be below the average 1940 profit margin on the product and the margin on the industry's over-all operations.

In giving the necessary specification to the general standard of "reasonable profit", the Administrator has sought to preserve its consistency with the level of profit allowed by the industry earnings standard which the agency, with the approval of the Emergency Court of Appeals, has used to determine the need for, and amount of, ceiling price increases on the basis of an industry's over-all earnings. While the industry earnings standard has been supplemented by the new standards of the product pricing amendment, it remains applicable to over-all industry, as distinguished from particular product, pricing cases. It would therefore create an anomaly if the Administrator were to recognize as a "reasonable profit" for the purposes of limiting price increases subject to paragraph (f) a profit factor which yielded materially higher profits on a product than those which, under the industry earnings standard, render the industry's ceilings "generally fair and equitable".

The measure of profitability generally applied to test maximum prices under the industry earnings standard is the average aggregate dollar profits earned by the industry in 1936–1939, adjusted for subsequent changes in net worth. Since this measure is not a rate of profit on sales but a dollar amount, it is not enlarged by increases in the level of prices or the volume of output, both of which are reflected in the total sales figure. Because of this fact, if the full 1936–1939 rate of profit on sales were to be used as a measure of a "reasonable profit", this would result in profits in excess of those assured by the industry earnings standard whenever it was applied to products for which the level of prices or output had gone up since 1939 to an extent proportionately greater than the increase in net worth.

The possibility of such out-of-line results has been minimized in the two methods of determining reasonable profit which the order provides, either of which may be used at the election of the industry advisory committee. The first allows the 1939 aggregate profit for the particular product adjusted at the rate of one-half the rate of volume increase. The second test allows one-half the average 1936–1939 industry overall percentage of profit on sales. The two methods, while different in approach, will in general not be substantially different in result. In the great majority of cases both will allow a total dollar profit on the product in excess of that earned in 1936–1939 but less than the total dollar profit that would result from allowing the same profit as a percentage of the product's sales.

Allowing an industry advisory committee to choose either of the two methods for measuring a reasonable profit gives the committee the advantage of using the higher level. Industry advisory committees are given this choice because of the difficulty some committees would have in gathering and submitting the data necessary to use of the adjusted 1939 aggregate product profit standard. It will be much simpler to submit information concerning the 1936–39 profit percentage to sales standard. Also because of the difficulties to be encountered in getting product profit data, the Administrator has selected a single year, 1939, as a peacetime period rather than the longer four year period, 1936–39. The single year is an appropriate substitute because of the general similarity between industry profits for that year and the industry average for the longer period.

The Administrator believes that these standards are appropriate for determining average prices as defined in paragraph (f). The profit allowed by them will be in proper relationship to the standards of paragraph (b) and the overall industry earnings standard. In addition, the Administrator believes these standards for determining a reasonable profit are not so restrictive as to be unreasonable when measured by ordinary business standards. Normally unit profit margins would not continue constant with increasing volume and prices such as have been generally experienced since 1939. Moreover, since net worth normally increases at a lower rate than volume, earnings may diminish as a percentage of sales while remaining constant or even increasing as a percentage of net worth.

This order establishes fifteen percent as the ordinary measure of a substantial increase in production. It has been found necessary to make such a definite measure applicable to all fields for general use. However, provision has been made for departure from that figure in extraordinary cases. Any figure less than fifteen was found to be inadequate since it is fairly common to vary the rate of production of a single product (as distinguished from overall output) by percentages less than fifteen. While a figure higher than fifteen would be appropriate in many industries, the Administrator rejected varying measures in favor of a single yardstick.

Paragraph (c) of section 6 authorizes the Administrator to establish by regulation fair and reasonable methods of calculation, including adjustments for temporary cost abnormalities which may be reasonably anticipated to be eliminated within the three months following the Administrator's determination and adjustments for increases in the volume of production which may be reasonably anticipated to be expected within that period. This order establishes such methods of calculation, with the exception of rules for adjusting costs of reconversion products for temporary cost abnormalities and volume increases. Because of the limited interest in those rules, they are being issued separately.

The prescribed methods of calculation are of four types, namely: (a) general rules; (b) adjustments other than for temporary cost abnormalities and changes in volume; (c) adjustments for temporary cost abnormalities; and (d) adjustments for volume changes. The general rules for the most part set forth generally accepted accounting principles. The adjustments other than for temporary cost abnormalities and changes in volume require adjusting for other than temporary changes in operating income and costs occurring since 1940 in the basis of accounting for inter-departmental transactions or transactions with affiliated companies. Adjustment must also be made under this heading to exclude the effect of increases in prices of materials or the product under consideration which were illegal under OPA regulations and to exclude the effect of wage and salary increases instituted after February 14, 1946 without the approval of the Wage Stabilization Board. The Administrator's opinion that this latter is a fair and reasonable provision is supported by the legislative history relating to the passage of the Extension Act of 1946.

Temporary cost abnormalities are considered in this order to be items of reported cost which are higher or lower than the reporting firm has usually experienced and which may be reasonably anticipated to be eliminated entirely or altered in size within the three months following the Administrator's determination. The order calls for the adjusting of recorded current costs in order to exclude such temporary cost abnormalities which include among others, cost items reflecting seasonal or non-recurring events affecting operations during the reporting period, such as strikes, floods, breakdowns, etc.; wage costs reflecting an excessive amount of overtime payment; and abnormally low rate of productivity.

Adjustments are required for anticipated volume increases on the basis that an increase in volume above current level will not result in any increase in the aggregate overhead other than in-

direct labor and materials, but will effectuate savings in the fixed per unit costs in factory burden and selling, general and administrative expense accounts. Therefore, no upward adjustment for increase in volume will generally be made in the current aggregate admissable amounts of factory burden and selling, general and administrative expenses, other than indirect labor and material costs, and current aggregate net sales and admissable current direct and indirect labor and material costs will be increased in proportion to the increase in the rate of output. The presumption upon which this approach is based may be rebutted by showing that increased volume will affect costs differently.

The provisions in the order relating to the form of application, filing and docketing are no more than necessary for expeditious handling and processing of applications.

[F. R. Doc. 46—16933; Filed, Sept. 17, 1946; 4:07 p. m.]

PART 1305—ADMINISTRATION

[SO 131, Amdt. 30]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

Correction

In Federal Register Document 46-13610, appearing at page 8530 of the issue for Wednesday, August 7, 1946, the price in the table of paragraph (f) opposite "Yarn No. 20" and under "Band B-single" should read "59.75", and the reference to § 1400.116 in paragraph (t) (1) should read "§ 1400.118."

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses, New York City Area,[1] Amdt. 28 (§ 1388, 1409)]

HOTELS AND ROOMING HOUSES IN NEW YORK CITY AREA

Section 5 of the Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

1. The third unnumbered paragraph of section 5 is amended to read as follows:

In all other cases, except those under paragraphs (a) (7), (a) (9), (a) (10), (c) (4), (c) (5), (c) (6) and (g) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943: *Provided*, that in cases under paragraph (a) (6) of this section the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent.

2. Section 5 is amended by adding the following paragraph (g):

(g) *Required increases of maximum rents.* The Administrator shall grant an increase in the maximum rents otherwise allowable, to any hotel or other establishment under this regulation having more than fifty rooms which has incurred substantial approved wage increases since January 1, 1946 and whose adjusted operating position for the calendar year 1945 is less favorable than his operating position for the average of any two successive years 1939 to 1942, inclusive.

The amount of the increase granted shall be the lesser of the following: (1) the difference between the adjusted operating position for the calendar year 1945 and the operating position for the average of the two successive calendar years 1939 to 1942, inclusive, chosen by the landlord, or (2) the allowance for approved wage increases used in determining the adjusted operating position for the calendar year 1945.

Any landlord entitled to an increase in the maximum rent otherwise allowable in accordance with the provisions of this paragraph (g) shall file a petition therefor on Form No. D-86 (Petition for Hotel Rate Increases—section 5 (g) of the Rent Regulation for Hotels and Rooming Houses) prior to December 1, 1946.

For the purpose of this paragraph (g), the terms:

1. "Approved wage increases" means wage increases which have been approved by the appropriate wage or salary stabilization agency of the United States between January 1, 1946 and September 18, 1946.

2. "Operating position" means the dollar amount determined by subtracting admissible expenses from total departmental sales, income and store rentals.

3. "Admissible expenses" means all expenses actually paid or accrued and necessary for the operation of the property including cost of sales, salaries (exclusive of officers' salaries) and wages, direct expenses of operated departments, repair and maintenance, heat, light and power, general administration, insurance and taxes (exclusive of income taxes), but excluding rent, interest, depreciation, trustees' fees and expenses, amortization of leaseholds, leasehold improvements, bond discount and expense, and any extraordinary expenses not applicable to regular hotel operations.

4. "Adjusted operating position for the calendar year 1945" means the operating position as defined above for the calendar year 1945 after allowing for increases in pay roll by reason of approved wage increases, except those directly charged to the operation of the food and beverage departments.

NOTE: Approval of the reporting requirements of this amendment has been waived by the Bureau of the Budget.

Issued and effective September 18, 1946.

PAUL A. PORTER,
Administrator.

[1] 11 F. R. 4025, 5951, 5823, 8164.

STATEMENT TO ACCOMPANY AMENDMENT 28 TO THE RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE NEW YORK CITY DEFENSE-RENTAL AREA

Transient and residential hotels in the New York City Defense-Rental Area recently incurred substantial increases in wages to employees in all categories, which increases have been approved by the Wage Stabilization Board.

The advance in wages was both general and uniform throughout the area. The Administrator, to assure that the regulations affecting such establishments will continue to be generally fair and equitable and to effectuate the purposes of the Act, has provided by Amendment 28 that applications for individual relief may be filed by any transient hotel or other establishment under this regulation having more than fifty rooms whose operating position for the calendar year 1945, after appropriate allowance for approved wage increases presently in effect, except those allocable to the food and beverage departments, would be less favorable than the average of the two best successive years enjoyed by the petitioner from 1939 to 1942, inclusive. The increases will be in an amount necessary to restore the landlord's operating position but limited to the total cost to the landlord of the approved wage increases.

Since the amendment is directed solely to the situation arising from the general increase in hotel wages in the New York area occurring since January 1 of this year and approved by the Wage Stabilization Board prior to the effective date of this amendment, relief will be limited to establishments applying prior to December 1st of this year.

The recent amendment to Section 2 (b) found in the Emergency Price Control Extension Act of 1946 directs the Administrator to classify establishments under this regulation, and to take such classifications into account in adjustments in rental ceilings. Pending more detailed classifications now in preparation, the Administrator for the purposes of this amendment has extended relief to include residential as well as transient hotels in the New York City Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the Act.

[F. R. Doc. 46-16971; Filed, Sept. 18, 1946; 11:19 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 39,[1] Amdt. 16]

WOVEN DECORATIVE FABRICS

A statement of the considerations involved in the issuance of this amendment

[1] 7 F. R. 5243, 5512, 6774, 8946; 8 F. R. 7822, 17426; 9 F. R. 458, 14067; 10 F. R. 1662, 11663, 14063, 14659; 11 F. R. 4538, 6491, 7281, 8727.

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

Maximum Price Regulation No. 39 is amended in the following respects:

1. In § 1400.157 paragraphs (b) and (c) are amended to read as follows:

(b) *Reports by converters.* (1) One month after September 18, 1946, no converter who is qualified to use an applicable percentage factor of 125% or less in determining his maximum price under § 1400.164 and who makes his first delivery of woven decorative fabrics subsequent to September 18, 1946, shall deliver a woven decorative fabric at a price in excess of the sum of the cost of the grey fabric and the finishing operation until (i) he has submitted to the Textile Price Branch of the Office of Price Administration (*a*) his business name and the address of the office where most of his invoices are prepared, (*b*) the date on which he made the first delivery of a woven decorative fabric and (ii) he has received an acknowledgment in writing of the receipt of such information from the Textile Price Branch of the Office of Price Administration.

(2) One month after September 18, 1946, no converter who is qualified to use an applicable percentage factor of more than 125% in determining his maximum price under § 1400.164 shall deliver a woven decorative fabric at a price in excess of 125% of the sum of the cost of the grey fabric and the finishing operation until (i) he has submitted a statement in the detail specified in paragraph (b) (3) of this section to the Textile Price Branch, Office of Price Administration, Washington, 25, D. C. and (ii) he has received an acknowledgment in writing of the receipt of such statement from the Textile Price Branch of the Office of Price Administration.

(3) This statement shall show separately for each of the converter's average percentage factors the facts on the basis of which he computed each of his average percentage factors under § 1400.164 (e). Such facts shall include (i) the name or number of each of the ten constructions of woven decorative fabrics which he converted and of which he delivered the largest linear yardage in 1941;[2] (ii) the name or number of the pattern of each such construction of which he delivered the largest linear yardage in 1941; (iii) the price of each of the ten[2] patterns as calculated in § 1400.164 (e); (iv) the highest price paid by the converter during the period from January 1 to November 10, 1941, inclusive, for the grey fabric used in producing each pattern; (v) the highest price paid by the converter (or the highest cost he incurred) for the finishing operation performed in producing the pattern during the period from January 1 to November 10, 1941, inclusive; (vi) the percentage factor for each pattern as determined under § 1400.164 (e) and (vii) the average percentage factor as determined under § 1400.164 (e).

(c) *Reports by resellers.* (1) After June 4, 1946 no reseller who otherwise is qualified to use a percentage factor of more than 125% in determining his maximum price under § 1400.165 (b) shall deliver a woven decorative fabric at a price in excess of 125% of his net invoice cost for the fabric without freight until (i) he has submitted to the Textile Price Branch, Office of Price Administration, Washington, D. C., a statement showing (*a*) which type of reseller he is under the definitions in § 1400.161 (a) (11), (*b*) for which factors set forth in the applicable subparagraph of § 1400.165 (b) he qualifies, (*c*) the facts on the basis of which he falls within the definition and (*d*) the facts on the basis of which he qualifies under § 1400.165 (b) for any factors higher than the minimum provided for the type of reseller he is; and (ii) he has received an acknowledgment in writing of the receipt of such statement from the Textile Price Branch of the Office of Price Administration.

2. Section 1400.160 (d) is added to read as follows:

(d) Any reseller may petition the Office of Price Administration for the purpose of being classified as more than one type of reseller under § 1400.161 (a) (11). The petition shall be filed in the manner provided by Revised Procedural Regulation No. 1[3] for the filing of applications for adjustment. Petitions may be granted if, in addition to the information there called for, the applicant certifies:

(1) That for a period of at least six consecutive months in 1941 the reseller resold woven decorative fabrics in two or more departments or divisions which would be classified as different types of resellers under § 1400.161 (a) (11) if each department or division had been and were now, an independent business; and

(2) That the reseller currently operates these departments or divisions and for each department or division the reseller maintained during the above period and now maintains separate price lists, separate books and records, and separate sales forces.

3. The first unnumbered paragraph of § 1400.163 (b) (3) is amended to read as follows:

(i) If the maximum price cannot be determined under paragraph (b) (1) or (2) of this section, the price determined by applying the following formula: The manufacturer shall select the most nearly comparable pattern and construction for which a maximum price is established under paragraphs (b) (1) or (2) of this section and if the cost of the fabric being priced exceeds that of the comparable fabric, add to the maximum price of the comparable fabric the difference in cost (which for this purpose shall be limited to the cost of materials and of direct and indirect labor) between such comparable fabric and the fabric being priced. If, however, the cost of the fabric being priced is equal to or less than that of the comparable fabric (*a*) divide the maximum price for this comparable fabric by its costs (which for this purpose shall be limited to the cost of materials and of direct and indirect labor); and (*b*) multiply the percentage so obtained by the cost (determined on the same basis) of the fabric being priced.

4. The second and third unnumbered paragraphs of § 1400.163 (b) (3) are designated "(ii)" and "(iii)" respectively.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Acts of 1942.

This amendment shall become effective September 18, 1946.

Issued this 18th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 16 TO MAXIMUM PRICE REGULATION NO. 39

This amendment constitutes the third step of a recently initiated program for revision of ceilings for sellers other than manufacturers of woven decorative fabrics. The first step was undertaken in Amendment 12 on April 23, 1946, when specific margins were established for nearly all classes of resellers of these fabrics. The second step replaced the "freeze type" ceilings established in July 1942 for converters with mark-ups over cost. This third step consists of a revision of the reporting provisions of the regulation to coincide with and reflect the changes made by the other two steps in the method of computing maximum prices for sellers other than manufacturers.

This amendment makes two further changes in the regulation: (1) It enables a reseller to establish each of his departments as a separate type of reseller provided that he meets certain criteria; (2) it prevents the realization of an additional profit margin by manufacturers which the application of the percentage factor to higher total direct costs formerly permitted.

REPORTS BY CONVERTERS

With the termination of individual "frozen" ceilings the Administrator considers it unnecessary to retain the requirement that a converter report each new pattern and fabric which he introduces into his line after the base period. Consequently, the reporting provision is entirely revised to require only one report from each converter who uses specific or base period markups. Such converters now need only report their respective "average percentage factors" and the data which served as the basis for their computations. It is also provided that the converter must submit this report within one month from the effective date of this amendment and receive a written acknowledgement of its receipt from the Textile Price Branch of the Office of Price Administration. After the specified date, his ceiling for any sale or delivery of a decorative fabric shall be 125% of his cost of the grey goods and the finishing operation until he has complied with both of the requirements described above. A converter who is qualified to use an applicable percentage factor of 125% or less in determining his maximum price

[2] He shall include all the constructions he converted if they were fewer than ten.

[3] 9 F. R. 10476, 13715; 10 F. R. 11295.

and who makes his first delivery of woven decorative fabrics subsequent to the effective date of this amendment may not deliver a woven decorative fabric at a price in excess of the sum of the cost of the grey fabric and the finishing operation until he has submitted his business name and address and the date of first delivery of a woven decorative fabric and received an acknowledgement of such information from the Office of Price Administration.

REPORTS BY RESELLERS

Amendment 12 eliminated the continuous reporting previously required of resellers regarding fabrics first introduced by them after the base period. The substitute reporting section provided that after June 4, 1946, certain resellers could not sell or deliver a woven decorative fabric until they had submitted a simplified report and had received an acknowledgment in writing of the receipt of the report from the Office of Price Administration. The accompanying amendment alters this provision to provide that no seller who is otherwise qualified to use a percentage factor of more than 125% may use a percentage factor of more than 125% until he has filed a report and has received the written acknowledgment. This change makes the reporting provision for resellers parallel to that for converters and provides a more satisfactory basis for enforcement action. This change does not require a recalculation or the submission of a new report.

SUBSTITUTE EVIDENCE BY CONVERTER OR RESELLER

At present a reseller who demonstrates that it would be impossible or exceptionally burdensome to supply the specific information required may in his statement, submit and request acceptance of substitute evidence with respect to his classification as a specified type of reseller and/or the percentage factor he may employ and the Administrator may by order, accept such evidence if in his judgment it is adequate. This permission to submit substitute evidence and request acceptance of such evidence by the Administrator is revoked by this Amendment. This action is taken because the experience of the Office has shown that this permission is unnecessary. Furthermore, such substitute evidence is of necessity very general in nature and subject to abuse. Moreover, there is no comparable provision for converters, and this revocation removes this distinction.

DEPARTMENTALIZED RESELLERS

Under the definition and pricing provisions governing resellers, a reseller is generally classified as but one type of reseller for pricing purposes. Of course, within a given classification varying markups may be allowed depending upon the nature of the reseller's business. Ordinarily, a wholesaler specializes in his business operations. He may, for example, sell predominantly as a decorative service wholesaler, a cut-order jobber, or a piece-quantity jobber. However, there are a few resellers who maintain departments or divisions which would, if operated as separate and independent businesses, be classified as different types of resellers. If such a reseller were to be classified as but one type of reseller with respect to all of his departments, he might well have to abandon his higher cost operations (such as decorative service wholesaling) in which one of his departments historically specialized.

Consequently, to avoid inequity in such cases, a provision is now added under which such a reseller may petition the Office of Price Administration for an exception. Such exception, if granted, would enable him to establish each of the departments as a separate type of reseller provided that the appropriate qualifications can be satisfied.

In support of his petition such a reseller should certify that for at least six months during 1941 he resold woven decorative fabrics in departments which, if run then as separate businesses, would now be classified as different types of resellers. He must also certify that he maintained separate price lists, books, records and sales forces for each of these departments and that he is currently operating these departments in the same manner.

MANUFACTURER'S PRICING RESTRICTION

During this period of continuing material and labor scarcity, manufacturers have at times employed any usable raw material in their fabrics, often without much regards to their initial costs, the costs of processing them, or of producing the finished fabrics. Indeed, some few manufacturers have apparently utilized costly materials for the purpose of securing the additional dollar margin which is applicable to the higher costs under the "in-line" formula as it has existed until the present amendment.

By the provision now introduced, manufacturers are not prohibited from incurring increased costs of materials or of direct and indirect labor as compared to those of the comparable fabric. They are, however, prevented from realizing the additional profit margin which the application of the percentage factor to higher total direct costs formerly brought. The pricing restriction is applicable wherever total direct costs (the costs of materials, direct and indirect labor) exceed those of the comparable fabric when computed in accordance with the formula in Section 1400.163 (b) (3) (ii). The portion of direct costs of the new fabric above the corresponding costs of the comparable fabric is now to be added to the ceiling price of the latter, and the total becomes the ceiling price of the new fabric.

This provision is applicable to all sales of woven decorative fabrics made after the effective date of the amendment and applies as well to all fabrics whose prices were previously determined by use of the "in-line" formula. A new "in-line" report need not be submitted for a fabric already reported to the Office of Price Administration, but its ceiling price must be recalculated.

[F. R. Doc. 46-16974; Filed, Sept. 18, 1946; 11:20 a. m.]

Chapter XVIII—Office of Economic Stabilization, Office of War Mobilization and Reconversion

[Directive 136 [1]]

PART 4003—SUBSIDIES; SUPPORT PRICES

IMPORTS ON GREEN COFFEE

Pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F. R. 7871), Executive Order 9328 of April 8, 1943 (8 F. R. 4681), Executive Order 9599 of August 18, 1945 (10 F. R. 10155), Executive Order 9651 of October 30, 1945 (10 F. R. 13487), Executive Order 9697 of February 14, 1946 (11 F. R. 1691), Executive Order 9699 of February 21, 1946 (11 F. R. 1929), and Executive Order 9762 of July 25, 1946 (11 F. R. 8073), *It is hereby ordered:* The Secretary of Agriculture shall, as soon as practicable, terminate War Food Order No. 146 (11 F. R. 3785), which was issued pursuant to the directions contained in Directive 87, as amended (10 F. R. 14450, 14965; 11 F. R. 2994, 5023, 7191, 7344, 9698).

Issued and effective this 13th day of September 1946.

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

[F. R. Doc. 46-16852; Filed, Sept. 18, 1946; 9:09 a. m.]

[Directive 137 [2]]

PART 4003—SUBSIDIES: SUPPORT PRICES

MODIFICATIONS IN PREMIUM PRICE PLAN FOR COPPER, LEAD AND ZINC

Public Law 548, 79th Congress, approved July 25, 1946, directs continuation of the Premium Price Plan for Copper, Lead and Zinc until June 30, 1947. Section 6 (a) (2) thereof makes available for premium payments the sum of $100,000,000 and otherwise provides:

> That (A) premiums shall be paid on ores mined or removed from mine dumps or tailing piles before July 1, 1947, though shipped and/or processed and marketed subsequently thereto; and that (B) the premium price plan for copper, lead and zinc shall be extended until June 30, 1947, on terms not less favorable to the producer than heretofore and (i) adjustments shall be made to encourage exploration and development work; (ii) adequate allowances shall be made for depreciation and depletion, and (iii) all classes of premiums shall be noncancelable unless necessary in order to make individual adjustments of income to specific mines.

The law makes mandatory certain changes in existing practices with regard to allowances in quotas and quota revisions for exploration and development work and for depreciation and depletion. The further provision therein that the extension of the Plan shall be conducted on terms not less favorable to producers than heretofore, coupled with the mandatory changes noted, indicates the necessity of an increase in the maximum premiums payable on each metal in order to effect compliance with the statute.

[1] 32 CFR, 1946 Supp., 4003.62, note.
[2] 32 CFR, 1946 Supp., 4003.67a.

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F. R. 7871), Executive Order 9328 of April 8, 1943 (8 F. R. 4681), Executive Order 9599 of August 18, 1945 (10 F. R. 13487), Executive Order 9697 of February 14, 1946 (11 F. R. 1691), Executive Order 9699 of February 21, 1946 (11 F. R. 1929), and Executive Order 9762 of July 25, 1946 (11 F. R. 8073), the Office of Price Administration, the Civilian Production Administration, the Reconstruction Finance Corporation and the Quota Committee for the Premium Price Plan for Copper, Lead and Zinc, are authorized and directed:

(1) To modify existing practices with respect to assignment of quotas and to quota revisions in accordance with the following principles:

(a) *Provision for adjustment to encourage exploration.* (i) A new and separate class of premiums shall be established, to be paid only for the encouragement of exploration.

(ii) Exploration premiums shall be paid only on production of copper, lead and zinc ores from producing mines and shall be paid only on projects from which there is a reasonable expectation of production by December 31, 1947.

(iii) Such premiums shall be spent only for exploration for ores of copper, lead and/or zinc in domestic properties. Such properties shall ordinarily be a part of, or contiguous to, the property on the production from which premiums are paid, but may in exceptional cases be noncontiguous. These exceptional cases shall be limited to properties within the general mining area of the property on the production from which premiums are paid and so located that they will be directly supervised by the local management of the property on the production of which premiums are paid.

(iv) Mines which produced less than 600 tons of copper, lead and/or zinc in the 12 months ending June 30, 1946 shall be eligible, upon application by its operators, and upon their undertaking to spend the funds on exploration within two months after receipt of such funds, for an exploration premium of 1¢ a pound of metal produced, not to exceed $1,000 a month for any such mine.

(v) As to larger operators:

(A) Exploration premiums shall not be paid to mines which earn adequate margins without other premiums.

(B) Exploration premiums shall be assigned only for specific projects which are fully justified by detailed substantiating data.

(C) Exploration premiums will not be considered as income to the operator, nor treated as such in any of the records of the Quota Committee.

(D) All exploration premiums should be spent currently and any such premiums unspent on December 31, 1947 shall be returned to the Reconstruction Finance Corporation.

(b) *Provision for adjustments to encourage development.* Normal development is now allowed as an operating cost in all Quota Committee calculations. Subject to the qualifications below, the general method to be followed in the encouragement of development shall be the addition of not more than 20% of the normal development cost to the normal development cost in all Quota Committee calculations. Such additional allowances shall be made only after individual analysis of each case and only for those mines in which such funds can be spent to good purpose within a reasonable time and without restriction of production.

(c) *Provision for adequate allowance for depreciation.* To the allowances now made for plant ownership in lieu of depreciation in the calculation of operating margins shall be added the following allowances for mine plant, unless such mine plant has been in large part amortized by premium payments:

Complex ores	10¢ a ton of ore.
Simple lead or zinc ores	7¢ a ton of ore.
Tri-State type ores	5¢ a ton of ore.
Copper ores	0.1¢ a pound of copper.

(d) *Provision for adequate allowance for depletion.* To the allowances now made for mine ownership in lieu of depletion (50% of the basic margin calculated for the mine) there shall be added 25% of the net smelter return for each metal, other than copper, lead and zinc, contained in his product for which payment is made to the producer by the processing plant.

(2) In any case where a producer would be denied the benefit of any of the modifications provided in subparagraphs (b), (c) or (d) of paragraph (1) solely because his mining property is already receiving the maximum premiums available within existing premium ranges, upon application by a producer and recommendation by the Quota Committee:

(a) Any B lead quota may be specified to provide premium payments for each pound of lead of overquota production within a range between 15¾¢ and the sum of the ceiling price of lead and the A premium;

(b) Any C zinc quota may be specified to provide premium payments for each pound of zinc of overquota production within a range between 17½¢ and the sum of the ceiling price of zinc and the A and B premiums; and

(c) Any special copper quota may be specified to provide premium payments for each pound of copper of overquota production within a range between 28¢ and the sum of the ceiling price of copper and the A premium.

(3) These changes shall be extended to any mine after application by the operator and recommendation by the Quota Committee:

(a) New allowances in lieu of depreciation and depletion shall be effective July 1, 1946.

(b) Additional allowances for development shall be effective not earlier than the first day of the month during which application is made therefor.

(c) Exploration premiums shall be effective in each case on the date specified by the Quota Committee.

(4) To issue such rules and regulations as are necessary to carry out the purposes of this directive.

Issued and effective this 13th day of September 1946.

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

[F. R. Doc. 46-16853; Filed, Sept. 18, 1946; 9:09 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter III—Committee for Reciprocity Information

PART 315—SUGGESTIONS AS TO THE METHOD AND CHARACTER OF REPRESENTATIONS TO THE COMMITTEE FOR RECIPROCITY INFORMATION

Correction

In Federal Register Document 46-15187, appearing at page 177A-387 of the issue for Wednesday, September 11, 1946, the following changes should be made:

In § 315.1 (f) the word "interest" in the second sentence should read "interested".

In § 315.2 (a) (6) the second sentence should read as follows: "If either maintenance or reduction in the tariff is requested, information as to the critical character of the item in wartime, domestic availability, et cetera, should be provided, and in the case of an exhaustible resource, the effect upon the reserve position of the country from a relatively long-range standpoint should be given."

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 91—FUNCTIONS AND ORGANIZATION, BUREAU OF THE MINT

PART 92—PROCEDURES

Correction

In F. R. Doc. 46-15348, appearing at page 177A-66, Part II, Section 1, of the issue for September 11, 1946, the following corrections are made:

1. In § 91.4 (a) (2) (iv), the reference "in A above" should read "in subparagraph (1) of this paragraph".

2. In the first sentence of the second undesignated paragraph immediately following subparagraph (2) (iv), the reference "subparagraph (2) (vii), (viii), (ix), and (x)" should read "subparagraph (2)".

3. In inferior subdivisions *(a)* and *(b)*, the reference "(2) (x)" should read "(2) (iv)".

4. In inferior subdivisions *(c)* and *(d)*, the references "(2) (vii), (viii), (ix), and (x)" should read "subparagraph (2)".

5. The first sentence of the second paragraph of § 92.2 should read as follows:

Quarterly reports are required on Form TGR-12, from scrap gold dealers licensed on Form TGL-12, on Form TGR-13, from refiners and smelters of gold licensed on TGL-13, and on TGR-

14. from fabricators of gold products licensed on TGL-14, containing detailed information as to their operations during the preceding months.

6. In the second paragraph of § 92.7, the reference in parentheses "21 CFR, Part 90," should read "31 CFR, Part 90."

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 124—WAYBILL ANALYSIS OF TRANSPORTATION OF PROPERTY

STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of September A. D. 1946.

The matter of obtaining information regarding the transportation of property between points in the United States through an analysis of waybills of steam railroad companies being under consideration; *It is ordered*, That:

Sec.
124.1 Waybills.
124.2 Supplemental statement required and form prescribed.
124.3 Date of filing.

AUTHORITY: §§ 124.1 to 124.3, inclusive, issued under 24 Stat. 386, 34 Stat. 593, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)-(8).

§ 124.1 *Waybills.* Effective November 1, 1946, and thereafter unless otherwise ordered, all class I steam railways, other than switching and terminal companies, subject to the provisions of Part I, of the Interstate Commerce Act, and every receiver, trustee, executor, administrator, or assignee of any such steam railway, are hereby required to file an authentic copy of the front only of the audited waybills for all carload shipments terminated, whose waybill serial numbers are "1" or end with "01".

§ 124.2 *Supplemental statement required and form prescribed.* A supplemental statement furnishing additional information in accordance with the form which is attached hereto and made a part hereof[1] shall be attached to and made a part of each waybill.

§ 124.3 *Date of filing.* Copies of said audited waybills and supplemental statements should be forwarded upon completion of audit, but shall be forwarded not less than once each calendar month, to the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C.

A copy of this order shall be served upon every class I steam railroad, other than switching and terminal companies, subject to the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

[1] Filed as part of the original document.

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

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-16895; Filed, Sept. 18, 1946; 9:15 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[Docket No. AO 86-A 6]

OMAHA-COUNCIL BLUFFS 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 Omaha-Council Bluffs marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 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 the Federal Court Room, Post Office Building, Omaha, Nebraska, beginning at 10:00 a. m., c. s. t., September 24, 1946, with respect to proposed amendments to the tentatively approved marketing agreement and order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area (8 F. R. 4684, 8294; 11 F. R. 4599, 8277). These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the amendments, or to any modification thereof, which are hereinafter set forth.

The Nebraska-Iowa Non-Stock Cooperative Milk Association has proposed the following amendments:

1. Delete § 935.3 (10) and substitute therefor the following:

(10) "Other Source Milk" means milk or milk products received from sources other than producers or other handlers.

2. Delete § 935.8 (d) and substitute therefor the following:

(d) *Purchases of other source milk.* The market administrator, before making the computations pursuant to § 935.9, shall deduct the pounds of other source milk received by each handler during the delivery period, in series from the lowest classification first.

3. Delete § 935.5 (b) (1) and substitute therefor the following:

(1) Class I milk shall be all milk and milk products disposed of in fluid form (except that which has been disposed of for livestock feed or skim milk sold for bulk wholesale) as (a) milk, (b) bottled skim milk, (c) flavored milk, (d) cultured buttermilk, and (e) all milk not accounted for as Class II or Class III milk.

4. Delete § 935.5 (b) (2) and substitute therefor the following:

(2) Class II milk shall be all milk, the butterfat of which is disposed of as sweet or sour cream and any fluid cream product containing more than 6 percent butterfat.

5. Delete § 935.5 (b) (3) and substitute therefor the following:

(3) Class III milk shall be (a) all milk used to produce a milk product other than specified in Class I and Class II and (b) all milk accounted for as actual plant shrinkage but not to exceed 3 percent of the total receipts from producers.

6. Delete § 935.10 (f) and substitute therefor the following:

(f) *Butterfat differential.* If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, that amount determined by using the average price of Chicago 92-score butter plus 20 percent, divided by 10.

7. Delete § 935.8 (a) (2) (ii) and substitute therefor the following: "Exclude in series beginning with the lowest priced use the quantity of milk of such handler's own farm production."

The Beatrice Foods Company has proposed the following amendment:

1. Amend § 935.6 by adding paragraph (d).

(d) *Out of area milk.* The price to be paid by a handler for Class I milk disposed of outside of Marketing Area 35, shall be the price, as ascertained by the market administrator, which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of.

For the purpose of this section, milk produced and sold in cities operating under ordinances complying with regulations of the U. S. Public Health Service or under regulations of equal requirements shall be classed as Grade A milk.

The Roberts Dairy Company has proposed the following amendments:

1. Delete in § 935.3 (6) "the 15th day of each month, and from the 16th to, and including."

2. Add at the end of § 935.5 (3) the words "and other sources".

3. Delete § 935.6 (a) and substitute therefor 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.

4. Delete § 935.6 (b) and substitute therefor the following:

(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 class III price computed pursuant to paragraph (c) of this section is	The class I price shall be	The class II price shall be
Under $2.325	$2.85	$2.50
$2.325 or more but under $2.50	3.025	2.675
$2.50 or more but under $2.675	3.20	2.85
$2.675 or more but under $2.85	3.375	3.025
$2.85 or more but under $3.025	3.55	3.20
$3.025 or more but under $3.20	3.725	3.375
$3.20 or more but under $3.375	3.90	3.55
$3.375 or more but under $3.55	4.075	3.725
$3.55 or more but under $3.725	4.25	3.90
$3.725 or more but under $3.90	4.425	4.075
$3.90 or more but under $4.075	4.60	4.25
$4.075 or more but under $4.25	4.775	4.425

5. Delete § 935.6 (d).

6. In § 935.8 (c) delete the portions of the last 3 lines which read "shall add an amount equal to the value of such butterfat (or 3.8 percent milk equivalent) in accordance with its classifications" and substitute therefor the following: shall prorate such overrun between producer's butterfat and other source butterfat, and add an amount equal to the value of such producer butterfat at the butterfat differential value (§ 935.10 (f)).

7. Renumber § 935.9 (b) (3) as (4), (4) as (5), (5) as (6), and add a paragraph as § 935.9 (b) (3) as follows:

(3) For each of the delivery periods during 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.

8. Renumber § 935.10 (f) as (g), (g) as (h), and add a paragraph as § 935.10 (f) seasonal-adjustment fund.

(f) (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 § 935.10 (f) (2), and out of which he shall make all payments pursuant to § 935.10 (f) (3).

(2) *Payments to the seasonal-adjustment fund.* On or before the 10th day after the end of each delivery period during 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 § 935.9 (b) (3): *Provided,* That where a handler has paid a cooperative association the payments prescribed in § 935.10 (d), such cooperative association 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 § 935.9 (b) (3).

(3) *Payments out of the seasonal-adjustment fund.* (i) Starting in 1947, 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 § 935.10 (f) (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 amount under (3) (ii) of this section due any producer, who has given authority to a cooperative association to receive payments for his milk, shall be paid to such cooperative association if the cooperative association request receipt of such payment.

The Dairy Branch, Production and Marketing Administration, has proposed the following amendments:

1. Delete the provisions of § 935.3 except § 935.3 (c) and substitute therefor the following:

§ 935.3 *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 reenacted 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, irrespective of whether any such person is also a handler, who produces milk which is received at the plant of a handler which is approved by the proper health authorities and from which Class I milk or Class II milk is disposed of in the marketing area. This definition shall be deemed to include any person who produces milk which a cooperative association causes to be diverted from the plant of a handler from which Class I milk or Class II milk is disposed of in the marketing area, to a plant from which no Class I milk or Class II milk is disposed of in the marketing area.

(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 any person who, on his own behalf or on behalf of others, purchases or receives producer milk or other source milk, all, or a portion of which is disposed of as Class I milk or Class II milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include a cooperative association which causes producer milk to be delivered from a producer to a handler, or causes producer milk to be delivered to a plant from which no Class I milk or Class II milk is disposed of in the marketing area, for the account of such cooperative association and for which such cooperative association collects payment.

(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 § 935.7.

(l) "Market administrator" means the agency which is described in § 935.4 for the administration hereof.

(m) "Delivery period" means the current marketing period beginning with the 1st to, and including, the 15th day of each month, and from the 16th to, and including, the last day of each month.

2. Delete the provisions of § 935.4 and substitute therefor the following:

§ 935.4 *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:

(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 § 935.10, 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 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 § 935.5 or (b) make payments pursuant to § 935.9.

(5) Promptly verify the information contained in the reports submitted by handlers; and

(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 § 935.7; and the butterfat differential computed pursuant to § 935.9 (f).

(ii) On or before the 7th day after the end of each delivery period, the uniform price computed pursuant to § 935.8 (b) (5).

3. Delete the provision of § 935.5 and substitute therefor the following:

§ 935.5 *Reports, records and facilities*—(a) *Delivery reports 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:

(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 § 935.9; and

(3) The nature and amount of each deduction or charge involved in the payments referred to (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 required to be reported 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 associations.

4. Delete the provisions of § 935.6 and substitute therefor the following:

§ 935.6 *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 by a handler, which is not a cooperative association, who disposes of Class I milk or Class II milk 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 1 percent of butterfat which is disposed of in the form of milk, whether plain or flavored, and

(ii) Not specifically accounted for under (1) of this subparagraph 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:

(i) When caused to be delivered from a producer as fluid milk to a handler by a cooperative association, for the account of such cooperative association, and for which such cooperative association collect payments, shall be classified as follows:

(*a*) As Class I milk: *Provided*, That if the amount of such milk so sold or disposed of is in excess of the amount classified as Class I milk at such purchasing handler's plant, such excess milk shall be classified in series beginning with the next highest class in which such purchasing handler has use.

(ii) When transferred as fluid milk by a handler, which is not a cooperative association, 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.

(iii) When caused to be delivered as fluid milk by a cooperative association to a plant from which no Class I milk or Class II milk is disposed of in the marketing area, shall be classified as follows:

(*a*) As Class I milk: *Provided*, That if the cooperative association on or before the 5th day after the end of the delivery period, during which such transfer was made, furnishes 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.

(2) Subject to the conditions set forth in (d) of this section and (3) of this paragraph, skim milk and butterfat when transferred in the form of cream by a handler, which is not a cooperative association, 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 transfers as provided for in this paragraph shall operate to deter the prior subtraction of other source milk pursuant to (f) (2) of this section, or the prior subtraction of milk received from producer-handlers pursuant to (f) (3) of this section or any quantity reported for allocation to a particular class but not eligible because of (f) (2) and (f) (3) 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 establishing 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 at 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,

(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, and

(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, and

(ii) Subtracting the result obtained in (8) (iii) of this paragraph from the result obtained in (9) (i) of the 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 paragraph, and

(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 and butterfat, respectively, but not in excess of 3 percent, with respect to all receipts of skim milk and butterfat in producer milk, excluding the handler's own production;

(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, received as other source milk;

(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 from producer-handlers;

(4) Subtracting from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat, respectively, 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 (3) 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;

(5) 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 the handler's own farm production;

(6) Adding to Class III milk the amount of skim milk and butterfat, respectively, subtracted pursuant to (1) of this paragraph; and

(7) 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 § 935.7 and substitute therefore the following:

§ 935.7 *Minimum prices—*(a) *Basic formula price to be used in determining Class I milk and Class II milk prices.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk provided in this section shall be the higher of the prices per hundredweight determined pursuant to (1) or (2) of this paragraph.

(1) The average 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 Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Milk Co., Northfield, Minn.
Carnation Milk Co., Oregon, Ill.
Carnation Milk Co., Waverly, Iowa.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Libby, McNeil & Libby Co., Morrison, Ill.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

Divide the result obtained by 3.5 percent and multiply by 3.8 percent and adjust to the nearest cent.

(2) The price per hundredweight, adjusted to the nearest cent, computed by the market administrator in accordance with the following formula: multiply by 3.8 the average 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 0.95 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 the portion 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 3.8 percent milk shall be the basic formula price computed pursuant to (a) of this section, plus 75 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 3.8 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 0.962, adjusting to the nearest cent.

(c) *Class II milk prices.* The minimum price to be paid by each handler for the 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 3.8 percent milk shall be the basic formula price computed pursuant to (a) of this section, plus 40 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 3.8 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 0.962, 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 3.8 percent milk shall be the price computed pursuant to (a) (2) 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 3.8 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 3.8 percent, and

(ii) Subtracting the result obtained in (i) of this subparagraph from the Class III price computed pursuant to (1) of this paragraph, and

(iii) Dividing the result obtained in (ii) of this subparagraph by 0.962, 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) or (c) of this section is 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 provision of § 935.8 and substitute therefor the following:

§ 935.8 *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 § 935.7, the hundredweight of such skim milk and butterfat according to classification pursuant to § 935.6 (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 used of the receiving handler, there shall be added an 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 § 935.6 (f) (3).

(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 ex-

cess 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 § 935.6 (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 § 935.9 (c) and (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 3.8 percent, or adding, if the weighted average butterfat test of such milk is less than 3.8 percent, an amount computed by multiplying the total amount of butterfat represented by the variance of such weighted average butterfat test from 3.8 percent by the applicable butterfat differential computed pursuant to § 935.9 (f) 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 the "uniform price" per hundredweight for producer milk of 3.8 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 § 935.6 (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 subject to the conditions set forth in § 935.9 (d) 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 § 935.9 and § 935.10.

7. Renumber as § 935.10 Payments for milk § 935.9.

8. Renumber as § 935.11 Expense of administration § 935.10.

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 13, 1946.

[SEAL] E. A. MEYER, *Acting Administrator.*

[F. R. Doc. 46-16854; Filed, Sept. 18, 1946; 9:13 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 7802, 7448, 7603]

PURITAN BROADCASTING SERVICE, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Puritan Broadcast Service, Inc., Lynn, Massachusetts, File No. B1-P-5117; The Asher Broadcasting Service, Inc., Quincy, Massachusetts, File No. B1-P-4466; Nashua Broadcasting Corporation, Nashua, New Hampshire, File No. B1-P-4746; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations in the cities indicated, requesting the following facilities: (1) Puritan Broadcast Service, Inc., for 900 kc, 250 w power, daytime only; (2) The Asher Broadcasting Service, Inc., for 910 kc, 1 kw power, daytime only; and (3) Nashua Broadcasting Corporation, for 900 kc, 1 kw power, daytime only;

It is ordered, That the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, each upon the following issues:

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

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

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

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

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

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

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

[F. R. Doc. 46-16842; Filed, Sept. 18, 1946; 9:15 a. m.]

[Docket No. 7415]

SHAWNEE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Shawnee Broadcasting Company, Chillicothe, Ohio, for construction permit; File No. B2-P-4512.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Chillicothe, Ohio;

It is ordered, That the said application be, and it is hereby, designated for hearing upon the following issues:

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

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

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

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WMRN, Marion, Ohio, and WKBV, Richmond, Indiana, and the newly authorized station WMOA, Marietta, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That the Marion Broadcasting Company, licensee of Station WMRN, Marion, Ohio, Central Broadcasting Corporation, licensee of

Station WKBV, Richmond, Indiana, and Marietta Broadcasting Company, permittee of Station WMOA, Marietta, Ohio, be, and they are hereby, made parties to these proceedings.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-16840; Filed, Sept. 18, 1946; 9:13 a. m.]

[Docket No. 7449]

MARIO ACOSTA

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Mario Acosta, Mayaguez, Puerto Rico, for construction permit; File No. B-P-4562.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Mayaguez, Puerto Rico;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Arecibo Broadcasting Co., Inc. (File No. B-P-5047) requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Arecibo, Puerto Rico, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Arecibo Broadcasting Co., Inc. (File No. B-P-5047) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of

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Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-16841; Filed, Sept. 18, 1946; 9:16 a. m.]

[Docket No. 7803]

SOUTHERN WYOMING BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of G. Stanley Brewer, tr/as Southern Wyoming Broadcasting Co., Rawlins, Wyoming, for construction permit; File No. B5-P-4931.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946:

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Rawlins, Wyoming;

It is ordered, That the said application be and it is hereby, designated for hearing in a consolidated proceeding with the application of Rawlins Broadcasting Company (File No. B5-P-4961) requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Rawlins, Wyoming, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Rawlins Broadcasting Company (File No. B5-P-4961) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-16843; Filed, Sept. 18, 1946; 9:15 a. m.]

[Docket No. 7804]

RAWLINS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Rawlins Broadcasting Company, Rawlins, Wyoming, for construction permit; File No. B5-P-4961.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Rawlins, Wyoming;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of G. Stanley Brewer, tr/as Southern Wyoming Broadcasting Co. (File No. B5-P-4931) requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Rawlins, Wyoming, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of G. Stanley Brewer, tr/as Southern Wyoming Broadcasting Co. (File No. B5-P-4931) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby,

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

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

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

[F. R. Doc. 46-16844; Filed, Sept. 18, 1946; 9:15 a. m.]

[Docket No. 7805]

WEST VIRGINIA RADIO CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of West Virginia Radio Corporation, Pittsburgh, Pennsylvania, for construction permit; File No. B2-P-4915.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above entitled application requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 1 kw power, daytime only, at Pittsburgh, Pennsylvania;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Pittsburgh Broadcasting Company (File No. B2-P-5133) requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 1 kw power, daytime only, at Pittsburgh, Pennsylvania, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Pittsburgh Broadcasting Company (File No. B2-P-5133) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

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

[F. R. Doc. 46-16845; Filed, Sept. 18, 1946; 9:15 a. m.]

[Docket No. 7806]

PITTSBURGH BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Pittsburgh Broadcasting Company, Pittsburgh, Pennsylvania, for construction permit; File No. B2-P-5133.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 1 kw power, daytime only, at Pittsburgh, Pennsylvania;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of West Virginia Radio Corporation (File No. B2-P-4915) requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 1 kw power, daytime only, at Pittsburgh, Pennsylvania, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of West Virginia Broadcasting Company (File No. B2-P-4915) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

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

[F. R. Doc. 46-16846; Filed, Sept. 18, 1946; 9:15 a. m.]

[Docket No. 7809]

NORTHEAST OKLAHOMA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Northeast Oklahoma Broadcasting Company, Miami, Oklahoma, for construction permit; file No. B3-P-4930.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 900 kc, with 250 w power, daytime only, at Miami, Oklahoma;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Miami Broadcasting Co. (File No. B3-P-4987) requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Miami, Oklahoma, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve ob-

jectionable interference with the services proposed in the pending application of Miami Broadcasting Company (File No. B3-P-4987), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast stations.

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

By the Commission.

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

[F. R. Doc. 46-16847; Filed, Sept. 18, 1946; 9:14 a. m.]

[Docket No. 7810]

MIAMI BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Miami Broadcasting Company, Miami, Oklahoma, for construction permit; File No. B3-P-4987.

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

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 1 kw power, unlimited time using a directional antenna at night, at Miami, Oklahoma;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Northeast Oklahoma Broadcasting Company (File No. B3-P-4930) requesting a construction permit for a new standard broadcast station to operate on 900 kc, with 250 w power, daytime only, at Miami, Oklahoma, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Northeast Oklahoma Broadcasting Company (File No. B3-P-4930), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

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

[F. R. Doc. 46-16848; Filed, Sept. 18, 1946; 9:14 a. m.]

KOLA BROADCASTING CO.

[Docket No. 7812]

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Kola Broadcasting Company, a partnership composed of Hugh O. Jones, William E. Jones, James O. Jones, and Mrs. Sarah Stewart Jones, Opelousas, Louisiana, for construction permit; File No. B3-P-4917.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Opelousas, Louisiana;

It appearing, That the Commission on February 27, 1946, designated for hearing the application of James A. Noe (File No. B3-P-3888; Docket No. 7416) requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 100 w power, unlimited time, at Lake Charles, Louisiana;

It is ordered, That the above-entitled application be, and it is hereby, designated for hearing in consolidation with the hearing ordered in the said application of James A. Noe, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of James A. Noe, (File No. B3-P-3888; Docket No. 7416) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

It is further ordered, That the partnership, George H. Thomas, James J. Davidson, Jr., and Daniel H. Castille, d/b as New Iberia Broadcasting Company, licensee of Station KANE, be, and it is hereby, made a party to these proceedings.

It is further ordered, That the order of the Commission dated February 27, 1946, designating for hearing the said application of James A. Noe, and the notice of hearing issued pursuant thereto on May 14, 1946, be, and they are hereby, amended to included the above-entitled application of Kola Broadcasting Company, a partnership composed of Hugh O. Jones, William E. Jones, James O. Jones, and Sarah Stewart Jones, and to include, among the issues for hearing, issue no. 7, stated above.

By the Commission.

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

[F. R. Doc. 46-16849; Filed, Sept. 18, 1946; 9:14 a. m.]

[Docket No. 7814]

HOME NEWS PUBLISHING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Home News Publishing Company, New Brunswick, New Jersey, for construction permit; File No. B1-P-5129.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1510 kc, with 1 kw power, daytime only, at New Brunswick, New Jersey;

It is ordered, That the said application be, and it is hereby designated for hearing in a consolidated proceeding with the application of James Stolcz, d/b as Perth Amboy Broadcasting Co. (File No. B1-P-5101) requesting a construction permit for a new standard broadcast station to operate on 1510 kc, with 250 w power, daytime only, at Perth Amboy, New Jersey, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of James Stolcz, d/b as Perth Amboy Broadcasting Co. (File No. B1-P-5101) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-16850; Filed, Sept. 18, 1946; 9:13 a. m.]

[Docket No. 7815]

YAKIMA BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Yakima Broadcasting Corporation, Yakima, Washington, for construction permit; File No. B5-P-5099.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Yakima, Washington;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of C. H. Fisher, C. O. Fisher, B. N. Phillips, and James E. Phillips, d/b as Yakima Valley Broadcasting Company (File No. B5-P-5115) requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Yakima, Washington, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of C. H. Fisher, C. O. Fisher, B. N. Phillips and James E. Phillips, d/b as Yakima Valley Broadcasting Company (File No. B5-P-5115) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Broadcast Stations.

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-16851; Filed, Sept. 18, 1946; 9:16 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-353]

MICHIGAN CONSOLIDATED GAS CO.

ORDER POSTPONING HEARING

SEPTEMBER 13, 1946.

Upon consideration of the petition for continuance of hearing in this matter, filed on September 9, 1946, by Michigan Consolidated Gas Company, and

It appearing to the Commission that: good cause exists for postponing the date of hearing as hereinafter provided;

The Commission orders that:

(a) The public hearing in this matter now set to commence on September 16, 1946, be and the same is hereby postponed to November 18, 1946, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue N. W., Washington, D. C.

(b) Interested State commissions may participate in said hearing as provided in the rules of practice and procedure.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-16870; Filed, Sept. 18, 1946; 9:11 a. m.]

[Docket No. G-748]

REYNOSA PIPE LINE CO.

ORDER POSTPONING HEARING

SEPTEMBER 13, 1946.

It appearing to the Commission that:

(a) On August 27, 1946, the Commission ordered that a public hearing in the above-entitled matter be held commencing on September 18, 1946, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

(b) Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders that:

The public hearing in the above-entitled matter is hereby postponed to October 7, 1946, commencing at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-16871; Filed, Sept. 18, 1946; 9:11 a. m.]

[Docket No. G-754]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 13, 1946.

Upon consideration of the application filed on July 15, 1946, as supplemented on September 6, 1946, by Northern Natural Gas Company (Applicant) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of (1) approximately 12.27 miles of 8⅝-inch O. D. pipeline, from a point of interconnection with Applicant's 24-inch pipeline in the Southeast Quarter of Section 24, Township 6 North, Range 7 East, Gage County, Nebraska, and extending in a northwesterly direction to a point of connection with Applicant's 6-inch branch

line in the Southeast Quarter of Section 30, Township 7 North, Range 6 East, Lancaster County, Nebraska, and (2) approximately 11.5 miles of 6⅝-inch O. D. gas pipeline, from a point of connection with Applicant's 6-inch pipeline in the Northeast Quarter of Section 25, Township 15 North, Range 2 East, Butler County, Nebraska, and extending in a northeasterly direction and paralleling an existing 4-inch branch line of Applicant to a point of connection with Applicant's 6-inch branch line in the Northeast Quarter of Section 3, Township 16 North, Range 3 East, Butler County, Nebraska.

The Commission orders that:

(A) A public hearing be held commencing on September 23, 1946, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented in the above-entitled proceeding; *Provided, however*, That if no protest or petition to intervene has been filed or allowed prior to the date hereinbefore fixed for hearing, or if a protest or petition to intervene, in the judgment of the Commission, raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested State commissions may participate as provided in the Commission's rules of practice and procedure.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-16879; Filed, Sept. 18, 1946; 9:12 a. m.]

[Docket No. G-766]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 13, 1946.

Upon consideration of the application filed on August 7, 1946, by Arkansas Louisiana Gas Company (Applicant) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

A 4½-inch natural gas pipeline approximately 4,000 feet in length, to be designated line RM-14, extending in a westerly direction from Applicant's natural gas transmission pipeline known as line R, located approximately 1½ miles southeast of Mooringsport, Louisiana, to the R. S. Allday Clay Products Plant located in the Northwest Quarter of the Southwest Quarter of Section 6, Township 19 North, Range 15 West, Caddo Parish, Louisiana, together with appurtenant metering and regulating facilities and including taps in such pipeline necessary for service to future residential and commercial consumers;

The Commission orders that:

(A) A public hearing be held commencing on September 24, 1946, at 10: 00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding: *Provided, however*, That if no protest or petition to intervene has been filed or allowed prior to the date herein fixed for hearing, or if a protest, or a petition to intervene, in the judgment of the Commission raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and the evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested State commissions may participate in this hearing, as provided in the Commission's rules of practice and procedure.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-16880; Filed, Sept. 18, 1946; 9:12 a. m.]

[Docket No. G-778]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 13, 1946.

Notice is hereby given that on September 6, 1946, an application was filed with the Federal Power Commission by Cities Service Gas Company (hereinafter referred to as "Applicant"), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, and authorized to do business in the States of Oklahoma, Kansas, Texas, Nebraska and Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate approximately 2.84 miles of 18-inch pipeline and 9.41 miles of 16-inch pipeline from the juncture of discharge line from Applicant's Caney Compressor station and Cotten Valley metering station, herein called "State Line Junction," located in the Northwest Quarter (NW¼) of Southeast Quarter (SE¼) of Section 15, Township 35 South, Range 14 East, thence in a northeasterly direction to Applicant's Grabham Compressor Station located in the Northeast Quarter (NE¼) of Northeast Quarter (NE¼) of Section 27, Township 33 South, Range 15 East, all in Montgomery County, Kansas.

Applicant states that authority is sought for the proposed construction in order to safeguard the service north of Grabham Station in the event of failure of the existing facility between State Line Junction and Grabham Station, to maintain service north of Grabham Station while the existing line between State Line Junction and Grabham Station is lifted, cleaned and rehabilitated, to increase peak-day deliveries north of Grabham Station by approximately 10,000 Mcf. per day, to increase average winter-day deliveries north of Grabham Station by approximately 15,000 mcf. per day, and to increase inputs into storage in the summer time by approximately 30,000 mcf. per day.

Applicant estimates that the proposed construction will cost $242,240 but that no public financing will be involved and that all costs will be paid from working capital of the Applicant. In addition to present gas reserves, Applicant states that gas purchase contracts are now being negotiated in the Cement Townsite and Edmond, Oklahoma, areas to provide for the additional quantities of gas required to make deliveries through the proposed facility. Applicant contemplates no changes in existing rates until such time as new rate schedules are filed by Applicant and allowed to become effective by the Federal Power Commission in connection with the pending rate proceeding (G-141).

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the General Rules of Practice and Procedure of the Commission, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, creation of a board, or a joint or concurrent hearing, together, with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Cities Service Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's general rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-16881; Filed, Sept. 18, 1946; 9:34 a. m.]

[Docket No. IT-6008]

NORTHWESTERN ELECTRIC CO.

NOTICE OF APPLICATION

SEPTEMBER 12, 1946.

Notice is hereby given that on September 9, 1946, application was filed with the Federal Power Commission by Northwestern Electric Company, a corporation organized under the laws of the State of Washington with its principal business office at Portland, Oregon, seeking an order authorizing the disposition of $2,316,032.28 in its Account 107, Electric Plant Adjustments, (being the balance now remaining of the amount entered in said account pursuant to Commission order dated December 6, 1940, as affirmed by Order dated April 14, 1942) by charges of $2,100,000 to Account 270, Capital Surplus and $216,032.28 Account 271, Earned Surplus; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of October, 1946, file with the Federal Power Commission, Washington, D. C., a petition or protest in accordance

with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-16872; Filed, Sept. 18, 1946; 9:11 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 479, Special Permit 18]

STANDARD REFRIGERATION OF POTATOES AT CROZET, VA.

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 479 (11 F. R. 3367), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 479 insofar as it applies to the furnishing of standard refrigeration for 14 cars of potatoes ordered or loaded September 13, 14 or 15 at Crozet, Virginia, by Herberts Cold Storage and Ice Company, originating on the C&O RR. and destined to points in the state of Kentucky.

The waybill shall show reference to this special permit.

A copy of this special permit has been served 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 notice of this permit 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.

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

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-16874; Filed, Sept. 18, 1946; 9:11 a. m.]

[SO 479, Special Permit 19]

STANDARD REFRIGERATION OF POTATOES AT RICHMOND, VA.

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 479 (11 F. R. 3367), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 479 insofar as it applies to the furnishing of standard refrigeration for 4 cars of potatoes ordered or loaded September 13, 14 and 15 at Richmond, Virginia, by Richmond Cold Storage, and 10 cars at Fieldale, Virginia, by Patrick Henry Ice and Cold Storage, all of which are destined to points in the state of Arkansas.

The waybill shall show reference to this special permit.

A copy of this special permit has been served 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 notice of this permit 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.

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

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-16875; Filed, Sept. 18, 1946; 9:11 a. m.]

[S. O. 605]

UNLOADING OF COAL AT CARTHAGE, N. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of September A. D. 1946.

It appearing, that car Sou 320345, containing coal at Carthage, North Carolina, on the Moore Central Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action; It is ordered, that:

(a) *Coal at Carthage, N. C., on M. C. RR., be unloaded.* The Moore Central Railroad Company, its agents or employees, shall unload immediately car Sou 320345, containing coal, now on hand at Carthage, N. C., consigned to the Parker Ice and Coal 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; that a copy of this order and direction be served upon the Moore Central Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-16873; Filed, Sept. 18, 1946; 9:11 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 7417]

GOTTFRIED OFTRING

In re: Estate of Gottfried Oftring, deceased. File D-28-3575; E. T. sec. 5831.

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 Elizabeth Oftring, August Oftring, Leo Oftring, Agnes Sauer and Dorothea Ehehalt, also known as Dorothea Ehehald, and each of them, in and to the estate of Gottfried Oftring, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elizabeth Oftring, Germany.
August Oftring, Germany.
Leo Oftring, Germany.
Agnes Sauer, Germany.
Dorothea Ehehalt, also known as Dorothea Ehehald, Germany.

That such property is in the process of administration by Sophie M. Seufert, as Executrix of the Estate of Gottfried Oftring, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, 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.

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 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16876; Filed, Sept. 18, 1946; 9:11 a. m.]

[Vesting Order 7607]

MAX AUGUST MEISNER

In re: Estate of Max August Meisner, deceased. File D-28-9378; E. T. sec. 12450.

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 Else Mrozek (nee Meisner), in and to the Estate of Max August Meisner, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Else Mrozek (nee Meisner), Germany.

That such property is in the process of administration by William Meisner, as Executor, acting under the judicial supervision of the Probate Court of Cook County, Illinois,

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 September 10, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16878; Filed, Sept. 18, 1946; 9:12 a. m.]

[Vesting Order No. 7504]

JOHN HENRY COORS

In re: Estate of John Henry Coors, deceased. File No. D-28-9976; E. T. sec. 14162.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Coors Rolfs and the lawful issue of Anna Coors Rolfs, names unknown, and each of them, in and to the Estate of John Henry Coors, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Anna Coors Rolfs, Germany.
The lawful issue of Anna Coors Rolfs, names unknown, Germany.

That such property is in the process of administration by August F. Fieseler, as Executor of the Last Will and Testament of John Henry Coors, deceased, acting under the judicial supervision of the Surrogate's Court, Nassau County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 September 4, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16877; Filed, Sept. 18, 1946; 9:12 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-336]

NORTH STANDARD MINING CO.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of September A. D. 1946.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration of North Standard Mining Company, common stock, 10¢ par value, should be suspended or withdrawn; File No. 1-336.

I. It appearing to the Commission:

That North Standard Mining Company, a corporation organized under the laws of the State of Utah, is the issuer of Common Stock, 10¢ Par Value; and

That said North Standard Mining Company registered its Common Stock 10¢ Par Value, on the Salt Lake Stock Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about April 8, 1935, an application on Form 10, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on July 16, 1935 by general order of the Commission dated July 13, 1935, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said North Standard Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe

any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said North Standard Mining Company has a fiscal year ending December 31; that the annual reports for the fiscal years ended December 31, 1943, 1944 and 1945 were due to be filed not later than April 30, 1944, 1945 and 1946, respectively; that registrant made no request for extension of time within which to file said reports; that the times for filing were not extended by the Commission; and that to date registrant has not filed with the Commission any of said annual reports; and

II. The Commission having reasonable cause to believe that:

The said North Standard Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual reports for the years ended December 31, 1943, 1944 and 1945 within the times prescribed for filing said reports, and (2) it has failed to file such annual reports at any later date or dates; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said act, that a public hearing be held to determine whether North Standard Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 10¢ Par Value, of said North Standard Mining Company on the Salt Lake Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John L. Geraghty, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and 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;

It is further ordered, That the taking of testimony in this hearing begin on the 19th day of September, 1946, at 10:00 a. m. Mountain Standard Time at the Regional Office of the Securities and Exchange Commission, Room 822, 444 17th Street, Denver 2, Colorado, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 46-16868; Filed, Sept. 18, 1946; 9:10 a. m.]

[File No. 70-1307]

CAMBRIDGE ELECTRIC LIGHT CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of September 1946.

New England Gas and Electric Association (New England), a registered holding company, and Cambridge Electric Light Company (Cambridge, a subsidiary thereof, having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof, of the issue and sale by Cambridge of its notes payable to The First National Bank of Boston in amounts not exceeding in the aggregate $3,338,000, such notes to be issued and dated prior to March 31, 1948, and to mature not later than December 31, 1951, and to bear interest at a rate not exceeding 2% per annum; the proceeds from such notes to be used for proposed additions and betterments to the plant and property of Cambridge; and

New England having joined in the filing under section 12 (f) of the act by reason of its participation in the loan agreement with The First National Bank of Boston; it agreeing therein, subject to approvals required of regulatory authorities, to purchase new additional shares of capital stock of Cambridge as soon as completed fundable additions to plant of Cambridge shall permit, at which time Cambridge will issue and sell to New England additional shares of its capital stock sufficient to provide $490,000, which cash will be applied to the reduction of its note indebtedness; and

The issue and sale of such notes by Cambridge having been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts by an order dated July 16, 1946; and

Said joint application-declaration having been filed on May 24, 1946 and an amendment thereto having been filed on August 19, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application under section 6 (b) of the act that the requirements of said section have been satisfied, and that no adverse findings are necessary in respect to the declaration under section 12 (f) of the act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint application-declaration, as amended, pursuant to sections 6 (b) and 12 (f) of the act, be, and hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 46-16869; Filed, Sept. 18, 1946; 9:10 a. m.]

[File No. 70-1368]

MINNESOTA POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of September A. D. 1946.

Notice is hereby given that a declaration has been filed by Minnesota Power & Light Company, a subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder.

Notice is further given that any interested person may, not later than September 24, 1946, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be permitted to become effective pursuant to Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Minnesota Power & Light Company which has outstanding 125,000 shares of 5% Preferred Stock proposes to redeem through use of treasury cash 9,000 shares of such stock at the redemption price of $104.50 per share, plus accrued dividends to the redemption date. The shares of stock proposed to be redeemed are to be selected by lot and, upon acquisition, are to be cancelled. The redemption provisions relating to such stock require 30 days' notice of the intention to redeem.

The company has designated section 12 (c) of the act and Rule U-42 as applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-18867; Filed, Sept. 18, 1946; 9:10 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1738]

ELIZABETH 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. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

ELIZABETH COAL CO., BOX 954, MORGANTOWN, W. VA. ELDREDGE MINE, PITTSBURGH SEAM, MINE INDEX NO. 2253, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT, MORGANTOWN, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment and railroad fuel	338	338	318	313	303
Truck shipment	373	373	343	338	328

MAC-JOY SMOKELESS COAL CO., P. O. BOX 65, HOLCOMB, W. VA., MAC-JOY NO. 1 MINE, SEWELL SEAM, MINE INDEX NO. 2256, NICHOLAS COUNTY, W. VA., RAIL SHIPPING POINT, HOLCOMB, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

Price classification	A	A	A	A	A
Rail shipment and railroad fuel	448	408	383	373	373
Truck shipment	418	413	383	378	358

This order shall become effective September 19, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 1738 UNDER MAXIMUM PRICE REGULATION NO. 120

The order which this opinion accompanies establishes maximum prices and price classifications and assigns mine index numbers to mines in District No. 3 which had not been classified and numbered by the former Bituminous Coal Division. This is done in accordance with § 1340.210 (a) (6) of the Regulation which provides for this action.

Under this section, a producer is required to file an application for maximum prices and classifications based upon those of the nearest mine in the same or substantially similar seams. Generally the producer requests the prices and classifications he deems proper.

This application was then submitted to the industry advisory committee for District No. 3. The prices and classifications established are those recommended by the committee and those requested by the applicants, if a request was made, and are fair and equitable.

[F. R. Doc. 46-16888; Filed, Sept. 18, 1946; 9:20 a. m.]

[MPR 120, Amdt. 4 to Order 1716]

EDWARD TOMAJKO ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.213 (d) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1716 under Maximum Price Regulation No. 120 is hereby amended in the following respects.

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

Producer and address	Mine name	Mine index No.	Location and name of preparation plant through which the coals are prepared
*	*	*	* * *
Boyles Coal & Supply Co., 502 Neal St., New Castle, Pa.	Clintonville	2358	Harrisville Mine Preparation Plant at Harrisville, Pa., on the B. & L. E.

This Amendment No. 4 to Order No. 1716 under Maximum Price Regulation No. 120 shall become effective September, 19, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 4 TO ORDER NO. 1716 UNDER MAXIMUM PRICE REGULATION NO. 120

Boyles Coal & Supply Company, 502 Neal Street, New Castle, Pennsylvania, filed application pursuant to § 1340.213 (d) of Maximum Price Regulation No. 120, requesting that its maximum prices for strip-mined coal, produced at its Clintonville Mine, Mine Index Number 2358, and prepared at its preparation plant at Harrisville, Pennsylvania, in District No. 2, be increased 61¢ per net ton for coals delivered by all methods of transportation except truck or wagon shipment and 36¢ per net ton for truck or wagon shipment.

It appears that the applicant's strip-mined coals receive thorough cleaning and hand-picking at its preparation plant and they are such that it can be prepared to a standard of general acceptability in the coal-consuming market.

The applicant qualifies, therefore, for the requested relief under the provisions of said § 1340.213 (d). All mines of District No. 2, qualifying for an increase of 61¢ per net ton for prepared strip-mined coal delivered by all methods of transportation except truck or wagon shipment and 36¢ per net ton for truck or wagon shipment under the provisions of § 1340.213 (d) of Maximum Price Regulation No. 120, have been grouped together by Order No. 1716, as amended, under Maximum Price Regulation No. 120. Accordingly, this order is being further amended to include applicant's strip-mined coals.

[F. R. Doc. 46-16886; Filed, Sept. 18, 1946; 9:20 a. m.]

[RMPR 143, Order 43]

GOODYEAR TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Revised Maximum Price Regulation 143; *It is ordered:*

(a) The maximum retail prices for the following new sizes of tires and tubes manufactured by The Goodyear Tire & Rubber Company, Akron, Ohio, shall be:

Size	Ply	Type	Maximum retail price
			Each
5.00-12	4	Garden tractor tire	$11.00
11-42	6	Sure grip tire	93.35
9-42	6	Sure grip tire	65.10
11-42		Tractor tube	13.70
9-42		Tractor tube	9.25

(b) The maximum wholesale prices for sales of the tires and tubes described in paragraph (a) above when sold by The Goodyear Tire & Rubber Company, Akron, Ohio, shall be determined by applying the appropriate discount determined under section 3 (b) (2) under RMPR 143 to the maximum retail prices 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 RMPR 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 19, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 43 UNDER REVISED MAXIMUM PRICE REGULATION 143

The Goodyear Tire & Rubber Company of Akron, Ohio, has applied for approval of maximum retail prices for one size Garden tractor tire, two sizes of Sure Grip tires and two sizes of tractor tubes. Since these items are not listed in Appendix III to Revised Maximum Price Regulation 143 for the purpose of determination of wholesale prices when sold by the manufacturer or brand owner, it is necessary to establish such wholesale prices by authorization under section 7 of that regulation. In connection with the establishment of a wholesale price, a maximum retail price may also be established under the provisions of that section, since these tires and tubes are not priced at retail under the provisions of Revised Maximum Price Regulation 528 nor were they listed in any price list of the manufacturer as of February 1, 1944. This order, therefore, also establishes maximum retail prices for sales of these tires and tubes by any person.

The maximum prices fixed by this order bear the normal relationship to the maximum prices fixed by the regulations for other sizes of these types of tires and tubes and such maximum prices are consistent with the level of maximum prices otherwise fixed by RMPR 143 for wholesale sales and RMPR 528 for retail sales.

[F. R. Doc. 46-16889; Filed, Sept. 18, 1946; 9:19 a. m.]

[MPR 120, Order 1737]

BALL COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

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

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point.

In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

BALL COAL COMPANY, c/o MATEWAN FUEL CO., MATEWAN, W. VA., BALL COAL COMPANY MINE, ALMA SEAM, MINE INDEX NO. 7834, PIKE COUNTY, KY., SUBDISTRICT 8, RAIL SHIPPING POINT, MATEWAN, W. VA., F. O. G. 130, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 4

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	O	O	O	O	L	L	K	G	E	G	B	E	E	E
Rail shipment and railroad fuel [1]	406	401	386	386	381	381	371	371	371	406	366	356	351	351
Truck shipment	451	431	401	411	381	366	321	316	-----	-----	-----	-----	-----	-----

[1] Subject to the provisions of second revised order No. 1432 under MPR 120, as amended.

BIG CREEK FUEL CO., KERMIT, W. VA., BIG CREEK NO. 1 MINE, THACKER SEAM, MINE INDEX NO. 7827, PIKE COUNTY, KY., SUBDISTRICT 8, RAIL SHIPPING POINT, HATFIELD, KY., F. O. G. 130, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	Q	Q	Q	Q	O	O	N	L	J	L	F	K	K	K
Rail shipment [1]	391	386	381	381	371	361	366	356	351	401	356	346	341	341
Railroad fuel [1]	391	386	381	381	371	371	371	371	371	401	356	346	341	341
Truck shipment	441	421	396	396	381	356	321	316	-----	-----	-----	-----	-----	-----

[1] Subject to the provisions of second revised order No. 1432 under MPR 120, as amended.

A. J. DALTON—LOW ASH MINES, PIKEVILLE, KY., LOW ASH NO. 30 MINE, THACKER SEAM, MINE INDEX NO. 7824, PIKE COUNTY, KY., SUBDISTRICT 8, RAIL SHIPPING POINT, HATFIELD, KY., F. O. G. 130, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	Q	Q	Q	Q	O	O	N	L	J	L	F	K	K	K
Rail shipment [1]	391	386	381	381	371	361	366	356	351	401	356	346	341	341
Railroad fuel [1]	391	386	381	381	371	371	371	371	371	401	356	346	341	341
Truck shipment	441	421	396	396	381	356	321	316	-----	-----	-----	-----	-----	-----

[1] Subject to the provisions of second revised order No. 1432 under MPR 120, as amended.

DIAL COAL CO., BRANCHLAND, W. VA., DIAL COAL CO. NO. 1 MINE, ALMA SEAM, MINE INDEX NO. 7811, LINCOLN COUNTY, W. VA., SUB DISTRICT 5, RAIL SHIPPING POINT: MIDKIFF, W. VA., F. O. G. 150, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	Q	Q	Q	Q	L	L	K	H	F	H	E	K	K	K
Rail shipment	391	386	381	381	381	381	371	366	366	401	361	346	341	341
Railroad fuel	391	386	381	381	381	381	371	371	371	401	361	346	341	341
Truck shipment	441	421	396	396	381	356	321	316	-----	-----	-----	-----	-----	-----

ISLAND CREEK COAL CO., HUNTINGTON, W. VA., MINE NO. 23 MINE, L SEAM, MINE INDEX NO. 7370, LOGAN COUNTY, W. VA., SUB DISTRICT 5, RAIL SHIPPING POINT: HOLDEN, W. VA., F. O. G. 150, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	22
Price classification	J	J	J	J	K	K	F	F	E	G	D	F	F	F	L
Rail shipment and railroad fuel	436	431	421	421	406	396	381	376	371	406	361	356	351	351	301
Truck shipment	441	421	396	396	381	356	321	316	-----	-----	-----	-----	-----	-----	-----

KENTLAND—ELKHORN COAL CO., 1100 COMMERCIAL TRUST BLDG., PHILADELPHIA, PA., KENTLAND NO. 1 MINE, LOWER ELKHORN SEAM, MINE INDEX NO. 7830, PIKE COUNTY, KY., SUB DISTRICT 8, RAIL SHIPPING POINT: BIGGS AND NIGH, KY., F. O. G., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	23
Price classification	M	M	M	M	H	H	G	E	C	E	A	B	B	B	F
Rail shipment and railroad fuel	411	411	406	406	406	396	376	376	376	431	366	366	366	361	306
Truck shipment	441	421	396	396	381	356	321	316	-----	-----	-----	-----	-----	-----	-----

LESLIE CLAY COAL CORP., TRIBBEY, KY., HALS FORK MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7836, LESLIE COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT, MANCHESTER, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	K	K	K	K	J	J	H	G	E	G	D	K	K	K
Rail shipment and railroad fuel	441	436	426	426	421	411	391	386	386	421	376	361	356	356
Truck shipment	441	421	396	396	381	356	321	316	-----	-----	-----	-----	-----	-----

THE POWELLTON COAL CO., GUARANTY BANK BLDG., HUNTINGTON, W. VA., JANE ANN NO. 2 MINE, CEDAR GROVE SEAM, MINE INDEX NO. 7215, LOGAN COUNTY, W. VA., SUBDISTRICT 5, RAIL SHIPPING POINT, GARNETTE, W. VA., F. O. G. 150, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	22
Price classification	M	M	M	M	L	L	K	H	F	H	D	G	G	G	L
Rail shipment	411	411	406	406	381	381	371	366	366	401	361	356	346	341	301
Railroad fuel	411	411	406	406	381	381	371	371	371	401	361	356	346	341	301
Truck shipment	441	421	396	396	381	356	321	316	-----	-----	-----	-----	-----	-----	-----

This order shall become effective September 19, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 1737 UNDER MAXIMUM PRICE REGULATION NO. 120

The order which this opinion accompanies establishes maximum prices and price classifications and assigns mine index numbers to mines in District No. 8 which had not been classified and numbered by the former Bituminous Coal Division. This is done in accordance with § 1340.210 (a) (6) of the Regulation which provides for this action.

Under this section, a producer is required to file an application for maximum prices and classifications based upon those of the nearest mine in the same or substantially similar seams. Generally the producer requests the prices and classifications he deems proper.

This application was then submitted to the industry advisory committee for District No. 8. The prices and classifications established are those recommended by the committee and those requested by the applicants, if a request was made, and are fair and equitable.

[F. R. Doc. 46-16887; Filed, Sept. 18, 1946; 9:20 a. m.]

[MPR 188, Order 5190]

MID-STATE 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 The Mid-State Manufacturing Company, 2030 W. Chicago Avenue, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Enameled metal bed lamp	204-B	*Each* $1.79	*Each* $2.10	*Each* $3.80

These maximum prices are for the articles described in the manufacturer's application dated August 20, 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, 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 No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model 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 19th day of September 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 5190 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated August 20, 1946, the Mid-State Manufacturing Company, 2030 W. Chicago Avenue, Chicago, Illinois, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-16890; Filed, Sept. 18, 1946; 9:19 a. m.]

[MPR 591, Order 819]

FIRESTONE TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following food freezer manufactured by the Firestone Tire & Rubber Company, Akron 17, Ohio, and as described in the application dated August 21, 1946 which is on file with the Mechanical Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	Class A dealer	Class B dealer	Class C dealer	Consumer
Model 5-a-6, 10 cu. ft.	$198.84	$220.24	$251.70	$323.00

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendi-

tion 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 in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Firestone Tire & Rubber Company shall stencil on the inside of the lid of the food freezer covered by this order, substantially the following:

OPA Maximum Retail Price $------

Plus freight and crating as provided in Order No. 819 under Maximum Price Regulation No. 591.

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

This order shall become effective September 19, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 819 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying Order No. 819 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for food freezers manufactured by the Firestone Tire & Rubber Company of Akron 17, Ohio.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under sections 7 and 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices must be approved pursuant to the provisions of section 9 of Maximum Price Regulation No. 591.

In its application the company submitted its proposed prices for the commodities covered by this order. Based on an analysis of the information submitted the prices set forth in the accompanying order are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591.

In order to avoid any confusion on the part of resellers as to their maximum prices and for the purpose of protecting consumers, the accompanying order establishes dollars-and-cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products. The order also provides that distributors may, under certain circumstances, add delivery charges to the dollars-and-cents maximum prices established to cover actual freight paid to obtain delivery and crating charges actually paid.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on the part of resellers who do not have access to this order, the order provides that The Firestone Tire & Rubber Company shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices. The order further provides that The Firestone Tire & Rubber Company shall stencil on the inside of the lid of the food freezer the maximum retail price thereof.

All provisions of the accompanying order and their effect upon business practices, or cost practices or methods or means or aids to distribution in the industry or industries affected, have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, or methods established in the industry or industries affected, have been included in the order unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the order or of the Act. To the extent that the provisions of this order compel or may operate to compel changes in business practices, cost practices, or methods or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this order or of the Emergency Price Control Act of 1942, as amended.

The Price Administrator has determined, on the basis of the foregoing that the maximum prices established by the order are generally fair and equitable, and are in conformity with the Emergency Price Control Act of 1942, as amended, and Executive orders issued by the President.

[F. R. Doc. 46-16891; Filed, Sept. 18, 1946; 9:19 a. m.]

[MPR 594, Amdt. 9 to Rev. Order 4]

FORD MOTOR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 9b of Maximum Price Regulation 594; *It is ordered:*

Revised Order No. 4 under Maximum Price Regulation 594 is amended in the following respects:

1. Subparagraph (1) of paragraph (a) is amended to read as follows:

(1) *Description*	*Net wholesale price*
DeLuxe Eight:	
3-passenger coupe	$759.64
Tudor sedan	804.00
Fordor sedan	848.57
Chassis with open or closed front end	617.09
Super DeLuxe Eight:	
3-passenger coupe	812.22
Tudor sedan	856.98
Fordor sedan	901.60
Sedan coupe	890.29
Convertible coupe	1,019.34
Station wagon	1,066.10
Chassis with open or closed front end	677.53
Sportsman's convertible coupe	1,372.07

2. The schedule in subparagraph (2) (i) (*a*) of paragraph (a) is amended to read as follows:

Description	*Net wholesale price*
Ash receiver on back of front seat (Deluxe Fordor)	$1.66
Bumper center guard front (Super DeLuxe)	3.77
Bumper end guards (Super DeLuxe)	3.48
Clock, 30-hour stem wind (DeLuxe)	3.45
Electric clock (DeLuxe)	5.77
Electric clock (Super DeLuxe)	3.35
Fender shields (pair)	12.27
Generator, police type	49.61
Generator, police type, extra heavy duty	88.20
Governor	5.51
Hot water heater defroster	18.74
Hot water heater under-seat type	14.05
Oil bath air cleaner, hat type	1.74
Oil bath air cleaner, 21A-18205, 1-quart capacity	1.89
Oil bath air cleaner, 2GA-18205-B, 1-quart capacity	3.62
Oil bath air cleaner, 10A-18205	2.56
Oil filter	5.12
Oil pan with clean out hole (8 cylinder units)	2.40
Oil bath air cleaner, heavy duty	5.54
Oil bath air cleaner 59A-18205A	4.21
Optional tires:	
6.00 x 16 6-ply (except station wagon)	14.25
6.50 x 16 6-ply (except station wagon)	28.00
6.50 x 16 6-ply (station wagon)	13.75
6.00 x 18 4-ply (except station wagon)	30.00
6.00 x 18 6-ply (except station wagon)	39.25
6.00 x 18 4-ply (station wagon)	16.00
6.00 x 18 6-ply (station wagon)	25.00
Police siren	45.45
Right-hand drive	11.03
Sedan delivery driver and passenger seats in coupe	.75
Special paint options for:	
Body, hood, cowl (other than Super DeLuxe colors)	21.30
Chassis, including frame, wheels, axles, springs and fenders in one solid color, no stripe	22.05
Frame, axles, springs, brackets in one solid color, no stripe	14.70
Front and rear fenders	5.51
Colored wheels on DeLuxe units	5.51
Super DeLuxe body colors on DeLuxe units, including fenders, sheet metal and wheels	22.05
Special upholstery, genuine leather on seats only instead of cloth, for Super DeLuxe Fordor units	19.65
Super DeLuxe interior trim on DeLuxe Fordor units	20.43
Tail light, extra, for hight-hand side of station wagon	3.75
Truck type clutch, 11″ diameter	3.31
Upholstery, genuine leather for DeLuxe units	35.00
Upholstery, genuine leather for Super DeLuxe units	30.00
Wheel rings	6.19

Description	Net wholesale price
Wheel, 16" x 5" in place of 16" x 4" when 6.50 x 16 tires are installed—5 per set (except station wagon)	$4.97
100-horsepower engine	47.56

3. The schedule in subparagraph (2) (i) (*b*) of paragraph (a) is amended to read as follows:

Description	Net wholesale deduction
Sedan delivery driver's seat placed in coupe	$11.76
Six-cylinder engine	7.50

4. Subparagraph (1) of paragraph (d) is amended to read as follows:

(1) Description	List price
DeLuxe Eight:	
3-passenger coupe	$1,013
Tudor sedan	1,072
Fordor sedan	1,131
Chassis with open or closed front end	823
Super DeLuxe Eight:	
3-passenger coupe	1,083
Tudor sedan	1,143
Fordor sedan	1,202
Sedan coupe	1,187
Convertible coupe	1,359
Station wagon	1,421
Chassis with open or closed front end	903
Sportsman's convertible coupe	1,829

5. The schedule in subparagraph (2) (i) (*a*) of paragraph (d) is amended to read as follows:

Description	List price
Ash receiver on back of front seat (DeLuxe Fordor)	$2.20
Bumper center guard front (Super DeLuxe)	6.50
Bumper and guards (Super DeLuxe)	6.00
Clock, 30-hour stem wind (DeLuxe)	5.75
Electric clock (DeLuxe)	9.75
Electric clock (Super DeLuxe)	5.75
Fender shields (pair)	18.40
Generator, police type	66.15
Generator, police type, extra heavy duty	117.60
Governor	7.35
Hot water heater defroster	29.40
Hot water heater under-seat type	18.75
Oil bath air cleaner, hat type	3.00
Oil bath air cleaner, 21A-18205, 1-quart capacity	3.25
Oil bath air cleaner, 2GA-18205-B, 1-quart capacity	6.25
Oil bath air cleaner, 1GA-18205	4.80
Oil filter	8.85
Oil pan with clean out hole (8-cylinder units)	3.20
Oil bath air cleaner, heavy duty	9.55
Oil bath air cleaner 59A-18205A	7.26
Optional tires:	
6.00 x 16 6-ply (except station wagon)	18.75
6.50 x 16 6-ply (except station wagon)	37.25
6.50 x 16 6-ply (station wagon)	18.25
6.00 x 18 4-ply (except station wagon)	40.00
6.00 x 18 6-ply (except station wagon)	52.25
6.00 x 18 4-ply (station wagon)	21.25
6.00 x 18 6-ply (station wagon)	33.25
Police siren	60.60
Right hand drive	14.70
Sedan delivery driver and passenger seats in coupe	1.00
Special paint options for:	
Body, hood, cowl (Other than Super DeLuxe colors)	21.30
Chassis including frame, wheels, axles, springs and fenders in one solid color, no stripe	22.05
Frame, axles, springs, brackets in one solid color, no stripe	14.70
Front and rear fenders	7.35
Special paint options for—Con.	
Colored wheels on DeLuxe units	$7.35
Super DeLuxe body colors on DeLuxe units, including fenders, sheet metal and wheels	29.40
Special upholstery, genuine leather on seats only instead of cloth, for Super DeLuxe Fordor units	26.20
Super DeLuxe interior trim on DeLuxe Fordor units	27.25
Tail light, extra, for right-hand side of station wagon	5.00
Truck type clutch, 11" diameter	4.40
Upholstery, genuine leather for DeLuxe units	47.00
Upholstery, genuine leather for Super DeLuxe units	40.00
Wheel rings	10.65
Wheel, 16" x 5" in place of 16" x 4" when 6.50 x 16 tire are installed—5 per set (except station wagon)	6.65
100-horsepower engine	36.75

6. The schedule in subparagraph (2) (i) (*b*) of paragraph (d) is amended to read as follows:

Description	List price deduction
Sedan Delivery driver's seat placed in coupe	$15.70
Six cylinder engine	10.00

7. Paragraph (f) is redesignated paragraph (g) and a new paragraph (f) is added to read as follows:

(f) The maximum prices authorized in this order shall remain in effect for Ford automobiles and extra or optional equipment sold by the Company prior to March 15, 1947. In the absence of action by the Administrator either extending the effective period of or adjusting, the maximum prices established by this order as amended on September 16, 1946, the maximum prices for Ford automobiles and extra or optional equipment sold by the Company on or after March 15, 1947, shall be the maximum prices for such automobiles and extra optional equipment in effect on September 15, 1946.

This amendment shall become effective September 16, 1946, for Ford automobiles sold by the Company on and after September 16, 1946.

Issued this 16th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING THE FOLLOWING AMENDMENTS TO ORDERS UNDER MAXIMUM PRICE REGULATION 594: AMDT. 9 TO REV. ORDER 4, AMDT. 8 TO REV. ORDER 5, AMDT. 9 TO ORDER 6

This action authorizes increases in maximum prices of Ford, Mercury and Lincoln passenger automobiles.

The Ford Motor Company applied for an adjustment in its maximum reconversion prices under the provisions of section 9b of Maximum Price Regulation 594. Section 9b authorizes the Administrator to adjust maximum reconversion prices for new passenger automobiles when he finds the applying manufacturer to be in a financial hardship position. The standard for determining hardship and the extent of the adjustment that may be granted to remove it, which is now in effect for section 9b cases is set out in detail in the Supplementary Statement of Considerations to Maximum Price Regulation 594 which is being issued along with this action.

The Company qualifies for relief because on the basis of its most recent profit and loss statement it is in an over-all loss position and has comparatively little prospect of change from that position in the near future.

In accordance with the standard described in the Supplementary Statement of Considerations a new increase factor to be applied to January 1, 1941 prices was computed. Cost increases recognized by the reconversion formula and previously included in the company's increase factors were used plus the additional cost factors which the new standard recognizes for the first time. As explained in the Supplementary Statement of Considerations, the previous hardship adjustment standard was the reworking of the reconversion formula and the use of only increases in basic wage rate schedules and in the general level of materials prices. The new standard recognizes more up to date materials price increases and additional items of measureable labor cost. The use of the newly recognized cost increases in determ[illegible]ing the various cost increase factors and the over-all price increase factor is explained in the following paragraphs.

The new adjustment standard permits the use of increases in the general level of materials prices as of August 31, 1946. The new materials cost increase factor, so developed, was then applied to direct and indirect material costs wherever they occurred on the composite profit and loss statement for the period ending June 30, 1941, which is used in the computation of the over-all increase factor.

The amount to be included in the increase factor for increases in labor cost was determined by the use of increases in average hourly earnings. Formerly only increases in basic wage rates schedules were recognized. By the use of increases in average hourly earnings fringe increases in direct labor cost are recognized. In the case of the Ford Motor Company, the fringe increases were its cost for lunch period and wash-up period programs which were put into effect by the company subsequent to June 30, 1941. Since these programs became effective subsequent to June 30, 1941, none of their costs were included in the composite profit and loss statement for the fiscal period ending June 30, 1941, which is used as the base for determining adjusted costs. Their total costs are now included in the new labor cost increase factor. This revised labor increase factor was then applied to all direct and indirect labor costs wherever they appeared on the composite profit and loss statement.

Increases in certain components of factory burden not recognized under the reconversion formula were included in the increase factor. The cost increases are those in workmen's compensation expense and in vacation pay allowances. The workmen's compensation expense increase was determined at the present rate. The company's vacation pay program was inaugurated subsequent to June 30, 1941. As a result, not any of the cost was included in the composite

profit and loss statement for the fiscal year ending June 30, 1941. This being the case the full cost of the vacation pay program, like the full cost of the lunch and clean-up period programs, has been included in the new price increase factor.

General and administrative salary increases were included for the first time in the price increase factor. In accordance with the new adjustment standard the actual increase in such salaries up to the level of the cost increase factor for direct and indirect labor were included.

No recognition was given to cost components in factory or commercial burden other than those enumerated above since, although they may be fixed expenses, their per unit cost allocation varies with volume, and no cost deficiencies resulting from low volume are recognized under the new hardship adjustment standard. To the adjusted costs described above was applied ½ the automobile industry's profit margin over cost for the years 1936 to 1939. The adjusted costs and profit were then totalled to obtain an adjusted net sales figure. This net sales figure was then divided by the net sales figure of the 1941 composite profit and loss statement to obtain the new increase factor.

The resulting increase factor yielded adjusted current costs lower than current recorded costs, and, therefore, in accordance with the new hardship adjustment standard, it has been applied to the January 1, 1941 prices for corresponding models, and the resulting amounts increased by permissible allowances for specification changes to obtain the new maximum prices. The increases in maximum wholesale prices range from $32 to $72 for Fords, $39 to $81 for the Mercury, and $96 to $191 for the Lincoln. The average increase for each make approximates 6%.

This action is temporary to meet the acute financial hardship in which the Ford Motor Company finds itself under present conditions. In view of the uncertainty of production prospects for the automobile industry this action is effective only to March 15, 1947 and subject to review at or prior to that time.

The company's maximum prices for extra or optional equipment prior to this action were, at the request of the company, those in effect for 1942 Model year automobiles and did not reflect the increases which it could have obtained under Maximum Price Regulation 594. In accordance with the company's recent request, this action includes maximum prices for certain items of extra or optional equipment which reflect for the first time the increases to which the company is entitled under sections 8 and 9b of Maximum Price Regulation 594.

The increases granted to the Ford Motor Company are passed on percentage-wise to consumers. Increases at the manufacturing level must be reflected percentage-wise in retail prices in accordance with the new sub-section (q) incorporated in section 2 of the Emergency Price Control Act of 1942, as amended, by the Price Control Extension Act of 1946.

[F. R. Doc. 46-16892; Filed, Sept. 18, 1946; 9:17 a. m.]

[MPR 594, Amdt. 8 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 section 9b of Maximum Price Regulation 594, *It is ordered*:

Revised Order 5 under Maximum Price Regulation 594 is amended in the following respects:

1. Subparagraph (1) of paragraph (a) is amended to read as follows:

(1) *Description*	*Net wholesale price*
Sedan (2-door)	$1,002.91
Town sedan (4-door)	1,046.05
Sedan coupe	1,036.30
Club convertible	1,187.97
Station wagon	1,200.40
Chassis with open or closed front end	751.90
Sportsman's convertible coupe	1,539 24

2. The schedule in subparagraph (2) (i) of paragraph (a) is amended to read as follows:

Description	*Net wholesale price*
Bumper end guards	$3.48
Fender shields (pair)	12.27
Generator—Police type	49.61
Generator—Police type, extra heavy duty type	88.20
Governor	5.51
Hot water heater defroster	18.74
Hot water heater, under-seat type	14.05
Oil bath air cleaner, hat type	1.74
Oil bath air cleaner, heavy duty	5.54
Oil bath air cleaner, 21A-1805, 1-quart capacity	1.89
Oil bath air cleaner, 59A-18205A	4.21
Oil filter	5.12
Right hand drive	11.03
Special paint options:	
Body, hood, cowl—Other than Ford Super Deluxe colors	21.30
Chassis including frame, wheels, axles, springs and fenders in one solid color, no stripe	22.05
Frame, axles, springs, brackets in one solid color, no stripe	14.70
Front and rear fenders	5.51
Colored wheels	5.51
Tire options:	
4-6.50 x 15 6-ply tires and tubes	6.64
Upholstery—Genuine leather, except Coupe	45.00
Upholstery—Genuine leather, Coupe	40.00
Wheel rings, set of 5	6.19

3. Subparagraph (1) of paragraph (d) is amended to read as follows:

(1) *Description*	*List price*
Sedan (2-door)	$1,354
Town sedan (4-door)	1,412
Sedan coupe	1,399
Club convertible	1,604
Station wagon	1,621
Chassis with open or closed front end	1,015
Sportsman's convertible coupe	2,078

4. The schedule in subparagraph (2) (i) of paragraph (d) is amended to read as follows:

(1) *Description*	*List price*
Bumper end guards	$6.00
Fender shields (pair)	18.40
Generator—Police type	66.15
Generator—Police type, extra heavy duty type	117.60
Governor	7.35
Hot water heater defroster	29.40
Hot water heater, under-seat type	18.75
Oil bath air cleaner, hat type	3.00
Oil bath air cleaner, heavy duty	$9.55
Oil bath air cleaner, 21A-18205, 1-quart capacity	3.25
Oil bath air cleaner, 59A-18205A	7.26
Oil filter	8.85
Right hand drive	14.70
Special paint options:	
Body, hood, cowl—Other than Ford Super Deluxe colors	21.30
Chassis including frame, wheels, axles, springs and fenders in one solid color, no stripe	22.05
Frame, axles, springs, brackets in one solid color no stripe	14.70
Front and rear fenders	7.35
Colored Wheels	7.35
Tire options:	
4-6.50 x 15 6-ply tires and tubes	8.85
Upholstery—Genuine leather, except coupe	60.00
Upholstery—Genuine leather, coupe	54.00
Wheel rings, set of 5	10.65

5. Paragraph (f) is redesignated paragraph (g) and a new paragraph (f) is added to read as follows:

(f) The maximum prices authorized in this order shall remain in effect for Mercury automobiles and extra or optional equipment sold by the Company prior to March 15, 1947. In the absence of action by the Administrator either extending the effective period of or adjusting, the maximum prices established by this Order as amended on September 16, 1946, the maximum prices for Mercury automobiles and extra or optional equipment sold by the Company on or after March 15, 1947 shall be the maximum prices for such automobiles and extra optional equipment in effect on September 15, 1946.

This Amendment shall become effective September 16, 1946 for Mercury automobiles sold by the Company on and after September 16, 1946.

Issued this 16th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING THE FOLLOWING AMENDMENTS TO ORDERS UNDER MAXIMUM PRICE REGULATION 594: AMDT. 9 TO REV. ORDER 4, AMDT. 8 TO REV. ORDER 5, AMDT. 9 TO ORDER 6

This action authorizes increases in maximum prices of Ford, Mercury and Lincoln passenger automobiles.

The Ford Motor Company applied for an adjustment in its maximum reconversion prices under the provisions of section 9b of Maximum Price Regulation 594. Section 9b authorizes the Administrator to adjust maximum reconversion prices for new passenger automobiles when he finds the applying manufacturer to be in a financial hardship position. The standard for determining hardship and the extent of the adjustment that may be granted to remove it, which is now in effect for section 9b cases is set out in detail in the Supplementary Statement of Considerations to Maximum Price Regulation 594 which is being issued along with this action.

The company qualifies for relief because on the basis of its most recent profit and loss statement it is in an over-all loss position and has comparatively

little prospect of change from that position in the near future.

In accordance with the standard described in the Supplementary Statement of Considerations a new increase factor to be applied to January 1, 1941 prices was computed. Cost increases recognized by the reconversion formula and previously included in the company's increase factors were used plus the additional cost factors which the new standard recognizes for the first time. As explained in the Supplementary Statement of Considerations, the previous hardship adjustment standard was the reworking of the reconversion formula and the use of only increases in basic wage rate schedules and in the general level of materials prices. The new standard recognizes more up to date materials price increases and additional items of measurable labor cost. The use of the newly recognized cost increases in determining the various cost increase factors and the over-all price increase factor is explained in the following paragraphs.

The new adjustment standard permits the use of increases in the general level of materials prices as of August 31, 1946. The new materials cost increase factor, so developed, was then applied to direct and indirect material costs wherever they occurred on the composite profit and loss statement for the period ending June 30, 1941, which is used in the computation of the over-all increase factor.

The amount to be included in the increase factor for increases in labor cost was determined by the use of increases in average hourly earnings. Formerly only increases in basic wage rates schedules were recognized. By the use of increases in average hourly earnings fringe increases in direct labor cost are recognized. In the case of the Ford Motor Company, the fringe increases were its cost for lunch period and wash-up period program which were put into effect by the company subsequent to June 30, 1941. Since these programs became effective subsequent to June 30, 1941, none of their costs were included in the composite profit and loss statement for the fiscal period ending June 30, 1941, which is used as the base for determining adjusted costs. Their total costs are now included in the new labor cost increase factor. This revised labor increase factor was then applied to all direct and indirect labor costs wherever they appeared on the composite profit and loss statement.

Increases in certain components of factory burden not recognized under the reconversion formula were included in the increase factor. The cost increases are those in workmen's compensation expense and in vacation pay allowances. The workmen's compensation expense increase was determined at the present rate. The company's vacation pay program was inaugurated subsequent to June 30, 1941. As a result, not any of the cost was included in the composite profit and loss statement for the fiscal year ending June 30, 1941. This being the case the full cost of the vacation pay program, like the full cost of the lunch and clean-up period programs, has been included in the new price increase factor.

General and Administrative salary increases were included for the first time in the price increase factor. In accordance with the new adjustment standard the actual increase in such salaries up to the level of the cost increase factor for direct and indirect labor were included.

No recognition was given to cost components in factory or commercial burden other than those enumerated above since, although they may be fixed expenses, their per unit cost allocation varies with volume, and no cost deficiencies resulting from low volume are recognized under the new hardship adjustment standard. To the adjusted costs described above was applied half the automobile industry's profit margin over cost for the years 1936 to 1939. The adjusted costs and profit were then totalled to obtain an adjusted net sales figure. This net sales figure was then divided by the net sales figure of the 1941 composite profit and loss statement to obtain the new increase factor.

The resulting increase factor yielded adjusted current costs lower than current recorded costs, and, therefore, in accordance with the new hardship adjustment standard, it has been applied to the January 1, 1941 prices for corresponding models, and the resulting amounts increased by permissible allowances for specification changes to obtain the new maximum prices. The increases in maximum wholesale prices range from $32 to $72 for Fords, $39 to $81 for the Mercury, and $96 to $191 for the Lincoln. The average increase for each make approximates 6%.

This action is temporary to meet the acute financial hardship in which the Ford Motor Company finds itself under present conditions. In view of the uncertainty of production prospects for the automobile industry this action is effective only to March 15, 1947 and subject to review at or prior to that time.

The company's maximum prices for extra or optional equipment prior to this action were, at the request of the company, those in effect for 1942 Model year automobiles and did not reflect the increases which it could have obtained under Maximum Price Regulation 594. In accordance with the company's recent request, this action includes maximum prices for certain items of extra or optional equipment which reflect for the first time the increase to which the company is entitled under section 8 and 9b of Maximum Price Regulation 594.

The increases granted to the Ford Motor Company are passed on percentage-wise to consumers. Increases at the manufacturing level must be reflected percentage-wise in retail prices in accordance with the new subsection (q) incorporated in section 2 of the Emergency Price Control Act of 1942, as amended, by the Price Control Extension Act of 1946.

[F. R. Doc. 46-16893; Filed, Sept. 18, 1946; 9:17 a. m.]

[MPR 594, Amdt. 9 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 section 9b of Maximum Price Regulation 594; *It is ordered:*

Order No. 6 under Maximum Price Regulation 594, is amended in the following respects:

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

(1) New automobiles.

Description	*Net wholesale price*
Sedan, 4-door, model 73	$1,613.70
Club coupe, model 77	1,600.75
Sedan, 4-door, model 73 with custom interior	1,718.43
Club coupe, model 77 with custom interior	1,705.48
Convertible coupe, model 76	1,997.50
Continental coupe, model 57	3,046.94
Continental cabriolet, model 56	3,105.53

2. The schedule in paragraph (a) (2) (i) is amended to read as follows:

Description	*Net wholesale price*
Antenna shield	$0.58
Antenna fender mount manual type	3.75
Antenna fender mount vacuum type	9.25
Automatic overdrive (Warner)	71.66
Center bumper guard—rear	3.37
Gas tank locking cap	0.78
Hot air heater—complete with dual defrosters	26.46
Hot air heater—complete with dual defrosters (models 56 and 57)	41.16
Hot water heater—complete with dual defrosters (all models except 56 and 57)	46.16
Hot water heater for rear compartment	13.38
License plate frames	1.50
Radio bezel	2.00
Rear center arm rest in sedan or club coupe (except custom interior)	20.25
Right-hand drive	16.54
Roadlamps, pair	11.54
Seat covers—sedan and club coupe	15.00
Side mirror (left or right hand)	4.97
Special solid colors	88.29
Spotlight assembly with bracket (5EH-18552)	12.49
Standard leathers in sedan and club coupe	82.69
Tires and tubes; 4 700 x 15 6-ply	4.60
Visor vanity mirror	1.34
Wheel bands (set of 5)	6.92

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

(1) New automobiles.

Description	*List price*
Sedan, 4-door, model 73	$2,185
Club coupe, model 77	2,167
Sedan, 4-door, model 73 with custom interior	2,327
Club coupe, model 77 with custom interior	2,309
Convertible coupe, model 76	2,704
Continental coupe, model 57	4,125
Continental cabriolet, model 56	4,205

4. The schedule in paragraph (c) (2) (i) is amended to read as follows:

Description	*List price*
Antenna shield	$1.00
Antenna fender mount manual type	5.50
Antenna fender mount vacuum type	13.50
Automatic overdrive (Warner)	95.55

Description	List price
Center bumper guard—rear	$5.35
Gas tank locking cap	1.35
Hot air heater—complete with dual defrosters	41.15
Hot air heater—complete with dual defrosters (models 56 and 57)	58.80
Hot water heater—complete with dual defrosters (all models except 56 and 57)	64.65
Hot water heater for rear compartment	18.75
License plate frames	2.60
Radio bezel	3.00
Rear center arm rest in sedan or club coupe (except custom interior)	27.00
Right-hand drive	22.05
Roadlamps, pair	17.00
Seat covers—sedan and club coupe	21.00
Side mirror (left or right hand)	6.80
Special solid colors	117.60
Spotlight assembly with bracket (5EH-18552)	19.50
Standard leathers in sedan and club coupe	110.25
Tires and tubes: 4 700 x 15, 6-ply	6.45
Visor vanity mirror	1.75
Wheel bands (set of 5)	11.55

5. Paragraph (e) is redesignated paragraph (f) and a new paragraph (e) is added to read as follows:

(e) The maximum prices authorized in this order shall remain in effect for Lincoln automobiles and extra or optional equipment sold by the Company prior to March 15, 1947. In the absence of action by the Administrator either extending the effective period of or adjusting, the maximum prices established by the order as amended on September 16, 1946, the maximum prices for Lincoln automobiles and extra or optional equipment sold by the Company on or after March 15, 1947 shall be the maximum prices for such automobiles and extra or optional equipment in effect on September 15, 1946.

This amendment shall become effective September 16, 1946 for Lincoln automobiles sold by the Company on and after September 16, 1946.

Issued this 16th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING THE FOLLOWING AMENDMENTS TO ORDERS UNDER MAXIMUM PRICE REGULATION 594: AMDT. 9 TO REV. ORDER 4, AMDT. 8 TO REV. ORDER 5, AMDT. 9 TO ORDER 6

This action authorizes increases in maximum prices of Ford, Mercury and Lincoln passenger automobiles.

The Ford Motor Company applied for an adjustment in its maximum reconversion prices under the provisions of section 9b of Maximum Price Regulation 594. Section 9b authorizes the Administrator to adjust maximum reconversion prices for new passenger automobiles when he finds the applying manufacturer to be in a financial hardship position. The standard for determining hardship and the extent of the adjustment that may be granted to remove it, which is now in effect for section 9b cases is set out in detail in the Supplementary Statement of Considerations to Maximum Price Regulation 594 which is being issued along with this action.

The company qualifies for relief because on the basis of its most recent profit and loss statement it is in an over-all loss position and has comparatively little prospect of change from that position in the near future.

In accordance with the standard described in the Supplementary Statement of Considerations a new increase factor to be applied to January 1, 1941, prices was computed. Cost increases recognized by the reconversion formula and previously included in the company's increase factors were used plus the additional cost factors which the new standard recognizes for the first time. As explained in the Supplementary Statement of Considerations, the previous hardship adjustment standard was the reworking of the reconversion formula and the use of only increases in basic wage rate schedules and in the general level of materials prices. The new standard recognizes more up to date materials price increases and additional items of measurable labor cost. The use of the newly recognized cost increases in determining the various cost increase factors and the over-all price increase factor is explained in the following paragraphs.

The new adjustment standard permits the use of increases in the general level of materials prices as of August 31, 1946. The new materials cost increase factor, so developed, was then applied to direct and indirect material costs wherever they occurred on the composite profit and loss statement for the period ending June 30, 1941 which is used in the computation of the over-all increase factor.

The amount to be included in the increase factor for increases in labor cost was determined by the use of increases in average hourly earnings. Formerly only increases in basic wage rates schedules were recognized. By the use of increases in average hourly earnings fringe increases in direct labor cost are recognized. In the case of the Ford Motor Company, the fringe increases were its cost for lunch period and wash-up period programs which were put into effect by the company subsequent to June 30, 1941. Since these programs became effective subsequent to June 30, 1941, none of their costs were included in the composite profit and loss statement for the fiscal period ending June 30, 1941 which is used as the base for determining adjusted costs. Their total costs are now included in the new labor cost increase factor. This revised labor increase factor was then applied to all direct and indirect labor costs wherever they appeared on the composite profit and loss statement.

Increases in certain components of factory burden not recognized under the reconversion formula were included in the increase factor. The cost increases are those in workmen's compensation expense and in vacation pay allowances. The workmen's compensation expense increase was determined at the present rate. The company's vacation pay program was inaugurated subsequent to June 30, 1941. As a result, not any of the cost was included in the composite profit and loss statement for the fiscal year ending June 30, 1941. This being the case the full cost of the vacation pay program, like the full cost of the lunch and clean-up period programs, has been included in the new price increase factor.

General and Administrative salary increases were included for the first time in the price increase factor. In accordance with the new adjustment standard the actual increase in such salaries up to the level of the cost increase factor for direct and indirect labor were included.

No recognition was given to cost components in factory or commercial burden other than those enumerated above since, although they may be fixed expenses, their per unit cost allocation varies with volume, and no cost deficiencies resulting from low volume are recognized under the new hardship adjustment standard. To the adjusted costs described above was applied half the automobile industry's profit margin over cost for the years 1936 to 1939. The adjusted costs and profit were then totaled to obtain an adjusted net sales figure. This net sales figure was then divided by the net sales figure of the 1941 composite profit and loss statement to obtain the new increase factor.

The resulting increase factor yielded adjusted current costs lower than current recorded costs, and, therefore, in accordance with the new hardship adjustment standard, it has been applied to the January 1, 1941 prices for corresponding models, and the resulting amounts increased by permissible allowances for specification changes to obtain the new maximum prices. The increases in maximum wholesale prices range from $32 to $72 for Fords, $39 to $81 for the Mercury, and $96 to $191 for the Lincoln. The average increase for each make approximates 6%.

This action is temporary to meet the acute financial hardship in which the Ford Motor Company finds itself under present conditions. In view of the uncertainty of production prospects for the automobile industry this action is effective only to March 15, 1947 and subject to review at or prior to that time.

The company's maximum prices for extra or optional equipment prior to this action were, at the request of the company, those in effect for 1942 Model year automobiles and did not reflect the increases which it could have obtained under Maximum Price Regulation 594. In accordance with the company's recent request, this action includes maximum prices for certain items of extra or optional equipment which reflect for the first time the increases to which the company is entitled under section 8 and 9b of Maximum Price Regulation 594.

The increases granted to the Ford Motor Company are passed on percentage-wise to consumers. Increases at the manufacturing level must be reflected percentage-wise in retail prices in accordance with the new subsection (q) incorporated in section 2 of the Emergency Price Control Act of 1942, as amended, by the Price Control Extension Act of 1946.

[F. R. Doc. 46-16894; Filed, Sept. 18, 1946; 9:15 a. m.]

[2d Rev. MPR 26, Order 1]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

APPROVAL OF MAXIMUM PRICES FOR BROOM AND MOP HANDLE SQUARES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to 2d Revised Maximum Price Regulation 26, *it is ordered:*

(a) The maximum prices for Douglas fir broom and mop handle squares are:

Douglas Fir Handle Squares, Rough, Green

1 x 1 x 36" at $13.00 M pieces.
1 x 1 x 42" at $15.25 M pieces.
1 x 1 x 48" at $17.25 M pieces.
1 x 1 x 54" at $19.50 M pieces.
1¼ x 1¼ x 42 and 48" at $27.00 M pieces.
1¼ x 1¼ x 96" at $58.50 M pieces.
1⅛ x 1⅛ x 37" at $18.25 M pieces.

(b) All provisions of 2d Revised Maximum Price Regulation 26 not inconsistent with this order, apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective September 18, 1946.

Issued this 18th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING THE ISSUANCE OF ORDER NO. 1 TO 2D REVISED MAXIMUM PRICE REGULATION 26

This order is issued to grant a discretionary price increase of approximately 35 percent on broom and mop handle squares formerly priced by letter order under 2d Revised Maximum Price Regulation 26, Douglas Fir and Other West Coast Lumber. This increase is necessary to provide a relationship with plaster lath prices favorable enough to permit the minimum necessary production of handle squares.

Both plaster lath and handle squares are made from slabs and edgings and both are manufactured on the same machines. An increase of over 80 percent in the price of plaster lath was granted temporarily by Amendment 21 to Revised Maximum Price Regulation 26 and continued by the 2d revision of that regulation. The available information indicates that this action has substantially increased the production of lath and thereby materially reduced the critical shortage that was the basis for the incentive increase. The price increase resulted in a greater utilization of machine capacity and waste. But a part of the increased lath production has been at the expense of handle square production and has resulted in an increasingly acute shortage of that necessary item. The Civilian Production Administration, therefore, has certified to this office that present essential consumer requirements will be most effectively met by restoring a more nearly normal relationship between the production of plaster lath and broom and mop handle squares. That agency has urged that the Price Administrator increase the price of handle squares and investigate the most appropriate reduction of lath prices in order to achieve the price and production relationship best adapted to present needs. Because of the present acute shortage of handle squares, this Order is issued at this time and is to be followed by an appropriate price reduction for plaster lath. This increase is discretionary in nature and is made pursuant to Executive Order 9599.

The increase granted by this Order establishes a price relationship between the principal sizes of handle squares, 1¼" x 1¼" x 42" and 48", and No. 1 plaster lath midway between the ratio existing before the incentive price increase on lath and the ratio existing after that increase was granted. The information available indicates that this price will provide for sufficient production to meet handle square requirements. Prices for the other sizes are related to the price for the principal sizes on the basis of relative lumber content except for the price of 8' lengths which are priced slightly higher because of greater difficulty of production.

In view of the above considerations, the Administrator finds that this Order is necessary and proper and consistent with the purposes and standards of the Price Control Extension Act of 1946 and the Executive Orders of the President.

[F. R. Doc. 46-16972; Filed, Sept. 18, 1946; 11:19 a. m.]

[MPR 61, Order 17]

SHEEP AND LAMB LEATHER

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 19 of Maximum Price Regulation 61, it is ordered:

(a) *Applicability.* This order applies to leather tanned in the continental United States from sheepskins and lambskins, but does not apply to chamois leather nor to leather made from hair sheepskins, coarse woolskins, shearlings, skivers, imported semi-tanned sheepskins or imported semi-tanned lambskins.

(b) *Adjustment of maximum price.* On and after September 18, 1946, the maximum price of any leather specified in this order may be adjusted in accordance with the provisions of this paragraph (b).

(1) *Tanners.* Except as provided in paragraphs (c) and (d), below, on the first day of each calendar month, a tanner who determines his adjustment under this subparagraph (b) (1) may adjust his maximum price as follows:

Step 1. Take the invoice price per square foot of the leather specified in this order (not to exceed his maximum price established under Maximum Price Regulation 61, before any adjustment under this or any other order issued pursuant to Maximum Price Regulation 61) and multiply it by the number of square feet being sold to determine his invoice price for each item of such leather.

Step 2. Add all invoice prices of each item of such leather being sold and for which he is authorized to adjust his maximum price pursuant to the terms of this order to determine his total invoice price for all items of such leather being sold.

Step 3. Determine the applicable cents per square foot adjustment in Column II of Schedule A which corresponds to the applicable percentage group in Column I of Schedule A. The applicable percentage group in Column I is determined as follows: determine the total number of raw sheepskins and raw lambskins (domestic and imported) soaked by the tanner during the preceding month. Then, determine what percent of this total were imported raw sheepskins and lambskins.

Step 4. Multiply the amount of adjustment ascertained under Step 3 by the number of square feet of leather being sold for which the maximum price is to be adjusted under this order, to obtain the total dollar amount of adjustment. Add this amount to the total invoice price determined under Step 2.

No adjustment may be taken under this subparagraph unless the invoice so adjusted in accordance with the provisions thereof is dated the same month in which the delivery of such leather is made.

NOTE: The adjustment permitted by Revised Order No. 14, under Maximum Price Regulation 61 may not be computed on the amount of adjustment determined under this order.

To illustrate—

Assume that a tanner sells 3000 square feet of Cowhide Leather G at 30 cents per square foot and 1000 square feet of sheep lining leather at 15 cents per square foot and 2000 square feet of aniline finish pocketbook sheep leather at 20 cents per square foot. Of the total amount of raw sheepskins and lambskins this tanner soaked during the preceding month, 75 per cent was imported and he so reported to the Office of Price Administration in accordance with paragraph (c). His percentage group of imported sheepskins soaked appears in the percentage group which reads "70% or over but less than 80%" in Column I of Schedule A of this order. The adjustment for this group is 6 cents per square foot. The tanner would invoice the sale of this leather as follows:

3,000 sq. ft., cowhide leather G at 30¢ sq. ft.	$900.00
1,000 sq. ft., sheep lining leather at 15¢ sq. ft.	150.00
2,000 sq. ft., aniline finish pocketbook sheep leather at 20¢ sq. ft.	400.00
	1,450.00
OPA adjustment 3,000 sq. ft. sheep and lamb leather at 6¢ per sq. ft., Order No. 17, MPR 61	180.00
OPA adjustment charge of 6% under Revised Order No. 14, MPR 61	[1] 87.00
	1,717.00

[1] The adjustment under Revised Order No. 14 is computed on the amount of $1,450.00 and may not be computed on the adjustment of $180.00.

(2) *Processors and finishers.* Except as provided in paragraph (d), a person who processes or finishes the leather specified in this order from the russet, off boards, or crust, may add to his total unadjusted invoice price (computed as outlined by Step 1 and Step 2 under subparagraph (b) (1), above) an amount not to exceed the cents per square foot adjustment paid to his supplier (as set forth on his supplier's invoice) for the same lot of leather, if his supplier adjusted the maximum prices for such leather in accordance with the provisions of this order.

(3) *Cutters, wholesalers, dealers, jobbers and manufacturers.* Except as provided in paragraph (d), on the first day of each month a cutter, wholesaler, dealer, jobber or manufacturer (other than a manufacturer who determined his maximum price under section 7 (a) of Maximum Price Regulation 61) who determines his adjustment under this subparagraph (b) (3), may adjust his maximum price as follows:

Step 1. Determine the aggregate amount of the dollar-and-cents adjustments from his suppliers' invoices dated during the preceding calendar month for the leather specified in this order and which was delivered to him during such month.

Step 2. Determine from his suppliers' invoices for the same calendar month used in Step 1, the total number of square feet of the leather specified in this order which was delivered to him during such calendar month (regardless of whether or not an adjustment was charged to him for such leather).

Step 3. Divide the dollar-and-cents total ascertained in Step 1 by the number of square feet ascertained in Step 2 to determine his cents per square foot average adjustment cost.

Step 4. Determine the group in Column I of Schedule B in which the cents per square foot average adjustment cost determined in Step 3 falls.

Step 5. A seller, other than a cutter or manufacturer, shall take as his adjustment in cents per square foot the amount stated in Column II of Schedule B of this order for the group determined in Step 4, above.

A cutter or manufacturer shall take as his adjustment the percentage stated in Column III of Schedule B of this order for the group determined in Step 4, above.

Step 6. A seller, other than a cutter or manufacturer, shall multiply the number of square feet being sold by the amount of the adjustment determined in Step 5. Add this to his total invoice price (computed as outlined in Steps 1 and 2 of subparagraph (b) (1) of this order).

A cutter or manufacturer shall multiply the total invoice price (computed as outlined in Steps 1 and 2 under subparagraph (b) (1), above) by the percentage determined under Step 5 to obtain the dollar-and-cents amount of his adjustment. This shall be added to the total invoice price determined for the leather specified in this order.

No adjustment may be taken under this subdivision unless the invoice so adjusted in accordance with the provisions of subparagraph (b) (3) is dated the same month in which delivery is made.

A cutter or manufacturer may combine his percentage adjustment permitted under this order with the percentage adjustment permitted under Revised Order No. 14, subject to the limitation of the note appearing under subparagraph (b) (4), of this order.

(NOTE: The adjustment permitted by Revised Order No. 14, under Maximum Price Regulation 61 may not be computed on the amount of adjustment under this order).

(4) *Tanner-cutters.* Except as provided in paragraphs (c) and (d), on the first day of each calendar month a tanner-cutter who determines his adjustment under this subparagraph (b) (4) may adjust his maximum price as follows:

Step 1. Determine the cents per square foot adjustment for tanners under Schedule A of this order in accordance with the provisions of subparagraph (b) (1), above.

Step 2. Determine the group in Column I of Schedule B into which the adjustment determined under Step 1 falls.

Step 3. Take as his adjustment the percentage stated in Column III of Schedule B of this order for the group determined in Step 2, above.

Step 4. Compute the dollar-and-cents amount of his adjustment by multiplying the total invoice price (computed as outlined in Steps 1 and 2 of subparagraph (b) (1), above) for the leather specified in this order by the percentage found in Step 3 and add the result to his total invoice price.

No adjustment may be taken under this subparagraph unless the invoice adjusted in accordance with the provisions of this subparagraph (b) (4) is dated the same month in which delivery is made.

NOTE: The seller may combine the percentage adjustment authorized under the provisions of this subparagraph (b) (4) with the percentage adjustment authorized by Revised Order No. 14, under Maximum Price Regulation 61, but in no event shall the seller compute the adjustment authorized by this order or Revised Order No. 14 on a basis other than his total invoice price (before any adjustment thereof pursuant to this or any other order issued under the regulation).

For example: A tanner-cutter finds that his soakings of raw sheepskins and raw lambskins during the preceding months were 75% imported skins. His adjustment under Column II of Schedule A is 6 cents per square foot. Reference to Schedule B discloses in Column I that this amount falls in the group which reads "6¢ or over but less than 6¾¢." The percentage adjustment in Column III of Schedule B for that group is 30%. The seller may combine the 30% with the 6% authorized under Revised Order No. 14 and adjust his total invoice price by 36%.

(5) *Sales of sheep and lamb leather by the pound.* Except as provided in paragraph (d), and in lieu of any other provisions of this order, on all sales by the pound of sheep and lamb leather covered by this order, the total invoice price of such leather (not to exceed his maximum price established or determined under Maximum Price Regulation 61, before any adjustment under this or any other order) may be increased by 24%, or the seller may increase such total invoice price by not more than 30% if he desires to combine the adjustment permitted by this subparagraph with the 6% adjustment authorized by Revised Order No. 14, under Maximum Price Regulation 61.

(6) *Sales and deliveries prior to October 1, 1946, other than sales or deliveries by a tanner or tanner-cutter.* Except as provided in paragraph (d), and in lieu of any other provisions of this order, on and after the effective date of this order and prior to October 1, 1946, a seller other than a tanner or tanner-cutter, may increase his total invoice price by 24% for sales of sheep and lamb leather specified in this order, provided delivery is made prior to October 1, 1946, or the seller may increase such total invoice price by not more than 30% if he desires to combine the adjustment permitted under this subparagraph with the 6% adjustment authorized by Revised Order No. 14 under Maximum Price Regulation 61.

(c) *Tanners' and tanner-cutters' imported raw stock reports.* No tanner or tanner-cutter may sell or deliver any leather specified in this order at a maximum price adjusted pursuant to the provisions thereof, unless he has mailed a report on or before the 5th day of each month to the Leather, Fur and Fibers Branch, Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C., on the form reproduced in Appendix B of Maximum Price Regulation 61 setting forth the tanner's or tanner-cutter's imported raw stock position for the calendar month preceding the date of filing.

Tanners and tanner-cutters shall file the first report required by this paragraph on or before September 23, 1946.

(d) *Invoice requirements.* No seller (except one who sells under section 9 of Maximum Price Regulation 61) may sell or deliver any leather specified in this order at a maximum price adjusted pursuant to the provisions thereof, unless, in connection with each sale or delivery, the seller furnishes to the purchaser an invoice or similar document showing, in addition to all other information required by section 12 of Maximum Price Regulation 61, the following:

(i) The total invoice price of such leather exclusive of the adjustment authorized by this or any other order issued under Maximum Price Regulation 61.

(ii) The basis on which he has increased the total invoice price pursuant to the terms of this order. Except as hereinafter provided, in the case of sales by tanners, wholesalers, dealers, and jobbers, this basis must be stated on the invoice as follows: "OPA adjustment ---- sq. ft. sheep and lamp leather at ---- cents per sq. ft. Order No. 17, Maximum Price Regulation 61." (The appropriate number of square feet of leather sold for which the seller is authorized to adjust his maximum price shall be inserted in the first blank space and the appropriate adjustment in cents per square foot from Schedule A or Schedule B shall be inserted in the second blank space of this statement.)

In the case of sales by cutters, tanner-cutters, and manufacturers, the basis of the adjustment must appear on the invoice in the following form: "OPA adjustment of ----% Sheep and Lamp Leather, Order No. 17, Maximum Price Regulation 61." If the cutter or tanner-cutter, or manufacturer combines the amount of adjustment permitted under this order with the amount of adjustment permitted by Revised Order No. 14 the basis shall appear on the invoice as follows: "OPA adjustment of ----% Sheep and Lamb Leather, Revised Order No. 14 and Order No. 17, Maximum Price Regulation 61." (The total amount of the percentage shall be inserted in the blank space of this statement.)

During the month of September 1946, all sellers who increase their maximum price as provided in subparagraph (b) (5) of this order, shall state the basis of their adjustment as follows: "OPA ad-

justment of 24%, Sheep and Lamb Leather, Maximum Price Regulation 61."

The basis for the adjustment taken pursuant to the provisions of this order shall be stated at the foot of the invoice for the item, or if there is more than one item, then for the entire group of items for which the same adjustment is made, in which case the item or entire group of items increased by the same adjustment shall be clearly indicated.

(iii) The dollar-and-cents amount of the adjustment added and stated as a separate item.

(e) *Discounts.* Term discounts shall be deducted from the total amount of the adjusted invoice price.

(f) *Amendments.* This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective September 18, 1946.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

SCHEDULE A—SCHEDULE OF ADJUSTMENTS FOR TANNERS' MAXIMUM PRICES

Column I Percentage which imported raw sheepskins and imported raw lambskins soaked during the preceding calendar month are of total (domestic and imported) raw sheepskins and lambskins, soaked during that month	Column II Adjustment in cents per square foot
100%	8
90% or over but less than 100%	7½
80% or over but less than 90%	6¾
70% or over but less than 80%	6
60% or over but less than 70%	5½
50% or over but less than 60%	4½
40% or over but less than 50%	3½
30% or over but less than 40%	2¾
20% or over but less than 30%	2
10% or over but less than 20 %	1¼
Less than 10%	0

SCHEDULE B—SCHEDULE OF ADJUSTMENTS OF SELLERS OTHER THAN TANNERS

Column 1 Cents per square foot average adjustment cost	Column II Adjustments for jobbers, dealers, wholesalers (in cents per sq. ft.)	Column III Adjustment for cutters, tanner-cutters and manufacturers (percentage)
8¢	9½	40
7½¢ or over but less than 8¢	9	37½
6¾¢ or over but less than 7½¢	8	34
6¢ or over but less than 6¾¢	7¼	30
5½¢ or over but less than 6¢	6½	27½
4½¢ or over but less than 5½¢	5½	22½
3½¢ or over but less than 4½¢	4¼	17½
2¾¢ or over but less than 3½¢	3¼	14
2¢ or over but less than 2¾¢	2½	10
1¼¢ or over but less than 2¢	1½	6
Less than 1¼¢	0	0

OPINION ACCOMPANYING ORDER NO 17 UNDER MAXIMUM PRICE REGULATION 61

The accompanying order provides for adjustment of maximum prices established under the provisions of Maximum Price Regulation 61 for leather tanned within the continental United States from raw sheepskins and lambskins. The order covers all sales and resales of such leather whether of whole skins, cut pieces, or scrap and includes sheep and lamb leather tanned from both imported and domestic raw skins. The order does not apply to chamois leather nor to leather made from hair sheep skins, coarse wool skins, shearlings, skivers, imported semi-tanned sheepskins or imported semi-tanned lambskins. Nor does it in any way effect the price of raw domestic sheepskins or lambskins or raw shearlings. .

During the early part of 1942, tanners of sheepskin leather, whose prices were established at November-December 1941 levels under Revised Price Schedule 61, were unable to operate because of the advance in their raw skin costs, which had increased by 7% over December 1941 prices. On May 18, 1942, with the issuance of Maximum Price Regulation 145 (Pickled Sheepskins, prices for sheepskins and lambskins were rolled back to levels generally in line with the October 1-15, 1941 level of domestic and foreign sheepskin prices. These prices remained relatively stable until June 26, 1946, when, with the dissolution of the Combined Hides, Skins and Leather Committee, Supplementary Order 165 was issued permitting all foreign hides and skins to be brought into the country at landed cost. In the principal foreign sources of this raw material, (Australia, New Zealand, Argentina, and Chile) prices for raw sheepskins and lambskins rose rapidly. By August 1946, sales were made at double the former ceiling prices. Tanners of imported sheepskins and lambskins, as a result, are unable to continue to make sales at existing ceiling prices for this leather without substantial hardship.

On June 7, 1946, a 6% increase was granted to the leather tanning industry in recognition of actual and imminent increases in costs, including labor, tanning materials and overhead cost increases and decrease in yield and volume of skins obtainable. This increase was found to be sufficient to return to the industry the same profit on investment as was obtained in a normal peacetime period in accordance with the industry earnings standard. The increase was not, however, designed to take into account the recent unprecedented changes in prices of imported raw skins. It is, accordingly, necessary, under the aforementioned standard, to increase prices for leather tanned from raw sheepskins which will reflect the increases in cost of imported raw sheepskins and lambskins.

Thirteen percent of all leather tanned in the continental United States is produced from sheepskins and lambskins. Approximately 50% of these raw skins are of foreign origin; the remainder are obtained from domestic slaughterhouses and pulleries. Once the tanning process has been completed, it is difficult to distinguish the foreign from the domestic skins by visual examination. Any increase, therefore, must apply to all sheepskin leather and must take into account the difference between domestic and foreign rawskin prices.

Although there is a paucity of information concerning purchases because of export embargoes in two of the principal producing areas (Argentina and New Zealand), the few purchases recently made indicate that the cost of raw imported sheepskins at present is approximately 100% higher than the 1945 level. The necessary adjustment for tanners of imported skins is based upon the increase in raw skin cost and the historic relationship of raw skin cost to finished leather prices. On this basis, and with an average sheepskin leather price of approximately 16¢ per square foot, it was found that tanners of skins of foreign origin only, would require an increase of 8¢ per square foot. In view of the fact that domestic producers tan foreign and domestic skins in varying proportions, a sliding scale of increases based upon the proportion of foreign and domestic skins soaked during the previous month is provided by the order. The individual tanner determines his adjustment in the following manner:

If during the month of August, a tanner soaks 5000 dozen sheepskins of which 3990 dozen are foreign and 1010 dozen are domestic, his percentage of imported skins is 79.8%. The percentage falls in the percentage group of Schedule A in Column I which reads "70% or over but less than 80%." The adjustment permitted for this group is 6¢ per square foot.

Each tanner will be required to file, monthly, on Form B in Appendix B, Maximum Price Regulation 61, the purchases and soakings information on which his adjustment is based. The first report, however, is required to be filed by tanners within 5 days after the date of issuance of this order.

Sellers other than tanners, including processors, finishers, jobbers, dealers, wholesalers, manufacturers, tanner-cutters and cutters are allowed to pass on the increases which they pay to tanners. Processors and finishers obtain a simple pass-through of the dollars-and-cents adjustment which they have paid on each lot of leather. Jobbers, dealers and wholesalers obtain dollars-and-cents adjustments which represent a percentage pass-through, taking into consideration the amounts paid as adjustments to their suppliers and the average industry markup in effect on March 31, 1946. Cutters and manufacturers are allowed a percentage adjustment which is designed to return to them the amount actually paid as adjustments. No adjustment may be taken by manufacturers in the case of sales under section 7 (a) of Maximum Price Regulation 61. Tanner-cutters are authorized the same percentage adjustment as cutters based on their soakings of imported skins.

For stock sold by the pound, all sellers are allowed 24% over their previous unadjusted ceiling prices to reflect the average increase required to compensate for increased raw stock prices.

In order to prevent inequity during the first weeks of operation of this plan, a general increase of 24% is permitted all sellers other than tanners or tanner-cutters for all sheepskin leather. This

provision remains effective until October 1, 1946, and only for sales made in that period where deliveries are completed by that date.

If purchase data indicates that there is a change in the level of prices paid for foreign skins, corresponding adjustments in Schedules A and B will be made. In all cases this adjustment and any other adjustments taken under Maximum Price Regulation 61 must be computed on the unadjusted price established in accordance with the provisions of Maximum Price Regulation 61. The adjustments established herein must be stated as separate items on invoices. Provision is made however, for the simplification of invoicing by permitting cutters, tanner-cutters, and manufacturers to combine in a single statement on the invoice the percentage increase authrorized by this order and that provided under Revised Order No. 14.

All provisions of this order and their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids or methods established in the industry or industries affected, have been included in the order unless such proviisons have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation or of the act. To the extent that the provisions of this order compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of the regulation or of the Emergency Price Control Act of 1942, as amended.

In so far as practicable, the Administrator has consulted with representatives of the industry affected by this order and has given consideration to their recommendations. In the opinion of the Administrator the maximum prices established by this order are fair and equitable to the industry generally and will effectuate the purposes of the Emergency Price Control Act, as amended, and Executive Orders 9250, 9328, 9599, 9651 and 9697.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16977; Filed, Sept. 18, 1946; 11:22 a. m.]

[RMPR 136, Order 677]

RADIO RECEIVER AND ALLIED SPECIAL PURPOSE TUBES

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 23 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) (1) *Applicability.* For the purposes of this order, the phrase "sales by a manufacturer" shall mean the sale by a manufacturer, as defined in Revised Maximum Price Regulation 136, of radio receiver tubes and allied special purpose tubes when made to electron equipment manufacturers, for which the manufacturer of radio receiver tubes and allied special purpose tubes had maximum prices in effect pursuant to sections 7, 8, 9 and 31 of Revised Maximum Price Regulation 136.

(2) *Authorization to price adjustably.* Any manufacturer of radio receiver tubes and allied special purpose tubes to which paragraph (1) above applies, is authorized, subject to agreement with his buyer, to deliver such tubes at a price which may be adjusted upward in accordance with the action to be taken by the Office of Price Administration upon the request of the Radio Receiver Tube and Allied Special Purpose Tube Industry for a change in the applicable maximum prices of these commodities: *Provided, however,* That any price stated in such agreement shall not exceed the prices in effect for these commodities just prior to the issuance of this order, increased by 12%.

This order shall become effective September 18, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 677 UNDER REVISED MAXIMUM PRICE REGULATION 136

On May 2, 1946, Order No. 619 under Revised Maximum Price Regulation 136 granted manufacturers of radio receiver tubes and allied special purpose tubes a 27.5% increase in their current maximum prices for the sales of these products to manufacturers of electron equipment manufacturers. A further analysis of the increased production costs in this industry indicates that the current prices for these products constitute a threat to the ability of such industry to produce for civilian requirements. This authorization is therefore necessary to promote production by manufacturers of radio receiver and allied special purpose tubes pending the determination of relief which may be required.

It is the opinion of the Price Administrator that the authorization to price adjustably within the limits stated in the order will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, but will serve to expedite the industry affected to return to a full production schedule.

[F. R. Doc. 46-16978; Filed, Sept 18, 1946; 11:22 a. m.]

[MPR 188, Amdt. 4 to Order 4800]

FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered:*

Order No. 4800 under Maximum Price Regulation No. 188 is amended in the following respect: The figure "25%" in section 4 (b) is amended to read "30%".

This amendment shall become effective on the 23d day of September 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 4 TO ORDER NO. 4800 UNDER MAXIMUM PRICE REGULATION NO. 188

Order No. 4800 under Maximum Price Regulation No. 188 authorized increases in manufacturers' prices for household furniture.

The level of increase which could be authorized had been computed in accordance with the reconversion formula. However, in order to encourage the production of lower priced furniture the overall increase determined in the manner described in the opinion which accompanied the issuance of the original order was apportioned so that the increases applicable to lower priced articles were higher than those authorized for the more expensive items. Accordingly, the increase for items falling within the definition of "essential low-end furniture" was 25%.

Since the issuance of Order No. 4800 manufacturers have experienced further increases in material and labor costs. To a great extent, however, these cost increases have been compensated for by corersponding decreases in cost accounted for by increased volume production and other economies which the industry has been in a position to effect. It therefore does not appear that further overall increases are required at this time.

In the case of essential low-end furniture, however, in which lumber and labor are the principal cost items, the increases in these costs have not been compensated for by other factors. The Administrator has therefore determined that an authorized increase of 30% rather than 25% which has been in effect hitherto is necessary in order to restore a more favorable profit position in regard to the production of these lower priced articles. It is believed that further increase will enable manufacturers to produce lower priced articles on a larger scale with the consequent advantages to the consuming public.

[F. R. Doc. 46-16979; Filed, Sept. 18, 1946; 11:23 a. m.]

[MPR 580, Revocation of Order 318]

FRANK BROS.—NEPTUNE MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 318 under section 13 of Maximum Price Regulation 580, order of revocation. Frank Bros.—Neptune Manufacturing Co. Docket No. 6063-580-13-788.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 318 under section 13 of Maximum Price Regulation 580, issued to Frank

Bros—Neptune Manufacturing Co., 709 West Market Street, Louisville, Kentucky, is hereby revoked

Frank Bros.—Neptune Manufacturing Co. shall send a copy of this order of revocation to each person to whom it sent a copy of Order 318 or whom it notified of the provisions of Order 318.

This order shall become effective September 19, 1946.

Issued this 18th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER OF REVOCATION OF ORDER NO. 318 UNDER SECTION 13 OF MAXIMUM PRICE REGULATION NO. 580

The accompanying order revokes Order 318 issued under Section 13 of Maximum Price Regulation 580 to Frank Bros.—Neptune Manufacturing Co. 709 West Market Street, Louisville, Kentucky. Order 318, which established a uniform retail ceiling price for a topcoat manufactured by that firm, is revoked because the article is low-end merchandise which should be priced under Maximum Price Regulation 578. The manufacturer is required to send a copy of the accompany order of revocation to each person to whom it sent a copy of Order 318 or whom it notified of the provisions thereof.

[F. R. Doc. 46-16981; Filed, Sept 18, 1946; 11:23 a. m.]

[MPR 580, Amdt. 1 to Order 299]

KENDALL CO.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 1 to Order 299. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-769.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 299 issued under section 13 of Maximum Price Regulation 580 on application of Bauer & Black, Division of The Kendall Company, 2500 South Dearborn Street, Chicago 16, Illinois, is amended in the following respects:

1. Paragraph (a) is amended by adding the following:

Article	Brand name	Selling price (per dozen)	Retail ceiling price (per unit)
Men's Supporter	Bauer & Black	$41.40	$5.00

2. Paragraph (d) is amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already covered by the order or changes the retail ceiling price of a covered article, the manufacturer as to such article must comply with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

3. Paragraph (e) is amended to read as follows:

(e) At the time of or before the first delivery to any purchaser for resale of any article covered by this order, the seller shall send the purchaser a copy of the order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subject to the effective date of the amendment.

This amendment shall become effective September 19, 1946.

Issued this 18th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 1 TO ORDER 299 UNDER MAXIMUM PRICE REGULATION NO 580

The accompanying amendment to Order No. 299 issued to Bauer & Black, Division of The Kendall Company, 2500 South Dearborn Street, Chicago 16, Illinois, under section 13 of Maximum Price Regulation 580 establishes a uniform retail ceiling price for a certain style of men's supporter upon which production is being resumed after an interruption due to wartime shortages and restrictions. This will enable the manufacturer to continue its customary business practice of maintaining uniform retail selling prices on its branded merchandise.

The amendment expressly declares that the retail ceiling prices established by the order or any amendment thereto apply as of the effective date of the order or amendment. This was done to make it clear that the effective date of the established prices is not governed by the preticketing provision of the order. With respect to articles for which retail ceiling prices are established by amendment, provision is made for the suspension of the preticketing requirements for a specified period.

The amendment also broadens the notice provision in paragraph (e) by requiring that the manufacturer send copies of amendments to the order to affected purchasers.

[F R. Doc. 46-16980; Filed, Sept. 18, 1946; 11:23 a. m.]

[MPR 592, Amdt. 63 to Order 1]

SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

MODIFICATION OF MAXIMUM PRICES

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

Order 1 is amended in the following respects:

1. A new section 2.1 (n) is added to read as follows:

(n) *Manufacturers maximum prices in Structural Clay Products Areas 1-17 inclusive*—(1) *What this paragraph covers.* This paragraph covers the manufacturers' maximum delivered prices for clay and shale building brick (common and face, including glazed ware), structural clay hollow and face building tile (including glazed facing tile), and clay drain tile (except clay drain tile produced in Structural Clay Products Area 4, and except clay drain tile manufactured as an allied product to Vitrified Clay sewer pipe), manufactured in Structural Clay Products Areas 1-17, inclusive. (For descriptions of Structural Clay Products Area 4, and Areas 1-17 see section 2.1 (k), (l) and (m) of Order 1.)

(2) *Manufacturers' maximum prices.* The manufacturers' maximum delivered prices for the items covered by this paragraph established pursuant to Maximum Price Regulation 592 as increased by the applicable area provisions of paragraphs (a) to (m) of section 2.1 of Order No. 1 under Maximum Price Regulation 592, may be further increased by amounts not in excess of the actual dollars-and-cents increased outbound interstate rail freight costs to him resulting from ex parte actions 148 and 162, effective July 1, 1946, taken by the Interstate Commerce Commission, and those actions regarding intrastate rail freight rates taken by State Public Utility or Railroad Commissions subsequent to June 30, 1946.

2. Section 2.1 (e) (4) is amended to read as follows:

(4) *Maximum prices for manufacturers of drain tile in Structural Clay Products Area 4.* The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for clay or shale drain tile produced in Structural Clay Products Area 4 may be modified by adding an amount per M feet, not in excess of the amount set forth below opposite the following sizes and weights:

Size (inches)	Weight per foot (pounds)	Adjustment per M feet
3	4	$7.60
4	6	11.40
5	9	17.10
6	12	22.80
8	18	34.20
10	28	53.20
12	36	68.40
15	56	106.40
18	78	148.20
20	85	161.50
22	107	203.30
24	120	228.00

Any individual price adjustments granted prior to January 7, 1946, by the

Price Administrator or any Regional Administrator for any manufacturer of drain tile in the State of Michigan are hereby revoked.

3. Chart I of section 2.1 (e) (5) is amended to read as follows:

CHART I—MAXIMUM DELIVERED PRICES PER M FEET FOR SHIPMENT INTO CERTAIN COUNTIES IN NEW YORK

Size	Erie, Niagara, Chautauqua, Cattaraugus	Orleans, Genesee, Wyoming, Monroe, Livingston	Cayuga, Chenango, Cortland, Broome, Madison, Oneida, Onondaga, Chemung, Schuyler, Ontario, Oswego, Seneca, Steuben, Tompkins, Wayne, Yates, Tioga
3	$45.60	$47.20	$49.20
4	59.40	61.80	64.80
5	96.90	100.90	105.80
6	121.80	126.60	132.60
8	190.20	197.40	206.40
10	299.20	310.40	324.40
12	390.40	404.80	422.80
15	618.40	640.80	668.80

4. Chart II of section 2.1 (e) (5) is amended to read as follows:

CHART II—MAXIMUM DELIVERED PRICES FOR SHIPMENTS INTO THE STATE OF VIRGINIA

Size (inches):	*Price per M feet*
3	$51.00
4	69.00
5	112.70
6	141.00
8	219.00
10	344.00
12	448.00
15	708.00

5. Chart III of section 2.1 (e) (5) is amended to read as follows:

CHART III—MAXIMUM DELIVERED PRICES FOR SHIPMENT INTO CUYAHOGA COUNTY, OHIO

Size (inches):	*Price per M feet*
3	$40.40
4	51.60
6	106.20
8	162.80
10	259.80
12	335.40
15	567.40

6. A new section 2.1 (e) (6) is added to read as follows:

(6) *Modification of manufacturers' delivered prices to areas other than those specified in (5) above.* The manufacturers' maximum prices as established under (4), above, for deliveries into the following areas of the items covered by this paragraph may be further increased by an amount not in excess of the following:

Size (inches)	Adjustment per M feet			
	Area 1	Area 2	Area 3	Area 4
3	$0.80	$1.20	$1.60	$2.40
4	1.20	1.80	2.40	3.60
5	1.80	2.70	3.60	5.40
6	2.40	3.60	4.80	7.20
8	3.60	5.40	7.20	10.80
10	5.60	8.40	11.20	16.80
12	7.20	10.80	14.40	21.60
15	11.20	16.80	22.40	33.60

Area 1 is defined to include the following: the state of Ohio, except Cuyahoga County; the following counties in Pennsylvania: Allegheny, Beaver, Lawrence, Washington, Armstrong, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Mercer, Venango, Warren, Westmoreland, Bedford, Blair, Cambria, Cameron, Clearfield, Elk, Jefferson, McKean, Potter, Somerset; the following counties in Maryland: Allegany, Garrett, Frederick and Washington; the following counties in West Virginia: Brooke, Cabell, Hancock, Jackson, Kanawha, Mason, Marshall, Monongalia, Ohio, Pleasants, Putnam, Tyler, Wetzel, Wood, Barbour, Braxton, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Lewis, Lincoln, Marion, Pendleton, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Upshur, Wayne and Wirt.

Area 2 is defined to include the following: the following counties in Pennsylvania: Adams, Bradford, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntington Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Sullivan, Tioga, Union, York; the following counties in Maryland: Anne Arundel, Baltimore, Calvert, Carroll, Charles, Harford, Howard, Jefferson, Montgomery, Prince Georges, St. Marys; the following counties in West Virginia: Berkeley, Boone, Fayette, Greenbrier, Jefferson, Logan, Mercer, Mineral, Mingo, Monroe, Morgan, McDowell, Nicholas, Pocahontas, Raleigh, Summers, Webster, Wyoming.

Area 3 is defined to include the following: the states of Connecticut, Vermont, Rhode Island, Massachusetts, New Hampshire, the following counties in Maine: Cumberland, Sagadahoc, York, Androscoggin, Franklin, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Somerset, Waldo; the following counties in New York: Albany, Bronx, Columbia, Delaware, Dutchess, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Montgomery, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, St. Lawrence, Sullivan, Ulster, Washington, Westchester and Clinton, Essex, Nassau, Suffolk, Warren; the following counties in Pennsylvania: Berks, Bucks, Carbon Chester, Delaware, Lackawanna, Lehigh, Luzerne, Montgomery, Monroe, Northampton, Philadelphia, Pike, Schuylkill, Susquehanna, Wayne, Wyoming; Washington, D. C.; the following counties in Maryland: Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, Worcester, the states of Delaware and New Jersey.

Area 4 is defined to include the following counties in Maine: Aroostook, Hancock and Washington.

7. A new section 2.4 (d) is added to read as follows:

(d) Notwithstanding the provisions of (a) and (b), above, jobbers or dealers purchasing clay drain tile for resale in the same form from any manufacturer who has increased his prices in accordance with Amendment 39 to Order 1, effective April 29, 1946 and Amendment 63 to Order 1, effective September 23, 1946, may increase their maximum prices as follows:

(1) Resellers whose maximum prices were not covered by area orders, on March 31, 1946, under General Order 68, may increase their March 31, 1946 maximum prices by 11.5 percent if located in Ohio, and by 10 percent if located elsewhere.

(2) Resellers covered by area orders on March 31, 1946, under General Order 68, may increase their maximum prices established under the area order as of March 31, 1946, by 11.5 percent if located in Ohio and by 10 percent if located elsewhere.

(3) If after September 23, 1946, maximum prices in effect on September 23, 1946, are changed by an area order issued under General Order 68, or by an amendment to such an order, the maximum prices established by the area order shall supersede maximum prices established under (1) or (2) above.

8. Section 7.14a is added to read as follows:

SEC. 7.14a *Modification of maximum delivered prices for sand lime building brick.* (a) The manufacturer's maximum net delivered prices for sand lime brick established pursuant to Maximum Price Regulation 592 as increased by Section 7.14 (above) may be further increased by amounts not in excess of the actual dollars-and-cents increased outbound interstate rail freight costs to him resulting from ex parte actions 148 and 162, effective July 1, 1946, taken by the Interstate Commerce Commission, and intrastate outbound rail freight resulting from State Public Utility or Railroad Commission actions subsequent to June 30, 1946.

(b) *Non-standard sizes.* If the manufacturer had an established differential in price during the month of March 1942 for non-standard sizes of sand lime building brick, he may convert the adjustments granted herein for standard size brick on the basis of conversion factors or formula used by him during March 1942 in establishing a price differential between the standard size brick and the non-standard size brick under this adjustment.

(c) *Maximum prices for resellers.* Any jobber or dealer purchasing sand lime building brick for resale in the same form from any manufacturer who has modified his maximum delivered prices in accordance with (a) above, may increase his maximum prices in effect on March 31, 1946, by an amount not exceeding the percentage increase in cost to him resulting from the increase granted manufacturers pursuant to (a) above.

This amendment shall become effective September 23, 1946.

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 63 TO ORDER 1 UNDER SECTION 25 OF MAXIMUM NO. 592

The accompanying amendment permits manufacturers of certain structural clay products to increase their presently established maximum delivered prices for these products by the actual dollars-and-cents increased cost to them resulting from increases in outbound interstate rail freight rates permitted by the Interstate Commerce Commission, pursuant to ex parte actions 148 and 162 effective July 1, 1946, and intrastate outbound rail freight rates resulting from State Public Utility Railway Commission actions subsequent to June 30, 1946. The maximum delivered prices of the specific structural clay products involved in this action are common and face clay and

shale building brick (including glazed ware), structural clay hollow and face building tile (including glazed facing tile), sand lime brick, and clay drain tile (except drain tile which is manufactured as an allied product to vitrified clay sewer pipe). The Interstate Commerce Commission action increased interstate rail freight rates by 11.3 percent in the Official Classification Territory and 6 percent in the rest of the United States. This amendment also covers outbound intrastate freight increases identical to the Federal action thereby enabling manufacturers to increase their delivered prices at and after the effective dates of said freight increases. While the action anticipates certain future intrastate increases upon which final decisions have not yet been reached, the Administrator will set a cut-off date when all state Commissions render final decisions on petitions of rail carriers filed with them, and in that manner will limit the freight cost pass-through to increases associated with the Federal action.

For all of the listed commodities except clay drain tile produced in Structural Clay Products Area 4, each manufacturer may increase his own delivered prices by the actual dollars-and-cents increased cost to him resulting from the increased outbound rail freight costs. For manufacturers of clay drain tile in Structural Clay Products Area 4, defined to include the states of Ohio, West Virginia, Michigan, except the Upper Peninsula, and that part of Pennsylvania west of and including the counties of Potter, Cameron, Clearfield, Blair and Bedford, the increase in maximum delivered prices reflecting increases in outbound rail freight costs are spelled out by a specific dolars-and-cents amount. The accompanying amendment does not modify presently established manufacturers' f. o. b. prices, or delivered prices where the transportation mode is other than by rail, except that manufacturers of clay drain tile in Structural Clay Products Area 4 are permitted an increase of 20 cents per ton in the maximum f. o. b. and delivered prices which reflects increases in coal costs resulting from Amendment 158 to Maximum Price Regulation 120, effective June 21, 1946.

Previously in Amendments 9 and 35 to Order 1, issued September 18, 1945 and April 1, 1946, respectively, incentive increases of $2.00 per thousand for standard sized brick and $0.80 per ton for structural tile were deemed appropriate to promote increased production of these vital building materials. The conditions which made these amendments necessary continue to prevail and the Price Administrator considers the present action appropriate for reasons identical to those set forth in the opinions accompanying these earlier Amendments, which are incorporated herein by reference. In addition, it is designed to result in net plant realizations approximating realizations prior to freight increases. In the absence of this action, producers who ordinarily sell on a delivered price basis would restrict their normal trading areas because of their inability to absorb the additional freight costs. Thus, present channels of distribution would be disrupted and outlying districts would not continue to receive their share of the production. The accompanying amendment encourages the continuance of the flow of brick to areas normally served by the manufacturers prior to July 1, 1946.

Pursuant to Amendment 24 to Order 1, issued December 29, 1945, glazed ware producers received an additional $2.50 per thousand increase, over and above the increase previously authorized by Amendment 9. Amendment 24 was designed to return the glazed ware industry to its 1936–1939 earnings position. Data available as to current output and earnings indicate that the conditions prevalent at that time continue to prevail and the opinion accompanying the former action is incorporated herein by reference. It has been determined that the additional cost represented by the increase in freight cannot be absorbed without reducing current earnings below earnings during the base period years 1936–1939. The accompanying amendment therefore, permits glazed ware producers to pass through their increased rail freight costs and thus insures the continued flow of this building commodity to all points presently serviced by this industry.

Clay drain tile, except as produced in Structural Clay Products Area 4, is manufactured primarily by brick and by sewer pipe manufacturers. Appropriate action for the latter group of manufacturers is presently under consideration by the Office of Price Administration. The accompanying action for drain tile produced by brick manufacturers is deemed appropriate for the same reasons outlined above. For clay drain tile produced in Structural Clay Products Area 4, Amendment 39 to Order 1, issued April 29, 1946, was deemed appropriate to return the industry to its 1936–1939 base period rate of profit. Available data as to current earnings and output indicate that the conditions prevalent at that time are still applicable and the opinion accompanying the earlier action is incorporated herein by reference. In addition, the accompanying amendment also permits clay drain tile manufacturers in Structural Clay Products Area 4 to increase their f. o. b. and delivered prices by an amount which reflects their increases in coal costs. The Administrator finds that in this instance absorption of the coal and freight increases would reduce this industry's profit position materially below base period levels. By permitting appropriate price increases based upon the amount required to restore base period earnings of this industry, the continued production and normal distribution of this vital building commodity is assured.

Resellers of brick and tile, except that produced in Structural Clay Products Area 4, are permitted to increase their present maximum prices by the percentage increase in acquisition cost resulting from the increases permitted the manufacturer by the accompanying amendment. Resellers of sand lime brick are permitted by this action to increase their maximum prices by the percentage increased cost to them resulting from the increase permitted the manufacturer. Thus, resellers will continue the same percentage margins. The accompanying amendment also permits Ohio resellers of clay drain tile produced in Structural Clay Products Area 4 to increase their March 31, 1946 prices, by 11.5 percent, and, if located elsewhere by 10 percent. The adjustments thus allowed have been determined by the Administrator to be necessary to permit these resellers to realize their average March 31, 1946 markups, and include cognizance of the price increase granted clay drain tile manufacturers in Amendment 39 to Order 1, under Maximum Price Regulation 592, effective April 29, 1946.

Prior to the issuance of the accompanying amendment, the Administrator has so far as practicable consulted with representatives of the industries involved and has given consideration to their recommendations. After due consideration of the foregoing, the Administrator finds that this action is appropriate under the circumstances and consistent with the purposes of the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46-16982; Filed, Sept. 18, 1946; 11:23 a. m.]

[MPR 592, Amdt. 64 to Order 1]

READY-MIXED CONCRETE

MODIFICATION OF MAXIMUM PRICES

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

Order 1 is amended in the following respect:

Section 4.4 is amended to read as follows:

SEC. 4.4 *Modification of maximum prices of ready-mixed concrete.* (a) The manufacturer's maximum prices established pursuant to Maximum Price Regulation 592, for ready-mixed concrete, may be increased by adding to his established maximum prices per cubic yard for each specification of that commodity amounts not in excess of the following:

(1) The actual dollars-and-cents additional cost resulting from the price increases for sales of cement permitted by Amendments Nos. 6, 9, 10, 11, 13, and 14, to Regulation 224.

(2) The actual dollars-and-cents additional cost resulting from the price increase for sales of cement permitted by Amendment 17 to Maximum Price Regulation 224.

(3) The actual dollars-and-cents additional cost resulting from increases in in-bound rail freight charges on cement, sand, and coarse aggregates permitted pursuant to Interstate Commerce Commission ex parte actions 148 and 162, effective July 1, 1946, for interstate shipments of these commodities, and by State Public Utility or Railroad Commissions subsequent to June 30, 1946, for intrastate shipments of these commodities.

(b) As used in this Section 4.4 the term "manufacturer" means any person who makes the first sale of ready-mixed concrete.

(c) The manufacturer's maximum prices for ready-mixed concrete as increased by (a) above, may be rounded off to the nearest $0.05 per cubic yard.

(d) Each ready-mixed concrete manufacturer who recomputes his maximum prices to reflect the increases permitted by (a) (2) and (3) above, shall file with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a report setting forth the information required by OPA Form 2905 as set forth in Appendix A. This report must be filed within 10 days after the determination of modified maximum prices.

(e) The Office of Price Administration may at any time revoke adjustments under this section when the basis for the establishment of such prices appears incorrect.

This amendment shall become effective September 23, 1946.

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

Issued this 18th day of September 1946.

PAUL A. PORTER,
Administrator.

APPENDIX "A"

OPA FORM 2905 — Budget Bureau No. 08-R1753

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

Calculation of Ready-Mix Concrete Prices Under Amendment 64 to Order 1 Under Maximum Price Regulation No. 592

Name of firm..............................

Address..............................

City and State..............................

....

File this report with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C.

MIX .... (specify)

	Column 1	*Column 2*	*Column 3*
Line 1	Cost of Cement per barrel as of June 30, 1946.	Increased cost of cement per barrel resulting from Amdt. 17 to MPR 224 and higher rail freight rates since June 30, 1946. Yes ☐ No ☐.	Increased cost of cement per cubic yard of ready-mix. (Column 2 multiplied by ...... (number) barrels of cement used).
Line 2	Cost of sand per .... (specify unit) as of June 30, 1946.	Increased cost of sand per ...... resulting from higher rail freight rates since June 30, 1946.	Increased cost of sand per cubic yard of ready-mix. (Column 2 multiplied by .... (number) .... (unit) of sand used).
Line 3.	Cost of coarse aggregate per .... (specify unit) as of June 30, 1946.	Increased cost of coarse aggregate per .... resulting from higher rail freight rates since June 30, 1946.	Increased cost of coarse aggregate per cubic yard of ready-mix (Column 2 multiplied by .... (number) of .... (unit) coarse aggregate used).

Line 4. Your increase per cubic yard under Amendment ...... to Order 1 under MPR 592 may be calculated by adding the following:

Line 1, Column 3.............................. $..........
Line 2, Column 3.............................. $..........
Line 3, Column 3.............................. $..........

Total.............................. $..........

Line 5. Your old price per cubic yard of .... (specify) mix was.............................. $..........

Line 6. Your new price per cubic yard (total of line 4 plus line 5):
Before rounding to the nearest $0.05.............................. $..........
After rounding to the nearest $0.05.............................. $..........

I certify that the information contained herein is correct to the best of my knowledge.

(Sign here) .... (Name) (Title) (Date)

INSTRUCTIONS

Accompanying OPA Form 2905 for Calculation of Ready-Mixed Concrete Prices under Amendment 64 to Order 1 under Maximum Price Regulation No. 592

1. Complete a separate form for each of your five principal mixes of ready-mix concrete and your three principal mixes of topping, a total of eight forms to be submitted. Retain one set of forms for your files.

2. Specify the mix at the heading of each form, such as 1:2:4 (5 bag), 1:2:3 (6 bag), etc.

3. Cement price increases permitted by amendments to MPR 224, prior to 17, have already been included in your prices and should not be included in this report.

Amendments 17 to MPR 224 permitted an increase of $0.05 per barrel for bagged cement only. Specify whether the figure in column 2, line 1, includes this $0.05 by inserting an "x" in the proper box in the column heading.

4. In column 3, line 1, specify the number of barrels of cement used per cubic yard of concrete. For example, in a 5-bag mix, this would be 1.25.

5. In columns 1, 2, and 3 of line 2, specify the unit for your sand, whether cubic yard or ton.

6. In column 3, line 2, specify the number of units of sand used per cubic yard of ready-mix. For example, in a 5-bag mix, this would be on the average 0.630 tons of sand per cubic yard of concrete.

7. In columns 1, 2, and 3, of line 3, specify the unit for your coarse aggregate, whether cubic yard or ton.

8. In column 3, line 3, specify the number of units of coarse aggregate used per cubic yard of ready-mix. For example, in a 5-bag mix, this would be, on the average, 1.075 tons of gravel per cubic yard of concrete.

9. For lines 2, and 3, show only the increased cost to you of sand and coarse aggregate resulting from the rail freight increases authorized July 1, 1946, by the Interstate Commerce Commission, and those intra-state rail freight increases authorized by your State Public Utility or Railroad Commission since June 30, 1946.

OPINION ACCOMPANYING AMENDMENT NO. 64 TO ORDER NO. 1 UNDER SECTION 25 UNDER MPR 592

The accompanying Amendment permits manufacturers of ready-mixed concrete to add to their maximum prices the dollars-and-cents amount of their increased cost resulting from (1) Increases in maximum prices permitted by Amendment 17 to Maximum Price Regulation 224 and (2) increased cost of freight on cement, sand and coarse aggregates by *ex parte* Interstate Commerce Commission actions effective July 1, 1946, and those state regulatory agency actions affecting rail freight rates effective subsequent to June 30, 1946. The former Amendment, effective July 26, 1946, provided for an increase of $0.05 in the manufacturers' maximum prices for Portland Cement, when sold in paper or cloth bags, in that part of the United States east of, but not including, the states of Montana, Wyoming, Colorado and New Mexico. Amendment 17 to Maximum Price 224 did not modify cement prices when sold in bulk. The Interstate Commerce Commission permitted interstate freight increases of 8.15 percent for sand, gravel and crushed stone and 11.3 percent for cement in the Official Classification Territory, and for the remainder of the country, 3 percent and 6 percent, respectively.

Previously, Section 4.4 of Order 1 under Maximum Price Regulation 592, permitted ready-mixed concrete producers to pass-through cement price increases resulting from Amendments 6, 9, 10, 11, 13, and 14 to Maximum Price Regulation 224. The San Francisco Regional OPA Office also permitted the cement increase pass-through for Southern California, Southeastern Nevada, and Arizona. Before issuing these adjustments, the Office of Price Administration obtained extensive data on production, sales and margins for ready-mixed concrete. Studies of these earnings indicated that these previous cement price increases could not be absorbed, since by so doing, earnings for this industry would be reduced below the average of pre-war years. The conditions which made Section 4.4 and Amendments thereto necessary continue to prevail and the Price Administrator deems the present action appropriate for the reasons set forth in the opinions accompanying the issuance of the previous actions, which are incorporated herein by reference. Available information regarding margins of ready-mixed concrete producers in those parts of the United States not yet covered by Section 4.4 also indicate inability to absorb these cost increases.

The rail freight rate increases both Federal and State, on cement, sand and coarse aggregates, similarly cannot be absorbed by the ready-mixed concrete

industry. The State actions concerning intrastate rail rates are in many instances identical with the Federal action, and in others, no final decision had been reached by the date of issuance of the accompanying Amendment. When future State actions become effective, the accompanying Amendment will also permit each manufacturer to increase his prices in accordance with his increased freight costs. Since it is the intention of the Administrator to limit the intrastate freight cost pass-through to increases resulting from the railroads' joint petition before the Interstate Commerce Commission and the several State agencies, he will provide a cut-off date as soon as all the State Commissions take final action with respect to this petition.

This Office has not specified the exact increase in manufacturers' prices for ready-mixed concrete since it is apparent that the resulting cost increases for cement and freight do not result in meaningful averages. Accordingly, each manufacturer is permitted to compute his own adjustment when the cost of his cement and aggregates are increased because of higher rail freight rates and the cost of his packaged cement is increased by $0.05 and then, only by an amount not to exceed the actual additional cost of cement and aggregates entering into each specification of the commodity. Previously, the uniform cement cost increases were calculated by each producer. However, in this instance, the cost increases resulting from the freight increases on cement, sand and coarse aggregates vary widely with each producer, and accordingly, each producer who modifies his prices in accordance with the provisions of the accompanying amendment is required to file within 10 days after the determination of modified maximum prices a report for each of his five principal mixes of ready-mix concrete and three principal mixes of topping. These reports merely require a formal statement of calculations which each producer must make in complying with the formula set forth in the accompanying amendment. The Administrator will take appropriate action revising established prices where adjustments are computed incorrectly.

The established trade practice for manufacturers of ready-mixed concrete is to quote prices of this commodity to their customers in dollars-and-cents amounts rounded to the nearest 5¢. The Amendment permits continuation of this practice.

Prior to the issuance of this Amendment, the Price Administrator consulted so far as practicable with representatives of the ready-mixed concrete industry and has given consideration to their recommendations. The reporting provision of the action and the report itself have been discussed with industry representatives and found acceptable and feasible.

On the basis of the foregoing considerations, the Price Administrator has determined that the adjustment provided herein is in accordance with the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46-16983; Filed, Sept. 18, 1946; 11:24 a. m.]

Regional and District Office Orders.

[Region VII Order G-26 Under RMPR 122]

SOLID FUELS IN DENVER REGION

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 47. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII. Docket No. 7-122-259 (a) (1), 260-29.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and sections 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 47 is issued.

1. The table of maximum prices, as set forth in paragraph (3) of Appendix VI, Denver Metropolitan Trade Area, as heretofore amended, is hereby further amended by inserting at the end thereof and immediately preceding the note thereto, the following proviso: "*Provided, however*, That if you are a dealer located in the Lakewood suburban area of the Denver Metropolitan Trade Area, you may, as to all coal produced in District 16 and coming to your yard by rail shipment originating on the Union Pacific Railroad, add 21¢ per ton to the above specified dollars and cents prices."

2. *Effective date.* This Amendment No. 47 shall become effective on the 4th day of September 1946.

Issued this 4th day of September 1946.

PAUL D. SHRIVER,
Acting Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 47, ORDER NO. G-26 UNDER MAXIMUM PRICE REGULATION NO. 122

When maximum dollars-and-cents prices were established for the Denver Metropolitan Trade Area as set forth in Appendix VI to Order No. G-26 under Revised Maximum Price Regulation No. 122, dealers located in the Lakewood suburban area were able to have coals purchased by them from producers in District 16 shipped via Chicago, Burlington and Quincy Railroad, and the principal source of supply was the Columbine Mine of the Rocky Mountain Fuel Company. Some months ago the said Columbine Mine ceased production, and now the only sources of supply available to dealers located in said Lakewood suburban area are those which make shipment via Union Pacific Railroad only; and because of established freight tariffs, including a switching transfer at Denver to a local line which makes delivery, said Lakewood suburban area dealers are now subjected to an additional freight transportation charge of 21¢ per ton, and this Amendment No. 47 permits them to add such increase in their transportation costs to their dollars-and-cents maximum prices.

[F. R. Doc. 46-16829; Filed, Sept. 17, 1946; 8:47 a. m.]

[Region V SO 11]

FRUITS AND VEGETABLES IN DALLAS REGION

For the reasons set forth in an accompanying opinion, this order is issued:

(1) The list of food items and prices are hereby deleted from all fresh fruit and vegetable price orders in this Region.

Issued and effective September 3, 1946.

W. A. ORTH,
Regional Administrator.

OPINION ACCOMPANYING SUPPLEMENTARY ORDER NO. 11

The order which this opinion accompanies removes all fresh fruit and vegetable items and prices from community Pricing Orders in Region V without impairment to the structure of the orders. The action is taken for the reason that most fresh fruits and vegetables have been removed from price control and at the present time it is uncertain as to the future program of community pricing of fresh fruits and vegetables. Those food items which remain under price control will be priced in accordance with the basic regulation covering the level of sale.

[F. R. Doc. 46-16825; Filed, Sept. 17, 1946; 8:45 a. m.]

[Region III Order G-19 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN FAIRMONT, 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-19 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-19 shall become effective August 19, 1946.

Issued August 19, 1946.

J. F. KESSEL,
Regional Administrator.

TABLE I

MAXIMUM PRICES FOR RETAIL SALES OF LISTED HARD BUILDING MATERIALS IN THE FAIRMONT, WEST VIRGINIA AREA

Commodity and Unit	Price
Plaster, hard wall (ton or more lots), per ton	$22.40
Plaster, hard wall (less than ton), 100 lb. bag	1.22
Plaster gauging, per ton	42.40
Plaster moulding, per ton	42.40
Finishing lime (ton or more lots), per ton	22.87
Finishing lime (less than ton), 50 lb. bag	.66
Gypsum lath, ⅜ inch, 1,000 sq. feet	28.00
Portland cement, standard, paper bags), 94 lb. bag	.865
Mason's hydrated lime, 50 lb. sack	.56
Clay drain tile, 3 inch, lineal foot	.06
Clay drain tile, 6 inch, lineal foot	.155
Gypsum wallboard, ⅜ inch, 1,000 sq. feet	40.00
Asphalt shingles, 165 lb., 2 tab hexagon, per square	5.29
Fibre insulation board, 25/32 inch, asphalt sheathing, 1,000 sq. feet	78.00
Thermal insulation blankets (paper backed) medium, 1,000 sq. feet	50.00
Thermal insulation blankets (paper backed) single, 1,000 sq. feet	45.00
Thermal insulation batts (paper backed) full thick, 1,000 sq. feet	63.00
Keene's cement, per ton	55.16
Metal lath, 2.2 lb., painted diamond mesh, per sq. yard	.2341
Metal lath, 2.5 lb., painted diamond mesh, per sq. yard	.2425
Metal lath, 3.4 lb., painted diamond mesh, per sq. yard	.306
Metal lath, 3.4 lb., ⅜ in., high rib painted, per sq. yard	.3481
Metal lath, corner bead, expanded type, lineal foot	.0428
Masonry mortar (paper sacks), 64-70 lb	.7825
Clay drain tile, 4 inch, lineal foot	.08
Vitrified clay sewer pipe, No. 1SS-4 inch, lineal foot	.1795
Vitrified clay sewer pipe, No. 1SS-6 inch, lineal foot	.2707
Flue lining, 9 in. x 9 in., lineal foot	.3591
Flue lining, 9 in. x 13 in., lineal foot	.5415
Flue lining, 13 in. x 13 in., lineal foot	.7039
Asphalt roofing, 90 lb., mineral surface, roll (108 sq. ft.)	3.02
Asphalt or tarred felt, 15 lb., roll (432 sq. ft.)	2.81
Asphalt or tarred felt, 30 lb., roll (216 sq. ft.)	2.77
Asphalt shingles, 210 lb. (3 in 1) thick butt, per square	6.98
Asbestos cement siding, 12 in. x 24 in. or 27 in. (standard colors), per square	9.24
Asbestos cement siding, 12 in. x 24 in. or 27 in. (brilliant colors), per square	9.09
Thermal insulation blankets (paper backed) thick, 1,000 sq. feet	62.39
Thermal insulation, loose in bags (plain), per pound	.03

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G-19 UNDER REVISED GENERAL ORDER NO. 68

General Order No. 68 provides that the Regional Administrator may establish, by area orders, dollars-and-cents maximum prices for commodities under the jurisdiction of the Building and Construction Price Division of the Office of Price Administration. Such prices are not to exceed the general level of prices in the particular area and may be adjusted from time to time if the prices, previously established by area order, are, in the opinion of the Regional Administrator, no longer fair and equitable.

Since the issuance of the latest price list for hard building materials in this area, there have been price increases granted to manufacturers by the Office of Price Administration which, in turn, have resulted in higher acquisition costs to the retailers. Furthermore, Section 10 (t) of the Emergency Price Control Act, as amended, provides that retail distributors shall be allowed their average percentage mark-up, as of March 31, 1946, over their average current acquisition costs.

In order to meet the requirements of Section 10 (t) and to maintain maximum prices which are fair and equitable, the accompanying amendment is being issued.

In the opinion of the Regional Administrator, the provisions of the accompanying amendment are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of General Order No. 68, as amended.

[F. R. Doc. 46-16809; Filed, Sept. 17, 1946; 8:46 a. m.]

[Region III Order G-30 Under G. O. 68, Amd't. 2]

HARD BUILDING MATERIALS IN HUNTINGTON, 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-30 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.

(3) This amendment reflects the increase in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Price 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. 2 to Order No. G-30 shall become effective August 19, 1946.

Issued August 19, 1946.

J. F. KESSEL,
Regional Administrator.

TABLE I

MAXIMUM DELIVERED PRICES FOR RETAIL SALES OF HARD BUILDING MATERIALS IN THE HUNTINGTON, WEST VIRGINIA AREA

Commodity and Unit	Price
Plaster, hard wall, 94 lb	$1.075
Plaster, gauging, 94 lb	1.90
Plaster, moulding, 94 lb	1.90
Keene's cement, 94 lb	2.00
Finishing lime, 50 lb	.56
Gypsum lath, ⅜ inch, 1,000 ft	26.00
Metal lath, 2.5 lb., painted diamond mesh, sq. yd	.2787
Metal lath, 3.4 lb., painted diamond mesh, sq. yd	.324
Metal lath, 3.4 lb., ⅜ in., high rib painted, sq. yd	.354
Metal lath, corner bead, 2 in. cornerite, lin. ft	.0326
Metal lath, corner bead, expended type, lin. ft	.0535
Portland cement, standard (paper bags), 94 lb	.715
Masonry mortar (paper sack), 94 lb	.665
Mason's hydrated lime, 50 lb	.50
Clay drain tile, 4 inch, lin. ft	.08
Clay drain tile, 6 inch, lin. ft	.14
Vitrified clay sewer pipe, No. 1SS, 4 inch, lin. ft	.1824
Vitrified clay sewer pipe, No. 1SS, 6 inch, lin. ft	.2736
Flue lining, 9 in. x 9 in., lin. ft	.3648
Flue lining, 9 in. x 13 in., lin. ft	.5472
Flue Lining, 13 in. x 13 in., lin. ft	.6954
Gypsum wallboard, ⅜ inch, 1,000 ft	38.00
Asphalt roofing, 90 lb., mineral surface, roll (108 sq. ft.)	2.71
Asphalt or tarred felt, 15 lb., roll (432 sq. ft.)	2.55
Asphalt or tarred felt, 30 lb., roll (216 sq. ft.)	2.55
Asphalt shingles, 210 lb., (3 in 1) thickbutt, square	6.29
Asphalt shingles, 165 lb., 2 tab hexagon, square	4.88
Fibre insulation board, 12/ in., standard lath and board, 1,000 sq. ft	48.38
Fibre insulation board, 25/32 in., asphalt sheathing, 1,000 sq. ft	71.50
Asbestos cement siding, 12 in. x 24 in. or 27 in., standard colors, square	8.14
Hard density synthetic fibre board, ⅛ in., tempered, standard size, 1,000 ft	85.00
Thermal insulation batts (paper backed) 2 in. thick, 1,000 ft	45.00
Thermal insulation batts (paper backed) full-thick, 1,000 ft	60.00

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-30 UNDER REVISED GENERAL ORDER NO. 68

General Order No. 68 provides that the Regional Administrator may establish, by area orders, dollars-and-cents maximum prices for commodities under the jurisdiction of the Building and Construction Price Division of the Office of Price Administration. Such prices are not to exceed the general level of prices in the particular area and may be adjusted from time to time if the prices, previously established by area order, are, in the opinion of the Regional Administrator, no longer fair and equitable.

Since the issuance of the latest price list for hard building materials in this area, there have been price increases granted to manufacturers by the Office of Price Administration which, in turn, have resulted in higher acquisition costs to the retailers. Furthermore, Section 10 (t) of the Emergency Price Control Act, as amended, provides that retail distributors shall be allowed their average percentage mark-ups, as of March 31, 1946, over their average current acquisition costs.

In order to meet the requirements of Section 10 (t) and to maintain maximum prices which are fair and equitable, the accompanying amendment is being issued.

In the opinion of the Regional Administrator, the provisions of the accompanying amendment are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of General Order No. 68, as amended.

[F. R. Doc. 16-16810; Filed, Sept. 17, 1946; 8:45 a. m.]

[Region III Order G-35 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN RICHMOND, IND., 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-35 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-35 shall become effective August 21, 1946.

Issued August 21, 1946.

JOHN F. KESSEL,
Regional Administrator.

TABLE I

MAXIMUM PRICES FOR CERTAIN HARD BUILDING MATERIALS WHEN SOLD AT RETAIL IN THE RICHMOND, INDIANA AREA

Commodity and Unit	*Price*
Plaster:	
Hard wall, 50 lb. bag	$0.625
Hard wall, 100 lb. bag	1.05
Hard wall, per ton	21.00
Gauging, 100 lb. bag	2.00
Moulding, 100 lb. bag	2.00
Keene's cement, 100 lb. bag	2.75
Finishing lime, 50 lb. bag	.67
Gypsum lath, ⅜ in., per 100 sq. ft	2.95
Metal lath, painted diamond mesh:	
2.5 lb., sq. yd	.2899
3.4 lb., sq. yd	.372
Metal lath:	
Flat rib, painted, 3.4 lb., sq. yd	.3658
High rib, painted, ⅜ in., 3.4 lb., sq. yd	.3658
Corner bead, expanded type, lin. ft	.0535
Corner bead, standard, lin. ft	.033
Cornerite, 2 in., lin. ft	.0217
Cornerite, 3 in., lin. ft	.0323
Cement:	
Portland (paper bag), 94 lb. bag	.765
Portland (paper bag), Bbl	3.06
Masonry mortar (paper bag), 74 lb. bag	.715
Masonry mortar (paper bag), bbl	2.86
Mason's hydrated lime, 50 lb. bag	.56
Cement:	
Water proof (high early), 94 lb. bag	.965
Water proof (high early), Bbl	3.86
Clay drain tile:	
4 in. dia., lin. ft	.048
5 in. dia., lin. ft	.062
6 in. dia., lin. ft	.086
8 in. dia., lin. ft	.164
Vitrified clay sewer pipe:	
3 in. dia., lin. ft	.232
4 in. dia., lin. ft	.232
5 in. dia., lin. ft	.3485
6 in. dia., lin. ft	.3485
8 in. dia., lin. ft	.5282
10 in. dia., lin. ft	.8131
12 in. dia., lin. ft	1.0454
20 in. dia., lin. ft	2.3115
24 in. dia., lin. ft	3.473
Fine lining:	
9 in. x 9 in., 2 ft. length, 2 ft. length	.9292
9 in. x 13 in., 2 ft. length, 2 ft. length	1.3938
13 in. x 13 in., 2 ft. length, 2 ft. length	1.7733
19 in. x 19 in., 2 ft. length, 2 ft. length	3.8065
Gypsum wallboard, ⅜ in., sq. ft	.045
Gypsum sheathing, ½ in., sq. ft	.045
Asphalt roofing, mineral surface, 90 lb., 100 sq. ft. roll	2.82
Felt, asphalt-impregnated or tarred:	
15 lb. (4 squares per roll), 432 sq. ft. roll	2.95
30 lb. (2 squares per roll), 216 sq. ft. roll	2.95
Roofing, plain:	
Competitive grade, 35 lb., roll	1.45
Medium grade, 45 lb., roll	1.91
Better grade, 55 lb., roll	2.47
Better grade, 65 lb., roll	2.73
Asphalt shingles:	
210 lb. (3 in 1) thickbutt, square	6.82
167 lb. (2 tab, hexagon), square	5.26
Fibre insulation board, ½ in., standard:	
Lath and board, sq. ft	.0538
Sealed lath, sq. ft	.057
Fibre insulation board, asphalt sheathing; 25/32 in., sq. ft	.0845
Asbestos-cement siding, 12 in. x 24 in.—12 in. x 27 in.:	
Standard colors, 100 sq. ft	9.45
White (glazed), 100 sq. ft	9.87

TABLE I—Continued

MAXIMUM PRICES FOR CERTAIN HARD BUILDING MATERIALS WHEN SOLD AT RETAIL IN THE RICHMOND, INDIANA AREA—continued

Commodity and Unit	*Price*
Standard density synthetic fibre board; 4 ft. x 8 ft.:	
⅛ in., sq. ft	$0.081
3/16 in., sq. ft	.10
¼ in., sq. ft	.138
Hard density synthetic fibre board; 4 ft. x 8 ft.:	
⅛ in., sq. ft	.10
3/16 in., sq. ft	.12
¼ in., sq. ft	.158
Thermal insulation:	
Blankets, glass wool, 1 in., sq. ft	.04
Blankets, glass wool, 2 in., sq. ft	.05
Blankets, rock wool, 3 in., sq. ft	.07
Blankets, glass wool, 3 in., sq. ft	.07
Batts, rock wool, 2 in., sq. ft	.045
Batts, rock wool, full thick, sq. ft	.065
Batts, glass wool, 2 in., sq. ft	.05
Batts, glass wool, full thick, sq. ft	.07
Loose rock wool, 40 lb. bag	1.00
Loose glass wool, 40 lb. bag	1.30
Loose rock wool, nodulated, 40 lb. bag	1.40
Loose glass wool, nodulated, 40 lb. bag	1.50

Discounts: The sellers covered by this order must not discontinue or reduce any free delivery service, allowances, discounts, or differentials which they had in effect during March 1942.

Delivery: Sellers who, in March 1942, charged for the delivery of items covered by this order may continue to charge for such deliveries, provided, the rates charged do not exceed such seller's delivery rates and charges in effect in March 1942.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G-35 UNDER REVISED GENERAL ORDER NO. 68

General Order No. 68 provides that the Regional Administrator may establish, by area orders, dollars-and-cents maximum prices for commodities under the jurisdiction of the Building and Construction Price Division of the Office of Price Administration. Such prices are not to exceed the general level of prices in the particular area and may be adjusted from time to time if the prices, previously established by area order, are, in the opinion of the Regional Administrator, no longer fair and equitable.

Since the issuance of the latest price list for hard building materials in this area, there have been price increases granted to manufacturers by the Office of Price Administration which, in turn, have resulted in higher acquisition costs to the retailers. Furthermore, Section 10 (t) of the Emergency Price Control Act, as amended, provides that retail distributors shall be allowed their average percentage mark-up, as of March 31, 1946, over their average current acquisition costs.

In order to meet the requirements of Section 10 (t) and to maintain maximum prices which are fair and equitable, the accompanying amendment is being issued.

In the opinion of the Regional Administrator, the provisions of the accompanying amendment are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942,

as amended, and of General Order No. 68, as amended.

[F. R. Doc. 46-16811; Filed, Sept. 17, 1946; 8:45 a. m.]

[Region V Order G-1 Under Gen. Order 50, Amdt. 16]

MALT BEVERAGES IN DESIGNATED SOUTHERN STATES

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by GO 50, Region V Order No. G-1 under GO 50, Maximum Prices for Malt Beverages in Designated Southern States, is amended in the following respects:

1. Table I, section 20, Appendix A, is amended by adding thereto the following brand names: Allweiden Brand, Badger Club Beer, and Hackers 5X Beer.

2. Table II, section 20, Appendix A, is amended by adding thereto the following brand names: Boston Beer and Signet Beer.

This amendment shall become effective September 4, 1946.

(56 Stat. 22, 765, 57 Stat. 566, Public Law 383, 78th Cong.; E. O. 9250, 7 F. R. 7671; E. O. 9228, 8 F. R. 4681; General Order 50, 8 F. R. 4808)

Issued at Dallas, Texas, this 5th day of September 1946.

W. A. ORTH,
Regional Administrator,
Region V, Dallas, Texas.

OPINION ACCOMPANYING AMENDMENT NO. 16 TO REGION V ORDER G-1 UNDER GENERAL ORDER 50

This amendment to the Region V Beer Order is issued for the purpose of incorporating into the list of brands in Table I, Section 20, Appendix A of the Order, Allweiden Brand brewed by White Eagle Brewing Company, Chicago, Illinois; Badger Club Beer brewed by Fauerbach Brewing Company, Madison, Wisconsin; and Hackers 5X Beer brewed by Cold Spring Brewery, Lawrence, Massachusetts. The Regional Administrator has found that the beverages named are "premium" brands of malt beverages and that the f. o. b. brewery prices and/or the historical retail selling prices of these brands are equivalent with the other brands of beer presently listed in the table. The amendment also incorporates into the list of brands in Table II, Section 20, Appendix A of the Order Boston Beer, brewed by the Boston Beer Company, Boston, Massachusetts, and Signet Beer, brewed by Lancaster Brewery Inc., Lancaster, Pennsylvania. The f. o. b. brewery prices of these brands are equivalent to the costs of brands presently listed in Table II.

The Regional Administrator is of the opinion that Amendment No. 16 is generally fair and equitable and will properly effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-16824; Filed, Sept. 17, 1946; 8:45 a. m.]

[Region V Order G-4 Under MPR 592, Revocation]

SAND IN CLAY AND JACKSON COUNTIES, MO., AND JOHNSON AND WYANDOTTE COUNTIES, KANS.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of Region V by Sections 17 and 23 of Maximum Price Regulation 592; *It is hereby ordered,* That:

Order No. G-4 under Sections 17 and 23 of Maximum Price Regulation 592 granting a local area adjustment of maximum prices for sand in the area comprising Clay and Jackson Counties, Missouri; and Johnson and Wyandotte Counties, Kansas, issued on the 7th day of June, 1946, by the Regional Administrator, and amended to become effective on July 14, 1946, be and the same is hereby revoked.

(56 Stat. 23,765; 57 Stat. 566; Pub. Law No. 383, 78th Cong.; E. O. 9250, 7 F. R. 7871, and E. O. 9328, 8 F. R. 4681)

Effective this 2d day of September 1946.

Issued at Dallas, Texas, this 27th day of August 1946.

W. A. ORTH,
Regional Administrator.

OPINION ACCOMPANYING ORDER REVOKING ORDER NO. G-4 UNDER SECTIONS 17 AND 23 OF MAXIMUM PRICE REGULATION NO. 592

Pursuant to the authority vested in him by Section 17 and 23 of Maximum Price Regulation 592, the Regional Administrator issued Order No. G-4 granting an adjustment of the maximum prices of sand produced and sold in the area comprising Clay and Jackson Counties, Missouri, and Johnson and Wyandotte Counties, Kansas, establishing the maximum prices, in dollars-and-cents amounts applicable to all sellers doing business in that area.

In issuing Order No. G-4 the Regional Administrator took into consideration certain information indicating that a local shortage of the supply of sand in the area covered by the order would develop and prevail unless an area-wide adjustment allowing price increases on the sale of sand was granted. There was also information available to the Regional Administrator indicating that sand had been sold historically by the various sellers in said area at substantially the same price.

Subsequent to the issuance of Order No. G-4, however, the Administrator has found that the threatened local shortage of the supply of sand in the area could be avoided by granting individual price adjustments to a small number of the suppliers of this commodity. The Administrator has also found that all suppliers of sand doing business in the trading area covered by Order No. G-4 have not historically sold sand at substantially the same price, therefore, the area-wide dollars-and-cents prices established in the order were not uniformly appropriate and fair to all sellers and purchasers of this commodity.

For the reasons, stated above, the Regional Administrator, by the accompanying order, has revoked the area adjustment Order No. G-4 issued under Sections 17 and 23 of Maximum Price Regulation 592.

[F. R. Doc. 46-16826; Filed, Sept. 17, 1946; 8:45 a. m.]

[Region VI order G-1 Under RMPR 296]

CERTAIN SALES OF FLOUR FROM WHEAT, SEMOLINA AND FARINA IN CHICAGO REGION

For reasons set forth in an accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by Section 12 of Revised Maximum Price Regulation 296; *It is ordered:*

1. That maximum prices set forth in paragraphs (2) and (4) of Appendix A, IX of Revised Maximum Price Regulation No. 296 are hereby increased 25¢ per hundred weight.

2. This order shall only be applicable in the Metropolitan Area at Chicago, Illinois.

3. This order may be revoked, amended or corrected anytime hereafter.

This order shall become effective at 12:01 a. m. on August 26, 1946 and shall terminate at 12:01 a. m. on October 31, 1946.

Issued: August 23, 1946.

EARL W. CLARK,
Regional Administrator.

OPINION ACCOMPANYING ORDER NO. G-1 UNDER SECTION 12 OF REVISED MAXIMUM PRICE REGULATION NO. 296

Revised Maximum Price Regulation No. 296 which establishes maximum prices for flour from wheat, semolina and farina, sold by millers, blenders, primary distributors and flour jobbers provides in paragraphs (2) and (4) of Appendix A, IX prices for shipments and deliveries of flour in amounts of 250 hundredweight or less. The maximum prices are determined for such sales by taking the base price set forth in Appendix A and adding thereto a markup of 25¢ per hundredweight for the Chicago Metropolitan Area on f. o. b. sales and 50¢ per hundredweight for delivered sales.

The Regional Administrator, under Section 12 of the regulation, has authority to increase the markups provided for in paragraphs (2) and (4) of Appendix A, IX provided that the increase does not exceed the 50¢ per hundredweight. The Chicago flour jobbers have requested the Regional Administrator to exercise this authority and have submitted to the Regional Administrator to exercise this authority and have submitted to the Regional Administrator their brief and argument. From an investigation it has been determined that normally distributors received flour in the Chicago Metropolitan Area on a delivered basis and the price paid for the flour is the laid down price in Chicago. However, because of present conditions millers are generally selling on f. o. b. plant basis requiring the distributors to pay the freight into Chicago. Because of increased freight charges the price to the distributor, laid down in Chicago, exceeds the price which flour may be sold at on a

delivered basis into Chicago. This practice is permitted under Appendix A, XIV but limits the purchaser on resale to the maximum price applicable at the point where the flour is received by him. The result has been that the jobbers margin has been reduced substantially. This condition is a temporary one which should disappear in a short time. In addition distributors have had increased labor and delivery costs. The result of all these factors has tended to reduce the distributors markup to a point where they will be unable to operate profitably. The Regional Administrator has determined that an additional sum of 25¢ per cwt. should be sufficient to allow flour distributors in Chicago to continue operation and that sum has been allowed in the accompanying order. The order is made effective for a period of about 60 days and should events prove that a further continuation is necessary the flour distributors should, at least 2 weeks before that time, submit detailed data to the Regional Administrator to justify a further extension of the provisions of the order.

[F. R. Doc. 46-16831; Filed, Sept. 17, 1946; 8:48 a. m.]

[Region V SO 10 Under Rev. MPR 251]

Certain Building Materials and Roofing Materials in Dallas Region

For reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of Region V of the Office of Price Administration by Section 9 of Revised Maximum Price Regulation No. 251; *It is ordered:*

A. All persons making sales of the commodities listed in Paragraph C of this order, when sold on an installed basis subject to the general orders listed in Paragraph B of this order, may increase the maximum prices prescribed in said orders for these commodities by the amount described in Paragraph C of this order.

Maximum prices, for the commodities listed in this order which are not covered by the sellers' applicable general order listed in Paragraph B hereof, are not affected by this order. The maximum prices for such commodities, when sold on an installed basis, must be computed under Revised Maximum Price Regulation No. 251.

B. *Orders affected.* The provisions of this Supplementary Order No. 10 shall apply to the following General Orders issued by the Regional Administrator of Region V, as amended, or revised, which have been issued pursuant to the authority vested in the Regional Administrator by Section 9 of Revised Maximum Price Regulation No. 251.

Order Number and Area

G-4—Sales of installed roofing materials: Dallas County, Tex.

G-5—Sales of installed roofing materials: Corporate limits of Kansas City, Mo.; Kansas City, Kans.; North Kansas City, Mo., and Independence, Mo.

G-7—Sales of installed roofing materials: The State of Kansas except the Counties of Johnson, Leavenworth and Wyandotte.

G-11—Sales of installed siding materials: Clay and Jackson Counties, Mo.; and Johnson and Wyandotte Counties, Kans.

G-25—Sales of installed siding materials: Pulaski County, Ark.

G-32—Sales of installed siding materials: Ouachita Parish, La.

C. The following amounts may be added to the maximum prices established by the general orders named in paragraph B for the commodities hereinafter specified:

Amount of Increase Which May Be Added

Item No., Description of Commodity, and Unit of Sale	
1. Asphalt strip shingles:	
167-lb. 11⅓" hexagon, per square	$0.22
210-lb. 12" (3 tab), per square	.28
210-lb. thick butt, per square	.28
2. Reroofing type shingle:	
167-lb. lock, per square	.22
138-140 lb., per square	.22
3. Roll roofing:	
90-lb. mineral surface, per square	.25
105-lb. diamond point, per square	.14
105-lb. staggered type, per square	.14
4. Built-up roofing:	
Per 15-lb. felt, per square	.08
Per 30-lb. felt, per square	.15
5. Asbestos cement siding:	
12" x 24", 12" x 27" standard surface hardness, all colors, per square	.42
6. Asbestos cement siding:	
12" x 24", 12" x 27" extra hard surface, all colors, per square	.53
7. Asphalt siding insulating brick:	
14⅜" x 43⅞"; 13⅞" x 43⅛", 14" x 43", per square	.34
8. Asphalt siding roll brick:	
Strip tab 7" x 34"; 7⅒" x 36"; 10½" x 36"; 10⅝" x 36"; 16" x 12":	
With backerboard, per square	.17
Without backerboard, per square	.17

D. Wherever applicable, the definitions set forth in general orders listed in Paragraph B, as amended or revised, are incorporated by reference and made a part of this order.

E. This Supplementary Order No. 10 may be revoked, amended or changed at any time.

F. This Supplementary Order No. 10 shall become effective this 4th day of September 1946.

Issued at Dallas, Texas, this 24th day August 1946.

W. A. Orth,
Regional Administrator.

OPINION ACCOMPANYING SUPPLEMENTARY ORDER NO. 10 UNDER REVISED MAXIMUM PRICE REGULATION NO. 251

By issuing Supplementary Order No. 10 under Revised Maximum Price Regulation No. 251, the Regional Administrator permits an increase in the maximum prices of certain asbestos-cement building material items and certain asphalt or tarred roofing materials, established in specified general area orders.

The dollars-and-cents maximum prices for the commodities affected by Supplementary Order No. 10 were established by general orders reflecting the general level of prices for those commodities as they existed under Revised Maximum Price Regulation No. 251, at the time the respective orders were issued.

Subsequent to the issuance of these orders, the Office of Price Administration, by Amendment No. 8 to Revised Price Schedule No. 45, effective May 10, 1946, granted a price increase to all manufacturers of asphalt or tarred roofing materials which includes certain commodities covered by the aforementioned general area orders. This amendment provides that the increased prices on said materials may be passed on by the purchaser who resells the commodities in the same form in which they were purchased. Therefore, this increased price on asphalt or tarred roofing materials will likewise increase the cost of the materials covered by those general orders when purchased for resale on an installed basis.

In like manner, the Office of Price Administration, by Amendment No. 6 to Maximum Price Regulation No. 466, effective May 22, 1946, granted a price increase to all manufacturers of asbestos-cement building materials, which includes certain commodities covered by the aforementioned general area orders. This amendment provides that increased prices on said materials may be passed on by the purchaser who resells them in the same form in which they were purchased. Therefore, this increased price on these materials will likewise increase the cost of certain asbestos-cement materials covered by those general orders when purchased for resale on an installed basis.

For these reasons the maximum prices established by general area orders for the sale of certain commodities made of asbestos-cement and asphalt or tar, when sold on an installed basis, have been increased to absorb this increased cost of these materials. Therefore, the Regional Administrator has issued Supplementary Order No. 10.

[F. R. Doc. 46-16827; Filed, Sept. 17, 1946; 8:46 a. m.]

[Miami Rev. Order G-10 Under Gen. Order 68]

Hard Building Materials in Dade County, Fla.

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 Dade 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 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[1] 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 the list of maximum prices fixed by this order in each of his places of business in Dade 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, each 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 has 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 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 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 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.

[1] Filed as part of the original document.

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. 46-16636; Filed Sept. 13, 1946; 8:55 a. m.]

[Miami Rev. Order G-15 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 Indian River, Osceola, Polk, Hardee, Glades, Okeechobee, De Soto, Highlands, Lee, Charlotte, Collier, Martin, St. Lucie and Hendry Counties, 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 increase 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 order 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[1] 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 the list of maximum prices fixed by this order in each of his places of business in Indian River, Osceola, Polk, Hardee, Glades, Okeechobee, De Soto, Highlands, Lee, Charlotte, Collier, Martin, St. Lucie and Hendry 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, 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 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 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.

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. 46-16637; Filed, Sept. 13, 1946; 8:56 a. m.]

[Miami Rev. Order G-16 Under Gen. Order 68]

HARD BUILDING MATERIALS IN MIAMI, FLA., DISTRICT

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 county of Monroe, 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.[1]

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 price established by this order 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[1] 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 the list of maximum prices fixed by this order in each of his places of business in Monroe 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 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 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 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 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.

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. 46-16625; Filed, Sept. 13, 1946; 8:49 a. m.]

[1] Filed as part of the original document.

[Region VI Order G-3 Under MPR 592]

CONSUMERS CO.

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 the provisions of section 16 of Maximum Price Regulation No. 592, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of No. 2 Torpedo Sand and Gravel, and Crushed Stone produced by the Consumers Company, Chicago, Illinois (hereinafter referred to as the "producer").

(b) *Producer's maximum prices.* For sales covered by Maximum Price Regulation No. 592, the producer's maximum prices for No. 2 Torpedo Sand and Gravel, and Crushed Stone shall be the producer's maximum prices under the provisions of Maximum Price Regulation No. 592 plus 21 cents per cubic yard.

(c) *Resellers' maximum prices.* Each reseller of No. 2 Torpedo Sand and Gravel, and Crush Stone producer by the Consumers Company covered by this order may increase the prices listed in this order by the percentage by which the reseller's cost of acquisition has been increased by reason of the increase granted the producer pursuant to the provisions of this order.

(d) Producer and resellers must maintain customary discounts, allowances, and handling and delivery charges.

(e) *Notification.* At the time of or prior to the first invoice to the purchaser for resale, the producer shall furnish such purchaser with a copy of this order.

(f) *Definitions.* Reseller means any person who buys No. 2 Torpedo Sand and Gravel, and Crushed Stone subject to this order and who sells them in the same form as produced by the Consumers Company.

(g) *Applicability.* The maximum prices established by this order are applicable to all sales and deliveries of No. 2 Torpedo Sand and Gravel, and Crushed Stone subject to this order made in the continental United States.

(h) All requests not granted herein are denied.

This order may be amended, modified, or revoked at any time.

This Order No. G-3 shall become effective immediately, and shall remain in effect until December 31, 1946, unless otherwise amended, modified, or revoked by the Office of Price Administration.

Issued this 14th day of August 1946.

EARL W. CLARK,
Regional Administrator.

OPINION ACCOMPANYING ORDER NO. G-3 UNDER MAXIMUM PRICE REGULATION NO. 592

The accompanying order is issued pursuant to the provisions of section 16 of Maximum Price Regulation No. 592. Section 16 provides that a producer may file an application for adjustment where his supply of a commodity may not be replaced if he discontinued production, or his supply could be replaced only at a price equal to or higher than his requested maximum price. Paragraph (e) of this section provides that in connection with any order granting an adjustment in the producer's price, the Office of Price Administration may also adjust the maximum price of any person who resells the article in the same form to the extent deemed necessary in the judgment of the Price Administrator or his duly authorized representative.

The Consumers Company, Chicago, Illinois, filed an application with this Office requesting an increase in the maximum prices of No. 2 Torpedo Sand and Gravel, and Crushed Stone and also requested that adjusted prices be likewise established for resellers. An Order of Denial under section 16 of Maximum Price Regulation No. 592 was issued by this Office on March 29, 1946, on the ground that no adjustment in maximum prices was allowable in the light of the data then available to the Regional Administrator.

Since the issuance of the Order of Denial, the Consumers Company has submitted additional data indicating that the average selling price in 1945 was at such a level as to impede the continued supply of Crushed Stone and No. 2 Torpedo Sand and Gravel in the Chicago Area. We have found that the average selling price of these commodities did not return the average total costs. An average adjustment in the amount of 17 cents per cubic yard is warranted.

In addition, the Interstate Commerce Commission and the Illinois Commerce Commission has authorized freight rate increases, the effect of which has been calculated by this Office at 4 cents, rounded off to nearest cent, per cubic yard. It was found that this freight increase, which shall remain in effect until December 31, 1946, could not be absorbed in the costs of the commodities in question. Accordingly, a total increase of 21 cents per cubic yard, is allowable in the producer's maximum price of No. 2 Torpedo Sand and Gravel, and Crushed Stone.

[F. R. Doc. 46-16830; Filed, Sept. 17, 1946; 8:48 a. m.]

[Region VII Rev. Order G-23 Under SO 94]

WAR SURPLUS COAL BURNING SPACE HEATERS IN DENVER REGION

Rev. Order G-23 Under Supplementary Order No. 94. Maximum resale prices at specified levels for the named war surplus commodity. Docket No. 7-SO 94-11-43.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and sections 11 and 13 of Supplementary Order No. 94, and for the reasons set forth in the accompanying opinion this Revised Order No. G-23 is issued.

(a) *What this revised order does.* This Revised Order No. G-23 supersedes Order No. G-23 as of the effective date hereof, and establishes maximum prices for all resellers of the war surplus commodity in question at the specified levels which are higher than the prices heretofore established by said Order No. G-23, in order to bring such resale prices into line with prices established by Region VI for the same commodity.

(b) *Description of commodity.* The war surplus articles covered by this Revised Order No. G-23 are used U. S. Army No. 1 coal burning space heaters, magazine type, manufactured by Locke Stove Company of 114 West Eleventh Street, Kansas City, Missouri, and designated by the manufacturer as Model 520 "Warm Morning" coal heaters. Each stove weighs approximately 300 pounds, has an over-all height of approximately 40½ inches, and a diameter of approximately 21 inches, with a 6-inch smoke pipe opening at top.

(c) *Maximum prices at specified levels.* (1) When sold by any reseller to a retailer, delivered at such retail dealer's place of business if shipment is by truck, or delivered at such retail dealer's nearest unloading point if shipment is by rail, the maximum prices for the commodity in question shall be as follows:

"As is": $19.50 each.
Reconditioned: $22.75 each.

(2) When sold by any reseller to an ultimate consumer, delivered at the seller's place of business or within his customary free delivery zone, the maximum prices for the commodity in question shall be as follows:

"As is": $32.50 each.
Reconditioned: $37.50 each.

(3) If cross-stream sales are made, that is, a sale by a wholesaler to a wholesaler, or a sale by a retailer to a retailer, nothing can be added to the net maximum prices as above set forth in subparagraphs (1) and (2) respectively. That is to say, a wholesaler who purchases from a wholesaler will still have as his maximum prices for sales made to retailers those above set forth in subparagraph (1), and a retailer purchasing from a retailer will still have for his maximum prices for sales to ultimate consumers the prices above set forth in subparagraph (2).

(d) *Definitions.* (1) "Reconditioned" means, painted, clean, and of good appearance, having no parts missing which are necessary for the useful operation of the stove without further repair.

(2) "As is" means that the stove is in the condition in which it was sold by the government agency but does not meet the requirements of subparagraph (1) above.

(e) *Notification to reseller and preticketing.* Any person making a resale under this Revised Order No. G-23 to a reseller shall notify such reseller, either by an indorsement on his invoice or by a slip or rider attached thereto, of the maximum resale prices as established by paragraph (c) of this Revised Order No. G-23; and before any such reseller exhibits for sale, offers to sell, or sells to a consumer any of the stoves in question, he must attach a tag or affix a label to the stove, stating in substance the following: "This stove is reconditioned (or is 'as is,' as the case may be), and the OPA ceiling price to consumers is $____."

(f) *Geographical applicability.* This Revised Order No. G-23 applies only to the stoves in questio.. when sold by the War Assets Administration or any other duly authorized government agency as a war surplus commodity at some place within Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River. But as to all resales of such war surplus commodity, this Revised Order No. G-23 covers resales when made by any reseller any place within the 48 states of the United States or the District of Columbia.

(g) *Application to other orders and regulations.* This Revised Order No. G-23 supersedes, as of the effective date hereof, Order No. G-23 under Supplementary Order No. 94, issued and effective July 26, 1946. Also, resellers making sales under this Revised Order No. G-23 are subject to all of the applicable terms and provisions of Supplementary Order No. 94, and therefore such resellers must keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, for any purpose whatsoever, their records of transactions as required by section 19 (d) of said Supplementary Order No. 94.

(h) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(i) *Right to revoke or amend.* This revised order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Revised Order No. G-23 shall become effective retroactively as of August 28, 1946.

Issued this 30th day of August 1946.

PAUL D. SHRIVER,
Acting Regional Administrator.

OPINION ACCOMPANYING REVISED ORDER NO. G-23 UNDER SUPPLEMENTARY ORDER NO. 94

It now appears that there is no civilian demand at the retail level in this Region VII for the surplus war commodity in question, and the only place where there is such civilian demand is the north central states, particularly Wisconsin and Minnesota. The maximum prices established by Order No. G-23 heretofore issued by this Regional Office and effective on July 26, 1946, will not permit distribution from points in this Region VII to such consuming area.

Also, the Omaha, Nebraska District Office in Region VI recently established maximum prices for identically the same surplus war commodity which are identical with the maximum prices now established by this Revised Order No. G-23. In other words, this Revised Order No. G-23 simply brings the maximum prices for the surplus war commodity in question, when sold by the War Assets Administration or any other duly authorized government agency at a place within Region VII, in line with the maximum prices established by Region VI for such war surplus commodity.

[F. R. Doc. 46-16828; Filed, Sept. 17, 1946; 8:47 a. m.]

[Region III Order G-14 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN THE INDIANAPOLIS, IND., 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-14 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-14 shall become effective August 19, 1946.

Issued August 19, 1946.

JOHN F. KESSEL,
Regional Administrator.

TABLE I

MAXIMUM RETAIL PRICES OF THE LISTED HARD BUILDING MATERIALS IN THE INDIANAPOLIS, INDIANA AREA, INCLUDING THE COUNTIES OF MARION, BOONE, HAMILTON, HENDRICKS, HANCOCK, MORGAN, JOHNSON AND SHELBY

Commodity and unit	*Price*
Plaster, hard wall, 50 lb	$0.57
Plaster, hard wall, 100 lb	.95
Portland cement (paper bags), 94 lb	.715
Portland cement (paper bags), bbl	2.86
Gypsum wallboard, 3/8 inch, sq. ft	.04
Flue lining, 9 in. x 9 in., 2 ft. length	.7475
Flue lining, 9 in. x 13 in., 2 ft. length	1.0925
Flue lining, 13 in. x 13 in., 2 ft. length	1.3915
Keene's cement, 100 lb	2.34
Finishing lime, 70 lb	.56
Gypsum lath, 3/8 in., sq. ft	.025
Gypsum block-partition, 3 in. hollow, each	.13
Gypsum block-partition, 4 in. hollow, each	.15
Masonry mortar (paper bags), 70 lb	.665
Asphalt roofing, 90-lb., mineral surface, square	2.71

(All discounts offered, free delivery zones established and extra delivery charges made to any class of purchaser and/or type of purchase in March 1942, are applicable to sales made under the provisions of this order.)

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G-14 UNDER REVISED GENERAL ORDER NO. 68

General Order No. 68 provides that the Regional Administrator may establish, by area orders, dollars-and-cents maximum prices for commodities under the jurisdiction of the Building and Construction Price Division of the Office of Price Administration. Such prices are not to exceed the general level of prices in the particular area and may be adjusted from time to time if the prices, previously established by area order, are, in the opinion of the Regional Administrator, no longer fair and equitable.

Since the issuance of the latest price list for hard building materials in this area, there have been price increases granted to manufacturers by the Office of Price Administration which, in turn, have resulted in higher acquisition costs to the retailers. Furthermore, section 10 (t) of the Emergency Price Control Act, as amended, provides that retail distributors shall be allowed their average percentage mark-up, as of March 31, 1946, over their average current acquisition costs.

In order to meet the requirements of section 10 (t) and to maintain maximum prices which are fair and equitable, the accompanying amendment is being issued.

In the opinion of the Regional Administrator, the provisions of the accompanying amendment are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of General Order No. 68, as amended.

[F. R. Doc. 46-16808; Filed, Sept. 17, 1946; 8:46 a. m.]

[Region VIII Order G-11 Under RMPR 122, Amdt. 2]

SOLID FUELS IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

No. 183——10

Order No. G-11 under Revised Maximum Price Regulation No. 122 is amended in the following respect:

Paragraph (b) is amended to read as follows:

(b) Sellers to which this order No. G-11 applies are those covered by the following orders issued under Revised Maximum Price Regulation No. 122.

Order and Area Covered

G-4: Kellogg, Idaho.
G-10: Pendleton and LaGrande, Oreg.

This amendment to Order No. G-11 shall become effective upon issuance.

Issued this 6th day of September 1946.

BEN C. DUNIWAY,
Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-11 UNDER REVISED MAXIMUM PRICE REGULATION NO. 122

The accompanying amendment removes from the coverage of Order No. G-11 those dealers subject to Revised Order No. G-2, Order No. G-7, and Order No. G-9, all under Revised Maximum Price Regulation No. 122. This action was prompted by the issuance simultaneously herewith of Amendment No. 5 to Revised Order No. G-2, Amendment No. 7 to Order No. G-7, and Amendment No. 2 to Order No. G-9, incorporating therein those price increases permitted by Order No. G-11.

[F. R. Doc. 46-16823; Filed, Sept. 17, 1946; 9:02 a. 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 13, 1946.

Region I

New England Order 8-F, Amendment 64, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:35 a. m.

New England Order 10-F, Amendment 63, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:50 a. m.

Region II

Philadelphia Order 17-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:36 a. m.

Philadelphia Order 18-F, Amendment 4, covering fresh fruits and vegetables in the city and county of Philadelphia. Filed 10:36 a. m.

Philadelphia Order 19-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:36 a. m.

Philadelphia Order 20-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:36 a. m.

Region III

Louisville Order 38, Amendment 3, covering dry groceries in certain counties in Kentucky. Filed 10:51 a. m.

Region IV

Atlanta Order 38, Amendments 12 and 13, covering dry groceries in the Atlanta area. Filed 10:38 a. m.

Atlanta Order 40, Amendments 11 and 12, covering dry groceries in the Savannah area. Filed 10:38 and 10:37 a. m.

Jacksonville Order 14-F, Amendment 41, covering fresh fruits and vegetables in the city of Jackson, Florida. Filed 10:33 a. m.

Jacksonville Order 48, Amendment 8, covering dry groceries in certain counties in Florida. Filed 10:33 a. m.

Jacksonville Order 15-F, Amendment 16, covering fresh fruits and vegetables in the city of Pensacola, Florida. Filed 10:33 a. m.

Jackson Order 7-F, Amendment 43, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 10:37 a. m.

Jackson Order 24, Amendments 8 and 9, covering dry groceries sold by Groups 1 and 2 stores in the Mississippi area. Filed 10:31 and 10:30 a. m.

Jackson Order 25, Amendments 8 and 9, covering dry groceries sold by Groups 3 and 4 stores in the Mississippi area. Filed 10:30 and 10:29 a. m.

Jackson Order 26, Amendments 8 and 9, covering dry groceries sold by Groups 3A and 4A stores in the Mississippi area. Filed 10:34 a. m.

Miami Order 5-F, Amendment 46, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:32 a. m.

Miami Order 6-F, Amendment 39, covering fresh fruits and vegetables in the Tampa, Florida area. Filed 10:51 a. m.

Miami Order 6-F, Amendment 43, covering fresh fruits and vegetables in the Tampa, Florida area. Filed 10:32 a. m.

Richmond Order 13-F, Amendment 44, covering fresh fruits and vegetables in certain cities, counties and town in Virginia. Filed 10:42 a. m.

Region V

Dallas Order 4-F, Amendment 54, covering fresh fruits and vegetables in Dallas county, Texas. Filed 10:40 a. m.

Dallas Order 8-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:39 a. m.

Fort Worth Order 13-F, Amendment 57, covering fresh fruits and vegetables in Tarrant county, Texas. Filed 10:39 a. m.

Forth Worth Order 19-F, Amendment 44, covering fresh fruits and vegetables in Taylor, Tom Green and Wichita counties, Texas. Filed 10:45 a. m.

Fort Worth Order 23-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:45 a. m.

Fort Worth Order 25-F, Amendment 13, covering fresh fruits and vegetables in Brown, Eastland, Haskell and Jones counties, Texas. Filed 10:44 a. m.

Fort Worth Order 26-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:44 a. m.

Fort Worth Orders 20 and 21, Amendments 10 and 14, covering dry groceries. Filed 10:44 and 10:43 a. m.

Houston Order 4-F, Amendments 54 and 55, covering fresh fruits and vegetables in certain cities and towns in Texas. Filed 10:43 and 10:42 a. m.

Houston Order 7-F, Amendments 12 and 13, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:48 a. m.

Houston Order 8-F, Amendments 12 and 13, covering fresh fruits and vegetables in Jasper, Newton and Tyler counties, Texas. Filed 10:47 a. m.

Houston Order 9-F, Amendments 12 and 13, covering fresh fruits and vegetables in Galveston county, Texas. Filed 10:47 and 10:46 a. m.

Houston Order 10-F, Amendments 12 and 13, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:46 and 10:45 a. m.

Oklahoma City Order 14-F, Amendment 8, covering fresh fruits and vegetables in Garfield, Oklahoma and Pottawatomie counties, Oklahoma. Filed 10:48 a. m.

Oklahoma City Order 15-F, Amendment 8, covering fresh fruits and vegetables in Muskogee and Tulsa counties, Oklahoma. Filed 10:48 a. m.

Oklahoma City Order 16-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 10:47 a. m.

Oklahoma City Order 17-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 10:47 a. m.

New Orleans Order 3-F, Amendment 56, covering fresh fruits and vegetables in the Parishes of Orleans, St. Bernard and Jefferson (except Grand Isle). Filed 10:50 a. m.

New Orleans Order 5-F, Amendment 47, covering fresh fruits and vegetables in the cities of Shreveport, Bossier City, Monroe and West Monroe. Filed 10:50 a. m.

New Orleans Order 6-F, Amendment 46, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:49 a. m.

New Orleans Order 7-F, Amendment 13, covering fresh fruits and vegetables in certain Parishes of Louisiana. Filed 10:49 a. m.

New Orleans Order 8-F, Amendment 13, covering fresh fruits and vegetables in certain Parishes of Louisiana. Filed 10:49 a. m.

San Antonio Order 6-F, Amendment 54, covering fresh fruits and vegetables in Bexar county, Texas. Filed 10:49 a. m.

San Antonio Order 8-F, Amendment 55, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 10:53 a. m.

San Antonio Order 9-F, Amendment 43, covering fresh fruits and vegetables in Culberson, El Paso, Hudspeth and Presidio counties, Texas. Filed 10:52 a. m.

San Antonio Order 11-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:34 a. m.

San Antonio Order 12-F, Amendment 12, covering fresh fruits and vegetables in Travis county, Texas. Filed 10:52 a. m.

St. Louis Order 4-F, Amendment 55, covering fresh fruits and vegetables in the city of St. Louis and county of St. Louis, Missouri. Filed 10:31 a. m.

St. Louis Order 7-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Missouri. Filed 10:35 a. m.

Region VI

Milwaukee Order 14-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:28 a. m.

Region VII

Albuquerque Order 13-F, Amendments 4, 5, covering fresh fruits and vegetables in the Albuquerque area. Filed 10:40 a. m. and 10:51 a. m.

Albuquerque Order 14-F, Amendment 2, covering fresh fruits and vegetables in certain areas in New Mexico. Filed 9:50 a. m.

Albuquerque Order 15-F, Amendment 2, covering fresh fruits and vegetables in the Gallup, Santa Fe, Las Vegas, Raton and Bernalillo area. Filed 9:50 a. m.

Albuquerque Order 16-F, Amendment 2, covering fresh fruits and vegetables in certain areas in New Mexico. Filed 9:50 a. m.

Denver Order 7-F, Amendment 54, covering fresh fruits and vegetables in Boulder, Fort Collins, Greeley area. Filed 10:31 a. m.

Helena Order 68-F, Amendment 2, covering fresh fruits and vegetables in certain cities in Montana. Filed 9:44 a. m.

Helena Order 69-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:43 a. m.

Helena Order 70-F, Amendment 2, covering fresh fruits and vegetables in the Glasgow, Glendive, Miles City, Sidney, Havre and Chinook areas. Filed 9:43 a. m.

Helena Order 71-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:49 a. m.

Helena Order 72-F, Amendment 2, covering fresh fruits and vegetables for the Billings, Butte and Great Falls areas. Filed 9:48 a. m.

Helena Order 116, Amendment 1, covering dry groceries for Billings, Butte and Great Falls. Filed 9:48 a. m.

Helena Order 117, Amendment 2, covering dry groceries in certain areas in Montana. Filed 9:48 a. m.

Helena Order 118, Amendment 1, covering dry groceries for the Helena, East Helena, Bozeman, Livingston, Kalispell and Missoula areas. Filed 9:47 a. m.

Helena Order 119, Amendment 1, covering dry groceries in certain areas in Montana. Filed 9:46 a. m.

Helena Order 120, Amendment 1, covering dry groceries for Havre, Chinook, Glasgow, Sidney, Glendive, Miles City, and Lewiston. Filed 9:52 a. m.

Helena Order 121, Amendment 1, covering dry groceries in certain areas in Montana. Filed 9:52 a. m.

Region VIII

Arizona Order 35, Amendment 1, covering dry groceries in the Northwestern Arizona area. Filed 10:22 a. m.

Arizona Order 1-M, Amendment 2, covering bottle beer and ale in the Phoenix area. Filed 9:38 a. m.

Los Angeles Order 3-F, Amendment 62, covering fresh fruits and vegetables in the Los Angeles Metropolitan area. Filed 9:56 a. m.

Los Angeles Order 4-F, Amendment 61, covering fresh fruits and vegetables in the San Bernardino-Riverside area. Filed 9:56 a. m.

Los Angeles Order 5-F and 6-F, Amendment 61, covering fresh fruits and vegetables in the Santa Barbara, Ventura and San Luis Obispo areas. Filed 9:57 and 9:55 a. m.

Los Angeles Order 8-F, Amendment 42, covering fresh fruits and vegetables in the San Diego Metropolitan area. Filed 9:32 a. m.

Los Angeles Order 9-F, Amendment 41, covering fresh fruits and vegetables in certain areas in California. Filed 9:32 a. m.

Los Angeles Order 10-F, Amendment 41, covering fresh fruits and vegetables in Imperial county. Filed 9:31 a. m.

Nevada Order 16-F, Amendments 1-A, 1-B, and 1-C, covering fresh fruits and vegetables in Reno and Sparks, Nevada. Filed 9:31 and 9:30 a. m.

Nevada Order 20-F, Amendment 1-A, 1-B, and 1-C, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:30, 9:29 and 9:36 a. m.

Nevada Order 40, covering dry groceries in Reno and Sparks, Nevada. Filed 9:35 a. m.

Nevada Order 41, covering dry groceries in certain areas in Nevada. Filed 9:35 a. m.

Nevada Order 42, covering dry groceries in certain areas in Nevada. Filed 9:34 a. m.

Nevada Order 43, covering dry groceries in Henderson, Boulder City, Las Vegas, Pittman and Whitney. Filed 9:34 a. m.

Nevada Order 44, covering dry groceries in Carson City, Fallon, Lovelock, Reno and Sparks. Filed 9:33 a. m.

Nevada Order 45, covering dry groceries in Babbitt, Elko, Ely, Tonopah and Winnemucca. Filed 9:32 a. m.

Nevada Order 46, covering dry groceries in Boulder City, Henderson and Las Vegas. Filed 9:38 a. m.

Portland Order 32-F, Amendment 41, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:55 a. m.

Portland Order 33-F, Amendment 41, covering fresh fruits and vegetables in The Roseburg, Grants Pass, Ashland, Lakeview, Oregon area. Filed 9:54 a. m.

Portland Order 34-F, Amendment 40, covering fresh fruits and vegetables in The Astoria, Coos Bay, Oregon area. Filed 9:54 a. m.

Portland Order 35-F, Amendment 41, covering fresh fruits and vegetables in The Florence, Reedsport, Coquille, Oregon area. Filed 9:54 a. m.

Portland Order 36-F, Amendment 41, covering fresh fruits and vegetables in the cities of Bend and Pendleton, Oregon. Filed 9:54 a. m.

Portland Order 37-F, Amendment 41, covering fresh fruits and vegetables in La Grande, Baker, Redmond, Heppner, Oregon area. Filed 9:43 a. m.

Portland Order 38-F, Amendment 41, covering fresh fruits and vegetables in The Haines, Wallowa, Enterprise, Oregon area. Filed 9:43 a. m.

Portland Order 39-F, Amendment 41, covering fresh fruits and vegetables in The Albany, Corvallis, Eugene, Oregon area. Filed 9:42 a. m.

Portland Order 42-F, Amendment 42, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:42 a. m.

Portland Order 43-F, Amendment 21, covering fresh fruits and vegetables in The Kelso, Salem, The Dalles, Clatskanie, Forest Grove, Oregon area. Filed 9:42 a. m.

San Francisco Order 28-F, Amendment 4, covering fresh fruits and vegetables in certain areas in California. Filed 9:37 a. m.

San Francisco Order 29-F, Amendment 4, covering fresh fruits and vegetables in certain areas in California. Filed 9:36 a. m.

San Francisco Order 30-F, Amendment 4, covering fresh fruits and vegetables in certain areas in California. Filed 9:37 a. m. Revocation.

San Francisco Orders 10-P, 11-P, and 12-P, Revocation covering fresh fish. Filed 9:41 a. m.

San Francisco Orders 13-P, 14-P, and 15-P, Revocation, covering fresh fish. Filed 9:40 a. m.

San Francisco Orders 16-P and 17-P, Revocation, covering fresh fish. Filed 9:39 a. m.

Seattle Order 16-F, Amendment 57, covering fresh fruits and vegetables in Seattle, Tacoma, and Bremerton, Washington. Filed 9:39 a. m.

Seattle Order 17-F, Amendment 50, covering fresh fruits and vegetables in Bellingham and Everett, Washington. Filed 9:53 a. m.

Seattle Order 18-F, Amendment 51, covering fresh fruits and vegetables in Olympia, Aberdeen, Hoquiam, Centralia and Chehalis, Washington. Filed 9:53 a. m.

Seattle Order 19-F, Amendment 48, covering fresh fruits and vegetables in Yakima, Wenatchee, East Wenatchee, Washington, area. Filed 9:55 a. m.

Spokane Order 20-F, Amendment 28, covering fresh fruits and vegetables in certain areas of Spokane county, Washington and Kootenai county, Idaho. Filed 9:46 a. m.

Spokane Order 21-F, Amendment 28, covering fresh fruits and vegetables in certain areas of Shoshone and Kootenai counties, Idaho. Filed 9:46 a. m.

Spokane Order 22-F, Amendment 28, covering fresh fruits and vegetables in certain areas of Latah county, Idaho and Whitman county, Washington. Filed 9:45 a. m.

Spokane Order 23-F, Amendment 28, covering fresh fruits and vegetables in certain areas of Asotin county, Washington and Nez Perce county, Idaho. Filed 9:45 a. m.

Spokane Order 24-F, Amendment 28, covering fresh fruits and vegetables in certain areas of Columbia, Walla Walla, Benton and Franklin counties, Washington. Filed 9:44 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. 46-16856; Filed, Sept. 18, 1946; 9:10 a. m.]