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Washington, Wednesday, September 25, 1946

The President

EXECUTIVE ORDER 9783

REVOCATION OF EXECUTIVE ORDER NO. 7744, AUTHORIZING THE SOLICITOR OF THE DEPARTMENT OF LABOR TO ACT AS SECRETARY OF LABOR

WHEREAS Executive Order No. 7744 of November 19, 1937, authorizes the Solicitor of the Department of Labor to perform the duties of the Secretary of Labor under certain circumstances during the absence of the Secretary of Labor; and

WHEREAS Public Law 346, Seventy-ninth Congress, approved April 17, 1946, establishes in the Department of Labor the office of Under Secretary of Labor and three offices of Assistant Secretary of Labor, and provides in part that in the absence of the Secretary of Labor the Under Secretary of Labor shall perform the duties of the Secretary of Labor:

NOW, THEREFORE, by virtue of the authority vested in me by section 179 of the Revised Statutes, and as President of the United States, and in the interest of the internal management of the Government, I hereby revoke the said Executive Order No. 7744 of November 19, 1937.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 23, 1946.

[F. R. Doc. 46-17350; Filed, Sept. 23, 1946; 4:46 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit Corporation)

[1946 C. C. C. Cotton Form 1]

PART 256—COTTON LOANS

1946 COTTON LOAN INSTRUCTIONS

Pursuant to the 1946 Cotton Loan Program of Commodity Credit Corporation, loans on eligible upland cotton and American-Egyptian cotton will be made available to eligible producers. Such

loans may be obtained either directly from Commodity Credit Corporation or from lending agencies. These instructions state the requirements with reference to such loans.

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AUTHORITY: §§ 256.101 to 256.115, inclusive, issued under paragraph (b) of Article Third of the charter of Commodity Credit Corporation; section 7 (a) of the act of January 31, 1935, as amended (15 U. S. C., Supp. V, 713 (a)); section 8 of the Stabilization Act of 1942, as amended (56 Stat. 767; 58 Stat. 643; 50 U. S. C. App., Supp. V, 968); section 4 (a) of the Act of July 1, 1941, as amended (55 Stat. 498; 56 Stat. 768; 15 U. S. C., Supp. V, 713a-8); and section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U. S. C. 1302).

§ 256.101 *Definitions.* As used in §§ 256.101 to 256.115, inclusive, unless the context otherwise requires, the following terms will be construed respectively to mean:

(a) *Eligible producer.* An eligible producer shall be any person (individual, partnership, firm, corporation, association, joint-stock company, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision) producing cotton in 1946 in the capacity of landowner, landlord, tenant, or sharecropper. Except as provided below, two or more producers may not obtain a joint loan. If the eligible cotton produced on a farm has been divided among the producers entitled to share in such cotton, each landlord, tenant, and sharecropper may obtain a loan on his separate share. If the cotton has not been divided, the landlord and one or more of the share

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States in 1946 by or for a producer, provided the cotton meets the following requirements:

(1) Such cotton must be of a grade and staple length specified in tables Nos. 1 and 2 appearing at the end of these instructions.

(2) In the case of warehouse-stored cotton, such cotton must be represented by warehouse receipts complying with the provisions of § 256.107. In the case of farm-stored cotton, the cotton must be covered by a Cotton Chattel Mortgage (C. C. C. Cotton Form F) (hereinafter referred to as "Form F") and a 1946 Cotton Mortgage Supplement (1946) C. C. C. Cotton Form FF) (hereinafter referred to as "Form FF") which will give the payee of the Cotton Producer's Note (C. C. C. Cotton Form E) (hereinafter referred to as "Form E") secured by such mortgage a first lien on such cotton.

(3) Such cotton must not be compressed to high density.

(4) Such cotton must be free and clear of all liens and encumbrances, except (in the case of warehouse-stored cotton) those in favor of the warehouse in which the cotton is stored, as specified in the Warehouseman's Certificate and Storage Agreement in the 1946 Cotton Producer's Note and Loan Agreement (1946 C. C. C. Cotton Form A) (hereinafter referred to as "Form A").

(5) Such cotton must be tendered for a loan by a person who has the legal right to pledge or mortgage it as security for a loan.

(6) If the person tendering such cotton for a loan is a landlord, or landowner, the cotton must not have been acquired by him directly or indirectly from a share tenant or sharecropper, and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and a share tenant or a sharecropper have an interest.

(7) The person tendering such cotton for a loan must not have previously executed and delivered, with respect to such cotton, a Form A, Form E, or 1946 C. C. C. Cotton Form G-2 and must not have previously sold and repurchased such cotton.

(8) Each bale of such cotton must weigh at least 300 pounds.

(9) American-Egyptian cotton shall be of normal character. No such cotton shall be accepted for loan with respect to which official classification indicates any reduction in grade or staple length because of irregularities or defects.

(c) *Lending agency.* Lending agency shall be any bank, corporation, partnership, association or person who has executed a Lending Agency Agreement (C. C. C. Cotton Form D) covering loans on 1946 crop cotton.

(d) *Eligible paper.* Eligible paper shall be a Form A or a Form E duly executed subsequent to July 31, 1946, and prior to May 1, 1947. State documentary revenue stamps should be affixed thereto where required by law. (A Form A or a Form E executed by an administrator, execu-

tor, or trustee will be acceptable only where valid in law and must be submitted for a direct loan in accordance with § 256.110, unless accompanied by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the New Orleans Office, Cotton Branch, Production and Marketing Administration, New Orleans 12 La. (hereinafter referred to as the New Orleans Office).)

§ 256.102 *Forms.* The following documents must be delivered in connection with every loan:

(a) *Warehouse-stored cotton.* (1) Form A.

(2) Warehouse receipts complying with the provisions of § 256.107.

(3) Producer's Letter of Transmittal (C. C. C. Cotton Form B) or Lending Agency's Letter of Transmittal (C. C. C. Cotton Form C).

(b) *Farm-stored cotton.* (1) Form E.

(2) Form E, covering the cotton tendered as security for the loan.

(3) Lending Agency's Letter of Transmittal (C. C. C. Cotton Form C) (unless the loan is being made direct by Commodity Credit Corporation).

Each of the forms, A, B, E, F, and FF, representing American-Egyptian cotton must have the words "American-Egyptian cotton" conspicuously stamped or typed at the top of each such form.

§ 256.103 *Amount—(a) Upland cotton.* Loans will be made only on those grades and staple lengths shown in Table No. 1 appearing at the end of these instructions, and will be made on the gross weight of the cotton. An allowance of 7 pounds per bale will be made for bales covered with cotton bagging. The base loan rate applicable at each approved warehouse will be shown in the "Schedule of Base Loan Rates by Cities and Counties for Cotton Entering the 1946 Loan" in the Instructions to Warehousemen, and the base loan rate under the farm-storage program for each county will be shown in the "Schedule of Base Loan Rates by Counties for Farm Stored Cotton." These schedules will be issued by Commodity Credit Corporation and will be available at the office of the county agricultural conservation committee (hereinafter called "county committee"). The premium or discount applicable to each grade and staple length is shown in Table No. 1. Loans on warehouse-stored cotton will be made at the rates shown in "Schedule of Base Loan Rates by Cities and Counties for Cotton Entering the 1946 Loan" and loans of farm stored cotton will be made at the rates shown in the "Schedule of Base Loan Rates by Counties for Farm-Stored Cotton," adjusted in each case for the appropriate premium or discount for such grade and staple length.

(b) *American-Egyptian cotton.* Loans will be made at rates shown in Table No. 2 appearing at the end of these instructions.

§ 256.104 *Classification of cotton.* All cotton must be classified by a Board of Cotton Examiners of the U. S. Department of Agriculture. Warehousemen (in

tenants or sharecroppers may obtain a joint loan on their shares of such cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest. In any case where a landlord obtains a loan on cotton in which a share tenant or sharecropper has an interest, he must have the legal right to do so, and the share tenant or sharecropper must be paid his pro rata share of the proceeds.

(b) *Eligible cotton.* Eligible cotton shall be cotton produced in the United

the case of warehouse-stored cotton) and the county committees (in the case of farm-stored cotton) should forward samples to the Board of Cotton Examiners serving the district in which the warehouse or county is located, and a list showing the class of the cotton will be returned by the Board. Instructions have been issued to approve warehouses and county committees concerning sampling and forwarding of samples and recording the class of the cotton in the loan agreements or chattel mortgages. No separate charge is to be made to producers for this service. A Form I Classification Memorandum of the U. S. Department of Agriculture will also be accepted as evidence of the class of cotton, provided the sample is a representative cut sample drawn by an approved warehouseman, a U. S. Department of Agriculture employee, or a bonded sampler.

A charge of 20 cents per bale shall be collected from the producer for all cotton from which samples are submitted to a Board of Cotton Examiners for classification, except that no charge shall be collected for samples submitted for Form I classification. Each Board of Cotton Examiners will make collections for classing charges from the warehousemen and county committees at the end of each month. A certified check, cashier's check, or postal money order payable to Commodity Credit Corporation must be sent to the Board of Cotton Examiners by each warehouseman and county committee in payment of these charges.

§ 256.105 *Preparation of documents.* All blanks must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and no documents containing additions, alterations, or erasures will be accepted by Commodity Credit Corporation.

(a) *Warehouse-stored cotton.* A producer desiring to obtain a loan may obtain the necessary forms from approved cotton warehouses and also from persons approved by the county committees in the cotton-producing areas to assist producers in preparing and executing the loan forms. Only persons approved by county committees for such purpose may execute the Clerk's Certificate on Form A. The Clerk's Certificate must be executed on each Form A tendered for a loan. Such persons are permitted to collect a fee from producers not to exceed the fees shown in the following schedule:

Number of bales on the note:	Maximum fee allowed
1-6.....	25 cents.
7-8.....	30 cents.
9-10.....	35 cents.
11-20.....	35 cents plus 2 cents for each bale over 10.
21 and over.....	55 cents plus 2 cents for each bale over 20.

The original copy of Form A must be signed by the producer, and the copy marked "duplicate" is to be retained by the producer and must be used when the loan is repaid or his equity sold. The Schedule of Pledged Cotton must repre-

sent cotton of only one grade and staple length.

(b) *Farm-stored cotton.* A producer desiring to obtain a loan on farm-stored cotton may obtain the necessary forms from, and will be assisted in their preparation by, the county committees. A service fee for upland cotton of \$1 per bale, and for American-Egyptian cotton of \$1.30 per bale shall be collected by the county committee from the producer to cover services rendered under this program. Each Form E must be approved by the county committee, and the member signing such form in the space provided certifies on behalf of the county committee, as provided in 1946 Cotton Loan (Farm-Storage) Part I, issued by the Field Service Branch, Production and Marketing Administration.

§ 256.106 *Approved warehouses.* Warehouse receipts representing eligible cotton will be accepted as security for loans made pursuant to Form A only if issued by warehousemen approved by Commodity Credit Corporation. Warehousemen desiring to be approved should communicate with the New Orleans Office. When warehouses are approved, notification will be given either by letter or published lists. All cotton pledged as security for any one loan must be in the same warehouse.

The warehouseman is required, as provided in the Warehouseman's Certificate and Storage Agreement in Form A, to draw representative samples from the bales and to deliver or forward such samples to a board of cotton examiners for classing, except where Form 1 Classification Memorandum of U. S. Department of Agriculture is used.

§ 256.107 *Warehouse receipts.* Only negotiable warehouse receipts issued by an approved warehouse, dated on or prior to the date of the producer's note, and properly assigned by an endorsement in blank so as to vest title in the holders or issued to bearer will be acceptable. They must set out in their written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1946, which by their terms will expire prior to August 1, 1947, must bear an endorsement of the warehouse extending the terms of the warehouse receipt for a period of 1 year from August 1, 1946. Block warehouse receipts will not be accepted.

§ 256.108 *Warehouse charges.* The warehouseman's charges are limited and his obligations defined by the Warehouseman's Certificate and Storage Agreement contained in Form A. This should be read carefully and must be executed by the warehouseman issuing the cotton warehouse receipts pledged as collateral to the producer's note. It must not be executed more than 10 days preceding the date of the note.

§ 256.109 *Liens.* Eligible cotton must be free and clear of all liens except (in the case of warehouse-stored cotton)

those in favor of the warehouse in which the cotton is stored, as specified in the Warehouseman's Certificate and Storage Agreement in Form A. The names of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgages (but not the warehouseman, if the cotton is stored in a warehouse), must be listed in the List of Lienholders on each Form A and Form FF and the lienholders so listed must execute the Lienholders' Waiver on such forms. A Form A or Form FF will not be acceptable unless all prior lienholders are listed in the List of Lienholders and have executed the Lienholders' Waiver. If the producer tendering the cotton for the loan is not the owner of the land on which the cotton was produced, all landowners and landlords must be listed in the List of Lienholders on the Form A or Form FF and must sign the Lienholders' Waiver on such form, whether or not they claim liens, unless they sign the note jointly with the borrower. A misrepresentation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of section 35 (A) of the Criminal Code of the United States (18 U. S. C. 80 (1940)). The Lienholders' Waiver must be signed personally by all lienholders listed, by their agents (in which case duly executed powers of attorney must be attached), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 256.110 *Direct loans.* It is contemplated that producers will ordinarily obtain loans from a local bank or other lending agency which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Arrangements, however, have been made for making direct loans to producers prior to May 1, 1947. In each such case the note must be made payable to Commodity Credit Corporation and must be tendered to the New Orleans Office, on a Producer's Letter of Transmittal (C. C. C. Cotton Form B) in duplicate, postmarked not later than April 30, 1947, if tendered by mail. Upon receipt of all necessary documents, properly executed, and upon approval, payment will be made in accordance with the directions of the producer contained in the C. C. C. Cotton Form B, which permits the producer, if he so desires, to designate persons other than himself to receive all or part of the proceeds of the loan.

Direct loans will also be made on Certificates of Indemnity (Form FCI-574, Revised, issued by the Federal Crop Insurance Corporation) as provided in § 256.115.

§ 256.111 *Time and manner of tendering loans for purchase and pooling.* Loans made by a lending agency which has executed and delivered a Lending Agency Agreement (C. C. C. Cotton Form D) to the New Orleans Office, prior to the making of the loan will be eligible for purchase or pooling by Commodity Credit Corporation. C. C. C. Cotton

Forms D are obtainable only from the New Orleans Office. Under the terms of this agreement, lending agencies which are parties thereto are required to tender to Commodity Credit Corporation, on Lending Agency's Letter of Transmittal (C. C. Cotton Form C), executed in triplicate, all notes on Form A and Form E, with warehouse receipts and cotton chattel mortgages attached, representing loans made by the lending agency within 15 days of the dates of the notes. Forty notes shall be submitted on each Lending Agency's Letter of Transmittal except when fewer notes are listed thereon in order that the loans may be tendered within 15 days of the dates of their execution. The Lending Agency's Letter of Transmittal shall state whether the lending agency desires Commodity Credit Corporation to purchase the notes or to place them in a pool operated by the Corporation. Upon receipt by the New Orleans Office, the loan papers will be examined and, if found correct, will be approved and will be transmitted to the Federal Reserve bank serving the district in which the cotton is stored

and purchased or placed in a pool, as directed by the lending agency. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the letter of transmittal will be issued to any approved lending agency designated by the lending agency tendering the eligible paper.

§ 256.112 *Lending agency.* The lending agency shall endorse the notes of producers as provided on Form A and Form E. In the case of warehouse-stored cotton care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No provision is made for any deduction from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case the lending agency has executed the Clerk's Certificate on Form A.

§ 256.113 *Federal Reserve Banks.* The location of the Federal Reserve banks and branches referred to herein and the district served by each are shown below:

Location	District served
Atlanta, Ga.....	Georgia, Florida, Virginia, North Carolina, South Carolina.
Birmingham, Ala.....	Alabama.
Dallas, Tex.....	Texas, New Mexico.
Little Rock, Ark.....	All of Arkansas except the counties assigned to Memphis.
Los Angeles, Calif.....	California, Arizona.
Memphis, Tenn.....	Illinois, Missouri, Tennessee; the following counties in Arkansas: Clay, Craighead, Crittenden, Cross, Greene, Lawrence, Lee, Mississippi, Phillips, Poinsett, Randolph, and St. Francis; and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.
New Orleans, La.....	Louisiana and counties in Mississippi not assigned to Memphis.
Oklahoma City, Okla.....	Oklahoma.

§ 256.114 *Repayments*—(a) *Warehouse-stored cotton.* No partial releases of the cotton securing a note will be permitted. If a producer desires to obtain the return of the note and the release of the collateral, he should execute the Producer's Request for the return of the Cotton Producers Note and Loan Agreement on his duplicate copy of the Form A and send it to Commodity Credit Corporation, care of the Federal Reserve Bank or branch thereof serving the district in which the cotton is stored, as shown in § 256.113. The notes and warehouse receipts will then be forwarded to an approved bank for release to said producer only and no other person, upon payment of the amount of the loan, the accrued interest and proper charges. Do not send requests for the return of notes and the release of collateral to the New Orleans office, as this causes delay in making the release. If the producer desires to sell his equity in the loan cotton, he must complete the Producer's Equity Transfer on his copy of Form A or Cotton Producer's Equity Transfer Agreement (CCC Cotton Form AA) (hereinafter referred to as "Form AA"). Upon receipt of the request contained in the Producer's Equity Transfer on the producer's copy of Form A or Form AA, the note and warehouse receipts will be forwarded to any approved bank designated by the person re-

questing the release of the cotton with direction to release such note and warehouse receipts upon payment of the amount of the loan, the accrued interest, and proper charges. In all such cases, the bank will be instructed to return the notes and warehouse receipts to the Federal Reserve Bank if payment is not effected within 15 days. All charges and expenses of the bank to which the notes and warehouse receipts are sent shall be paid by the person requesting the release of the cotton. In the event the producer's duplicate copy of the Form A is destroyed or lost, the producer may obtain from the Federal Reserve Bank or branch thereof serving the district in which the cotton is stored a Form AA, covering the cotton listed on the destroyed or lost note. The witness to the producer's signature on Form A or on Form AA must be a person approved for such purpose by a county committee in the cotton-producing area.

(b) *Farm-stored cotton.* If a producer desires to obtain the return of the note and release of the collateral, he should notify the county committee of the county in which the cotton is stored. Partial releases will be allowed. Complete instructions on the release of farm-stored cotton may be obtained from the county committee.

§ 256.115 *F. C. I. C. Loans.* Loans will be made on upland cotton covered

by Certificates of Indemnity issued by the Federal Crop Insurance Corporation (hereinafter referred to as "Certificate").

(a) *Eligible Certificate.* An eligible Certificate shall be a Certificate representing 400 pounds or more of cotton against which no collateral assignment is outstanding.

(b) *Amount.* Direct loans on cotton covered by Certificates will be made at the base loan rate shown in the "Schedule of Base Loan Rates by counties for farm-stored cotton—1946 Cotton Loan Program", adjusted by the appropriate premiums or discounts for grade and staple length as shown in table No. 1. In determining the loan rate the county and the grade and staple shown in the Certificate shall be used.

(c) *Eligible producer.* Loans will be made only on Certificates issued with respect to 1946 crop cotton to "Eligible producers" as defined in these instructions.

(d) *Forms.* The following documents must be delivered in connection with every loan:

(1) 1946 Cotton Producer's Note and Loan Agreement (1946 CCC Cotton Form A).

(2) Certificate of Indemnity (FCI-574, Revised, Issued by the Federal Crop Insurance Corporation).

(3) Producer's Letter of Transmittal (CCC Cotton Form B).

(e) *Manner of obtaining loans.* An eligible producer desiring to obtain a loan on cotton covered by a Certificate should present the Certificate to the county agricultural conservation committee. The county committee will prepare a 1946 Cotton Producer's Note and Loan Agreement and a Producer's Letter of Transmittal for the producer's signature and mail the executed documents together with the Certificate directly to the New Orleans Office, Cotton Branch, Production and Marketing Administration, New Orleans 12, Louisiana. Upon approval of the documents Commodity Credit Corporation will make payment of the amount of the loan in accordance with the directions of the producer contained in the note.

(f) *Service fee.* To meet the cost of preparing loan documents in the county agricultural conservation office a service fee of twenty-five cents shall be collected from each producer obtaining a loan on a Certificate.

(g) *Repayment.* If the producer desires to repay the loan from the cash equivalent of the Certificate and obtain the balance of such cash equivalent, he should notify the appropriate branch office of the Federal Crop Insurance Corporation. The Federal Crop Insurance Corporation will establish the amount of the cash equivalent, make payment to Commodity Credit Corporation of the amount due on the loan, and remit any balance after repayment of the loan to the producer. Upon receipt of payment, Commodity Credit Corporation will stamp the note "paid" and return it to the producer. The Certificate will be delivered to Federal Crop Insurance Corporation.

Dated this 20th day of September 1946.

[SEAL]

C. C. FARRINGTON,
Acting President.

TABLE NO. 1—PREMIUMS AND DISCOUNTS FOR ALL QUALITIES OF 1946 AMERICAN UPLAND COTTON
(Basis 1 1/8-inch middling)

Grade	Staple length (inches)													
	1 1/8	3/4	2 3/4	1 1/2	2 1/2	1	1 1/2	1 1/8	1 3/4	1 1/4	1 3/4	1 1/8	1 3/4	1 1/4 and longer
WHITE AND EXTRA WHITE														
Good middling and better	Points -265	Points -110	Points -30	Points 45	Points 60	Points 80	Points 100	Points 155	Points 235	Points 405	Points 720	Points 955	Points 1,000	Points 1,235
Strict middling	-275	-120	-40	35	45	65	90	140	210	375	690	930	1,065	1,205
Middling	-305	-155	-75	Base	15	30	50	105	140 5	280	560	785	945	1,090
Strict low middling	-460	-305	-230	-145	-125	-115	-90	-65	5	9	285	455	545	665
Low middling	-770	-615	-550	-465	-465	-445	-440	-430	-385	-350	-325	-300	-280	-260
Strict good ordinary	-980	-830	-775	-705	-705	-700	-700	-700	-700	-700	-700	-700	-700	-700
Good ordinary	-1,105	-955	-895	-820	-820	-820	-820	-820	-820	-820	-820	-820	-820	-820
SPOTTED														
Good middling	-355	-205	-150	-65	-60	-45	-30	Even	25	125	250	350	425	525
Strict middling	-375	-225	-175	-85	-80	-65	-50	Even	100	225	325	400	500	600
Middling	-555	-390	-340	-250	-245	-235	-220	-200	-195	-110	-35	35	110	185
Strict low middling	-805	-640	-605	-535	-535	-525	-525	-520	-520	-520	-510	-495	-495	-495
Low middling	-980	-830	-795	-705	-705	-700	-695	-695	-695	-695	-695	-695	-695	-695
TINGED														
Good middling	-625	-480	-445	-360	-360	-350	-350	-345	-345	-320	-295	-255	-230	-205
Strict middling	-645	-510	-470	-390	-390	-375	-375	-365	-365	-345	-320	-280	-255	-230
Middling	-895	-745	-700	-625	-625	-620	-620	-615	-600	-585	-585	-580	-580	-580
Strict low middling	-1,030	-895	-850	-780	-780	-780	-780	-775	-775	-775	-775	-775	-775	-775
Low middling	-1,130	-1,000	-955	-890	-890	-885	-885	-885	-885	-885	-885	-885	-885	-885
YELLOW STAINED														
Good middling	-890	-735	-695	-635	-635	-630	-630	-630	-630	-625	-625	-625	-625	-625
Strict middling	-910	-760	-720	-660	-660	-655	-655	-655	-655	-650	-645	-645	-645	-645
Middling	-1,020	-870	-830	-770	-770	-765	-765	-765	-765	-765	-765	-765	-765	-765
GRAY														
Good middling	-480	-335	-300	-225	-215	-205	-185	-165	-130	-5	45	120	170	245
Strict middling	-555	-415	-375	-300	-290	-280	-260	-240	-170	-45	5	80	130	205
Middling	-665	-525	-480	-410	-405	-395	-385	-375	-335	-295	-270	-245	-220	-195

TABLE NO. 2—LOAN RATES ON 1946 CROP AMERICAN-EGYPTIAN COTTON
(Rates expressed in cents per pound, net weight)

Grade	Staple length (inches)								Grade	Staple length (inches)							
	1 3/8		1 1/2		1 1/4		1 1/8 and longer			1 3/8		1 1/2		1 1/4		1 1/8 and longer	
	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas		California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas
1	45.15	45.40	48.60	48.85	51.55	51.80	51.55	51.80	3 1/4	31.60	31.85	33.85	34.10	36.70	36.95	36.70	36.95
1 1/2	44.15	44.40	47.60	47.85	50.60	50.85	50.60	50.85	4	26.75	27.00	30.05	30.30	33.20	33.45	33.20	33.45
2	42.60	42.85	46.00	46.25	49.45	49.70	49.45	49.70	4 1/2	22.15	22.40	25.50	25.75	29.05	29.30	29.05	29.30
2 1/2	40.75	41.00	42.35	42.60	45.40	45.65	45.40	45.65	5	19.70	19.95	22.70	22.95	25.95	26.20	25.95	26.20
3	37.00	37.25	38.60	38.85	40.75	41.00	40.75	41.00									

[F. R. Doc. 46-17232; Filed, Sept. 24, 1946; 9:44 a. m.]

TITLE 7—AGRICULTURE

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

[WFO 144, Amdt. 16]

PART 1468—GRAIN

USE OF WHEAT

War Food Order No. 144, as amended (11 F. R. 6750, 7322, 7563, 7738, 7999, 8214, 9551) is hereby further amended as follows:

1. By deleting paragraph (a) (20) and inserting in lieu thereof the following:

(20) "Milling quality wheat" means wheat of all classes, except Red Durum, that grades No. 3 or better, or that grades No. 4 or No. 5 on test weight only.

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

(b) Use of wheat by mixed feed manufacturers. (1) No mixed feed manufacturer shall use milling quality wheat in

the manufacture of mixed feed: *Provided, however,* That any mixed feed manufacturer located in the States of Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, or Washington, or in that part of the State of Montana which is on or south of the main line of the Chicago, Milwaukee, St. Paul and Pacific Railroad or west of the continental divide may, during any calendar quarter use milling quality wheat in the manufacture of mixed feed in a quantity not in excess of 40 percent of the quantity of grain so used by such manufacturer during the corresponding calendar quarter of 1945.

This amendment shall become effective at 12:01 a. m., e. s. t., October 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 144, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action or other proceeding, with respect to any such violation, right, liability, or appeal.

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

Issued this 19th day of September 1946.

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

[F. R. Doc. 46-17156; Filed, Sept. 24, 1946; 8:59 a. m.]

[WFO 145, Amdt. 5]

PART 1468—GRAIN

DISTRIBUTION AND USE OF GRAIN

War Food Order No. 145 (§ 1468.12), as amended (11 F. R. 4783, 8859, 9951), is hereby further amended as follows:

1. By deleting paragraphs (d) (1) and (d) (2) and inserting in lieu thereof the following:

(d) Wet processors; use of corn and grain sorghums. (1) Unless specifically authorized by the Administrator, no wet processor shall, during any calendar month, use corn or grain sorghums in excess of 85 percent of the average

monthly quantity of corn and grain sorghums used by such person during the first six months of 1945.

(2) No wet processor shall use white corn unless such white corn has first been offered for sale and delivery to a dry processor.

(3) Wet processors may upon specific authorization by the Administrator use corn or grain sorghums in excess of the quota restrictions set forth in paragraph (d) (1); *Provided*:

(i) The corn or grain sorghums used in excess of quota is processed into glucose or dextrose and is to be sold for the manufacture of certain types of preserves, fruit butters, jellies or marmalades, to be specified by the Administrator;

(ii) The wet processor make application to the Administrator for the exemption provided for herein by forwarding to the Administrator, Production and Marketing Administration, Washington 25, D. C., a statement by him setting forth the amount of corn and grain sorghums to be used in excess of quota, and a statement in writing signed by the manufacturer to whom the glucose or dextrose is to be delivered, setting forth the amount of glucose or dextrose to be used during a specified 60-day period, the purpose for which the glucose or dextrose is to be used and the amount of preserves, fruit butters, jellies or marmalades to be manufactured therefrom.

This order shall become effective at 12:01 a. m., e. s. t., September 21, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 145, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability, or appeal.

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

Issued this 19th day of September 1946.

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

[F. R. Doc. 46-17154; Filed, Sept. 24, 1946; 8:59 a. m.]

[WFO 147, Revocation]

PART 1468—GRAIN

BARLEY

War Food Order No. 147 (§ 1468.14) (11 F. R. 5469) is hereby revoked and terminated.

This order shall become effective at 12:01 a. m., e. s. t., September 23, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 147, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation, right, liability, or appeal.

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

Issued this 19th day of September 1946.

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

[F. R. Doc. 46-17153; Filed, Sept. 24, 1946; 8:59 a. m.]

[WFO 111]

PART 1470—FOOD STORAGE FACILITIES

PARTIAL SUSPENSION

Paragraphs (d) and (e) of War Food Order No. 111 (§ 1470.5) (9 F. R. 10761) are hereby suspended until further order of the Secretary of Agriculture.

This order shall become effective at 12:01 a. m., e. s. t., September 21, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 111, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

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

Issued this 19th day of September 1946.

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

[F. R. Doc. 46-17155; Filed, Sept. 24, 1946; 8:59 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter II—Tennessee Valley Authority

PART 300—ORGANIZATION

PART 301—PROCEDURE

Correction

The second sentence of § 300.24 (F. R. Doc. 46-15580), appearing at page 177A-749, Part II, Section 4, of the issue for September 11, 1946, should read as follows: "TVA exercises no quasi-judicial or quasi-legislative functions, and no licensing functions other than as indicated by § 302.2".

In the last sentence of § 301.2, on the same page, "General Council" should read "General Counsel".

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

REGIONAL DIRECTORS

SEPTEMBER 18, 1946.

In § 603.2 (a) (6), subdivisions (x) and (xi) are amended and subdivision (xii) is added, so that subparagraph (6) reads as follows:

§ 603.2 *Delegations to regional office officials*—(a) *Delegations of authority to Regional Directors.* * * *

(6) Pursuant to Title V of the Lanham Act as amended, regional directors are delegated the power:

(i) To execute contracts for the Commissioner between the United States and local bodies for the provision of housing under Title V of the Lanham Act.

(ii) To negotiate and execute cost-plus-a-fixed-fee contracts for the construction of Title V housing projects on Form FPFA-1482, including schedules of prices for finished dwelling units, and any amendments to these forms (and additional schedules of prices for finished dwelling units) subsequently approved by the Assistant Commissioner for Development and Reutilization.

(iii) To execute or approve changes in the contract in any amount within the limit of available or allotted funds, and to execute and approve documents involving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved. Any changes approved by any region shall apply only to Notices to Proceed with projects to be erected in that region (without regard to the original location of the buildings being moved).

(iv) To make such findings of need as are required by the provisions of the Lanham Act with respect to installation of movable equipment for family dwellings.

(v) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPFA-7:

(a) To approve advance payments to contractors in connection with contracts executed under any cost-plus-a-fixed-fee contract executed in the Central Office or the regional office and to local bodies for use in payment of development costs under PL-336.

(b) To waive requirements of advertising and competitive bidding to the extent permitted or required by established FPFA policies and procedures.

(c) To waive the requirement of performance and payment bonds in connection with lump-sum contracts relating to the development of veterans' emergency housing projects where the FPFA contracts with a local public body for the erection and repair of trailers to be done by the local body, subject to a legally sufficient determination that such action will facilitate or expedite the program. Such bonds, however, may be required from the subcontractors of the local body, at the option of the above-mentioned FPFA officials, when such action is deemed necessary and in the best interest of the Government.

(vi) Pursuant and subject to the provisions of the Contract Settlement Act of 1944, to take such actions as are authorized by that Act and are appropriate to accomplish its objectives, including the establishment of a Regional Settlement Review Board.

(vii) To execute Notices to Proceed.

(viii) To grant revocable licenses, permits, and easements, and execute appropriate instruments therefor, to facilitate

the provisions of necessary streets, alleys, walks, or other means of ingress and egress and utilities.

(ix) Pursuant to the terms of CPA Directive 42 as amended, NHA General Order 21-33A, Priority Regulation 33 as amended, and in consideration of CPA Order VHP-1:

(a) To process and approve application for HH preference ratings, and to begin construction for projects within the terms of PR-33, when such requests are submitted on Form CPA-4386.

(b) To process supplemental applications when submitted on Form CPA-4387.

(c) To exercise such other powers and assume such responsibilities as are set forth in Directive 42 and PR-33, except in connection with appeals.

(d) To redelegate to one specific person with the Development and Reutilization Division in each region authority to exercise the above functions in his behalf; such person, whose name shall be registered with the Central Office Priorities and Materials Survey Division, to act as Liaison Officer with the Central Office in priority matters. [All such actions shall be in conformity with the applicable CPA and NHA regulations.]

(x) To execute contracts or other documents conveying surplus personal property available to FPHA to local bodies (non-profit educational institutions, States or political subdivisions thereof, local public agencies, and non-profit organizations) for use in connection with veterans' emergency housing.

(xi) To amend all outstanding contracts with local bodies which involve payment of net income to the FPHA at the end of each fiscal year to include at the election of the local body either the provisions for reserves for repair, maintenance, and replacement or for fixed operating expenses.

(xii) To amend outstanding contracts covering the bailment of trailers, or transfer title to trailer to local bodies.

[SEAL] PHILIP W. GLICK,
Acting Commissioner.

[F. R. Doc. 46-17181; Filed, Sept. 24, 1946;
10:06 a. m.]

Chapter VII—National Housing Agency

[Gen. Order 21-33B-1]

PART 705—DELEGATION OF AUTHORITY PROCESSING OF APPLICATIONS AND APPEALS

Section 705.8 (d) of General Order No. 21-33B delegated to the Director and Associate Director of the Prefabrication Production Branch of the Office of the Administrator the authority to process applications and appeals filed with the National Housing Agency under Direction 8 of Priorities Regulation 33 of the Civilian Production Administration. It is the purpose of this regulation to remove the reference in this delegation to the Associate Director, and also to make a similar delegation with respect to applications and appeals filed with the National Housing Agency under Direction 13 to Priorities Regulation 33.

Section 705.8 (d) of General Order No. 21-33B (11 F.R. 6073) is hereby amended to read as follows:

(d) The Director of the Prefabrication Production Branch of the Office of the Administrator is hereby authorized to exercise all the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration with respect to applications and appeals authorized under Directions 8 and 13 to Priorities Regulation 33 of the Civilian Production Administration to be filed with, or mailed to, the National Housing Agency, except applications under paragraph (n) of Direction 8 or paragraph (r) of Direction 13.

This amendment shall be effective as of August 28, 1946.

(55 Stat. 838; 50 U. S. C. App., Supp. 601; E. O. 9070, 3 CFR, Cum. Supp.; E. O. 9638, 10 F. R. 12591; 54 Stat. 676, as amended, 50 U. S. C. App., Supp., 1152; Title III, 56 Stat. 177, as amended, 50 U. S. C. App., Supp. 633; CPA Directive 42, as amended, 11 F. R. 9514; 60 Stat. 207)

Issued this 17th day of September 1946.

WILSON W. WYATT,
Housing Administrator.

[F. R. Doc. 46-17209; Filed, Sept. 24, 1946;
8:46 a. m.]

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

[Rev. Supp. 25, Amdt. 1]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

WORKERS ENGAGED IN THE HARVESTING OF POTATOES, HAY, ONIONS, WHEAT, BARLEY AND OTHER GRAINS, AND IN PERFORMING GENERAL FARM LABOR FOR ALL FARMING OPERATIONS IN KLAMATH COUNTY, OREG.

Section 1110.2 (c) (2) (iv) is hereby amended to read as follows:

(iv) *Maximum wage rates for harvesting all varieties of onions.*

(a) Hand topping and sacking—15¢ per sack of 50 pounds.

(b) Loading, bucking and swamping—\$1.25 per hour.

Effective date. This amendment 1 to Revised Supplement 25 shall become effective at 12:01 a. m., Pacific Standard Time, September 16, 1946.

(56 Stat. 765; 50 U. S. C. 961 et seq. (Supp. IV); 57 Stat. 63; 50 U. S. C. 964 (Supp. IV); 58 Stat. 632; Pub. Law 108, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9577, 10 F. R. 8087; E. O. 9620, 10 F. R. 12023; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691; regulations of the Economic Stabilization Director, 8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547; 10 F. R. 9478, 9628; 11 F. R. 2517; regulations of the Secretary of Agriculture, 9 F. R. 655, 12117, 12611; 10 F. R. 7609, 9581; 9 F. R. 831, 12807, 14206; 10 F. R. 3177; 11 F. R. 5903)

Issued this 19th day of September 1946.

[SEAL] ROBERT A. NEARY,
Acting Director, Labor Branch,
Production and Marketing
Administration.

[F. R. Doc. 46-17231; Filed, Sept. 24, 1946;
9:43 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

CERTAIN EXPORT LICENSES

ORDER EXTENDING VALIDITY

It is hereby ordered, That all outstanding export licenses which expire by their own terms during the period September 5, 1946 through October 4, 1946 are extended through October 5, 1946: *Provided,* That shipments made under such licenses are exported by ocean carriers.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; E. O. 9630, 10 F. R. 12245)

Dated: September 19, 1946.

JOHN C. BORTON,
Director,
Commodities Branch.

[F. R. Doc. 46-17263; Filed, Sept. 24, 1946;
8:54 a. m.]

[Amdt. 246]

PART 812—LIMITED PRODUCTION LICENSES FOR PASSENGER AUTOMOBILES AND TRUCKS

PERIOD OF VALIDITY

Section 812.3 *Period of validity* is amended by striking out the date "October 31, 1946" and substituting in lieu thereof the date "January 31, 1947."

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 69 Stat. 270; 60 Stat. 215; E. O. 9630, 10 F. R. 12245)

Dated: September 19, 1946.

JOHN C. BORTON,
Director,
Commodities Branch.

[F. R. Doc. 46-17264; Filed, Sept. 24, 1946;
8:55 a. m.]

[Amdt. 247]

PART 821—LIMITED PRODUCTION LICENSE FOR NEW TRACK-LAYING AND WHEEL TRACTORS

MISCELLANEOUS AMENDMENTS

(1) Section 821.1 *General provisions* is amended by striking out the words "third calendar quarter ending September 30, 1946" appearing in paragraph (b) and substituting in lieu thereof the words "fourth calendar quarter ending December 31, 1946."

(2) Section 821.3 *Period of validity* is amended by striking out the date "December 31, 1946" and substituting in lieu thereof the date "January 31, 1947."

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; E. O. 9630, 10 F. R. 12245)

Dated: September 19, 1946.

JOHN C. BORTON,
Director,
Commodities Branch.

[F. R. Doc. 46-17265; Filed, Sept. 24, 1946;
8:55 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 1010—SUSPENSION ORDERS

[Suspension Order S-943]

DUBOIS ELECTRIC STORAGE BATTERY CO.

J. W. Rafferty, doing business as DuBois Electric Storage Battery Company is engaged in the manufacture of automotive replacement storage batteries at DuBois, Pennsylvania. During the third and fourth quarters of 1945 and the first quarter of 1946, J. W. Rafferty used in the manufacture of industrial type storage batteries and automobile type storage batteries a substantial amount of lead in excess of his quota for those quarters in violation of General Preference Order M-38. These violations have diverted critical materials to uses not authorized by the War Production Board and the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.943 *Suspension Order No. S-943.* (a) J. W. Rafferty shall during the four calendar quarters beginning October 1, 1946 and ending September 30, 1947 reduce his use of lead in the manufacture of storage batteries by using during each of these quarters at least 12½ tons less than the quota he would otherwise be entitled to use during these quarters under the provisions of General Preference Order M-38, unless otherwise authorized in writing by the Civilian Production Administration.

(b) Nothing contained in this order shall be deemed to relieve J. W. Rafferty from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to J. W. Rafferty, doing business as DuBois Electric Storage Battery Company or under any other name, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

No. 187—2

Issued this 23d day of September 1946.

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

[F. R. Doc. 46-17348; Filed, Sept. 23, 1946;
4:41 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-974]

BLASCO WILSON CO.

W. N. Wilson, W. Norman Wilson and W. H. Harris, co-partners doing business as Blasco Wilson Company at 4536 West Warren Avenue, Detroit, Michigan, are engaged in the manufacture of automotive SLI type replacement storage batteries. During the third and fourth quarters of 1945 and the first quarter of 1946 they used in the production of storage batteries lead in excess of their quotas for such quarters as established by the provisions of General Preference Order M-38. These acts constitute grossly negligent violations of General Preference Order M-38. These violations have diverted critical materials to uses not authorized by the War Production Board and the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.974 *Suspension Order No. S-974.* (a) During the fourth quarter of 1946 and the first, second and third quarters of 1947, W. H. Wilson, W. Norman Wilson, and W. H. Harris shall use in the manufacture of automotive SLI type replacement storage batteries 15,000 pounds of lead less than they would otherwise be entitled to use in each of these quarters under the provisions of General Preference Order M-38.

(b) W. N. Wilson, W. Norman Wilson, and W. H. Harris shall refer to this order in any application or appeal that they may file with the Civilian Production Administration dealing with their use of lead during the period of this suspension order.

(c) Nothing contained in this order shall be deemed to relieve W. N. Wilson, W. Norman Wilson and W. H. Harris from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to W. N. Wilson, W. Norman Wilson, and W. H. Harris, individually and as co-partners doing business as Blasco Wilson Company or any other name, their successors and assigns or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 23d day of September 1946.

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

[F. R. Doc. 46-17349; Filed, Sept. 23, 1946;
4:41 p. m.]

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

[Priorities Reg. 13, Direction 19, as Amended Sept. 24, 1946]

DISPOSAL OF SURPLUS COPPER AND COPPER BASE ALLOY SCRAP BY WAR ASSETS ADMINISTRATION

Direction 19 to Priorities Regulation 13 is amended to read as follows:

(a) *What this direction does.* There is a critical shortage in the supply of copper and copper base alloy scrap, and these materials are not now readily obtainable in sufficient quantities from other than Government sources. The purpose of this direction is to limit the sale of these materials by War Assets Administration to persons who have immediate need for them in order to provide the greatest possible relief for the civilian deficiencies. It limits sales of these materials by the War Assets Administration to persons who give the certification described below.

Although this direction restricts sales to persons who will use the material for the purposes specified, it does not prohibit WAA from making sales, to the persons and for the purposes specified, upon such other terms and in such quantities as WAA may determine; and preference ratings have no effect upon any sales which may be made by WAA either by way of obliging it to sell or by way of determining as among the several buyers permitted by this direction, who shall get the material from WAA.

(b) *Restrictions on sales by WAA.* Unless the Civilian Production Administration specifically directs otherwise, WAA may sell any copper and copper base alloy scrap, including ammunition cases, only as follows:

(1) Sales specifically authorized by the Civilian Production Administration on Form CPA-1161.

(2) Sales to Reconstruction Finance Corporation for resale under section 18 (e) of the Surplus Property Act of 1944 to persons who give to RFC the certificate described in paragraph (b) (3).

(3) Sales to smelters or reproducers who give a certificate with their purchase order in substantially the following form:

The undersigned certifies to the seller and Civilian Production Administration, subject to the penalties of section 35 (A) of the United States Criminal Code, that (i) he is a smelter or reprocessor; (ii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding three months requirements; and (iii) the materials obtained under this purchase order will be used or disposed of only in accordance with applicable Civilian Production Administration orders and regulations.

The standard certification in Priorities Regulation 7 may not be used instead of these certifications.

(c) *Obligations of persons giving certificate.* Any person giving the certificate described above, or any of the certificates formerly required by the direction, may obtain and use or dispose of the material which he gets with his certificate, only in accordance with its terms.

(d) *Special directives.* The directives formerly issued to WAA under this direction, as issued June 3, 1946, remain in effect until they expire by their own terms. It is the policy of the Civilian Production Administration not to issue any more special directives under this direction. However, CPA may reissue outstanding special directives requiring the delivery of particular lots of copper or copper base alloy scrap to smelters or reproducers when such outstanding direc-

tives have been unfilled by WAA before the expiration date provided for in the directive.

Issued this 24th day of September 1946.

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

[F. R. Doc. 46-17442; Filed, Sept. 24, 1946;
11:23 a. m.]

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

[Priorities Reg. 13, Direction 22]

SALE OF COPPER AND COPPER BASE ALLOY
SCRAP BY THE UNITED STATES ARMY,
NAVY, OR MARITIME COMMISSION

The following direction is issued pursuant to Priorities Regulation 13:

(a) *What this direction does.* There is a critical shortage in the supply of copper and copper base alloy scrap, and this material is not now readily obtainable in sufficient quantities from regular sources of supply. The purpose of this direction is to limit the sale of this material by the United States Army, Navy, or Maritime Commission to persons who have immediate need for it in order to provide the greatest possible relief for the civilian deficiencies and to assure the widest distribution of this critical material. As used in this direction "copper and copper base alloy scrap" means any material or product (other than prime metals) which has no reasonable prospect of sale except for its basic metal content, and which contains 40% or more by weight of copper metal (or in the case of copper clad or copper base alloy clad steel scrap, which contains 18% or more by weight of copper metal).

(b) *Restrictions on sales by owning agencies.* The United States Army, Navy, or Maritime Commission may not sell any copper or copper base alloy scrap to any person unless the sale has been specifically authorized by the Civilian Production Administration on Form GA 2811. In general, the Civilian Production Administration will authorize sales of copper and copper base alloy scrap only to smelters and reproducers who require the material for their own use in order to maintain their smelting or reprocessing operations at a minimum economic rate. Authorizations will not be granted for any person to obtain more material than the quantity which he will require to meet his current or scheduled operations during the next 30 days, less the amount he has on hand or expects to receive from other sources during that period.

(c) *Applications for copper and copper base alloy scrap.* Any smelter or reprocessor who wishes to obtain copper or copper base alloy scrap from the United States Army, Navy, or Maritime Commission may apply on Form CPA 4513, to the Copper Branch, Civilian Production Administration, Washington 25, D. C., Ref: PR-13, Direction 22.

(d) *Exceptions.* The restrictions of paragraph (b) do not apply to the following types of sales:

(1) Sales of any lot or lots of copper or copper base alloy scrap where the gross weight of all the lots available at any one location at any one time does not exceed 10,000 pounds. Lots may not be subdivided for the purpose of making sales under this exception.

(2) Sales of scrap located outside the forty-eight states of the United States and the District of Columbia.

(3) Sales by the Reconstruction Finance Corporation for and on behalf of the owning

agencies of any lots of scrap which, under War Assets Administration Regulation 17 the owning agencies are required to report to the Reconstruction Finance Corporation as strategic materials. (Priorities Regulation 34 gives the rules applicable to sales by Reconstruction Finance Corporation).

(4) Sales of contractor inventory if the owning agency has not taken possession of such inventory.

Issued this 24th day of September 1946.

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

[F. R. Doc. 46-17443; Filed, Sept. 24, 1946;
11:23 a. m.]

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395, Amdt. 25 (§ 1418.158)]

RAW CANE SUGAR IN VIRGIN ISLANDS

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

Section 47 is hereby revoked and a new section 47 is added to read as follows:

SEC. 47. *Maximum prices for raw cane sugar produced and sold in the Virgin Islands—*(a) *Sales by persons who own no raw cane sugars at the close of business on September 17, 1946.* Any person who owns no raw cane sugars at the close of business on September 17, 1946, shall refer to Table XXXVII below for his maximum prices for sales by him of raw cane sugars on and after September 18, 1946.

(b) *Sales by persons who own raw cane sugars at the close of business on September 17, 1946.* Any person who owns raw cane sugars at the close of business on September 17, 1946, may use the maximum prices set forth in Table XXXVII below for sales by him of raw cane sugars, on and after September 18, 1946, upon the condition that he complies with all the pertinent requirements of the following subparagraphs (1) and (2):

(1) *Filing of affidavit.* Any producer who sells raw cane sugars, and who owns raw cane sugars at the close of business on September 17, 1946, shall, not later than October 10, 1946, send by registered mail addressed to the Commodity Credit Corporation, 150 Broadway, New York 7, New York, an affidavit setting out the total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into raw cane sugar) adjusted to a 96 degree polarization basis, owned by him at the close of business on September 17, 1946.

(2) *Payment to Commodity Credit Corporation.* Any producer who elects to increase his maximum price on September 18, 1946, shall make a statement

¹ 10 F. R. 5941, 6946, 7799, 8069, 8899, 9227, 9925, 11437, 11805, 11810, 11306, 11666, 12811, 13551, 14064, 14865, 15216, 15217; 11 F. R. 609, 1398.

to that effect in the affidavit described in subparagraph (1), and shall make payment by check or money order payable in New York funds to the Commodity Credit Corporation in an amount computed as follows:

(i) The total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into raw cane sugar) adjusted to a 96 degree polarization basis, owned by him at the close of business on September 17, 1946;

(ii) Multiplied by 1.37 cents per pound.

Payment may be made at the time of filing the affidavit or monthly payments shall be made within 30 days following the close of the calendar month for the amount of sugar sold during such month, until the full amount due has been paid. The maximum price, in the event of failure to make such payment or payments, shall be the applicable maximum price in effect prior to September 18, 1946.

(3) *Election to sell inventory at lower price.* Any producer who owns raw cane sugars at the close of business on September 17, 1946, may in lieu of making payment to Commodity Credit Corporation, described in subparagraph (2), elect to sell or otherwise dispose of the entire amount of his inventory at or below the maximum price in effect on September 17, 1946. Such person shall state in the affidavit described in subparagraph (1) that he elects to sell his inventory at the lower price. At such time as he has sold an amount equal to his September 17, 1946 inventory, he shall file by registered mail with the Commodity Credit Corporation a final affidavit stating that he has fully complied with the requirements of this subparagraph (3).

After mailing the final affidavit in proper form, such person may use the maximum prices set out in Table XXXVII below.

(c) *Maximum prices for sales at wholesale and retail after September 17, 1946.* At the close of business on September 17, 1946, each seller at wholesale or retail must determine the number of pounds of raw cane sugars held by him for resale at that time. The owner of one or more stores shall determine the number of pounds held in each such store and wherever else located. The maximum prices in effect on September 17, 1946, shall apply to all sales of such raw cane sugar until the seller has sold an amount equal to his September 17, 1946 inventory of such raw cane sugar. Thereafter such wholesaler or retailer may use the maximum prices set forth in the following table:

TABLE XXXVII—MAXIMUM PRICES FOR SALES OF RAW CANE SUGAR OF NOT LESS THAN 96 DEGREES POLARIZATION

	To wholesalers (ex warehouse or factory per 100 lb.)	At wholesale (per 100 lb.)	At retail (per lb.)
Island of St. Croix.....	\$5.43	\$5.96	\$0.08
Island of St. Thomas.....	5.43	6.45	.08
Island of St. John.....	5.43	6.45	.08

¹ This price includes delivery to buyer.

Any wholesaler or retailer who, at the close of business on September 17, 1946, has an inventory of more than 10,000 pounds of locally produced raw cane sugar, must file an affidavit with the Office of Price Administration in the Virgin Islands showing the number of pounds of such raw cane sugar owned by him for resale at that time.

This amendment shall become effective as of 12:01 a. m., September 18, 1946.

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

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 25 TO REVISED MAXIMUM PRICE REGULATION 395

The accompanying amendment to Revised Maximum Price Regulation 395 increases the maximum prices of raw cane sugar produced and sold in the Virgin Islands. Producers' prices are increased 1.37 cents a pound and equivalent increases are provided at the wholesale and retail levels to reflect the increased cost plus the average percentage markup as was in effect on March 31, 1946.

Effective September 18, 1946, maximum prices of raw cane sugar were increased by 1.37 cents a pound in continental United States. It is necessary to take concurrent action in order to insure a continued supply of raw cane sugar in the Virgin Islands. The basis of the increase on the mainland is fully discussed in the statement of considerations accompanying amendment 3 to MPR 16, reference to which is hereby made.

The reporting and recapture provisions, as well as the requirement that wholesalers and retailers may not charge the increased prices until they have disposed of their September 17 inventories at or below the ceilings in effect on September 17, are the same as those contained in amendment 20 to RMPR 395, and have been included for the same reasons as set forth in the statement of considerations for that amendment, the applicable portions of which are incorporated herein by reference.

In the opinion of the Price Administrator, the action taken by the accompanying amendment is generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17234; Filed, Sept. 24, 1946; 8:48 a. m.]

PART 1306—IRON AND STEEL

[RPS 10, Amdt. 14]

FIG IRON

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

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

In § 1306.52, a new paragraph (e) is added to read as follows:

(e) *Bonus payment under Premium Payment Plan.* Notwithstanding any other provision of this regulation, a producer of foundry or malleable grades of merchant pig iron may make a bonus payment to a producer of steel grade pig iron, and the latter may receive such bonus payment, for steel grade pig iron produced and sold in accordance with the former's request. "Steel grade pig iron," for the purpose of this paragraph, means pig iron of grades used for the manufacture of steel or steel castings.

Provided, That such payment conforms in all respects with the purposes and terms of the Premium Payment Plan for merchant pig iron as set forth in Housing Expediter's Premium Payments Regulation No. 9 and specifically with the terms of paragraph (e) thereof.

Provided, further, That sale of such steel grade pig iron to the consumer shall conform in all respects with the applicable maximum prices established by this regulation.

This amendment shall become effective as of September 1, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 14 TO REVISED PRICE SCHEDULE NO. 10

The accompanying Amendment makes a minor change in the Regulation in order to implement the Premium Payment Plan for merchant pig iron. That plan, established by the Housing Expediter with the concurrence of the Office of Price Administration and the Civilian Production Administration, provides incentive payments by the government for additional production of urgently needed merchant pig iron, in foundry and malleable grades. The present level of ceilings for merchant pig iron of all grades remains unchanged.

Although the plan does not provide for premium payments for the steel-making grades of merchant pig iron, it has been found possible to provide a greater encouragement to the production of foundry and malleable grades than would otherwise be the case, by means of permitting arrangements whereby a producer of foundry or malleable grades, who has heretofore supplied one or more of his customers with shipments of steel grade pig iron, may arrange with another producer to take over the supplying of the steel grade, thus freeing the original producer for a greater concentration on the foundry and malleable grades. By providing an inducement to the producer who takes over the account in respect to the steel grade, such arrangements may be stimulated. It has been found more practical to accomplish this by allowing the producer of the foundry and malleable grades, to pass on

to the producer of steel grade pig iron a part of the premium payments which he derives from the Plan, than to provide for a separate compensation by the Government to the producer of the steel grade.

Paragraph (e) of Housing Expediter's Premium Payments Regulation No. 9 accomplishes this result and Amendment No. 14 makes the changes in Revised Price Schedule No. 10 necessary to permit such bonus payments. Since this transaction will occur prior to the level of final sale to the consumer of pig iron, and since ceiling prices of pig iron when sold to consumers will be entirely unaffected, the Administrator finds it proper to amend the maximum price regulation for pig iron to enable such arrangements to be made. Although the additional tonnage of foundry and malleable grades of pig iron which may be expected from this arrangement is relatively small in proportion to the total additional supplies expected to result from the Premium Payment Plan, the additional supplies which may be obtained in this way have nevertheless been found significant by the Housing Expediter. Administration of this arrangement, as part of the general Premium Payment Plan, will be effected by the Housing Expediter.

The Premium Payments Plan for pig iron has been made retroactively effective as of September 1, 1946. Since the Plan had been announced by the Housing Expediter in advance of its final establishment, and since arrangements of the type covered by the accompanying amendment have been made in good faith by certain producers to be covered by the Plan, the Administrator finds it necessary and proper to make the accompanying amendment effective as of September 1, 1946.

For the reasons set forth above, the Administrator finds that Amendment No. 14 is in accordance with Executive Order 9599 and the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17353; Filed, Sept. 23, 1946; 4:48 p. m.]

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

[RMPR 143, Corr. to Amdt. 13]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

Amendment 13 is corrected in the following respects:

1. The last sentence of section 3 (b) (3) (iii) is corrected to read as follows:

Provided, however, That no adjustment resulting in a higher wholesale price may be made in the case of tubes or farm tractor, implement, and aircraft tires.

2. The following item in Appendix III:

5.25/5.50-17..... | 6 | \$18.70 | \$1.17 | \$19.65 | \$1.20 | \$3.30

is corrected to read as follows:

5.25/5.50-17..... | 6 | \$18.70 | \$1.20 | \$19.65 | \$1.20 | \$3.30

This correction shall become effective September 28, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-17354; Filed, Sept. 23, 1946;
4:49 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 615]"

CEILING PRICES FOR SPECIFIED CANDY ITEMS

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

Sec.

1. Explanation of the regulation.
2. Items which are exempt from the regulation.
3. General effect of the regulation.
4. Classification of items.
5. Maximum prices.
6. Reporting of price determination.
7. Price adjustment or authorization, by Price Administrator.
8. Notices.
9. Wholesale and retail prices.
10. Geographical applicability.
11. Compliance with the regulation.
12. Enforcement.
13. Records.
14. Failure to file reports.
15. Licensing.
16. Petition for amendment.
17. Appendices—Reporting forms and instructions.

AUTHORITY: § 1351.1808, issued under 56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Laws 108 and 548, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328; 8 F. R. 4681; E. O. 9599, 10 F. R. 10155; E. O. 9651, 10 F. R. 13487; E. O. 9697; 11 F. R. 1691.

SECTION 1. *Explanation of the regulation.* Except for those items exempt under section 2, this regulation establishes maximum prices for all sales of domestically manufactured candy items when packaged by the manufacturer in consumer-size units designed to sell to the consumer from 5 to 10 cents, inclusive. Any item for which the manufacturer's maximum price to wholesalers is greater than 68 cents or less than 30 cents per dozen consumer units (bars, bags, individual boxes, etc.) shall not be considered an item designed to sell to the consumer from 5 to 10 cents.

SEC. 2. *Items which are exempt from the regulation.* This regulation shall not apply to the following:

- (a) Solid chocolate molded items, either filled or unfilled;
- (b) Any bar or packaged item for which the manufacturer's price to a wholesaler is greater than 68 cents or less than 30 cents per dozen consumer units.

SEC. 3. *General effect of the regulation.* Thirty days after the effective date of this regulation, the provisions of the General Maximum Price Regulation and all other regulations and orders, heretofore issued with respect to the items covered by this regulation, will be-

come inoperative as to future sales except in the following instances:

(a) Any manufacturer may continue to sell at prices established by him in March 1942 under the provisions of § 1499.2 (a) of the General Maximum Price Regulation, provided he reports within 30 days after the effective date of this regulation, to the Grocery Products Branch of the OPA, Washington 25, D. C., on the form provided in Appendix B, the name of the item, together with his intention of continuing his March 1942 ("freeze") price. (Prices established under § 1499.2 (a) of the General Maximum Price Regulation include only those prices at which the manufacturer sold or offered his product for sale in March 1942. It does not include a so-called "borrowed" price established under the provisions of § 1499.2 (b) of the General Maximum Price Regulation by adopting a competitor's price "for the same or similar item". Nor does it include any price established subsequent to March 1942 regardless of the manner or authority by which it was established.)

(b) The provisions of Supplementary Order 182 remain fully effective.

SEC. 4. *Classification of items.* For the purpose of establishing maximum prices, all candy items covered by this regulation are divided into the following two groups:

(a) All consumer-size items containing from 1 to 6 pieces, inclusive. (This group shall include chocolate covered and non-chocolate covered bars; boats, boxes, bags or other packages containing six or less individual pieces of candy.)

(b) All consumer-size items containing more than 6 pieces. (This group shall include boxes, boats, bags or other packages containing more than 6 individual pieces.)

SEC. 5. *Maximum prices.* (a) Except as provided in section 3 (a) and (b), the manufacturer's maximum delivered price, per unit of sale, for each item subject to this regulation, shall be the "total cost" of ingredients and packaging materials, per unit of sale, multiplied by (1) 1.85 for items included in section 4 (a), and (2) 2.27 for items included in section 4 (b). "Total cost" means the sum of the manufacturer's delivered cost of each ingredient and packaging material contained in one sales unit. These costs must be based upon the last typical purchase of that ingredient or packaging material. A typical purchase shall be one made between December 31, 1945 and September 17, 1946, (except purchases made between July 1 and July 26, 1946) and must be of a customary amount from a customary type of supplier.

If a manufacturer has made no typical purchase of an ingredient or packaging material used in an item, subject to this regulation he must apply for a maximum price for that item in accordance with the provisions of section 7 (b).

(b) If a manufacturer has customarily sold to retail stores not units of a corporate chain of 4 or more stores, at a price differential over and above his price to

wholesalers, his maximum price for such sales shall be the price determined under paragraph (a) of this section plus the differential which he had established prior to the issuance of this regulation.

(c) The manufacturer's maximum price f. o. b. factory shall be the price determined under paragraph (a) or (b) of this section, less the actual freight charges incurred in delivering the item to the purchaser's customary receiving point.

SEC. 6. *Reporting of price determination.* Each manufacturer who establishes a maximum price under this regulation shall mail to the Grocery Products Branch of the OPA, Washington 25, D. C., a complete report of his calculations following the procedure described in OPA Form 6035-2904 and its accompanying instructions which are a part of this regulation and appear in Appendix A. Copies of this form may be obtained at any District Office of the OPA.

Twenty days after the manufacturer's report is mailed, his reported prices shall be considered approved and he may begin selling unless, within that time, the Office of Price Administration has (a) requested additional information, (b) disapproved the reported price, or (c) notified the manufacturer that his reported costs appear out of line, in one or more respects, with costs generally prevailing for comparable manufacturers.

SEC. 7. *Price adjustment or authorization by Price Administrator.* (a) In the event that a reported price is disapproved by the Office of Price Administration, or the reported costs appear out of line with costs generally prevailing for comparable manufacturers, the Price Administrator on his own motion may authorize a maximum price in line with other prices established under section 5 of this regulation for comparable manufacturers.

(b) In the event that a manufacturer is unable to establish a maximum price for such item under the provisions of section 5 of this regulation, he shall make application to the Office of Price Administration describing the item in detail, and stating the amount of and costs of all ingredients and packaging materials contained in the item. The Price Administrator shall establish a maximum price for such item in line with prices established for comparable item by comparable manufacturers under section 5 of this regulation.

SEC. 8. *Notices.* With the first delivery of an item for which a manufacturer has established a maximum price under this regulation, the manufacturer shall provide each purchaser who purchases from him with the following notice:

Date

Our maximum price of (insert maximum price) for (describe item, brand name and type) has been determined in accordance with Maximum Price Regulation 615. Maximum prices for sales by wholesalers and retailers are established by Section 9 of the same regulation. This section provides that wholesalers and retailers shall add to their

APPENDIX A—Continued

PART III—SELLING PRICE

Item 6. Group (a) Products

A	Total raw materials and packaging cost. (Item 4D plus Item 5A.)
B	Maximum delivered selling price per sales unit. (Item 6A multiplied by 1.85.)

Item 7. Group (b) Products

A	Total raw materials and packaging cost. (Item 4D plus Item 5A.)
B	Maximum delivered selling price per sales unit. (Item 7A multiplied by 2.27.)

Item 8. Terms

A	Net weight per consumer-size unit. (Item 4C—No. Consumer Size Units per Sales Unit.)
B	Label weight per consumer size unit.

I certify that the information submitted in the above application is true and correct.

Sign here _____
(Signature of Officer) (Title) (Date)

A willfully false certification is a criminal offense

INSTRUCTIONS TO ACCOMPANY OPA FORM 6035-2904

PART I. IDENTIFICATION OF ITEM

Item 1. Identify the item you are pricing by indicating the brand name appearing on the wrapper, box, bag, etc. If it is not sold under a brand name, a statement to that effect must be made. Your application must be accompanied by three representative samples of the item.

Item 2. If the item being priced contains from one to six pieces per consumer-size unit your product belongs in group (a), as defined in Section 4 of the regulation. If the product contains more than six pieces per consumer-size unit you should price the item in accordance with the provisions governing group (b). Check the group under which the reported item falls.

Item 3. Indicate the number of consumer-size packages customarily sold as a unit (12's, 24's, etc.). This will be the unit on which your calculations, made in Parts II and III of OPA Form 6035-2904 will be based.

PART II. CURRENT COST BREAK-DOWN OF INGREDIENTS AND PACKAGING MATERIALS

Item 1, Column 1. List all ingredients used to produce the item being reported. Each ingredient should be described in detail. For example, Spanish peanuts, roasted, blanched, picked out; 43° corn syrup; low fat cocoa, etc.

Column 2. Show in this column the net cost per pound, gallon, etc., to you, of each ingredient listed in Column 1 as shown on the invoice for the last purchase of this ingredient made between December 31, 1945 and September 17, 1946. However, you may not use any cost incurred during the period of July 1, 1946 through July 25, 1946, as a basis for determining your cost for any ingredient or for any raw material entering into a semi-finished product. In order to expedite your case, submit with your application the invoices (or authenticated copies thereof) used in determining your cost. If you manufacture a semi-finished product which enters into the production of the item, you may enter the total cost to produce the semi-finished product as an ingredient cost if the semi-finished product may normally be purchased on the open market. For example, if you produce your own chocolate to be used as a coating on the item being reported, you may show as the cost of your coating, the total cost to manufacture it (cocoa beans, labor, overhead, etc.). However, if you purchase two types of chocolate and blend them, since that blend could not, normally, be purchased in the open market, you may only show as ingredient cost, the net purchase price of the two types, per unit of sale.

Column 3. Show in this column the quantity of each ingredient used to produce a sales unit.

Column 4. Your cost per unit of sale for each ingredient is determined by multiplying Column 3 by Column 2.

Item 1B. Deduct from the total weight of raw materials entering into the production of your sales unit, the average shrink, by weight, experienced in the production of the item.

Item 1C. Subtracting your loss in process (item 1B) from item 1A results in the net weight per sales unit.

Item 1D. The amount shown in Item A, carried down to Item 1D, is your legal maximum price, per sales unit for the item you are reporting.

Item 2, Column 1. List and describe all materials used to package the item being reported.

Column 2. List the cost to you for packaging materials, per purchase unit as shown on the invoice for the last purchase made between December 31, 1945 and September 17, 1946. However, you may not use, as a basis for determining packaging material costs, any cost incurred during July 1, 1946, through July 25, 1946, or any invoice dated later than the effective date of this regulation.

Column 3. If, in the packaging process, you perform a service or produce an item which, normally may be obtained from an outside source, you may enter, as the cost thereof, the total cost to produce that item. For example, if you produce the glassine bags in which you package the product, the total cost to manufacture them (glassine, labor, power, etc.) may be shown in this column. However, costs to seal the glassine bag, setting up or sealing shipping containers may not be included as an item of packaging materials cost inasmuch as these services are, normally, performed by the candy manufacturer.

Column 4. Indicate the cost for each item of packaging material, per unit of sale.

PART III. SELLING PRICE

Item 6. If the item falls within group (a) (6 or less pieces), as defined by Section 4 of the regulation, the total cost for raw materials and packaging should be multiplied by 1.85 to arrive at your maximum price.

Item 7. If the item falls within group (b) (more than 6 pieces), as defined by Section 4 of the regulation, the total cost for raw materials and packaging should be multiplied by 2.27 to arrive at your maximum price.

Item 8A. The net weight per consumer-size unit, is determined by dividing the weight shown in Item 4C, by the number of consumer-size units per sales unit (Item 3). The figure resulting from this calculation will be the net weight, per consumer-size unit, which you are required to maintain for the item you are reporting; a reduction of which will constitute a violation of this regulation.

Item 8B. Indicate the weight which will appear on the wrapper.

APPENDIX B

OPA form 6035-2904A Budget Bureau No. 08-R1766	Name of firm _____
UNITED STATES OF AMERICA OFFICE OF PRICE ADMINISTRATION WASHINGTON 25, D. C.	Address—Number and street _____
REPORT OF ELECTION TO MAINTAIN MAXIMUM PRICES OF CERTAIN CANDY ITEMS DETERMINED UNDER THE GENERAL MAXIMUM PRICE REGULATION OR SUPPLEMENTARY ORDER 182	City, postal zone number, State _____
File one copy of this report with the Grocery Products Branch, Office of Price Administration, Washington 25, D. C.	

If you have elected to retain a maximum price for a candy item determined in accordance with either Section 1499.2 (a) of the General Maximum Price Regulation (March 1942 freeze price) or Supplementary Order 182, you must report on this form the brand name, weight per consumer size package and maximum price per sales unit for each such item. If the item has no brand name you must give a description of the item.

Brand name	Net weight per consumer-size	Maximum price per sales unit

Indicate (yes or no) whether these prices have been determined under SO 182 _____
District Office at which application under SO 182 was filed _____
Date adjustment of prices granted under SO 182 _____

This regulation shall become effective September 23, 1946.

NOTE: All 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 23d day of September 1946.

JAMES G. ROGERS, JR.,
Acting Administrator.

Approved: September 16, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF MAXIMUM PRICE REGULATION 615

This regulation provides a new method for manufacturers as well as wholesalers and retailers to determine maximum

prices for all candy items packaged by the manufacturer in consumer size units which are designed to sell to consumers from 5 to 10 cents. (Only items which manufacturers sell to wholesalers at between 30 and 68 cents per dozen consumer-size units are considered as designed to sell from 5 to 10 cents.) Solid chocolate molded items are excluded but all items such as chocolate and non-chocolate covered bars, consumer size packages of wafers, mints flavored hard candy tablets, panned goods, caramels, fudges, gums, jellies, etc., which sell to consumers from 5 to 10 cents, are covered. For these items, this regulation supersedes all maximum prices previously established with the exception of (1) prices established under Supplementary Order 182 and (2) prices established un-

der section 1499.2 (a) (the highest price charged during March, 1942 for that item).

Candy was placed under price control by the General Maximum Price Regulation effective in May 1942. There have been two modifications of this original pricing structure for candy covered by this regulation. In July 1943, Amendment 7 to Maximum Price Regulation 262 was issued which allowed manufacturers of peanut candy to recalculate their maximum prices to reflect the ingredient costs current at that time. The maximum prices of pecan candy were increased in October 1945 by Amendment 13 to Supplementary Regulation 140. With the exception of these two types of candy the manufacturers' maximum prices of all bar candy covered by this regulation are determined under the General Maximum Price Regulation.

The period since March 1942 has been marked by drastic pressures on the price ceilings. Demand for candy has increased enormously, but the supply has not kept pace because of the shortage of sugar. The General Maximum Price Regulation has not been too satisfactory as an instrument to combat these pressures, due in large part to the unstandardized nature of candy items. As a "freeze" regulation it has held the prices of old items to the March 1942 level; however, the maximum prices of items introduced since March 1942 have been determined either by price comparisons to similar products or in accordance with price-cost relationships on comparable products. These two methods tend toward loose pricing because of the difficulty of defining similarity and comparability. Gradually items of lower and lower value in terms of March 1942 cost conditions could be priced under the new product pricing provisions. As a consequence, the importance of bars which were sold in March 1942 has been declining during the period of price control.

The circumvention of maximum prices in line with the level of prices existing in March 1942 has been stimulated by the shortage of sugar and increases in material and labor costs. Manufacturers, to maintain or to increase their volume, have turned to items using less sugar. Since the end of the war the sugar allotments of most manufacturers have been reduced due to cancellation of war contracts. This has meant a lower volume of production resulting in higher overhead costs per unit. At the same time direct costs have been rising due to both higher maximum prices on many important ingredients such as sugar and corn syrup and wage increases. The introduction of new items has been a means to offset and delay the impact of these increases.

The substitution of new items for "freeze" items has had the same effect as a price increase on the general level of earnings of manufacturers of candy items covered by this regulation. The Administrator has no evidence which indicates that current earnings are below those of a normal peacetime period with adjustments for changes in net worth. However, it appears that the distribution of earnings has shifted from its prewar pattern. The degree of substitution of new items for old varies widely among manufacturers. Manufacturers who have maintained the bulk of their production in "freeze" items have felt the impact of higher production costs without the compensating effects of new items; the earnings of this group have been depressed as a result.

The trend away from "freeze" bars may result in a nearly complete circumvention of the General Maximum Price Regulation, except for those manufacturers who are unable to shift their production to new items because of highly specialized equipment. Such manufacturers would continue to find themselves in a position of increasing financial hardship. As a result of these conditions, the accompanying regulation is being issued in order to halt the trend of further circumvention of price control and to remove

existing price inequities without perceptibly increasing the general price level.

The Administrator has explored various methods designed to halt this trend and to remove the price inequities existing between old-line items and newly introduced items. He has determined that in view of the wide variations in the ingredients and packaging materials the most practical method is a formula which relates the maximum price to the material cost per unit of sale. Such a formula based on current prices and material costs should equalize the prices for all manufacturers and for all items without raising the general level of prices. Although some of the old standard items may be increased in price or may be slightly reduced in size, other items, currently offering a lesser value to the consumer, should be either increased in size or reduced in price.

Cost data for a great number of 5 and 10 cent items, showing the relationship of selling prices to ingredient and packaging material costs, were examined. A significant difference was found to exist between the bar type items or those containing 6 or less individual pieces and items containing more than 6 individual pieces. The cost of ingredients and packaging materials for the first group equalled, on the average, approximately 54 per cent of the delivered price, whereas these costs for the second group equalled only 44 per cent.

Based on these findings the Administrator has classified the items covered by this regulation into two groups for the purpose of establishing maximum prices. A simple pricing method has been established, applying a percentage markup to the total cost of ingredients and packaging materials of the sales unit. Translating the relationship of costs to selling prices, resulted in a multiplying factor of 185 per cent for one group and 227 per cent for the other. In order to avoid the former weakness of the General Maximum Price Regulation in pricing candy, which induced the introduction of new items all items are priced on the basis of costs during a specific period. In restricting the use of material and ingredient costs to a specific period, the Price Administrator is aware of the possibility that increases in ingredient costs in the near future may seriously distort the present cost price relationship. In such an event appropriate action will be taken.

In determining his maximum price the manufacturer must use as a basis for the total cost of ingredients and packaging materials, his most recent purchases made between December 31, 1945, and September 17, 1946, except any purchases made between July 1 and July 25, 1946, or during the period of no price control would be unrepresentative of current costs and would not permit the maintenance of the present general level of prices. To further assure that costs are representative, the purchases must be of a customary quantity, from a customary type of supplier. In the event that a manufacturer was not in operation or made no purchases of an ingredient or packaging material during the prescribed

period, a maximum price will be established by the Office of Price Administration in line with prices determined in accordance with the formula by other manufacturers.

The price established by the formula is a delivered price since it has been the custom of practically all manufacturers to charge one delivered price. However, f. o. b. sales may be made, provided that the delivered price is reduced by the actual cost of transportation. An additional provision permits manufacturers, who customarily have sold to independent retailers at a differential over and above their price to wholesalers and chain stores, to add the same differential for such sales under this regulation.

Other requirements of this regulation are the keeping of adequate records showing the determination of ceiling prices and the reporting of all maximum prices. A report of the calculation of any price must be filed with the OPA prior to the offering of any item for sale. A reporting form and instructions for its use have been included in the regulation. If the OPA does not request additional information or disapprove the filing, the price reported, if correctly calculated, will be deemed approved at the end of twenty days after filing.

With the first delivery of an item priced under this regulation, the manufacturer must provide his purchasers with a notice (set forth in the regulation) telling wholesalers and retailers how to establish their maximum prices. Specifically, wholesalers and retailers establish their maximum prices by adding to their current cost of acquisition the same percentage markup they had on or before June 29, 1946, for the item bearing the same brand name. If any wholesaler or retailer sold no such item, he may add the same percentage markup which he had on or before June 29, 1946 for sales of a candy item with the same or the most similar cost of acquisition.

Representatives of the industry affected have been consulted and insofar as practicable, the Administrator has incorporated their recommendations and suggestions into this regulation.

The provisions of this regulation do not compel changes in the business practices, or methods of the industry except to the extent necessary to prevent circumvention or evasion of this regulation and of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17355; Filed, Sept. 23, 1946; 4:49 p. m.]

PART 1305—ADMINISTRATION

[Rev. SO 9, Revocation]

ADJUSTMENT OF MAXIMUM PRICES OF COMMODITIES OF SERVICES UNDER GOVERNMENT CONTRACTS OR SUB-CONTRACTS

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

Revised Supplementary Order No. 9, as amended, Adjustment of Maximum Prices of Commodities or Services Under

Government Contracts or Subcontracts, is hereby revoked.

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING REVOCATION OF REVISED SUPPLEMENTARY ORDER 9, AS AMENDED

Revised Supplementary Order No. 9, as amended, provided for adjustments of maximum prices of commodities or services under Government contracts or subcontracts in order to remove impediments to war procurement. With the cessation of hostilities the former urgency of war procurement has disappeared. Furthermore, existing price regulations generally contain individual adjustment provisions or other supplementary orders provide for adjustments sufficient, it is believed, to remove any price impediments that may hamper production and distribution whether or not the commodities or services involved are the subject of Government contracts or subcontracts. For these reasons, the Administrator believes the overriding adjustment provisions of Revised Supplementary Order No. 9, as amended, are no longer necessary and, in fact, they are now generally inactive. The accompanying order, therefore, revokes Revised Supplementary Order No. 9, as amended.

[F. R. Doc. 46-17423; Filed, Sept. 24, 1946; 11:12 a. m.]

PART 1305—ADMINISTRATION

[SO 176, Amdt. 1]

ALTERNATIVE PRICING BY USE OF MARCH 31, 1946 MARKUP

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

Supplementary Order 176 is amended in the following respect:

1. Paragraph (f) is added to read as follows:

(f) *Certain foods.* Any seller at wholesale covered by this supplementary order who sells to wholesalers or retailers subject to Maximum Price Regulation 421, 422 or 423 any commodity which is covered by those regulations must, with the first delivery of such commodity after the date of an authorized change in the seller's maximum price, supply each wholesaler or retailer covered by those regulations who purchases from him, with written notice, reading as follows:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade, brand, style of pack, and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it

to you from your customary type of supplier with this notification after (insert effective date of the applicable supplement, amendment or order). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, carton, or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer subject to MPR 422 or 423 he may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

This amendment shall become effective September 30, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 1 TO SUPPLEMENTARY ORDER 176

The accompanying Amendment requires wholesalers covered by Supplementary Order 176 who sell food items to wholesalers and retailers whose resales of the items are governed by Maximum Price Regulations 421, 422 and 423 to give formal official notification to their customers when they use their new ceiling prices figured under the order. In the absence of such notification the buyers could not refigure their own ceiling prices and would be compelled to absorb the increases in their suppliers' ceiling prices. Section 2 (t) of the Emergency Price Control Act of 1942, as amended, prohibits the requiring of such absorption. This amendment will obviate that result.

[F. R. Doc. 46-17424; Filed, Sept. 24, 1946; 11:12 a. m.]

PART 1305—ADMINISTRATION

[SO 183]

STATEMENT OF CONSIDERATIONS TO SO 183, CORRECTION

In the Statement of Considerations accompanying the issuance of Supplementary Order 183, the last sentence in the seventh paragraph is corrected to read as follows:

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 be practicable without reducing the production of at least equally needed products.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-17425; Filed, Sept. 24, 1946; 11:12 a. m.]

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5, Amdt. 10]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended by adding a new section 12.5 to read as follows:

SEC. 12.5 *Institutional users who suffer hardship because of amendment to definition of sugar may obtain relief.* (a) Any institutional user (other than a Group I user) who, on August 22, 1946, had a product which before such date was not classified as sugar but which was classified as sugar by the enactment of Amendment 20 to Third Revised Ration Order 3 and who wishes to make an institutional use of such product without having to give up evidences for such use (or incur an excess inventory charge) may do so. However, such institutional user must on or before October 15, 1946, report to the District Office with which he is registered in accordance with the provisions of section 17.6 of Third Revised Ration Order 3. (All use made after August 22, 1946, and prior to the making of the report is considered excess inventory.)

(b) The Washington Office, under the provisions of section 17.6 (b) of Third Revised Ration Order 3, may give permission to institutional users to acquire and use specified amounts of such products which distributors had on hand on August 22, 1946.

This amendment shall become effective September 24, 1946.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

RATIONALE ACCOMPANYING AMENDMENT NO. 23 TO THIRD REVISED ORDER 3 AND AMENDMENT NO. 10 TO REVISED GENERAL RATION ORDER 5

PRESENT REGULATIONS

The definition of sugar as revised by Amendment No. 20 to Third Revised Ration Order 3 includes certain products which were not classified as sugar prior to August 22, 1946, the effective date of Amendment No. 20.

PROPOSED AMENDMENTS

These amendments provide that any person who had such a product on August 22, 1946 and desires to make an industrial or institutional use of it without giving up evidences or incurring an excess inventory charge, may do so provided he makes a report to the District Office with which he is registered or, if he is not registered, to the District Office for the place where his establishment is located, on or before October 15, 1946, stating the total amount of such product he had on August 22, 1946, its location, and the amount of sugar solids

it contains. Any amount used after August 22, 1946, and not reported on or before October 15, 1946, will be charged as excess inventory.

They further provide that any person who wishes to sell or deliver such a product without getting evidences must, on or before October 15, 1946, apply in writing to the Washington Office of the Office of Price Administration for permission to do so, stating the amount of such product which he had on August 22, 1946 and remaining unsold or undelivered on the date he files his application, the amount of sugar solids it contains, its location, the persons to whom he wishes to sell or deliver it and the amount he wishes to deliver to each.

Permission to sell and deliver such a product without the exchange of ration evidences and permission for persons to whom it is delivered to use it without incurring an excess inventory charge will be granted on such terms and conditions as the Washington Office of the Office of Price Administration may deem advisable. Such Office may also restrict the amount any person may receive.

REASONS FOR AMENDMENT

Revision of the definition of sugar by enactment of Amendment No. 20 to Third Revised Ration Order 3 found some persons with products which are now classified as sugar although prior to the effective date of such amendment, August 22, 1946, those same products were not included in the former definition of sugar.

It was not possible to give advance notice of the issuance of Amendment No. 20 revising the definition of sugar so that any person who had a product which became classified as sugar by reason of such amendment might have a period of grace in which to use, sell or deliver it ration-free and without incurring any excess inventory charge, as the case might be. Therefore, these amendments are being issued to alleviate hardship that might ensue to any person who is placed in such a position by virtue of the revision of the definition of sugar.

The report required of a person who desires to make an industrial or institutional use of any such product will enable the District Office to ascertain the total amount of such product, its location, its sugar solids content, and will permit it to grant relief only in those cases where a person had such a product on August 22, 1946 and reported it on or before October 15, 1946.

Similar information is required to be submitted in the case of a person who applies in writing to the Washington Office of the Office of Price Administration for permission to sell or deliver such a product. In addition, the applicant must state in his application the names of the persons to whom he wishes to sell or deliver such product, and the amounts he wishes to deliver to each. In this way the Washington Office of the Office of Price Administration will be able to provide for an equitable distribution of any such product and thus prevent any person from obtaining an inordinate amount of such product.

[F. R. Doc. 46-17422; Filed, Sept. 24, 1946; 11:12 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 150, Amdt. 17]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

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

Subparagraphs (1), (2) and (3) of section 9 (a) are amended to read as follows:

(1) For finished rice consisting of not less than 96 percent of whole kernels and not more than 4 percent of broken kernels nor more than 1 percent of a variety other than the predominant variety, the maximum prices per hundred pounds shall be as follows:

Variety	Milled rice	Unpolished ¹ rice	Brown ² rice	Par-boiled rice
Rexoro.....	\$9.90	\$9.05	\$8.40	\$10.70
Texas Patna.....	9.90	9.05	8.40	10.70
Blue Bonnet.....	9.90	9.05	8.40	10.70
Nira.....	9.90	9.05	8.40	10.30
Java, long.....	9.90	9.05	8.40	10.70
Fortuna.....	9.20	8.50	7.90	9.75
Edith.....	8.65	8.15	7.65	9.75
Prelude.....	8.65	8.15	7.65	9.45
Calady.....	8.20	7.65	7.40	9.70
Blue Rose.....	8.05	7.65	7.40	9.70
Kamrose.....	8.05	7.65	7.40	9.70
Magnolia.....	8.05	7.65	7.40	9.70
Ark Rose.....	8.05	7.65	7.40	9.70
Southern Pearl.....	8.05	7.65	7.40	9.70
California Pearl.....	8.05	7.65	7.40	9.30
Lady Wright.....	8.05	7.65	7.30	9.55
Zenith.....	8.05	7.65	7.40	9.70
Early Prolific.....	7.80	7.30	7.00	9.20
Any other variety.....	7.80	7.30	7.00	9.20

¹ When unpolished rice is sold to the United States Government or any of its agencies, or is sold to purchaser having a certificate from a governmental agency showing that such rice is essential to the war effort and is to be exported from the United States, the maximum price shall be the maximum price for milled rice. Any such certificate shall be filed in duplicate with the National Office of Price Administration, Washington, D. C., ten days prior to the purchase of the rice and shall also state the quantity of rice to be purchased and the mill from which it is to be purchased.

² When brown rice is sold to a purchaser having a certificate from a governmental agency showing that such rice is essential to the war effort and is to be exported from the United States, the maximum price shall be the maximum price for milled rice. Any such certificate shall be filed in duplicate with the National Office of Price Administration, Washington, D. C., ten days prior to the purchase of the rice and shall also state the quantity of rice to be purchased and the mill from which it is to be purchased.

(2) For finished rice not covered by subparagraph (1) above, the maximum price shall be as follows:

(i) For any lot of milled rice containing more than 4 per cent broken kernels, either:

Class:	Maximum price
Second heads—Rexoro, Nira, Fortuna, Bluebonnet, Java, long, and Texas Patna.....	\$6.75
Second heads—any other variety.....	6.00
Screenings.....	5.00
Brewers.....	4.50

or (b) the figure obtained:

(1) By multiplying the percentage of whole kernel finished rice in the lot by \$6.40 (or, at the option of the seller, by multiplying the percentage of each variety and kind of whole kernel rice in the lot by the maximum price for each such variety and kind respectively, as specified in subparagraph (1) above, and totaling the results); and/or

(2) By multiplying the percentage of broken kernel finished rice in the lot by \$4.75 (or, at the option of the seller, by multiplying the percentage of each class or kind of broken kernels in the lot by the maximum price for each such class or kind of broken kernels, respectively, as specified in inferior subdivision (a) above and totaling the results); and

(3) By totaling the results of (1) and (2) if the lot contains both whole kernel finished rice and broken kernel finished rice.

(ii) For unpolished rice broken kernels, \$5.50.

(iii) For brown rice broken kernels, \$5.25.

(3) For finished rice which has been granulated, the maximum prices shall be:

(i) Where the seller furnishes a certificate of a recognized grading service certifying the variety or kind of finished rice in the lot before granulation, the maximum price for such variety or kind shall be as above set forth in this section plus an increase at the rate of 10 cents per one hundred pounds.

(ii) Where no such certificate is furnished, \$4.50 per one hundred pounds.

This amendment shall become effective as of September 16, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

Approved: September 20, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 17 TO 2D RMPR 150

The Secretary of Agriculture, under section 1 (A) (e) (A) of the Emergency Price Control Act of 1942 as amended, has directed the Price Administrator to increase maximum prices of rough rice by \$1.00 per barrel and to adjust maximum prices for finished rice to reflect such increase in the cost of rough rice.

Maximum prices for rough rice have already been increased pursuant to such directive by Amendment 12 to MPR 518. The accompanying amendment makes the required adjustments in maximum prices of finished rice. The Price Administrator has determined that the most feasible method of reflecting this increase is to distribute it among whole kernels, second heads, screenings and brewers rice on the basis of milling yields for the different varieties. The milling yields used for this purpose are those which the rice milling industry has currently submitted to the Office of Price Administration.

In addition, the accompanying amendment increases maximum prices of finished rice to compensate for two recent increases in raw material costs. These increases became effective on July 25, 1946, and millers are just beginning to experience their impact as the 1945 rice crop commences to be harvested. The first of these increases is a result of Amendment 11 to MPR 518 which provides a premium of 2 cents per barrel for each one-tenth of one percent of moisture content below 17 percent down to

14 percent. Previously maximum prices for rough rice were established on the basis of 17 percent moisture content with no premiums for lower percentages. However, it was found that rough rice to be suitable for milling purposes should contain less than 17 percent of moisture and preferably not much more than 14 percent. As a result of this amendment, millers are faced with the prospect of paying additional amounts for their rough rice. It is clear, however, that under present harvesting conditions this premium will not be paid on all rice because some of it will be sold on a wet basis. Since this year's production of rice is approximately equal to that of last year the Price Administrator is of the opinion that the most equitable method of determining the amount of this increase is to base it upon the production and moisture figures of last year's crop. On such a basis the Price Administrator is satisfied that 50 cents per barrel represents a fair and equitable estimate of increased costs for the industry as a whole as a result of such amendment. The second of these increases is the result of a requirement of official certification and determination of moisture by the U. S. Department of Agriculture, the expense of which, amounting to 2 cents per barrel, must be borne by the miller.

It appears from an accounting survey conducted by the Office of Price Administration in 1944 and from other information available to this office that rice millers are not now recovering total cost. Under such circumstances, the Price Administrator is of the opinion that an interim adjustment in maximum prices of finished rice is appropriate in order to cover these two known material costs increases. Such adjustment will assure the industry that the maximum prices for finished rice will generally cover total costs for the product.

The Rice Milling Industry Advisory Committee is now preparing a petition for adjustment of maximum prices of finished rice under Section 6 of the Emergency Price Control Act of 1942, as amended. The Price Administrator realizes that a considerable period of time may elapse before the petition has been finally prepared and filed with the Office of Price Administration and a decision reached upon it. The information received as a result of that petition will enable the Administrator to determine the extent of any further adjustment that may be necessary.

[F. R. Doc. 46-17426; Filed, Sept. 24, 1946; 11:13 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 342, Amdt. 6]

NAIL KEGS, STAVES AND HEADING

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.

In Maximum Price Regulation 342, section 3 is amended to read as follows:

SEC. 3. Maximum f. o. b. mill prices—
(a) Staves. The maximum f. o. b. mill prices for bilge sawn staves 3/8" thick shall be as follows:

STAVES	Per bundle of 400 inches
Length:	
15" through 16 1/2"-----	\$1.29
16 1/2" through 17 1/8"-----	1.35
18" through 18 3/8"-----	1.88
19" through 20 1/8"-----	1.44
21" through 23"-----	1.52

MAXIMUM PRICES FOR KEGS MADE OF BILGE SAWN STAVES
[2 steel (black) 2 wire (black) hoops f. o. b. cooper shop per 100 kegs]

Keg size		Zone 1	Zone 2	Zone 3	Zone 4
Heads (planed, straight jointed)	Staves (rough, straight jointed)				
9" through 9 1/2"-----	15" through 16 1/2"-----	\$35.50	\$36.25	\$36.50	\$37.25
	16 1/2" through 17 1/8"-----	36.00	37.00	37.25	38.00
	18" through 18 3/8"-----	36.25	37.25	37.50	38.25
9 1/2" through 10 1/4"-----	15" through 16 1/2"-----	37.00	37.75	38.25	39.00
	16 1/2" through 17 1/8"-----	37.50	38.50	39.00	39.75
	18" through 18 3/8"-----	38.00	39.00	39.25	40.25
10 1/4" through 11 1/4"-----	19" through 20 1/8"-----	38.50	39.50	40.00	40.75
	15" through 16 1/2"-----	38.70	39.70	40.20	40.95
	16 1/2" through 17 1/8"-----	39.45	40.45	40.95	41.70
11 1/4" through 12 1/4"-----	18" through 18 3/8"-----	39.95	40.95	41.45	42.20
	19" through 20 1/8"-----	40.45	41.70	42.20	42.95
	21" and over-----	44.20	46.45	45.95	46.70
15" through 16 1/2"-----	15" through 16 1/2"-----	41.20	42.20	42.70	43.45
	16 1/2" through 17 1/8"-----	41.95	42.95	43.45	44.45
	18" through 18 3/8"-----	42.45	43.45	43.95	44.95
19" through 20 1/8"-----	19" through 20 1/8"-----	43.20	44.45	44.70	45.70
	21" and over-----	46.70	48.20	48.70	49.70

Note: If a cooper shop is operated on a purchaser's premises without the payment of rent, a minimum of \$0.75 per C kegs shall be deducted from the above prices on all sales to such purchaser. If a purchaser supplies power, a minimum of \$0.25 per C kegs shall be deducted. If a purchaser supplies both premises and power, a minimum of \$1.00 per C kegs shall be deducted.

Zone 1 includes the States of Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia. Zone 2 includes the States of Arkansas, Louisiana, New Jersey, Pennsylvania and Ohio. Zone 3 includes the States of Illinois, Indiana, Michigan and Missouri. Zone 4 includes the States of Connecticut, Iowa, Kansas, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, Vermont and Wisconsin.

(d) Prices previously authorized for sellers under section 7 (b) of this regulation remain in effect unless they are lower than the prices specified above.

Prices for staves previously authorized under section 4 of this regulation may be increased by 18¢ per bundle of 400 inches.

This amendment shall become effective September 24, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 6 TO MAXIMUM PRICE REGULATION 342

This Amendment replaces the interim adjustment of 10% on nail keg staves, 5% on heading and 2 cents per keg issued April 4th and effective April 9, 1946, with increases as follows: 14% on staves, 12% on heading under 10 3/8" in diameter, 14% on heading 10 3/8" or over in diameter, 3.5 cents per keg with heads under 10 3/8" in diameter and 3.7 cents per keg with heads 10 3/8" or over in diameter. The current increases, taken at the discretion of the Administrator to bring out an increased supply of packages for nails urgently needed for the expanded veterans housing program, represent increases of approximately 3.6% on staves, 7.6% on heading and 1.6 cents per keg over those temporarily authorized in April of this year.

The new prices are based on cost surveys of stave mills, heading mills and nail

(b) Heading. The maximum f. o. b. mill prices for heading 1/2" thick shall be as follows:

HEADING	Per M sets
Diameter:	
9" through 9 1/2"-----	\$67.20
9 1/2" through 10 1/2"-----	70.56
10 1/2" through 11 1/2"-----	76.38
11 1/2" through 12 1/2"-----	82.08

(c) Nail kegs. The maximum prices, f. o. b. cooper shop, for nail kegs made of staves 3/8" thick and heading 1/2" thick shall be as follows:

keg plants made earlier this year at the request of the Slack Cooperage Industry Advisory Committee. The data submitted cover 1945 operations of these mills and plants and were adjusted for cost increases in 1946, including allowable wage increases, in order to reflect current costs of production. In determining the extent of the increases, the Administrator has given consideration to representations by the National Housing Agency and the Civilian Production Administration that price action by this Agency be such as will stimulate increased production of nail kegs. Recently nail keg production has fallen below levels sufficient to meet the demand for shipping containers for the current output of nails. The Civilian Production Administration has ordered greatly increased production of nails. Substitute packages for nails have proven unsatisfactory and divert steel and boxes from other essential needs. It is therefore deemed advisable to authorize prices for nail keg staves, nail keg heading and nail kegs which will contribute to increased production of these items.

The 14% increase in prices for nail keg staves over price levels in effect prior to the interim adjustment is designed to cover the total costs of over 87% of the production and should result in profitable operations for all but a few high cost producers. For those who cannot produce profitably at the new prices, the regulation provides for individual ad-

1 8 F. R. 16985; 9 F. R. 8814, 1467; 10 F. R. 2968, 8856, 3600.

justment of maximum prices on showings of financial hardship.

The increases for heading, averaging 13% over price levels in effect prior to the interim adjustment, are designed to cover the total costs of approximately 88% of nail keg heading production and should likewise result in profitable operations for all but a few high cost producers who may, if necessary, avail themselves of the individual adjustment procedure. The heading increases have been allocated in such a way as to give a 14% increase for the larger heading, 10%¹ and over in diameter, and a 12% increase for the smaller heading. This was done at the request of the Industry Advisory Committee which explained that the heading prices in the regulation did not properly reflect the higher costs of producing the larger heading. This contention is supported by a comparison with ceiling prices for 12%¹ slack heading, #2 grade, in Maximum Price Regulation 481, which heading is similar to the larger nail keg heading. The 14% and 12% division, on the basis of expected production projected from sales data for 1945, and the first quarter of 1946, should give an average realization no different from that of a 13% increase on all nail keg heading. A request by the Civilian Production Administration that shippers, wherever possible, attempt to pack 125 lbs. of nails per keg instead of the customary 100 lbs., may result in sales of a somewhat greater proportion of the larger heading. However, examination of the data indicates that a considerable shift in the proportions of larger and smaller heading would be necessary for the 14%-12% allocation to result in a significant change in the designed average 13% increase in overall realization.

The increases for staves and heading represent increased costs incurred in 1945 plus reported increases in labor costs since then which have been authorized by the Wage Stabilization Board.

The average increase allowed for nail kegs is 3.6 cents per keg over price levels in effect prior to April 9, 1946 or 1.6 cents per keg over those permitted the industry by the interim adjustment.

The price increases authorized for nail kegs are based on the costs of producing nail kegs in 1945 as shown in the survey. These costs were adjusted to reflect increased steel and freight costs which have developed in 1946. These costs were further adjusted, as required by the standards of this Office, to reflect those cost savings which might reasonably, apart from increased ceiling prices, be expected to result in a net improvement in the earnings position of the nail keg industry. This adjustment took account of such factors as increased sales, reduction in overtime operations, downgrading of labor, the return of more efficient labor and general improvements in efficiency.

Analysis of the costs of producing nail kegs so adjusted, indicated that an increase in prices of 2.3% was necessary to cover the total cost of 90% of the production of nail kegs, before allowance

for increased stave and heading prices. As in staves and headings, such an increase should permit profitable operations for all but the high cost producers, who have the privilege of applying for individual adjustment.

Expressed in terms of cents per keg on a weighted average basis the 2.3% amounts to nine tenths of a cent, using a 40¢ keg as the average. Similarly the 14% increase on staves averages 1.9¢ per keg and the 13% increase on heading averages 8/10 of a cent per keg. Therefore, a direct pass through of the stave and heading cost increases allowed by this amendment added to the 2.3% increase above referred to amounts to approximately 3.6 cents per keg. When allowance is made for the allocation of the heading increase as between the larger and the smaller heading, the final keg adjustment becomes 3.5 cents for kegs made of heading less than 10%¹ in diameter and 3.7¢ per keg for those made with heading over 10%¹ in diameter.

Prices approved for sellers under this regulation pursuant to Section 7 (b) remain in effect unless they are lower than those provided by this Amendment. Such prices may, of course, be readjusted on proper showing of financial hardship.

At the time of the interim adjustment, sellers of staves priced under Section 4 were allowed to add 13¢ per bundle to the prices previously authorized by letter order in order to keep special prices in-line with the level of prices in the regulation. This allowance is now changed to 18¢ for the same reason.

The recommendations of the Slack Co-opeage Industry Advisory Committee have been fully considered in the preparation of this Amendment.

In view of the foregoing considerations, the Administrator finds that this Amendment is necessary, proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the relevant Executive orders of the President.

[F. R. Doc. 46-17427; Filed, Sept. 24, 1946; 11:13 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, 1st Amdt. 23]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended to read as follows:

Section 17.6 is added to read as follows:

SEC. 17.6 *Certain persons who suffer hardship because of amendment to definition of sugar may obtain relief.* (a) Some persons on August 22, 1946, had a product which before such date was not classified as sugar and which was by the enactment of Amendment 20 to this order classified as sugar.

(1) Any such person who wishes to make an industrial or institutional use of such sugar without having to give up evidences for such use (or incur an excess inventory charge) may do so. However, he must on or before October 15, 1946, report to the District Office with which he is registered. If he is not a registered industrial or institutional user he will make a report to the District Office for the place where his establishment is located. In his report he must state:

(i) The total amount in pounds of such product which he had on August 22, 1946 (net weight).

(ii) The location of such product. (If in transit so state.)

(iii) The amount of sugar solids in the product (in pounds). (All amounts used after August 22, 1946, and not reported prior to October 15, 1946, and all such sugar used after August 22, 1946, and prior to the making of the report will be deemed excess inventory in accordance with the provisions of section 2.8 of Third Revised Ration Order 3 and of section 9.7 of Revised General Ration Order 5.)

(2) Any person who wishes to sell or deliver such sugar without getting evidences must, on or before October 15, 1946, apply in writing to the Washington Office of the Office of Price Administration for permission to do so. Application must state:

(i) The total amount in pounds of such product which he had on August 22, 1946 and which he had not sold or delivered on the date he files his application (net weight).

(ii) The amount of sugar solids in the product (in pounds).

(iii) The location of such product. (If in transit so state.)

(iv) The persons to whom he wishes to sell or deliver such product, and the amounts he wishes to deliver to each.

The Washington Office of the Office of Price Administration will, on such conditions as it may deem advisable, permit such product to be sold and delivered without the exchange of ration evidences and may permit the persons to whom delivery is made to use it without having it charged as excess inventory. (That Office may restrict the amounts of such products to any industrial or institutional user.)

(b) Except as outlined and expressly permitted by the Office of Price Administration any such product may be used or delivered only in the way sugar is permitted to be used under the provisions of this order or Revised General Ration Order 5.

(c) Any person making a report or an application under this section must keep a copy of such report or application at his principal business office as long as this order remains effective.

This amendment shall become effective September 24, 1946.

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

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

¹ 11 F. R. 177.

RATIONALE ACCOMPANYING AMENDMENT NO. 23 TO THIRD REVISED ORDER 3 AND AMENDMENT NO. 10 TO REVISED GENERAL RATION ORDER 5

PRESENT REGULATIONS

The definition of sugar as revised by Amendment No. 20 to Third Revised Ration Order 3 includes certain products which were not classified as sugar prior to August 22, 1946, the effective date of Amendment No. 20.

PROPOSED AMENDMENTS

These amendments provide that any person who had such a product on August 22, 1946 and desires to make an industrial or institutional use of it without giving up evidences or incurring an excess inventory charge, may do so provided he makes a report to the District Office with which he is registered or, if he is not registered, to the District Office for the place where his establishment is located, on or before October 15, 1946, stating the total amount of such product he had on August 22, 1946, its location, and the amount of sugar solids it contains. Any amount used after August 22, 1946, and not reported on or before October 15, 1946, will be charged as excess inventory.

They further provide that any person who wishes to sell or deliver such a product without evidences must, on or before October 15, 1946, apply in writing to the Washington Office of the Office of Price Administration for permission to do so, stating the amount of such product which he had on August 22, 1946 and remaining unsold or undelivered on the date he files his application, the amount of sugar solids it contains, its location,

the persons to whom he wishes to sell or deliver it and the amount he wishes to deliver to each.

Permission to sell and deliver such a product without the exchange of ration evidences and permission for persons to whom it is delivered to use it without incurring an excess inventory charge will be granted on such terms and conditions as the Washington Office of the Office of Price Administration may deem advisable. Such Office may also restrict the amount any person may receive.

REASONS FOR AMENDMENT

Revision of the definition of sugar by enactment of Amendment No. 20 to Third Revised Ration Order 3 found some persons with products which are now classified as sugar although prior to the effective date of such amendment, August 22, 1946, those same products were not included in the former definition of sugar.

It was not possible to give advance notice of the issuance of Amendment No. 20 revising the definition of sugar so that any person who had a product which became classified as sugar by reason of such amendment might have a period of grace in which to use, sell or deliver it ration-free and without incurring any excess inventory charge, as the case might be. Therefore, these amendments are being issued to alleviate hardship that might ensue to any person who is placed in such a position by virtue of the revision of the definition of sugar.

The report required of a person who desires to make an industrial or institutional use of any such product will enable the District Office to ascertain the total amount of such product, its location, its

sugar solids content, and will permit it to grant relief only in those cases where a person had such a product on August 22, 1946, and reported it on or before October 15, 1946.

Similar information is required to be submitted in the case of a person who applies in writing to the Washington Office of the Office of Price Administration for permission to sell or deliver such a product. In addition, the applicant must state in his application the names of the persons to whom he wishes to sell or deliver such product, and the amounts he wishes to deliver to each. In this way the Washington Office of the Office of Price Administration will be able to provide for an equitable distribution of any such product and thus prevent any person from obtaining an inordinate amount of such product.

[F. R. Doc. 46-17421; Filed, Sept. 24, 1946; 11:11 a. m.]

PART 1444—ICE BOXES

[MPR 399, Amdt. 35]

NEW ICE BOXES

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

Maximum Price Regulation No. 399 is amended in the following respect:

1. Section 14, Table A, Retail ceiling prices in each State for sales of ice boxes by ice companies and retail establishments controlled by ice companies, is amended by altering the ceiling prices for the Coolerator Company's Model C-7 ice box to read as follows:

TABLE A—RETAIL CEILING PRICES IN EACH STATE FOR SALES OF ICE BOXES BY ICE COMPANIES AND RETAIL ESTABLISHMENTS CONTROLLED BY ICE COMPANIES

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ala-bama	Arizona	Arkan-sas	Califor-nia	Colo-rado	Con-necti-cut	Dela-ware	Distriet of Co-lumbia	Florida	Geor-gia	Idaho	Illinois	
Coolerator Co.	The Coolerator....	C-7	75	\$86.75	\$87.75	\$88.50	\$87.75	\$88.50	\$87.75	\$88.25	\$88.50	\$88.25	\$88.75	\$88.25	\$88.50	\$86.75	
Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Indiana	Iowa	Kansas	Ken-tucky	Louis-iana	Maine	Mary-land	Massa-chusetts	Michi-gan	Minne-sota	Missis-sippi	Mis-souri	
Coolerator Co.	The Coolerator....	C-7	75	\$86.75	\$87.50	\$86.75	\$87.50	\$87.10	\$87.75	\$88.75	\$88.25	\$88.50	\$87.00	\$86.75	\$87.75	\$86.75	
Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Mon-tana	Ne-braska	Nevada	New Hamp-shire	New Jersey	New Mexico	New York	North Caro-lina	North Dakota	Ohio	Okla-homa	Oregon	
Coolerator Co.	The Coolerator....	C-7	75	\$86.75	\$88.50	\$87.00	\$88.50	\$88.50	\$88.25	\$88.50	\$88.75	\$88.25	\$86.75	\$87.50	\$87.75	\$88.50	
Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Penn-sylvania	Rhode Island	South Caro-lina	South Dakota	Tennes-see	Texas	Utah	Ver-mont	Vir-ginia	Wash-ington	West Vir-ginia	Wis-consin	Wyo-ming
Coolerator Co.	The Coolerator....	C-7	75	\$86.75	\$86.75	\$88.50	\$88.25	\$87.00	\$87.50	\$88.50	\$88.50	\$88.50	\$88.50	\$88.50	\$87.75	\$86.75	\$87.75

2. Section 16, Table C, Retail ceiling prices in each State for all other sales of ice boxes at retail is amended by altering the ceiling prices for the Coolerator Company's Model C-7 ice box to read as follows:

TABLE C—RETAIL CEILING PRICES IN EACH STATE FOR ALL OTHER SALES OF ICE BOXES AT RETAIL

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia	Idaho	Illinois	
Coolerator Co.	The Coolerator	C-7	75	\$91.95	\$94.95	\$95.70	\$94.45	\$95.70	\$94.95	\$94.70	\$94.70	\$94.70	\$95.95	\$94.70	\$95.70	\$93.20	
Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	
Coolerator Co.	The Coolerator	C-7	75	\$91.95	\$94.20	\$93.20	\$94.20	\$94.20	\$94.70	\$95.70	\$94.70	\$94.70	\$94.20	\$93.20	\$94.95	\$93.20	
Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	
Coolerator Co.	The Coolerator	C-7	75	\$91.75	\$95.70	\$93.95	\$95.70	\$95.20	\$94.70	\$95.70	\$94.95	\$94.95	\$93.95	\$94.45	\$94.45	\$95.70	
Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Coolerator Co.	The Coolerator	C-7	75	\$91.95	\$94.95	\$94.70	\$94.70	\$93.95	\$94.20	\$94.70	\$95.70	\$95.20	\$94.70	\$95.70	\$94.95	\$93.20	\$94.95

This amendment shall become effective on the 30th day of September 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 35 TO MAXIMUM PRICE REGULATION NO. 399

The Coolerator Company has received an adjustment under Supplementary Order No. 133 of its ceiling prices for sales to resellers of the Model C-7 ice box which it manufactures. Section 2 (t) of the Emergency Price Control Act of 1942, as amended, requires that the Administrator allow wholesale and retail distributors their average percentage margins in effect March 31, 1946, when he establishes ceiling prices applicable to their sales. It is, therefore, necessary that resellers be permitted to pass through the full amount of the adjustment granted the manufacturer. The accompanying amendment, therefore, establishes resellers' ceiling prices for the Model C-7 ice box which will reflect the average percentage margins received by these resellers on March 31, 1946.

In establishing these retail ceiling prices, the Office of Price Administration employed the pricing methods and techniques utilized in arriving at retail ceiling prices for other ice boxes under Maximum Price Regulation No. 399.

[F. R. Doc. 46-17428; Filed, Sept. 24, 1946; 11:14 a. m.]

under the World War Veterans' Act, 1924, or any amendment or supplement thereto, United States Government life insurance which has lapsed, or may hereafter lapse, may be reinstated upon evidence of the insurability of the applicant satisfactory to the Administrator of Veterans' Affairs and under the conditions stated in §§ 10.3079, 10.3080, 10.3081, 10.3090 and 10.3092.

Reinstatement. The policy, if it has not been surrendered for a cash value, may be reinstated at any time after lapse upon evidence of the insurability of the insured satisfactory to the Administrator of Veterans' Affairs, and upon the payment of all premiums in arrears, with interest from their several due dates at the rate of five per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of four per centum per annum, compounded annually, and the payment or reinstatement of any indebtedness which existed at the time of such default, with interest. However, if such indebtedness with interest would exceed the reserve of the policy at the time of application for reinstatement of said policy, then the amount of such excess shall, except as provided in § 10.3081, be paid by the insured as a condition of the reinstatement of the indebtedness and of the policy. (Secs. 5, 300, 301, 43 Stat. 608, 624, as amended, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator.

SEPTEMBER 20, 1946.

[F. R. Doc. 46-17208; Filed, Sept. 24, 1946; 9:19 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

REINSTATEMENT

§ 10.3078 *Provision for reinstatement.* Subject to the provisions of paragraph 3 of the present United States Government life insurance policy or a similar paragraph in any policy that may be issued

PART 35—VETERANS' REGULATIONS

PAYMENT OF PENSION, COMPENSATION OR RETIREMENT PAY WHILE BEING FURNISHED HOSPITAL TREATMENT, INSTITUTIONAL OR DOMICILIARY CARE BY THE VETERANS' ADMINISTRATION

For the purpose of effecting the provisions of Section 1, Public Law No. 662,

79th Congress, the following instructions are issued:

1. Section 1, Public Law No. 662, 79th Congress, provides as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (A) (1) where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration, any pension, compensation, or retirement pay otherwise payable shall continue without reduction until the first day of the seventh calendar month following the month of enactment hereof, or the month of admission of such veteran for treatment or care, whichever is the later. If treatment or care extends beyond that period, the pension, compensation, or retirement pay, if \$30 per month or less, shall continue without reduction, but if greater than \$30 per month, the pension, compensation, or retirement pay shall not exceed 50 per centum of the amount otherwise payable or \$30 per month, whichever is the greater: *Provided,* That if such veteran is discharged from such treatment or care upon certification by the officer in charge of the hospital, institution, or home, that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under this section: *Provided further,* That where treatment or care is terminated by the veteran against medical advice or as the result of disciplinary action the amount by which any pension, compensation, or retirement pay is reduced hereunder, shall be paid to him at the expiration of six months after such termination or, in the event of his prior death, as provided in paragraph (2) hereof; and the pension, compensation, or retirement pay of any veteran leaving against medical advice or as the result of disciplinary action shall, upon a succeeding readmission for treatment or care, be subject to reduction, as herein provided, from the date of such readmission, but if such subsequent treatment or care is continued until discharge therefrom upon certification, by the officer in charge of the hospital, institution, or home in which treatment or care was furnished, that maximum benefits have been received or that release is approved, the veteran shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been

reduced under this section subsequent to such readmission.

(2) In the event of the death of any veteran subject to the provisions of this section, while receiving hospital treatment, institutional or domiciliary care, or prior to payment of any lump sum authorized herein, such lump sum shall be paid in the following order of precedence: First, to the widow or widower; second, if the decedent left no widow or widower, or the widow or widower be dead at time of settlement, then to the adult or minor children in equal parts; third, if no widow, widower, or children, then to the father and mother in equal parts; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, widower, children, father, or mother at the time of settlement, then to the brothers and sisters in equal parts; *Provided*, That if there be no persons in the classes named to whom payment may be made hereunder, no payment shall be made, except there may be paid only so much of the lump sum as may be necessary to reimburse a person who bore the expenses of last sickness or burial, but no part of the lump sum shall be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of such veteran: *Provided further*, That no payment shall be made under this paragraph unless claim therefor shall be filed with the Veterans' Administration within five years after the death of the veteran; except that if any person so entitled under this paragraph be under legal disability at the time of death of the veteran, said five-year period of limitation shall run from the termination or removal of the legal disability.

(B) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration, and shall be rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, the pension, compensation, or retirement pay for such veteran shall be subject to the provisions of subsection (A) of this section: *Provided*, That no payment of a lump sum herein authorized shall be made until after the expiration of six months following a finding of competency: *Provided further*, That in any case where the estate of such incompetent veteran derived from any source equals or exceeds \$1,500, further payments of such benefits will not be made until the estate is reduced to \$500: *And provided further*, That all or any part of the pension, compensation, or retirement pay payable on account of any incompetent veteran may, in the discretion of the Administrator, and in accordance with instructions issued by the Administrator, be paid to the chief officer of the institution wherein the veteran is hospitalized, to be properly accounted for by said chief officer and to be used for the benefit of the veteran; or may be paid to the guardian of the veteran in accordance with the provisions of paragraph 1 of section 21 of the World War Veterans' Act, 1924, as amended; or, in the event the veteran has a wife, child, or dependent parent, may, in the discretion of the Administrator, be paid to his wife or apportioned on behalf of such wife, child, or dependent parent; or otherwise be disposed of in accordance with the provisions of paragraph 3 of section 21 of the World War Veterans' Act, 1924, as amended.

(C) Where any veteran who is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, has a wife, child, or dependent parent, the pension, compensation, or retirement pay may, in the discretion of the Administrator, be apportioned on behalf of such wife, child, or dependent parent, in accordance with instructions issued by the Administrator.

(D) Any veteran subject to the provisions of subsection (A) or (B) shall be deemed to be single and without dependents in the absence of satisfactory evidence to the contrary: *Provided*, That in no event shall increased compensation, pension, or retirement pay of such veteran be granted for any period more than one year prior to receipt of satisfactory evidence showing such veteran has a wife, child, or dependent parent.

(E) Subparagraphs (A), (B), (C), and (D) of paragraph VI of Veterans Regulation Numbered 6 (a),¹ as amended, are hereby repealed.

(F) Notwithstanding any other provision of this section or any other provision of law, no reduction shall be made in the pension, compensation, or retirement pay of any veteran for any part of the period during which he is furnished hospital treatment, or institutional or domiciliary care, for Hansen's disease, by the United States or any political subdivision thereof.

(G) The administrative, definitive, penal, and forfeiture provisions of Public Law Numbered 2, Seventy-third Congress, act of March 20, 1933, and the Veterans Regulations, as now or hereafter amended, not inconsistent with this section, shall be applicable under this section.

2. (a) The provisions of section 1, paragraph (A) (1) and (B) of the act, pertaining to the reduction or discontinuance of pension, compensation, or retirement pay, are applicable only when the hospital treatment, institutional or domiciliary care is being furnished by the Veterans' Administration, and do not apply when receiving treatment or care for Hansen's disease.

(b) The provisions of section 1, paragraphs (A) (1) and (B) of the act are applicable, except as hereinafter provided, in cases of veterans whose pension, compensation or retirement pay has been reduced or discontinued pursuant to the provisions of § 35.06 (f) (1) and (2), as amended, as well as those veterans who are admitted to a hospital or institution on or after August 8, 1942, the date of approval of the act.

3. On and after August 8, 1946, VA Form 404, showing admission of a veteran to a hospital, center, or other institution at the expense of the Veterans' Administration, will not be dispatched until the first day of the seventh calendar month following the date of admission, except in those instances where the previous admission terminated against medical advice or as a result of disciplinary action, in which event the VA Form 404 showing admission will be dispatched as heretofore, within 24 hours after admission. In the event the veteran is granted a furlough of thirty days or more during this period, VA Form 404 will not be dispatched until the first day of the seventh calendar month following date of return from such furlough. In those instances where VA Form 404 is submitted as outlined above, copy thereof will be submitted upon termination of treatment or care, or furlough for thirty days or more.

4. Upon receipt of VA Form 404 showing admission of a veteran without dependents to a hospital, center, or other institution at the expense of the Veterans' Administration, any running award of pension, compensation or retirement pay in excess of \$30 per month will be reduced to \$30 per month or 50 percent

of the monthly amount otherwise payable, whichever is the greater, effective as of the first day of the seventh calendar month following month of admission, except when the veteran has been rated as incompetent by reason of mental illness and the estate of the incompetent, derived from any source, equals or exceeds \$1,500, payment will be discontinued effective as of the date of admission or the first day of the month following receipt of evidence showing the estate equals or exceeds \$1,500, whichever is later, and further payments of such benefits will not be made until the estate is reduced to \$500, or in the event of a readmission succeeding a termination of treatment or care against medical advice or as the result of disciplinary action the reduction or discontinuance as provided above will be effective as of the date of readmission, or if upon the prior admission the payments were discontinued because the veteran had an estate of \$1,500 the discontinuance will be effective as of the date of readmission, or if not so discontinued, the discontinuance will be effective the first day of the month following receipt of evidence showing the estate equals or exceeds \$1,500.

5. (a) Restoration to the full amount of pension, compensation or retirement pay otherwise payable in those cases heretofore reduced pursuant to the provisions of § 35.06 (f) (1) and (2), as amended, will as far as possible be automatically effected from the finance records without individual adjudications, effective as of August 8, 1946. In those instances in which the veteran is rated incompetent by reason of mental illness and payments were discontinued because his estate equals or exceeds \$1,500 payments will not be restored. The abstract section, adjudication division, regional office or center, and the claims statistics service, central office, will prepare lists of cases by name, C-number, and class of awards as specified in established procedure from the abstract cards, of all cases in which the pension, compensation, or retirement pay has been reduced by reason of hospitalization, institutional or domiciliary care. Copies of these lists in duplicate will be forwarded to the finance division and adjudication officer, regional office or center, or the payees accounts service and chief, claims division, veterans claims service, central office, whichever is in order.

(b) It should be carefully noted that section 1 of the act restores only the full amount of compensation, pension, or retirement pay to such veterans as outlined in paragraph 5 (a) of this instruction. It does not restore the aid and attendance allowance to which such veteran might be entitled were he not in a hospital, home, or other institution of the Veterans' Administration. Accordingly, in effecting the automatic adjustment of restoration to full pension, compensation or retirement pay of such veterans, the aid and attendance allowance will not be restored.

(c) No attempt will be made to adjust the amounts payable to such veterans on the checks for the month of August. These checks should go out to the payees at the reduced rate. The adjustment

¹ Section 35.06 (f) (1), (2), (3) and (4).

will be made on the checks to such payees for the month of September.

(d) The adjustment in the amount payable to such payees affected by this provision of the Act and who are also entitled to the 20 percent increase in compensation and pension under section 2 of the Act will be made as follows: The check-copy books for the finance codes affected by the 20 percent increase will be run for the month of September without the amounts payable being shown. For the payees in these codes also entitled under section 1 of the Act to restoration of the full amount of compensation or pension payable from August 8, 1946, two entries will be made on the check-copies. To the right of the C-number, there will be entered an amount reflecting the additional amount due from August 8 to August 31, 1946 under the old rate plus the amount due under the 20 percent increased rate for September. In the right hand margin there will be entered the new monthly rate for subsequent months, which entry will be circled. Appropriate entries will be made on the award account cards to reflect these two automatic adjustments, the authority being Public Law 662, 79th Congress. In addition, when the cards, run by the regional disbursing offices on the codes affected by the 20 percent increase, are received in the finance office and are checked against the award account cards, the cards for those payees affected by section 1 of the Act should have an additional ink or indelible pencil entry made on them—namely, the new monthly rate payable. This ink or indelible pencil entry should be identified as the new monthly rate payable and should be made before they are forwarded to the organizational unit responsible for the abstract cards. In this connection, see also Instructions issued under section 2, Public No. 662, 79th Congress, on procedure for effecting the 20 percent increase provided for by the Act.

(e) The adjustment in the amounts payable to those veterans affected by section 1 of the act but who are not entitled to the 20 percent increase provided for in section 2 of Public Law 662, will, in general, be made as follows: Using the lists by codes referred to in paragraph 5 (a) of this instruction, the check-copies for such payees for September will be marked "void." The award account cards for these payees will be withdrawn from file and forwarded to the adjustment unit. An adjustment voucher, Form 1006, will be prepared, reflecting thereon the accrued amount payable from August 8 through September 30, 1946, under the proper rate and the full monthly rate due. Inasmuch as these payees are subject to a change in amount due for October, insert at the top of the "Remarks" column on the Form 1006 the notation "No Plate Action." In this connection the usual carbon copy of the Form 1006, sent to the regional disbursing office for addressograph purposes, will not be prepared. The Forms 1006 will then be properly processed, certified, and forwarded to the regional disbursing office for payment. In addition, the adjustment unit in the finance office on the cases handled under this procedure will prepare a check size card, showing the name of the payee, the

C-number, the adjusted amount payable for August and September, and the full monthly rate payable. Following this, these check size cards will be forwarded to the organizational unit responsible for the abstract cards for appropriate recording entries and filing in the case folders immediately over the most recent award action. The award account cards will then be returned to file.

6. (a) All cases automatically adjusted as above provided will be diaried for review as of March 1, 1947. If, when reviewed, the veteran is still being furnished hospital treatment, institutional or domiciliary care at the expense of the Veterans' Administration, the pension, compensation or retirement pay will be reduced or discontinued as provided in paragraph 4 of this instruction, effective as of March 1, 1947. In the event the treatment or care is terminated prior to March 1, 1947 the follow-up or diary will be canceled.

(b) In cases where an institutional award has been authorized and no guardian has been appointed, any increase in the veteran's award will be deposited in the Funds Due Incompetent Beneficiaries, provided deposits are currently being made in this fund, otherwise such adjustment will be accomplished by award action. If a guardian has been appointed, any increase will be awarded to the guardian.

(c) In any cases where finance employees are in doubt as to the action which should be taken in automatically adjusting the account of a veteran, the case should be referred to the adjudication officer, field office, or the chief, claims division, veterans claims service, central office, for preparation of necessary award. Cases restored to the full amount of pension, compensation or retirement pay otherwise payable by award action will, in the event the veteran is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration be diaried for review as of March 1, 1947 and action as provided in subparagraph (a) hereof.

7. (a) When VA Form 404 is submitted upon discharge or furlough for 30 days or more, there will be included in the certification now required of the officer in charge a statement as to whether maximum benefits have been received, or that the release is approved, or was against medical advice or the result of disciplinary action.

(b) When a veteran whose pension, compensation or retirement pay has been reduced or discontinued as provided in paragraph 4 of this instruction, is discharged from treatment or care upon certification of the officer in charge of the hospital, institution, or home that maximum benefits have been received, or release is approved, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran is discharged or released from the hospital or institution, and the award will include such additional amount as will equal the total sum by which the pension, compensation or retirement pay has been reduced; except, when the reduction or discontinuance has been effected pursuant to the pro-

visions of section 1, paragraph (B) of the act, in which event payment of the amount equal to the amount by which the pension, compensation or retirement pay was reduced will be awarded six months following the finding of competency, or, in the event treatment or care is terminated by the veteran against medical advice or as the result of disciplinary action payment of the amount by which the pension, compensation or retirement pay was reduced will be awarded the veteran at the expiration of six months after termination of treatment or care.

8. By the provisions of section 1, paragraph (D) of the act, any veteran subject to the provisions of section 1, paragraphs (A) and (B) of the act, shall be deemed to be single and without dependents in the absence of satisfactory evidence to the contrary, and in no event shall increased compensation, pension or retirement pay be granted for any period more than one year prior to receipt of satisfactory evidence showing the veteran has a wife, child or dependent parent. In those instances where the required proof of dependents is not of record, sworn statements on Form 404 or otherwise as to dependency status will constitute a prima facie showing thereof. The veteran will be informed of the necessary additional evidence and that unless it is submitted within 60 days the award will be adjusted on the basis of a veteran without dependents effective as of the first day of the seventh calendar month following admission or date of admission, whichever is applicable, if otherwise in order.

9. (a) Payments of pension, compensation or retirement pay due an incompetent veteran will be made in accordance with current regulations and instructions governing release of payments to a court fiduciary, wife of the veteran, or chief officer of an institution. In cases in which hospital treatment, institutional or domiciliary care is not being furnished the incompetent veteran by the Veterans Administration, payments to the chief officer will not exceed \$30 per month and any excess over that amount will be deposited in the Funds Due Incompetent Beneficiaries apportioned to dependents, or a court fiduciary will be appointed when the total amount payable justifies such action.

(b) Apportionments of pension, compensation or retirement pay will be made in accordance with current apportionment regulations.

(c) Determinations as to value of incompetent veteran's estate will be made in accordance with current regulations and instructions governing this matter.

10. Deputy Administrators and managers will, at their discretion, order the necessary over-time and may without regard to personnel ceiling employ temporary part-time employees for not to exceed 45 days, in order to effect the account adjustments outlined in this instruction. (Pub. Law 662, 79th Cong.)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator.

SEPTEMBER 11, 1946.

[F. R. Doc. 46-17207; Filed, Sept. 24, 1946;
9:19 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR
Subtitle A—Office of the Secretary of the Interior

[Order 2254]

PART 4—DELEGATIONS OF AUTHORITY

SUBPART C—BUREAU OF LAND MANAGEMENT

The following section is added to Part 4:

§ 4.279 *Fire protection contracts.* The Director of the Bureau of Land Management may, without obtaining Secretarial approval, execute, modify, rescind, terminate and extend contracts for the protection of the public domain, including the Oregon revested and reconveyed lands, from fire.

PART 50—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

The following subparagraph is added to § 50.77 (b):

(5) Act in matters relating to fire protection contracts, in accordance with 43 CFR 4.279.

WARNER W. GARDNER,
Acting Secretary of the Interior.

SEPTEMBER 19, 1946.

[F. R. Doc. 46-17151; Filed, Sept. 24, 1946; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

PART 29—ENFORCEMENT

PROCEDURE RELATING TO NUMBERING OF MOTORBOATS

CROSS REFERENCE: For revocation of the order waiving compliance with certain provisions of § 29.8, see Appendix A, *infra*.

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

REFUSAL TO ISSUE CERTIFICATES OF AWARD OF NUMBERS FOR UNDOCUMENTED VESSELS

Pursuant to the authority vested in me by section 501 of the Second War Powers Act, 1942, as extended (56 Stat. 180; 50 U. S. C. 635; Public Law 475, 79th Congress), and Reorganization Plan No. 3 of 1946 (11 F. R. 7875), I hereby cancel, effective on publication in the FEDERAL REGISTER, the order of the Assistant Secretary of the Navy dated August 24, 1942 (7 F. R. 6746, 46 CFR, Supp. 1943, page 2077) which waived compliance with the provisions of the Act of June 7, 1918 as amended (46 U. S. C. 288) to the extent necessary to permit the Commandant, United States Coast Guard or any Coast Guard officer whom the Commandant, United States Coast Guard may designate to refuse to issue certificates of award of number to the owners of undocumented motorboats.

Dated: September 10, 1946.

[SEAL] JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-17149; Filed, Sept. 24, 1946; 8:52 a. m.]

Chapter II—United States Maritime Commission

[Gen. Order 44, Rev.]

PART 304—LABOR

SUBSTANTIALLY CONTINUOUS SERVICE OF SEAMEN

The following rules and regulations are prescribed by the United States Maritime Commission to carry out the provisions of Public Law 87, 78th Congress, approved June 23, 1943 (57 Stat. 162), as amended:

Sec.

- 304.75 Definitions.
- 304.76 Substantially continuous service.
- 304.77 Completion of period.
- 304.78 Partial certificate.
- 304.79 Record of special proficiency or merit.
- 304.80 Applications for certificate.

AUTHORITY: §§ 304.75 to 304.80, inclusive, issued under 57 Stat. 162 (50 U. S. C. App., Sup. III, 1471), as amended by Public Law 660, 79th Congress, and Public Law 692, 79th Congress; Public Law 492, 79th Congress.

§ 304.75 *Definitions.* As used herein: (a) "Commission" means, effective as of September 1, 1946, the United States Maritime Commission and means, prior to said date, the Administrator of the War Shipping Administration.

(b) "Division of Recruitment and Manning" means the Division of Recruitment and Manning of the United States Maritime Commission.

(c) "Training Organization" means the Training Organization of the United States Maritime Commission.

(d) "Vessel" means any vessel documented under the laws of the United States, and any vessel owned by, chartered to, or operated by or for the account or use of the Commission or of the War Department.

(e) "Seaman" means any person who has entered service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941.

(f) "Service in the merchant marine" means honorable service:

(1) As a civilian officer or member of the crew on or in connection with a vessel; or

(2) As an enrollee in the United States Maritime Service on active duty; or

(3) As an enrollee or student in any school or institution, including the United States Merchant Marine Cadet Corps and any State Maritime Academy, under the jurisdiction of the Commission or in any civilian marine schools under the jurisdiction of the Army Transportation Corps; or

(4) As a person awaiting assignment for service, as defined above, to such extent as may be established to the satisfaction of the Division of Recruitment and Manning or the Training Organization, as the case may be; or

(5) In any combination of the foregoing.

§ 304.76 *Substantially continuous service.* The service of any seaman in the merchant marine shall be deemed to have been "substantially continuous" if such seaman performs service, as defined in § 304.75 (f), seventy-five per cent

(75%) or more of the time elapsing between the date of his entry into such service and the conclusion of one of the periods provided in § 304.77: *Provided,* That any such seaman shall be credited with service in the merchant marine (a) for a reasonable period, but not exceeding one year, including hospitalization, during which he may be disabled for active employment in such service as the result of illness or injury not caused by his own wilful misconduct, (b) for any time required for his repatriation following his separation from the vessel for any cause not due to his own neglect or wilful misconduct (not including time consumed in delay resulting from his refusal to be repatriated) and (c) for any period of interment by an enemy nation: *Provided, further,* That no disadvantage shall accrue to any seaman, who applies within thirty (30) days after his last active service in the merchant marine, as a result of the time intervening between the date of the filing of his application and the date of issuance of his certificate.

§ 304.77 *Completion of period of substantially continuous service.* A seaman shall be deemed to have completed a period of substantially continuous service in the merchant marine if he has performed substantially continuous service, as defined in § 304.75,

(a) For a period of not less than twenty-four (24) months: *Provided,* That in the case of a person who, having been discharged or released from active military or naval service in the land or naval forces of the United States, receives a certificate evidencing satisfactory completion of such service and who, within thirty (30) days from date of discharge or release from such service, enters upon service in the merchant marine, his length of service in the land or naval forces of the United States shall be credited towards this requirement; or

(b) To the date he is permanently disabled for further service as a result of an illness or injury not caused by his own wilful misconduct, plus a reasonable period, not to exceed one year, for necessary medical treatment and hospitalization; or

(c) To the date when the Division of Recruitment and Manning or the Training Organization, as the case may be, certifies that the continued service of the applicant is no longer desirable or necessary.

Upon verification of such service he shall be entitled to a certificate of substantially continuous service, worded as in form A attached.

§ 304.78 *Partial certificate.* Any seaman who terminates his service in the merchant marine for the purpose of performing active military or naval service in the land or naval forces of the United States and enters thereupon within thirty (30) days after termination of his service in the merchant marine shall be entitled to a partial certificate of substantially continuous service, worded as in form B attached, if he performs service, as defined in § 304.75 (f), seventy-five per cent (75%) of the time from the date he enters such service to the date he terminates such service and he shall be entitled to be credited with service in

accordance with the provisions of § 304.76.

§ 304.79 *Record of special proficiency or merit.* The applicable certificates described in §§ 304.77 and 304.78 shall contain a record of any special proficiency or merit obtained, as evidenced by any special awards that may have been issued to such seaman by the Merchant Marine Decorations and Medals Board or its predecessor Committees.

§ 304.80 *Applications for certificate.* If at the time of application for a certificate or partial certificate of substantially continuous service in the merchant marine, the applicant has most recently been engaged as an enrollee in the United States Maritime Service, as a cadet-midshipman, or as an enrollee or student in any school or institution under the jurisdiction of the Commission, application for such certificate shall be made through the Training Organization. Application for such certificate by all other seamen shall be made through the Division of Recruitment and Manning. Application forms shall be provided at all regional and port offices of the Division of Recruitment and Manning in the United States, at all schools or institutions under the jurisdiction or supervision of the Commission, and at other accessible places.

By order of the United States Maritime Commission.

R. L. McDONALD,
Assistant Secretary.

SEPTEMBER 19, 1946.

No. -----

CERTIFICATE OF SUBSTANTIALLY CONTINUOUS SERVICE IN THE UNITED STATES MERCHANT MARINE

This is to certify that ----- has completed a period of substantially continuous service in the United States Merchant Marine, said period of service having commenced on ----- and terminated on ----- within the meaning of the Rules and Regulations prescribed pursuant to Public Law 87, 78th Congress (57 Stat. 162), as amended.

[The following statement will be added when applicable. The holder hereof has received the following special awards: -----]

By direction of the United States Maritime Commission.

[SEAL]

W. W. SMITH,
Chairman.

Attest:

A. J. WILLIAMS,
Secretary.

Dated -----

No. -----

PARTIAL CERTIFICATE OF SUBSTANTIALLY CONTINUOUS SERVICE IN THE UNITED STATES MERCHANT MARINE

This is to certify that ----- has terminated a partial period of substantially continuous service in the United States Merchant Marine, said period of service having commenced on ----- and terminated on ----- within the meaning of the Rules and Regulations prescribed pursuant to Public Law 87, 78th Congress (57 Stat. 162), as amended. This Partial Certificate is issued for use only in conjunction with a certificate evidencing satisfactory completion of active service in the armed forces of the United States for the purpose of establishing reemployment rights under the

Selective Training and Service Act of 1940, as amended, and the Service Extension Act of 1941, as amended.

[The following statement will be added when applicable. The holder hereof has received the following special awards: -----]

By direction of the United States Maritime Commission.

[SEAL]

W. W. SMITH,
Chairman.

Attest:

A. J. WILLIAMS,
Secretary.

Dated -----

[F. R. Doc. 46-17230; Filed, Sept. 24, 1946; 9:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 434, Amdt. 2]

PART 95—CAR SERVICE
FREE TIME ON BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September, A. D. 1946.

Upon further consideration of the provisions of Service Order No. 434 (11 F. R. 893), as amended (11 F. R. 2190), and good cause appearing therefor: *It is ordered*, That:

The provisions of Service Order No. 434, as amended, shall not apply to cars on hand at Texas ports, or arriving at such ports, prior to 7:00 a. m., September 20, 1946, when such cars are subject to Rule 36, section C, Fires, Flood and Labor Troubles, of supplement No. 45 to Texas Lines Tariff No. 25-K, Agent Ira D. Dodge's I. C. C. No. 569.

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 20, 1946; that a copy of this order and direction be 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 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. 46-17179; Filed, Sept. 24, 1946; 8:54 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF APPLES

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 *infra*.

[Gen. Permit ODT 18A, Revised-24]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF APPLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, it is hereby authorized, That:

§ 520.524 *Shipments of apples.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of apples:

(a) When the origin of any such freight is in the State of Kansas, or is any point or place east of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, and such freight is packed in boxes, and the quantity loaded in each car is not less than 30,000 pounds; or

(b) When the origin of any such freight is in the State of Kansas, or is any point or place east of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, and such freight is packed in bushel baskets, and each car is loaded to an elevation of not less than four complete tiers of such baskets, each tier extending the full length of the car, and when loaded the entire floor space of the car is occupied; or

(c) When the origin is any point or place in the States of California, Oregon, or Washington, irrespective of whether such freight is packed in boxes or baskets, the quantity loaded in each car is not less than 35,000 pounds: *Provided*, That if any such freight consists of Gravenstein apples the quantity loaded in each car is not less than 30,000 pounds.

This General Permit ODT 18A, Revised-24, shall become effective September 25, 1946, and shall expire November 15, 1946.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177; 50 U. S. C. App. 633; 58 Stat. 827; 59 Stat. 658; Public Law 475, 79th Congress; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829)

Issued at Washington, D. C., this 24th day of September 1946.

HOMER C. KING,
Deputy Director of the
Office of Defense Transportation.

[F. R. Doc 46-17229; Filed, Sept. 24, 1946; 9:19 a. m.]

 Notices

FEDERAL POWER COMMISSION.

[Docket No. G-775]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 18, 1946.

Notice is hereby given that on September 6, 1946, an application was filed with the Federal Power Commission by The Ohio Fuel Gas Company (hereinafter referred to as "Applicant"), an Ohio corporation having its principal place of business in Columbus, Ohio, and authorized to do business in the States of Ohio and Indiana, 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 certain natural gas facilities subject to the jurisdiction of the Federal Power Commission as hereinafter more particularly described.

Applicant seeks authorization to construct and operate the following facilities:

(a) An underground natural gas storage project in Lorain and Medina Counties, Ohio, to be known as the Wellington Storage Project, and consisting of three (3) separate pools covering a total surface area of about 5,225 acres in which there are now a total of sixty (60) producing natural gas wells, and which pools are proposed to be repressured eventually to the original rock pressure (about 1,000 psig) thus giving them a calculated storage capacity of six (6) billion cu. ft. above remaining reserves;

(b) Approximately twenty-six (26) miles of well and gathering pipe lines ranging from 3-inches to 10-inches in size, to be installed in said Wellington Storage Project, and to replace approximately 18.3 miles of existing pipe line ranging from 2-inches to 8-inches in size, in order to withstand higher operating pressures in said Wellington Storage Project resulting from conversion to a repressured area;

(c) A natural gas compressor station in Penfield Township, Lorain County, Ohio, to be known as Wellington Compressor Station with 2,000 horsepower in gas engine compressor units, having a capacity to handle fifteen (15) million cu. ft. of gas per day from a suction pressure of 100 psig to a discharge pressure of 1,100 psig, together with normal auxiliaries and a dehydrating unit;

(d) Approximately sixteen (16) miles of 16-inch OD gas transmission pipeline in Lorain County, Ohio, extending from said proposed Wellington Compressor Station to a point of connection with Applicant's existing 12-inch pipeline "D" in Henrietta Township, Lorain County, Ohio;

(e) A natural gas compressor station in Fayette Township, Lawrence County, Ohio, to be known as South Point Compressor Station with 2,400 horsepower in gas engine-compressor units, having a capacity to handle a maximum of eighty-five (85) million cu. ft. of gas per day from a suction pressure of 280 psig to a

discharge pressure of 440 psig, together with normal auxiliaries;

(f) Approximately seventy-two (72) miles of 16-inch OD gas transmission pipeline in Fairfield, Licking and Knox Counties, Ohio, connecting Applicant's existing Crawford, Treat and Brown Compressor Stations;

Applicant states that the construction of the South Point Compressor Station described in (e) above, will permit the receipt and handling between said South Point Station and Applicant's presently existing Crawford Station of an additional 20 to 25 million cu. ft. of gas daily, which it is anticipated will be available from United Fuel Gas Company in the Winter of 1946-47 and which will be required to enable Applicant to meet expected increased peak day requirements.

Applicant further states that the proposed 72 miles of 16-inch pipeline described in (f) above will parallel its existing lines between said Crawford Station and its Brown Station, and is required to transport additional gas expected by reason of said 20 to 25 million cu. ft. daily increase in deliveries from United Fuel Gas Company because Applicant's presently existing pipelines between these two stations do not allow practical operation at the pressures required for such increased volume of gas.

Applicant proposes, by means of the Wellington Storage Project, described in (a) above, to increase its present storage capacity since present storage projects are expected to be filled to ultimate capacity in 1946. By placing additional volumes of gas in the proposed storage project Applicant expects to make effective use of it in meeting anticipated increases in peak demands upon its system. The application recites that the estimated capacity of the proposed Wellington Storage Project will be 6 billion cu. ft. above reserves remaining in the spring of 1947, and that it is planned to build up this storage from 1947 to 1949. The area will then be repressured and Applicant believes it will be possible to obtain an initial deliverability of 85 million cu. ft. per day.

The Wellington Compressor Station described in (c) above is proposed in order to provide for repressuring of said Wellington Storage Project.

Applicant states that the proposed 16 miles of 16-inch gas transmission pipe line described in (d) above will enable it to use some 6 to 8 million cu. ft. of daily capacity now being developed in the Wellington natural gas field (which cannot be handled through existing facilities) by transportation of said additional gas to Applicant's transmission line "D" through said proposed 16-inch pipe line. The completion of the South Point Compressor Station and this 16-inch line, the application recites, will permit Applicant to receive and transport to market a total of about 30 million cu. ft. additional gas daily during the winter of 1946-47.

Applicant states that it is necessary that it improve its position with respect to gas deliveries from out-of-State sources in order to meet both annual and peak day requirements of its customers, and proposes, by means of the facilities

which are the subject of its application, to insure the adequacy and continuity of service to present markets by permitting receipt of additional natural gas deliveries from United Fuel Gas Company and permitting placement in storage of that part of available gases which are in excess of market requirements. Thus Applicant expects to improve its ability to meet winter demands by reason of both increased deliveries from United Fuel Gas Company and a greater deliverability from underground storage. No new markets are expected to be served. The application recites that the additional gas made available by increased deliveries from United Fuel Gas Company may be used in 1947 in any or all of three ways: (1) for meeting increased market requirements; (2) by replacement, to permit cutting back production from Ohio wells, thus conserving this production to meet winter peaks; or (3) to fill the new Wellington storage project at a rate up to 18 million cu. ft. daily.

Applicant states that the facilities proposed in its application are expected to form a part of a plan of future operations involving contemplated construction of additional pipeline facilities by Applicant and United Fuel Gas Company for which application will be made later.

Applicant estimates the total over all cost of construction of the proposed facilities will be \$3,370,100 of which \$3,073,100 represents new construction and \$297,000 represents replacement construction. The cost of construction is proposed to be procured from Columbia Gas and Electric Corporation in accordance with arrangements evidenced by correspondence filed with the application as exhibits thereto. The amount made available is expected to be procured from funds of approximately \$13,000,000 which Columbia Gas and Electric Corporation anticipates will be available for new construction by its subsidiaries during 1946, 1947, and 1948. No contracts for construction of the proposed facilities have been entered into as yet, and Applicant states that the contractors expressing interest in said construction have no affiliation with Applicant.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of The Ohio Fuel Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.[F. R. Doc. 46-17148; Filed, Sept. 24, 1946;
8:53 a. m.]

[Docket No. G-779]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 18, 1946.

Notice is hereby given that on September 9, 1946, an application was filed with the Federal Power Commission by Hope Natural Gas Company (hereinafter referred to as "Applicant"), a West Virginia corporation having its principal office at Clarksburg, West Virginia, and authorized to do business in West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain facilities subject to the jurisdiction of the Federal Power Commission as more particularly described hereafter:

Approximately $\frac{3}{10}$ mile of 12" pipe from a point known as Nolan Junction to the high pressure engines at Hastings Compressor Station No. 2 and approximately $\frac{3}{10}$ mile of 12" pipe from Hastings Compressor Station No. 1 (medium pressure plant) to Hastings Compressor Station No. 2 (high pressure engines).

Applicant states that it is necessary to strengthen its present suction line system into the Hastings Compressor Station No. 2, and the authority is sought in the pending application in view of the fact that these facilities were inadvertently omitted in the applications filed in F. P. C. Dockets Nos. G-696 and G-716. Applicant further states that the present suction lines are not of sufficient capacity to carry all the gas necessary to be discharged at No. 2 Plant of Applicant's system without an excessive drop in pressure between the points above described. In order to compress the high pressure discharge of from 140,000 to 145,000 Mcf. available at Hastings Plant No. 2 and discharge this amount of gas at high pressure to the New York State Natural Gas Corporation and The East Ohio Gas Company, it is necessary to maintain a suction pressure at No. 2 Plant of the system of 300#. The present system of suction lines for the above necessary discharge of volumes cannot now maintain a suction pressure of over 260#.

Applicant states that the approximate cost of these two new proposed suction lines will be \$25,000 and \$14,000 respectively, which will be financed from company funds and will be constructed by the company's employees.

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 under the Natural Gas Act, as amended, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, 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 said application of Hope Natural 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 General Rules of Practice and Procedure of the Commission under the Natural Gas Act.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.[F. R. Doc. 46-17147; Filed, Sept. 24, 1946;
8:53 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 396, Special Permit 50]

RECONSIGNING OF CELERY AT KANSAS CITY, Mo.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, April 5, 1946, by American Fruit Growers, Inc., of car WFEK 63137, celery, now on the St. L.-S. F. Railway, to Lincoln, Nebraska (C., B. & Q.).

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 18th day of September 1946.

V. C. CLINGER,
Director,
Bureau of Service.[F. R. Doc. 46-17184; Filed, Sept. 24, 1946;
8:54 a. m.]

[S. O. 612]

UNLOADING OF FLOUR AT PITTSBURGH, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September A. D. 1946.

It appearing, that car SP 96937, containing flour, at Pittsburgh, Pennsylvania, on The Baltimore and Ohio 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:*

Flour at Pittsburgh, Penna., be unloaded. (a) The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately car SP 96937, loaded with flour, now on hand

at Pittsburgh, Pennsylvania, consigned to Hacmeister, Inc.

(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 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. 46-17183; Filed, Sept. 24, 1946;
8:54 a. m.]

[Nos. 29556 and MC-C-543]

CHARGES ON SMALL SHIPMENTS BY RAILROADS AND BY MOTOR CARRIERS

NOTICE OF HEARING

SEPTEMBER 13, 1946.

The above-entitled proceedings are assigned for initial hearing at the offices of the Interstate Commerce Commission, Washington, D. C., on November 6 1946, at 9:30 a. m., United States standard time before Commissioner J. Haden Allredge and Examiners H. G. Cummings, L. J. Kassel, and G. B. Vandiver. This initial hearing will be limited to (1) general matters embraced within the issues and not pertaining to any particular territory and (2) matters relating particularly to traffic within Southern Territory, between Southern and Official Territories, and within Western Trunk-line Territory, all as defined in Class Rate Investigation, 1939 262 I. C. C. 447.

At this hearing members of the Commission's staff of employees will present evidence embracing (1) a general survey of existing systems of charges on small shipments maintained by the various agencies of transportation in this country and in England and Canada, together with related information, (2) statements showing the existing rules of railroads and motor carriers pertaining to minimum charges and the relation between minimum charges and other charges and (3), traffic, revenue and cost data for motor carriers pertaining to the particular territories above mentioned. The foregoing should not be regarded as exclusive. Occasion may arise to present additional evidence by staff members falling within the scope of the hearing as described in the preceding paragraph hereof.

Advance service of copies of exhibits to be presented by members of the Commission's staff will be made upon all members of committees representing railroads, motor carriers and shippers appointed at the prehearing conference in these proceedings on July 15, 1946, or subsequently, and upon the State commissioners hereinafter named. These exhibits will be ready for distribution not later than October 23, 1946. The Commission will make additional advance service of its employees' exhibits upon others who expect to take an active part in the proceedings, and who make special request therefor. Similar advance service, including service of 10 copies upon the Commission, should be made by all parties who expect to offer exhibits at the hearing. The Commission upon request will send a list of the names and addresses of the committee members.

The following State commissioners have been designated by the President of the National Association of Railroad and Utilities Commissioners to serve in these proceedings under the cooperative plan: Hon. Paul Revelle of Washington; Hon. John C. Hammer of Tennessee; and Hon. Edgar H. Hunter of New Hampshire.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-17180; Filed, Sept. 24, 1946;
8:54 a. m.]

[Nos. 29556 and MC-C-543]

CHARGES ON SMALL SHIPMENTS BY RAILROADS AND BY MOTOR CARRIERS
ORDER OF INVESTIGATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of September, A. D. 1946.

Upon further consideration of the record herein and of request by respondents in No. 29556 for modification of the order of investigation entered therein on June 10, 1946;

It is ordered, That the orders of investigation in No. 29556 and No. MC-C-543 entered on June 10, 1946, be, and they are hereby, modified by striking in the second paragraph of each of said orders the words "particularly those subject to minimum charges, but exclusive of shipments weighing more than 300 pounds each," and substituting the words "whether subject to minimum or other character of charges, but embracing primarily shipments weighing not more than 300 pounds each,".

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-17182; Filed, Sept. 24, 1946;
9:02 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 7378]

OSCAR FUHRER

In re: Estate of Oscar Fuhrer, deceased, and Trust created under the last Will of Oscar Fuhrer, deceased. File D-34-875; E. T. sec. 14526.

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 Deutsche Jugent Fursorga, Deutscher Kultur Verband and Deutsche Winter Hilfsaktion are or, on or since the effective date of Executive Order No. 8389, as amended, have been, controlled by or acting for or on behalf of a designated enemy country (Germany) and are nationals of a designated enemy country (Germany);

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Deutsche Jugent Fursorga, Deutscher Kultur Verband and Deutsche Winter Hilfsaktion, and each of them, in and to the Trust created under the Will of Oscar Fuhrer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Deutsche Jugent Fursorga, Czechoslovakia.
Deutscher Kultur Verband, Czechoslovakia.
Deutsche Winter Hilfsaktion, Czechoslovakia.

That such property is in the process of administration by Ralph A. Hoffman, as Administrator with the Will annexed, acting under the judicial supervision of the Superior Court of Maricopa County, State of Arizona;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17210; Filed, Sept. 24, 1946;
8:51 a. m.]

[Vesting Order 7379]

MARIE S. HACCIUS

In re: Estate of Marie S. Haccius, deceased. File No. D-28-10443; E. T. sec. 14850.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: Cash in the amount of \$724.08 is property in the possession of the Alien Property Custodian;

That such property was held by Ralph Stuart Purdy, Executor of the Estate of Marie S. Haccius and is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

C. H. Ramm, Germany.
Johannes Ramm, Germany.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17211; Filed, Sept. 24, 1946;
8:51 a. m.]

[Vesting Order 7382]

AUGUST A. KATZ

In re: Trust Under Will of August A. Katz, deceased. File No. D-66-559; E. T. sec. 4966.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sadaki Fujii, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That each corporation, partnership, association or other business organization whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a partnership, association, corporation or other business organization organized under the laws of Japan, or which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the individual and organizations listed in Exhibit A, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, in the respective amounts appearing opposite the names of said individual and organizations, as of December 31, 1945, arising out of collection after closing accounts, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

Nationals and Last Known Address

Clara Engel, Germany.
 Sophie Oppenheimer, Germany.
 Theodor (Engle) Engel, Germany.
 Elsie Oppenheimer, Germany.
 Siegfried Oppenheimer, Germany.

That such property is in the process of administration by the Lawyers Trust Company, as Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 14, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17212; Filed, Sept. 24, 1946; 8:51 a. m.]

[Vesting Order 7552]

SADAKI FUJII

In re: Debts owing to Sadaki Fujii, Sanyei Trading Co., Ltd. and M. Tanabe & Co., Ltd.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sadaki Fujii, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That each corporation, partnership, association or other business organization whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a partnership, association, corporation or other business organization organized under the laws of Japan, or which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the individual and organizations listed in Exhibit A, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, in the respective amounts appearing opposite the names of said individual and organizations, as of December 31, 1945, arising out of collection after closing accounts, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name of creditor and last known address	Amount of debt	APC File No.
Sadaki Fujii, Tokyo, Japan.	\$30.00	F-39-5088-C-1.
Sanyei Trading Co., Ltd., Tokyo, Japan.	1,140.90	F-39-5090-C-1.
M. Tanabe & Co., Ltd., Tokyo, Japan.	2,354.52	F-39-5091-C-1.

[F. R. Doc. 46-17213; Filed, Sept. 24, 1946; 8:50 a. m.]

[Vesting Order 7568]

ADOLF KAMMERER ET AL.

In re: Bank accounts owned by Adolf Kammerer, Alois Kammerer, Anton Kammerer, Eugen Kammerer, Johannes Kammerer, Karl Kammerer, Oswald Kammerer, Paul Kammerer, Wendelin Kammerer, Frida Maria Koch, Lisette Lehmann, Hermann Liedschuh, Wilhelm Leidschuh, Margarete Ludwig, Franciska Lus, Anna Mehl, Jenny Mueller, and Louise Mueller.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, by Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of commercial accounts, the account numbers of which are set forth in the aforesaid Exhibit A, entitled in the manner set forth in the aforementioned Exhibit A and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated,

sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of

the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name of owner	Title of account	Account No.	APC File No.	Name of owner	Title of account	Account No.	APC File No.
Adolf Kammerer.....	Adolf Kammerer.....	C11-430	F-28-23080-E-1	Frida Maria Koch.....	Frida Maria Koch.....	C11-211	F-28-23189-E-1
Alois Kammerer.....	Alois Kammerer.....	C11-428	F-28-23081-E-1	Lisette Lehmann.....	Lisette Lehmann.....	C11-879	F-28-23179-E-1
Anton Kammerer.....	Anton Kammerer.....	C11-429	F-28-23082-E-1	Hermann Leidschuh.....	Hermann Leidschuh.....	C11-350	F-28-23167-E-1
Eugen Kammerer.....	Eugen Kammerer.....	C11-436	F-28-23083-E-1	Wilhelm Leidschuh.....	Wilhelm Leidschuh.....	C11-351	F-28-23168-E-1
Johannes Kammerer.....	Johannes Kammerer.....	C11-431	F-28-23084-E-1	Margarete Ludwig.....	Margarete Ludwig.....	C12-209	F-28-23265-E-1
Karl Kammerer.....	Karl Kammerer.....	C11-434	F-28-23085-E-1	Franciska Lus.....	Franciska Lus.....	C11-427	F-28-23266-E-1
Oswald Kammerer.....	Oswald Kammerer.....	C11-432	F-28-23086-E-1	Anna Mehl.....	Anna Mehl.....	C15-650	F-28-23287-E-1
Paul Kammerer.....	Paul Kammerer.....	C11-437	F-28-23087-E-1	Jenny Mueller.....	Jenny Mueller.....	C13-916	F-28-23330-E-1
Wendelin Kammerer.....	Wendelin Kammerer.....	C11-433	F-28-23088-E-1	Louise Mueller.....	Louise Mueller.....	C11-767	F-28-23317-E-1

[F. R. Doc. 46-17214; Filed, Sept. 24, 1946; 8:50 a. m.]

[Vesting Order 7574]

ANNA MEYER ET AL.

In Re: Bank accounts owned by Anna Meyer, Heinrich Ohe, and H. K. Kimura, also known as K. K. Kimura. F-28-23302-E-1, F-28-23433-E-1, F-39-4638-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Anna Meyer and Heinrich Ohe, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That H. K. Kimura, also known as K. K. Kimura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows:

a. That certain debt or other obligation owing to Anna Meyer, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 3922, entitled Anna Meyer, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Heinrich Ohe, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 20772, entitled Heinrich Ohe, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to H. K. Kimura, also known as K. K. Kimura, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 4617, entitled K.

K. Kimura, maintained at the branch office of the aforesaid bank located at 951 F Street, Fresno, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany or Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17215; Filed, Sept. 24, 1946; 8:50 a. m.]

[Vesting Order 7576]

MUTUAL TRADING CO.

In re: Debts owing to Mutual Trading Co. F-39-2055-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Mutual Trading Co., the last known address of which is Yokohama, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mutual Trading Co., by Rogow & Fuse, Inc., 230 Fifth Avenue, New York, New York, evidenced by various drafts drawn by Mutual Trading Co., on Rogow & Fuse, Inc., and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid drafts, and

b. That certain debt or other obligation owing to Mutual Trading Co., by the Superintendent of Banks of the State of New York, as Liquidator of the Business

and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, in the amount of \$1,650.00, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17216; Filed, Sept. 24, 1946;
8:49 a. m.]

[Vesting Order 7580]

WILLIAM PAULSEN

In re: Debt owing to William Paulsen, also known as Willy Paulsen. D-28-5389-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That William Paulsen, also known as Willy Paulsen, whose last known address is Gotteskoog bei Emmelsbuell, Kreis Sued Tondern, Holstein, Germany, is a resident of Germany and a national

of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to William Paulsen, also known as Willy Paulsen, by Express Exchange, 201 East 86th Street, New York 28, New York, in the amount of \$1,933.05, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17217; Filed, Sept. 24, 1946;
8:49 a. m.]

[Vesting Order 7584]

G. RAMCHAND ET AL.

In re: Debts owing to G. Ramchand and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation, finding:

1. That each individual whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of

Japan and a national of a designated enemy country (Japan);

2. That each partnership, association, corporation or other business organization whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a partnership, association, corporation or other business organization organized under the laws of Japan, or which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the individuals and organizations listed in Exhibit A, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., in the respective amounts appearing opposite the names of said individuals and organizations, as of December 31, 1945, arising out of collection after closing accounts, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name of creditor and last known address	Amount of debt	APC File No.
G. Ramchand, Yokohama, Japan.	\$366.58	F-39-5112-C-1.
M. Tolaram, Yokohama, Japan.	207.19	F-39-5111-C-1.
Katoh Trading Co., Yokohama, Japan.	1,340.99	F-39-5114-C-1.
Tsujiti Co., Tokyo, Japan.	231.66	F-39-5109-C-1.
Y. Okamoto Co., Ltd., Yokohama, Japan.	288.25	F-39-5113-C-1.
Senda & Co., Kobe, Japan.	204.79	F-39-847-C-1.
Miyabe & Suyetaka, Kobe, Japan.	168.14	F-39-145-C-2.
Kirpalani United Co., Kobe, Japan.	3,235.91	F-39-5115-C-1.
	625.65	

[F. R. Doc. 46-17218; Filed, Sept. 24, 1946; 8:49 a. m.]

[Vesting Order 7588]

MASUO SANEYOSHI, ET AL.

In re: Debts owing to Masuo Saneyoshi and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Masuo Saneyoshi, whose last known address is 5-10 Korenbashi, Higashi-Ku, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan):

That each partnership, association, corporation or other business organization whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan):

3. That the property described as follows: Those certain debts or other obligations owing to the individual and organizations listed in Exhibit A, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the respective amounts appearing opposite the names of said individual and organizations, as of December 31, 1945, arising out of accepted accounts payable, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, in-

cluding appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name and last known address of creditor	Amount of debt	APC File No.
Masuo Saneyoshi, 5-10 Korenbashi, Higashi-Ku, Osaka, Japan.	\$1,150.96	F-39-824-C-1.
Yasuda Bank, Ltd., Tokyo, Japan.	88,233.36	F-39-654-C-2.
Industrial Bank of Japan, Ltd., Tokyo, Japan.	1,154.69	F-39-132-C-1.
One Hundredth Bank, Ltd., Tokyo, Japan.	121,338.57	F-39-650-C-2.
Dai-Ichi Bank, Ltd., also known as The First Bank, Ltd., Tokyo, Japan.	27,533.09	F-39-304-C-4.

[F. R. Doc. 46-17219; Filed, Sept. 24, 1946; 8:49 a. m.]

[Vesting Order 7589]

SANWA BANK, LTD.

In re: Debt owing to The Sanwa Bank, Ltd. F-39-827-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the Sanwa Bank, Ltd., the last known address of which is Osaka, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or other obligations owing to The Sanwa Bank, Ltd., by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street,

New York, New York, including particularly but not limited to a portion of the sum of money on deposit with Guaranty Trust Company, 140 Broadway, New York, New York, in an account entitled "Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd.—Divident Account", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17228; Filed, Sept. 24, 1946; 8:46 a. m.]

[Vesting Order 7617]

ANTONIE EICHELBERG

In re: Estate of Antonie Eichelberg, deceased. File No. D-28-10482; E. T. sec. 14902.

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 Eugen Rupf also known as Eugene Rupf and Eugenie Rupf, and each of them, in and to the Estate of Antonie Eichelberg, deceased.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Eugen Rupf also known as Eugene Rupf, Germany.
Eugenie Rupf, Germany.

That such property is in the process of administration by Ida Zentler, as Executrix, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17220; Filed, Sept. 24, 1946; 8:48 a. m.]

[Vesting Order 7620]

ALFRED FISCHESSER

In re: Trust Under the Will of Alfred Fischesser. File No. F-28-17745; E. T. sec. 4900.

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 Alfred E. Fischesser, the heirs-at-law, next-of-kin, legatees, distributees and

personal representatives of Alfred E. Fischesser, names unknown, Frau Louise Fischesser, (nee Fritz), Frau Martha Gottmann, Dr. Franz Gottmann, Hildegard Gottmann, Christa Gottmann, Peterle Gottmann, and each of them, in and to the Trust created under the Will of Alfred Fischesser, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Alfred E. Fischesser, Germany.
The heirs-at-law, next-of-kin, legatees, distributees and personal representatives of Alfred E. Fischesser, names unknown, Germany.

Frau Louise Fischesser (nee Fritz), Germany.
Frau Martha Gottmann, Germany.
Dr. Franz Gottmann, Germany.
Hildegard Gottmann, Germany.
Christa Gottmann, Germany.
Peterle Gottmann, Germany.

That such property is in the process of administration by Guaranty Trust Company of New York and Lucien C. Fischesser, as Trustees under the Will of Alfred Fischesser, deceased, acting under the judicial supervision of the Morris County Orphans' Court, Morristown, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17221; Filed, Sept. 24, 1946; 8:48 a. m.]

[Vesting Order 7623]

MARGARETA HONEGGER

In re: Estate of Margareta Honegger, also known as Margareta Hanegger, deceased. File D-28-10776; E. T. sec. 15174.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Johanna Mahr, Johan Mahr, George Will, Kuningunde Rehaeuser, Anna Dietz, Hans Hertel, Franz Hertel and Andrew Hertel, and each of them, in and to the Estate of Margareta Honegger, also known as Margareta Hanegger, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johanna Mahr, Germany.
Johan Mahr, Germany.
George Will, Germany.
Kuningunde Rehaeuser, Germany.
Anna Dietz, Germany.
Hans Hertel, Germany.
Franz Hertel, Germany.
Andrew Hertel, Germany.

That such property is in the process of administration by Dorothy Grewe, as Administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Sacramento,

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 term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17222; Filed, Sept. 24, 1946; 8:48 a. m.]

[Vesting Order 7642]

BERTHA SCHLUTTIG

In re: Estate of Bertha Schluttig, also known as Bertha R. Schluttig, deceased. Filed D-28-10217; E. T. sec. 14563.

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 Mrs. Anna Schaale and her surviving issue, five daughters, names unknown, of Eugene Schluttig, deceased, brother of decedent, and their surviving issue, Robert Schluttig and his surviving issue, Paul Richter and his surviving issue, Marie Groschupp and her surviving issue, Martha Weisfloch and her surviving issue, Hedwig Kotte and her surviving issue, Elza Schorr and her surviving issue, Hilma Schluttig and her surviving issue, Martha, Delia, Olga, Elizabeth, Johanna and Frieda, whose last names are unknown, daughters of Ernestine Krause, a sister of deceased, and their surviving issue, and each of them, in and to the Estate of Bertha Schluttig, also known as Bertha R. Schluttig, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Anna Schaale and her surviving issue, Germany.

Five daughters, names unknown, of Eugene Schluttig, deceased, brother of decedent, and their surviving issue, Germany.

Robert Schluttig and his surviving issue, Germany.

Paul Richter and his surviving issue, Germany.

Marie Groschupp and her surviving issue, Germany.

Martha Weisfloch and her surviving issue, Germany.

Hedwig Kotte and her surviving issue, Germany.

Elza Schorr and her surviving issue, Germany.

Hilma Schluttig and her surviving issue, Germany.

Martha, Delia, Olga, Elizabeth, Johanna and Frieda, whose last names are unknown, daughters of Ernestine Krause, a sister of deceased, and their surviving issue, Germany.

That such property is in the process of administration by Erich Ziesche, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles,

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pend-

ing 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 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17223; Filed, Sept. 24, 1946;
8:48 a. m.]

[Vesting Order 7643]

PETER STANEFF

In re: Estate of Peter Staneff, deceased. File No. D-57-333; E. T. sec. No. 14869.

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 Hristu Staneff Placovschi, Tudora Tocariu, also known as Teodora Tacariuc and Theodora Aurel Tocariuc, Neda I. Dinca, Vasilica Nicole Soare, also known as Vasilica N. Soare, Marica D. Oprea, also known as Maria D. Oprea and Opria D. Maria, Atanasia Ion Vulpe, also known as Anastasia Vulpe and Atanasia I. Vulpe, Stefan Racio Placovschi, Gheorghe Racio Placovschi, Vasila Pavel Cutaru, Petre Racio Placovschi, Iordana Racio St. Placovschi, and Ghita Nicolae Stoica, and each of them, in and to the Estate of Peter Staneff, deceased, is property payable or deliverable to, or claimed by, nationals of designated enemy countries, Rumania, and Bulgaria, namely,

Nationals and Last Known Address

Hristu Staneff Placovschi, Rumania.
Tudora Tocariu, also known as Teodora Tacariuc and Theodora Aurel Tocariuc, Rumania.

Neda I. Dinca, Rumania.
Vasilica Nicole Soare, also known as Vasilica N. Soare, Rumania.

Marica D. Oprea, also known as Maria D. Oprea and Opria D. Maria, Rumania.

Atanasia Ion Vulpe, also known as Anastasia Vulpe and Atanasia I. Vulpe, Rumania.

Stefan Racio Placovschi, Rumania.
Gheorghe Racio Placovschi, Rumania.
Vasila Pavel Cutaru, Bulgaria.

Petre Racio Placovschi, Rumania.
Iordana Racia St. Placovschi, Rumania.
Ghita Nicolae Stoica, Bulgaria.

That such property is in the process of administration by Robert F. Peck, as Administrator de bonis non, acting under the judicial supervision of the Surrogate's Court, Suffolk County, New York,

And determining that to the extent that such nationals are persons not within a designated enemy country, the na-

tional interest of the United States requires that such persons be treated as nationals of designated enemy countries (Rumania and Bulgaria);

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 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17224; Filed, Sept. 24, 1946;
8:47 a. m.]

[Vesting Order 7650]

GEORGE WASSERMAN ET AL.

In re: George H. Wasserman, et ux, vs. George Gerung, et al. File 017-21285.

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 estate both legal and equitable of Clara Gerung, also known as Clara Brunner, in and to the real property particularly described as follows:

No. 721 on the North Side of N. W. 18th St., Lot 22, Block 3 on Street North Highland addition, Miami, Dade County, Florida,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Clara Gerung, also known as Clara Brunner, c/o Karl Blasberg, 140 Kolner Strasse, Solingen, Germany.

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 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17225; Filed, Sept. 24, 1946; 8:47 a. m.]

[Vesting Order 7653]

ROSINA WESSING

In re: Estate of Rosina Wessing, deceased. File D-28-8276; E. T. Sec. 9489.

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 Michael Berghammer and Senta Schrok and each of them, in and to the estate of Rosina Wessing, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Michael Berghammer, Germany.
Senta Schrok, Germany.

That such property is in the process of administration by Rev. Norman Thomas, as Executor, acting under the judicial supervision of the County Court of Marathon County, Wisconsin.

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 term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17226; Filed, Sept. 24, 1946; 8:47 a. m.]

[Vesting Order 7655]

MASUJI YAMADA

In re: Estate of Masuji Yamada, deceased. File D-39-18709; E. T. Sec. 15190; H-405.

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 Tokugo Yamada, Omiyo Yamada and Hisano Yamada, and each of them, in and to the Estate of Masuji Yamada, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and last known address.

Tokugo Yamada, Japan.
Omiyo Yamada, Japan.
Hisano Yamada, Japan.

That such property is in the process of administration by Sibyl Davis, as Statutory Administratrix, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and

certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-17227; Filed, Sept. 24, 1946; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1236]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of September 1946.

The Milwaukee Electric Railway & Transport Company and its parent, Wisconsin Electric Power Company, a subsidiary of the North American Company, a registered holding company, have filed a joint declaration and amendments thereto, pursuant to sections 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43, regarding (a) the proposal by The Milwaukee Electric Railway & Transport Company to purchase from its parent, for cash, at par for retirement, 8,000 shares of the common stock of The Milwaukee Electric Railway & Transport Company of the aggregate par value of \$800,000 and (b) the proposal by the Wisconsin Electric Power Company to surrender the stock on the basis described:

A public hearing having been held on said application and declaration, after appropriate notice; the City of Milwaukee through its attorney having entered an appearance in the proceedings and filed written objections to the proposed transactions; the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the joint amended declaration by The Milwaukee Electric Railway & Transport Company and Wisconsin Electric Power Company for the purchase, for cash, at par for retirement, by The Milwaukee Electric Railway & Transport Company of 8,000 shares of its common stock of the aggregate par value of \$800,000 from Wisconsin Electric Power Company be and the same is hereby permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-17152; Filed, Sept. 24, 1946;
8:53 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167, 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 392, 404, 474, 481, 489, 526-526t, 50 U. S. C. 1275), and section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875) the following approval of equipment is prescribed, effective upon the date of publication in the FEDERAL REGISTER:

BUOYANT CUSHION FOR MOTORBOATS

Approval No. A-318, standard kapok buoyant cushion for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by International Cushion and Slip Cover Co., 515 N. Halsted Street, Chicago 22, Illinois.

CLEANING PROCESS FOR LIFE PRESERVERS

Denihan cleaning process for kapok life preservers, submitted by B. J. Denihan, 215 East 64th Street, New York, N. Y.

LIFEBOATS

30' x 9.25' x 3.83' steel motor-propelled lifeboat, without radio cabin, 56-person capacity, General Arrangement and Construction Dwg. No. 3018, dated 1/14/46, revised 7/25/46, submitted by the Lane Lifeboat and Davit Corporation, Foot of 40th Road and Flushing River, Flushing, New York.

18' x 6.25' x 2.75' aluminum car-propelled lifeboat with independent air tanks, 18-person capacity, General Arrangement Dwg. No. 3049, dated 1/11/46, altered 16 August 1946, submitted by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, New Jersey.

24' x 8.63' x 3.88' aluminum motor-propelled lifeboat, 43-person capacity, General Arrangement Dwg. No. 3050, dated 31 August 1945, altered 16 August 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, New Jersey.

12' x 4.42' x 1.92' steel car-propelled lifeboat, 6-person capacity for river service, General Arrangement Dwg. No. 3127, dated 3 August 1946, submitted by the Welin Davit and Boat Division of the

Robinson Foundation, Inc., Perth Amboy, New Jersey.

Dated: September 13, 1946.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 46-17150; Filed, Sept. 24, 1946;
8:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SO 94, Rev. Order 135]

CERTAIN MATTRESS COVERS

SPECIAL MAXIMUM PRICES

Order No. 135 under Supplementary Order 94 is redesignated Revised Order 135 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, It is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new and used mattress covers hereinafter described may be sold and delivered by the War Assets Administration or any other United States Government agency, and by any subsequent reseller.

(b) *Maximum prices.* The maximum prices (f. o. b. shipping point) for the mattress covers described herein shall be:

Description	Price for all sales to wholesaler	Price for all sales to retailer	Price for all sales at retail
New mattress cover, unbleached or white cotton, with tie strings at one end for clothing, cot, single or twin bed size.....	\$1.47	\$1.85	\$3.10
Used mattress cover, unbleached or white cotton, with tie strings at one end for clothing, cot, single or twin bed size.....	1.00	1.25	2.10

Cross-stream sales may be made at any normal level of distribution by division of the markup in such proportion as may be agreed upon between the parties to the transaction.

(c) *Notification.* Every person, except a retailer, who sells the mattress covers described in paragraph (b) shall furnish his purchaser with an invoice of sale setting forth the maximum prices established by this order for sales at wholesale or retail, and stating, in case such purchaser is a retailer, that the retailer is required by this order to either attach to each mattress cover before sale a tag or label which plainly states a selling price not in excess of the appropriate ceiling price or conspicuously display at the place where the mattress covers are offered for sale a suitable sign which plainly states a selling price not in excess of the appropriate ceiling price.

(d) *Tagging.* Any person who sells at retail the mattress covers described in paragraph (b) shall either attach to each mattress cover before sale a tag or label

which plainly states a selling price not in excess of the appropriate ceiling price or shall conspicuously display at the place where the mattress covers are offered for sale a suitable sign which plainly states a selling price not in excess of the appropriate ceiling price.

(e) *Failure to furnish invoice or tag.* If any person, except a retailer, who sells the mattress covers described in paragraph (b), fails to furnish his purchaser with an invoice of sale containing the information required by paragraph (c) or, in the case of a retailer, fails to comply with the tagging requirements of paragraph (d), such person's maximum sales price shall be his net invoice cost plus incoming freight, regardless of any other pricing provisions of this order.

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Wholesaler" means any person who sells to purchasers for resale.

(2) "Retailer" means any person who sells to ultimate consumers.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING REVISED ORDER 135 UNDER SUPPLEMENTARY ORDER 94

Order No. 135 established maximum prices for sales of certain new and used mattress covers therein described.

Since the issuance of that order it has been brought to the attention of the Administrator that the War Assets Administration also has available for sale a quantity of both new and used mattress covers which vary in size from those covered by the original order. Accordingly, the order is revised to include all new and used mattress covers made of unbleached or white cotton and of cot, single or twin bed sizes. The prices established by the original order remain unchanged.

The revised order also provides that all purchasers for resale be notified of their maximum prices, and that retailers be also notified that each mattress cover either be tagged with a price not in excess of the appropriate ceiling price by the retailer before sale or that the retailer conspicuously display at the place where the mattress covers are offered for sale a suitable sign which plainly states a selling price not in excess of the appropriate ceiling price.

In the opinion of the Administrator the maximum prices established by the order are generally fair and equitable and are consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

[F. R. Doc. 46-17429; Filed, Sept. 24, 1946;
11:14 a. m.]

[Order No. 167 Under 3 (e)]

PARTEN MACHINERY 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 3 (e) (3) of the General Maximum Price Regulation, *It is ordered:*

(a) The maximum prices f. o. b., Minneapolis, Minnesota, for sales by any person of prefabricated steel corn cribs with aluminum roofs, and parts for these cribs, uninstalled, manufactured by Parten Machinery Company, Minneapolis, Minnesota, as prescribed in their applications of August 22, 1946 and August 31, 1946 on file in this Office shall be as follows:

(1) 210 bushel capacity sidewall ring (5 sections) with door.....	\$56.30
(2) 210 bushel capacity sidewall ring (5 sections) no door, each.....	51.70
(3) Floor, plain, sectional.....	92.08
(4) Floor, with drop for emptying into elevator drag.....	104.50
(5) Ventilator sections cone for each sidewall ring.....	8.95
(6) Roof, aluminum with adaptor.....	117.57
(7) 630 bushel capacity corn crib complete, with floor, aluminum roof, ventilator sections, and one door.....	369.45
(8) Single plain sidewall sections.....	10.34
(9) Single door sections.....	14.95
(10) Double doors instead of single door.....	7.50

Sales may be made below the above maximum prices.

(b) The maximum prices as listed above shall be subject to cash discounts, transportation allowances and price differentials which are at least as favorable as those the manufacturer or resellers extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category on March 31, 1946.

(c) To the maximum prices listed under (a) there may be added the actual cost of any State sales tax, provided the customer is notified in writing that the tax is included in the total sales price.

(d) To the maximum f. o. b. prices there may be added actual transportation expense to the destination specified by the purchaser. If shipment is made direct from factory to purchaser, the charge for transportation expense shall be computed on that basis.

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

This order shall become effective September 25, 1946.

Issued this 24th day of September, 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER 167 UNDER SECTION (e) (3) OF THE GENERAL MAXIMUM PRICE REGULATION

The accompanying order under section 3 (e) (3) of the General Maximum Price Regulation establishes maximum f. o. b. prices for sales by any person of prefabricated metal corn cribs manufac-

tured by Parten Machinery Company of Minneapolis, Minnesota.

The maximum prices requested by the manufacturers have been found to be in line with the level of maximum prices otherwise established by the General Maximum Price Regulation, and have therefore been approved in the amounts requested.

This order establishes maximum prices for sales by any person subject to normal discounts to specific classes of purchasers. Thus the established maximum prices are, in effect, maximum prices to consumers, and prices to jobbers or other resellers must be established in accordance with allowances and discounts as provided in the accompanying order.

Actual cost of transportation may be added to the maximum prices. Also, actual cost of any State sales tax may be added to the maximum prices, provided the purchaser is notified in writing that the tax is included in the total purchase price.

The Price Administrator has determined, on the basis of the foregoing, that the maximum prices established by the accompanying order are in conformity with the Emergency Price Control Act of 1942, as amended, and Executive order of the President.

[F. R. Doc. 46-17235; Filed, Sept. 24, 1946; 8:48 a. m.]

[Rev. SO 119, Order 339]

GENERAL MOTORS CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 339 under Revised Supplementary Order No. 119. Delco Appliance Division, General Motors Corporation, Rochester, New York, Docket No. 6123-119-81.

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

(a) *Maximum prices for the Delco Appliance Division of the General Motors Corporation.* (1) The above manufacturer shall determine his maximum prices for his line of Delco Heat Bituminous coal stokers by increasing by 9.2 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941 plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March, 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost to them resulting from the increase granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 339 under Revised Supplementary Order No. 119 authorizes a 9.2 percent increase in October 1, 1941 net prices for sales of Delco-heat bituminous coal stokers manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost resulting from the increase granted by Order No. 339.

(d) All requests for relief not granted herein are denied.

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

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 339 UNDER REVISED SUPPLEMENTARY ORDER NO. 119

The accompanying order under Revised Supplementary Order No. 119 authorizes the Delco Appliance Division of the General Motors Corporation to compute maximum prices for its Delco-Heat Bituminous Coal Stokers by adding 9.2 percent to the company's October 1, 1941 prices for these items. As an alternative, the manufacturer may continue to use as his maximum prices, his properly established maximum prices in effect under Maximum Price Regulation No. 591 in the event that such prices are higher than the adjusted October 1, 1941 prices.

Resellers are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the adjustment granted the manufacturer. Thus resellers will continue to realize the same percentage margin over acquisition cost that they realized previous to the issuance of the accompanying order.

Bituminous coal stokers have been declared reconversion products under Appendix A of Revised Supplementary Order No. 119.

The applicant, a manufacturer of such products has filed an application and the supporting cost and financial data pursuant to the provisions of Revised Supplementary Order No. 119. Applying the standards for computing adjustments set forth in the Revised Supplementary Order, it is found that the applicant qualifies for an increase of 9.2 percent over October 1, 1941 prices. Accordingly, the accompanying order authorizes such

a price advance. If for any item, however, the properly established maximum price under Maximum Price Regulation No. 591 exceeds the October 1, 1941 price plus the increase factor, the manufacturer may continue to use his heretofore properly established maximum prices.

Controls over the maximum price of some of these products may have been or may be suspended in the future by Supplementary Order No. 129 (Exemption and Suspension from Price Control of Machines, Parts, Industrial Materials and Services). In that event, the provisions of this order with respect to these items are also suspended during the period of the price control suspension, subject to reinstatement if the former price controls are restored.

After due consideration of the foregoing, the Price Administrator finds that this action is consistent with the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17236; Filed, Sept. 24, 1946; 8:48 a. m.]

[Rev. SO 119, Order 340]

JAMESTOWN STEEL PARTITIONS, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 340 under Revised Supplementary Order No. 119, Docket No. 6123-119-185. Jamestown Steel Partitions, Inc., Jamestown, New York.

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

(a) *Maximum Prices for Jamestown Steel Partitions, Inc. of Jamestown, New York.* (1) The above manufacturer shall determine his maximum prices for his line of metal portable shower cabinets by increasing by 14 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941 plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March, 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the percentage increase in cost to them resulting from the increase granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 340 under Revised Supplementary Order No. 119 authorizes a 14 percent increase in October 1, 1941 net prices for sales of metal portable shower cabinets manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost resulting from the increase granted by Order No. 340.

(d) All requests for relief not granted herein are, denied.

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

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 340 UNDER REVISED SUPPLEMENTARY ORDER NO. 119

The accompanying order under Revised Supplementary Order No. 119 authorizes Jamestown Steel Partitions, Inc., of Jamestown, New York, to compute maximum prices for its line of metal portable shower cabinets by adding 14 percent to the company's October 1, 1941, prices for those items. As an alternative, the manufacturer may continue to use as his maximum prices, his properly established maximum prices in effect under Maximum Price Regulation No. 591 in the event that such prices are higher than the adjusted October 1, 1941, prices.

Resellers are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus resellers will continue to realize the same percentage margin over acquisition cost that they realized previous to the issuance of the accompanying order.

Metal portable shower cabinets have been declared reconversion products under Appendix A of Revised Supplementary Order No. 119.

The applicant, a manufacturer of such products, has filed an application and the supporting cost and financial data pursuant to the provisions of Revised Supplementary Order No. 119. Applying the standards for computing adjustments set forth in Revised Supplementary Order, it is found that the applicant qualifies for an increase of 14 percent over October 1, 1941, prices. Accordingly, the accompanying order authorizes such a price advance. If for any item, however, the properly established maximum price under Maximum Price Regulation No. 591 exceeds the October 1, 1941, price plus the increase factor, the manufacturer may continue to use his heretofore properly established maximum prices.

Controls over the maximum price of some of these products may have been

or may be suspended in the future by Supplementary Order No. 129. In that event, the provisions of this order with respect to those items are also suspended during the period of the price control suspension, subject to reinstatement if the former price controls are restored.

After due consideration of the foregoing, the Price Administrator finds that the action is consistent with the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17237; Filed, Sept. 24, 1946; 8:47 a. m.]

[SO 133, Order 72]

WESTERN AUTO SUPPLY CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Supplementary Order No. 133, it is ordered:

(a) This order establishes ceiling prices for sales at retail of the Wizard brand Models 117C, 117AC, 117CP, 117ACP, 117CG and 117ACG private brand washing machines sold by the Western Auto Supply Company, 2107 Grand Avenue, Kansas City, Missouri as follows:

Model:	Ceiling prices for sales to consumers, each
117C and 117AC	\$90.75
117CP and 117ACP	96.50
117CG and 117ACG	119.00

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

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

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

(d) The ceiling prices established by this order supersede those established by Order No. 36 under Maximum Price Regulation No. 86 for sales of the same machines.

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

This order shall become effective on the 24th day of September 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER 72 UNDER SUPPLEMENTARY ORDER NO. 133

The manufacturer of the private brand models of washing machines sold by the Western Auto Supply Company, 2107 Grand Avenue, Kansas City, Missouri, has received an adjustment of its ceiling prices under Supplementary Order No. 133. The same supplementary order

provides that whenever a manufacturer's ceiling prices for certain articles have been adjusted under the order, an order may be issued establishing ceiling prices for resales of those articles. Accordingly, the accompanying order, pursuant to Supplementary Order No. 133, establishes retail ceiling prices for the private brand washing machines sold by the Western Auto Supply Company.

The retail ceiling prices established by the accompanying order for each model reflect a markup over the current invoice cost to the retailer equal to the average markup received by such retailers in connection with their sales of that model on March 31, 1946. This is in accordance with the policy of this Office in such cases.

[F. R. Doc. 46-17238; Filed, Sept. 24, 1946; 8:47 a. m.]

[MPR 120, Order 1747]

H. R. ANDERSON 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:*

THE H. R. ANDERSON CO., P. O. BOX 473, CHARLESTON 22, W. VA., SANGER MINE, SEWELL SEAM, MINE INDEX NO. 1107, FAYETTE COUNTY, W. VA., SUBDISTRICT 2, RAIL SHIPPING POINT: PRUDENCE, W. VA., STRIP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	A	A	A	A	A	A	A	B	B	
Rail shipment.....	523	533	498	443	433	468	438	408	403	
Truck shipment.....	553	473	503	438	423	418				

IMPERIAL SMOKELESS COAL CO., QUINWOOD, W. VA., IMPERIAL NO. 3 MINE, SEWELL SEAM, MINE INDEX NO. 1119, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT: QUINWOOD, W. VA., DEEP MINE

Price classification.....	D	D	C	A	A	B	B	C	C	C
Rail shipment.....	468	478	488	443	433	468	438	403	398	393
Truck shipment.....	553	473	503	438	423	418				

C. C. PATRICK, c/o CHRISTMAS REALTY CO., BOX 1470, BECKLEY, W. VA., C. C. PATRICK MINE, FIRE CREEK SEAM, MINE INDEX NO. 1105, RALEIGH COUNTY, W. VA., SUBDISTRICT 5, RAIL SHIPPING POINT: GLEN MORGAN, W. VA., DEEP MINE

Price classification.....	D	D	C	A	A	B	B	B	B	B
Rail shipment.....	468	478	488	443	433	468	438	408	403	398
Truck shipment.....	553	473	503	438	423	418				

WYBORN COAL COMPANY, ALGOMA, W. VA., WYBORN NO. 2, POCAHONTAS NO. 3 SEAM, MINE INDEX NO. 1108, McDOWELL COUNTY, W. VA., SUBDISTRICT 3, RAIL SHIPPING POINT: NORTHFORK, W. VA., DEEP MINE

Price classification.....	B	B	A	A	A	B	B	C	C	C
Rail shipment.....	453	493	498	443	433	468	438	403	398	393
Truck shipment.....	553	473	503	438	423	418				

Railroad locomotive fuel: For the following mine index Nos. 1107, 1119, 1105, and 1108:

Any single-screened lump or double-screened coals.....	453
Run of mine.....	438
Screenings, larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0.....	423
Screenings 1 1/4" x 0 and smaller.....	398

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 1747 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. 7

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. 7. 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 locomotive 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 § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

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. 7. 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. 46-17239; Filed, Sept. 24, 1946; 8:47 a. m.]

[MPR 188, Revocation of Order 4801]

AMERICAN CENTRAL MFG. 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 § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:* That Order No. 4801 under § 1499.158 of Maximum Price Regulation No. 188 be and hereby is revoked.

This revocation shall become effective on the 25th day of September 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING REVOCATION OF ORDER 4801 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

Order 4801 under § 1499.158 of Maximum Price Regulation No. 188 was issued on December 29, 1946 and established prices for certain steel cabinets and accessories manufactured by American Central Manufacturing Corporation, Connersville, Indiana.

Since the issuance of that order it has been determined that metal base and wall cabinets and accessories such as those covered by Order 4801 are under Maximum Price Regulation 591 rather than Maximum Price Regulation 188. Accordingly, Order 4801 which was issued pursuant to Maximum Price Regulation 188 is being revoked simultaneously with the issuance of a new order under Maximum Price Regulation 591 covering the articles involved.

Order 4801 also established maximum prices for sales of certain metal utility cabinets viz a broom cabinet and a linen cabinet, which remain under the provisions of Maximum Price Regulation No. 188, and whose maximum prices established under Order 4801 continue to be valid. Therefore, a new order will be issued under § 1499.158 of Maximum Price Regulation No. 188 continuing the prices previously established by Order 4801. The new order will also be issued simultaneously with the revocation of Order 4801.

[F. R. Doc. 46-17240; Filed, Sept. 24, 1946; 8:47 a. m.]

[MPR 188, Order No. 5194]

AMERICAN CENTRAL MFG. CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by American Central Manufacturing Corporation, Connersville, Indiana.

(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.	Manufacturer's maximum price for sales to distributor or stocking jobber	Maximum price for sales to retailers by all sellers	Maximum prices for sales to consumers by all sellers
Broom cabinet.....	AU-2184	\$18.00	\$22.50	\$37.50
Linon cabinet.....	AL-2184	19.44	24.30	40.50

These maximum prices are for the articles described in the manufacturer's application dated December 5, 1945. For sales to retailers, the prices established are f. o. b. distributor's warehouse, and for sales to other classes of purchasers they are f. o. b. destination.

(2) These maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA retail ceiling price—\$.....
Do not detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 25th day of September 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 5194 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION 188

The accompanying order purports to establish maximum prices for sales of a broom cabinet and linen cabinet manufactured by the American Central Manufacturing Corporation, Connersville, Indiana.

The maximum prices of those articles had been previously established by Order No. 4801 under § 1499.158 of Maximum Price Regulation No. 188. However, Or-

der No. 4801 is being revoked for the reasons set forth in the opinion accompanying that revocation. Those reasons are not relevant to the maximum prices established for the two articles covered by the accompanying order and, therefore, the accompanying order continues the maximum prices heretofore established by Order No. 4801. The considerations set forth in the opinion accompanying Order No. 4801 which originally established those maximum prices are, therefore, equally applicable, and are incorporated herein by reference.

[F. R. Doc. 46-17241; Filed, Sept. 24, 1946; 8:51 a. m.]

[MPR 591, Order 828]

TAYLOR APPLIANCE AND MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, for sales by any person of the following gas conversion unit manufactured by Taylor Appliance and Manufacturing Company, Royal Oak, Michigan, and as described in its application dated August 14, 1946, shall be:

	Uninstalled f. o. b. on sales to distributors	Uninstalled f. o. b. on sales to dealers	Consumer price installed complete ready to operate
Model 100B-100C gas conversion unit 32" x 15" x 20"	\$71.00	\$83.00	\$175.00

(b) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(c) Each seller covered by this order, except on sales to a consumer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except consumers upon resale.

(d) Taylor Appliance and Manufacturing Company shall stencil or tag in a conspicuous place on each item covered by this order, substantially the following:

OPA Maximum Retail Price Installed—
\$175.00

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

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 828 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying Order No. 828 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for gas conversion unit manufactured by Taylor Appliance and Manufacturing Company, Royal Oak, Michigan.

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 or 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. An analysis of the information submitted indicated that the prices requested 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 purposes 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 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 manufacturer shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices.

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 in conformity with the Emergency Price Control Act of 1942, as

amended and Executive orders of the President.

[F. R. Doc. 46-17242; Filed, Sept. 24, 1946; 8:51 a. m.]

[MPR 591, Order 829]

INDUSTRIAL HEATERS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum prices excluding Federal Excise Tax, for sales by any person to consumers of the following gas fired water heaters manufactured by Industrial Heaters, Incorporated of Los Angeles, California and described in its application dated August 29, 1946 shall be:

Model 75, gas fired quick recovery water heater having copper tank with a plurality of copper flues....	\$350.00
Model 180, gas fired quick recovery water heater having copper tank with a plurality of copper flues....	420.00

(b) The maximum net LCL prices excluding Federal Excise Tax, f. o. b. point of shipment, for sales by any person shall be the maximum net prices specified in (a) above less the following discounts:

1. On sales to dealers, a discount of 40 percent.
2. On sales to jobbers, successive discounts of 40 and 20 percent.

(c) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942, on sales of commodities in the same general category.

(d) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(e) Each seller covered by this order, except on sales to consumers shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(f) Industrial Heaters Incorporated shall attach to each water heater covered by this order a tag containing the following:

OPA maximum retail price not installed including actual Federal excise tax paid at source—\$.....

(Do Not Detach)

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

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 829 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying Order No. 829 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for gas fired water heaters manufactured by Industrial Heaters Incorporated of Los Angeles, California.

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 or 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. An analysis of the information submitted indicated that the prices requested 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 purposes 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 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 manufacturer attach to each water heater a tag on which will be printed the article's maximum consumer price. In addition, each seller, except on sales to consumers, is required to notify each of his purchasers of his maximum prices as well as purchasers' maximum prices on resale.

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 of the President.

[F. R. Doc. 46-17243; Filed, Sept. 24, 1946; 8:51 a. m.]

[MPR 591, Order 830]

EL VAN AYRE CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person to consumers of the following repair and replacement parts for gas conversion burners manufactured by El Van Ayre Corporation, Detroit, Michigan, and as described in its application dated August 15, 1946, shall be:

Part number	Assembly or description	Price
RA-075-9.....	Inspirator, valve, and venturi tube assembly.	\$36.61
-12.....	Upper ceramic reflector.....	8.71
-14.....	Lower ceramic ring.....	5.96
-13C-S.....	Gas flow diverter and cone.....	9.37
-15.....	Lower ceramic ring support.....	13.95
-106S.....	Burner elbow and bracket support for Schwartz pilot.....	29.82
-102S-L.....	Supporting stud and nut.....	3.38
-22.....	Burner legs.....	8.59
-19.....	Connector tube.....	4.58
-25.....	Cabinet.....	12.62
-101S.....	Metal cover and serial card assembly.....	6.61
-17A.....	Automatic pilot assembly (Schwartz pilot).....	23.43
-7.....	Tubing.....	1.34
-4.....	Pilot gas cock.....	1.25
-69.....	Sheet metal baffles (28" x 28").....	1.85
-70.....	Flue gas diverter.....	4.95
-32.....	Transformer (main gas valve).....	4.50
-33.....	Thermostat (heat compensating).....	9.60
-33.....	Thermostat (nonheat compensating).....	8.40
-37.....	3/4" gas pressure regulator.....	5.18
-37.....	1" gas pressure regulator.....	8.40
-37.....	1 1/4" gas pressure regulator.....	15.49
-31.....	3/4" automatic gas valve.....	12.25
-31.....	1" automatic gas valve.....	14.05
-31.....	1 1/4" automatic gas valve.....	15.25
-31.....	3/4" automatic gas valve.....	8.95
-46.....	Gas shut-off cock 3/4".....	6.89
-46.....	Gas shut-off cock 1".....	7.33
-46.....	Gas shut-off cock 1 1/4".....	7.78
-71.....	1/2" pilot gas filter.....	.50
	Three-wire thermostat wire (latex covered).....	.055

(b) The maximum net prices f. o. b. point of shipment shall be the maximum prices in (a) above less the following discounts:

- On sales to dealers... 25 percent.
 On sales to jobbers... 25 and 25 percent.
 On sales to distributors..... 25 and 25 and 25 percent.

(c) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942 on sales of commodities in the same general category.

(d) The maximum prices on an installed basis of the commodities covered by this order shall be determined in ac-

cordance with Revised Maximum Price Regulation No. 251.

(e) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

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

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 830 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying Order No. 830 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for repair and replacement parts for the El Van Ayre Corporation, Detroit, Michigan.

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 or 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. An analysis of the information submitted indicated that the prices requested 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 purposes 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 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 manufacturer shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices.

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 in conformity with the Emergency Price Control Act of 1942, as amended, and Executive orders of the President.

[F. R. Doc. 46-17244; Filed, Sept. 24, 1946; 8:58 a. m.]

[MPR 591, Order 831]

CONCO ENGINEERING WORKS DIV., H. D. CONKEY & 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 prices excluding Federal Excise Tax for sales by any person to consumers of the following oil burning water heaters manufactured by Conco Engineering Works Division of H. D. Conkey and Company, Mendota, Illinois and described in its application dated August 27, 1946 shall be:

Model WH-3, 30 gallon storage water heater, oil fired, galvanized tank...	\$115.65
Model WH-5, 45 gallon storage water heater, oil fired, galvanized tank...	136.25

(b) The maximum net LCL prices, excluding Federal Excise Tax, f. o. b. point of shipment, for sales by any person to dealers shall be:

Model WH-3, 30 gallon storage water heater, oil fired, galvanized tank...	\$70.65
Model WH-5, 45 gallon storage water heater, oil fired, galvanized tank...	82.00

(c) The maximum net LCL prices, excluding Federal Excise Tax, f. o. b. point of shipment, for sales by any person to jobbers shall be:

Model WH-3, 30 gallon storage water heater, oil fired, galvanized tank...	\$53.50
Model WH-5, 45 gallon storage water heater, oil fired, galvanized tank...	62.50

(d) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942, on sales of commodities in the same general category.

(e) The maximum prices on an installed basis of the commodity covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) Each seller covered by this order, except on sales to consumers shall notify each of his purchasers, in writing, at or

before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(g) Conco Engineering Works shall attach to each water heater covered by this order a tag containing the following:

OPA Maximum Retail Price Not Installed Including Actual Federal Excise Tax Paid at Source \$-----

(Do Not Detach)

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

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 831 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying Order No. 831 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for oil burning water heaters manufactured by Conco Engineering Works Division of H. D. Conkey and Company of Mendota, Illinois.

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 or 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. An analysis of the information submitted indicated that the prices requested 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 purposes 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 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 manufacturer attach to each water heater a tag on which will be printed the article's maximum consumer price. In addition, each seller, except on sales to consumers, is required to notify each of his purchasers of his maximum prices as well as purchasers' maximum prices on resale.

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 of the President.

[F. R. Doc. 46-17245; Filed, Sept. 24, 1946; 8:51 a. m.]

[MPR 591, Order 832]

DACUS STOVE & FOUNDRY CO. AND MUNDIE MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591. *It is ordered:*

(a) The maximum prices, for sales by Dacus Stove and Foundry Company, of Chattanooga, Tennessee and Mundie Manufacturing Company of Aurora, Illinois, to the following classes of purchasers of the Model 6-6 Titan Hot Water Supply Boiler shall be:

Class of purchaser:	Maximum price
Mall Order Houses.....	\$12.75
Jobbers.....	13.75
Dealers.....	17.18
Consumers.....	21.72

The foregoing prices shall be f. o. b. Chattanooga on sales to mall order houses; on all other sales the manufacturer shall allow actual freight up to but not exceeding 50 cents per cwt. The foregoing maximum prices are subject to the following terms of sale: 2 percent 10 days, net 30 days.

(b) Maximum prices for sales by resellers of the Model 6-6 Titan hot water supply boilers to any class of purchasers shall be the maximum prices set forth in paragraph (a) above for sales by the manufacturers thereof.

(c) Maximum prices established by this order are subject to cash discounts, transportation allowances and freight differentials at least as favorable as those which each seller extended or would have extended or rendered during March 1942 on sales of commodities in the same general category.

(d) The maximum prices for the sales of the hot water supply boilers covered by this order on an installed basis shall be determined in accordance with Revised Maximum Regulation Price No. 251.

(e) Each seller covered by this order shall, except on sales to consumers, notify each of his purchasers in writing at or before the issuance of the first invoice after the effective date of this order of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except dealers, upon resale.

(f) Dacus Stove and Foundry Company and Mundie Manufacturing Company shall stencil or tag in a conspicuous place on each item covered by this order, substantially the following:

O. P. A. Maximum Retail Price \$21.72, uninstalled, pursuant to Order No. 832 under Maximum Price Regulation No. 591.

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

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 832 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying order under Section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales of Titan Model 6-6 (cast iron) hot water supply boiler by Dacus Stove and Foundry Company and Mundie Manufacturing Company. The order establishes maximum prices for sales to various classes of purchasers, which also apply to resellers' sales.

The application, dated August 29, 1946, was executed by Dacus Stove and Foundry Company but in subsequent conferences it was represented to the Office of Price Administration by both the above named companies that they desire to carry on jointly the business of manufacturing the subject hot water supply boilers, it appearing that Mundie Manufacturing Company was the owner of the patents, designs and molds, etc. for the units which were to be manufactured in the Dacus Foundry's plant. Maximum prices established herewith are in line with the level of prices established for sales by other manufacturers of comparable units.

The maximum prices provided for resales at the jobber and dealer levels allow such resellers to realize percentage margins comparable with the margins historically and currently enjoyed by other, comparable, resellers of similar types of water heaters.

[F. R. Doc. 46-17246; Filed, Sept. 24, 1946; 8:52 a. m.]

[MPR 591, Order 833]

BEN HUR MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

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

and pursuant to 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 Ben Hur Manufacturing Company, 634 East Keefe Avenue, Milwaukee, Wisconsin and as described in the application dated August 14, 1946 which is on file with the Mechanical Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—	
	Distributors	Dealers
12.5 cu. ft. standard less condensing unit.....	\$164.00	\$196.80
12.5 cu. ft. Delux less condensing unit.....	189.00	226.80

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: \$6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales 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) Ben Hur Manufacturing Company, Milwaukee 12, Wisconsin shall stencil on the food freezer covered by this order, substantially the following:

OPA Maximum Retail Price \$-----
Plus freight and crating as provided in Order No. 833 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 25, 1946.

Issued this 24th day of September, 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 833
UNDER SECTION 9 OF MAXIMUM PRICE
REGULATION NO. 591

The accompanying Order No. 833 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 Ben Hur Manufacturing Company, 634 East Keefe Avenue, Milwaukee 12, Wisconsin.

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 Ben Hur Manufacturing Company shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices. The order further provides that the Ben Hur Manufacturing 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. 46-17247; Filed, Sept. 24, 1946;
8:52 a. m.]

[MPR 592, Order 154]

WEST POINT BRICK CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

Order 154 under Section 16 of Maximum Price Regulation No. 592, specified construction materials and refractories. West Point Brick Company, Incorporated, Docket No. 6122-592.16-427.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the West Point Brick Company, Inc., West Point, Ky. of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$2.00 per M for standard size brick equivalents or by an amount not in excess of \$0.80 per ton for structural hollow tile.

(b) If the West Point Brick Co., Inc. West Point, Ky. had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the West Point Brick Company, Inc., West Point, Ky. for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective September 25, 1946.

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 154
UNDER SECTION 16 OF MAXIMUM PRICE
REGULATION NO. 592

The West Point Brick Company, Incorporated, West Point, Kentucky, has applied for an adjustment in its maximum selling prices for brick and structural clay tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with Office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17248; Filed, Sept. 24, 1946;
8:53 a. m.]

[MPR 580, Amdt. 2 to Order 40]

NOLDE & HORST CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 2 to Order 40. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-795.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 40 issued under section 13 of Maximum Price Regulation 580 on application of The Nolde & Horst Company,

Reading, Pennsylvania, is amended in the following respects:

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

(a) The following ceiling prices are established for sales by any seller at retail of the following articles having the brand name "Westminster" and manufactured or supplied by The Nolde & Horst Company, Reading, Pennsylvania.

MEN'S, WOMEN'S, BOYS' AND CHILDREN'S HOSIERY	
Supplier's selling price (per dozen pair)	Ceiling price at retail (per pair)
\$3.10	\$0.45
3.50	.50
4.00	.55
4.50	.65
5.00	.70
5.40	.75
6.00	.85
7.25	1.00
8.00	1.10
9.00	1.25
10.50	1.50
11.75	1.65
12.50	1.75
13.25	1.85
14.25 to 14.50	2.00
17.50 to 18.00	2.50

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

(b) The retail ceiling price of each article covered by paragraph (a) shall apply in place of the ceiling price which has been or would otherwise be established under this or any other regulation, and shall apply to any other article of the same type, having the same selling price to the retailer, the same brand name, and first sold by The Nolde & Horst Company after the effective date of this order.

3. Paragraph (c) is amended by deleting the phrase "Maximum Price Regulation No. 580" and substituting therefor the phrase "the regulation which would apply in the absence of this order."

4. Paragraph (c) is further 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 Nolde & Horst Company, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance 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.

5. Paragraph (d) is amended to read as follows:

(d) 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 subsequent to the effective date of the amendment.

6. Paragraph (e) is amended by deleting the phrase "Maximum Price Regulation No. 580" and substituting therefor the phrase "the regulation which would apply in the absence of this order."

This amendment shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO
ORDER NO. 40 UNDER MAXIMUM PRICE REGULATION NO. 580

The accompanying amendment to Order No. 40 issued to The Nolde & Horst Company, Reading, Pennsylvania, under Section 13 of Maximum Price Regulation 580, revises paragraph (a) to list all of The Nolde & Horst Company's current cost lines which were covered by the order prior to this amendment as well as those now in its line. Previously, the order did not actually list the company's cost lines and retail ceilings but merely incorporated them by reference to the company's original application for the order. The revision is made in the interest of a more effective administration of the order. Cost lines not listed in paragraph (a) as amended are no longer covered by the order even though they are included in the original application for the order.

The retail prices here established are based upon an average margin of 41.4% on selling price (except insofar as specific price points requested by the company result in a lower margin), and, for the kind of hosiery involved, reflect the proportionate amount of absorption required generally for other types of hosiery of the same constructions. The hosiery priced under this amendment belongs to a group of hosiery (i. e., hosiery priceable under Section 13 orders) for which the Administrator has found it possible to determine separately a reduced margin reflecting the same proportion of absorption required for other hosiery priced under General Retail Order 3. The distinction which the Administrator has made in this case as between branded hosiery priced under Section 13 orders and these other types of hosiery is consistent with the distinction which has normally existed. Under Amendment 10 to General Retail Order 3, issued August 23, 1946, a margin of 37.6% on selling price was fixed for the pricing of hosiery generally, the difference between that margin and the normal margin of 40% reflecting the per-

mitted amount of absorption as explained in the statement of considerations accompanying that amendment. The 41.4% margin fixed for the pricing of the hosiery covered in the accompanying amendment reflects a corresponding ratio of reduction from the 43.5% found to have been the average margin at retail for branded hosiery covered by Section 13 orders.

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 adds a requirement that The Nolde & Horst Company send a copy of each amendment to the order to certain purchasers for resale.

[F. R. Doc. 46-17287A; Filed, Sept. 23, 1946; 11:35 a. m.]

[MPR 560, Amdt. 1 to Order 316]

ALLIED NOVELTY SHOE CORP.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, amendment to order 316. Establishing ceiling prices at retail for certain articles, Docket No. 6063-580-13-786.

For the reasons set forth in the opinion issued simultaneously herewith, Order 316 issued under section 13 of Maximum Price Regulation 580 on application of Allied Novelty Shoe Corporation, Springvale, Maine, is amended in the following respects:

1. Paragraph (a) is amended to increase the uniform retail ceiling price established by the order for the "American Girl Shoe" as follows:

Manufacturer's selling price unadjusted	Ceiling price at retail
\$3.86	\$6.75

This amendment shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 1 TO
ORDER NO. 316 UNDER MAXIMUM PRICE
REGULATION NO. 580

The accompanying amendment to Order No. 316 issued to Allied Novelty Shoe Corporation, Springvale, Maine, under Section 13 of Maximum Price Regulation 580, increases the uniform retail ceiling price of shoes for which the manufacturer has received a price increase under S. O. 162.

[F. R. Doc. 46-17287; Filed, Sept. 23, 1946; 11:35 a. m.]

[MPR 188, Amdt. 2 to Rev. Order 5]

INNERSPRING MATTRESSES MADE WITH BONNELL, CLIP AND CRIMP TYPES (WIRE-TIED) UNITS

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 § 1499.159e of

Maximum Price Regulation No. 188, *It is ordered*, That Revised Order 5 under § 1499.159e of Maximum Price Regulation No. 188, be, and it hereby is, amended in the following respects.

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

(b) *Increase factor.* (1) Manufacturers may increase by 26 percent their maximum prices (exclusive of any previously permitted increases) properly established under Maximum Price Regulation No. 188, or the "comparability Method" of Order No. 4332 under the regulation, for sales to all persons except household consumers.

(2) Manufacturers may increase by 12 percent their maximum prices (exclusive of any previously permitted increases) properly established under Maximum Price Regulation No. 188 or the "comparability method" of Order No. 4332 under that regulation, for their sales to ultimate consumers.

2. Section 3 (c) (1) is amended to read as follows:

(1) His maximum price properly established under Maximum Price Regulation No. 188 or the "comparability method" of Order No. 4332 under that regulation, increased by 26 percent in accordance with paragraph (b) (1) of this section, or increased by 12 percent in accordance with paragraph (b) (2) of this section, whichever is applicable.

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

(d) *"Unadjusted maximum price."* On and after July 26, 1946, a manufacturer's "unadjusted maximum price" for his sale of an article covered by this revised order shall be 89 percent of his actual selling price for the article. Actual selling price is the manufacturer's price to a particular class of purchaser without deducting cash discounts, PM's—premium money payments or freight allowances. If the articles are sold on a delivered basis, the delivered price is the actual selling price; if sold on an f. o. b. factory basis, the f. o. b. factory price is the actual selling price; if sold in carload lots, the carload price is the actual selling price, if sold in l. c. l. the l. c. l. price is the actual selling price.

4. Section 10 (a) is amended to read as follows:

(a) *Definition.* An article covered by this revised order is a "branded article" if:

(1) It was and is consistently continued to be advertised at a uniform retail price, or from the time the article is first offered for sale and thereafter, it is consistently advertised at a uniform retail price.

(2) It is identified by a brand or company name; and

(3) It shall be generally sold at retail at the advertised uniform retail price.

5. Section 13 is amended to read as follows:

SEC. 13. *Revision of maximum prices.* Any maximum price adjusted under this revised order may be revised by the Price Administrator whenever he determines

that such an adjusted maximum price is not in line with the level of October 1941 prices increased by 26 percent for sales by manufacturers to all classes of purchasers except ultimate consumers, and by 12 percent for sales by manufacturers to ultimate consumers. In determining the "in-lineness" of a manufacturer's adjusted maximum price, due consideration will be given to the manufacturer's customary price relation to other manufacturers in the industry.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall be effective on the 23d day of September 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO REVISED ORDER 5 UNDER SEC. 1499.159E OF MAXIMUM PRICE REGULATION 188

The accompanying amendment to Revised Order 5 under Section 1499.159e of Maximum Price Regulation No. 188 substitutes a price increase factor of 26 percent for the 18 percent now permitted to manufacturers who sell to other than consumers and grants an increase of 12 percent for sales by manufacturers directly to the ultimate consumer. These increases in maximum prices are granted to cover the increases in basic wage rates and part of the legal increases in the prices of ticking, innerspring units and sisal pads which have taken place since the issuance of Revised Order 5 to Maximum Price Regulation No. 188.

At the request of the industry that it be granted some measure of price relief in view of alleged increases in production costs, this Office has made an examination of the material and labor cost increases that have occurred since the last reconversion study, and based on an analysis of these cost increases reached the decision that an immediate price action is warranted. An earnings standard study is now in process and as soon as this is completed a finding will be made as to the extent of any additional relief to which the industry is entitled under that standard.

This interim action is based on a reapplication of the reconversion formula to reflect certain of the increases referred to above. A comparison of the most recent reconversion study made in April 1946 with the current increases has revealed the following: Basic wage rates have gone up 42.2 percent over 1941 rates as compared with 10.7 percent allowed in previous applications of the reconversion formula. Ticking costs have gone up to 74.7 percent over 1941 as compared with 33.7 percent in April 1946. Spring units have increased 3.5 percent and sisal pads 8.9 percent over April 1946 costs. It was not deemed feasible to make a study of direct selling manufacturers at this time. Since these manufacturers have been experiencing the same kind of cost increases, an adjustment is now being made on their behalf. The increase granted these manufacturers is equivalent to the increase in

price at the retail level for mattresses sold through retailers.

Production of innerspring mattresses, as revealed by monthly reports from the industry is approaching the 1941 rate in terms of units and has exceeded that rate in terms of dollars. This favorable production record in conjunction with certain earnings figures from the industry indicates that the industry may be able to absorb some of the additional cost increases above referred to. The current earnings study of the industry now in progress will determine the extent of further price increases, if any, to which the industry may be entitled. In the meantime, the size of the labor and materials increases here recognized has led the office to take this interim action.

The overall material increase was 41.7 percent over 1941 as compared to 32.8 percent in April 1946. Only half of the materials increase over April 1946 was added to the total increase due to changes in basic wage rates in determining the final increase factor. This was because the current profit and loss statements from a small proportion of the industry indicate that the earnings position of the industry may now be more adequately measured on a current earnings basis. These statements also indicate that the increase required by law under the earnings standard may not be as great as that which the industry would receive under a reapplication of the reconversion formula if all the recent costs are fully reflected.

The accompanying amendment also amplifies the language of Section 3 (d) in order to clarify how a manufacturer shall determine what is intended to be the actual selling price for the purpose of calculating his "unadjusted maximum price."

Section 10 of the revised order provides for the establishment of adjusted maximum prices for "branded articles" covered by the order. In order to permit of the marketing of new "branded articles", the definition of "branded article" contained in Section 10 has been revised so as to remove the existing restriction that "branded articles" must be an article which was in production during or prior to March 1942.

Members of the industry affected by the provisions of this amendment have been consulted and their recommendations have been considered.

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 amendment 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 in this amendment or of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17356; Filed, Sept. 23, 1946; 4:50 p. m.]

[MPR 580, Amdt. 2 to Order 197]

SHWAYDER BROS., INC.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 2 to Order 197, establishing ceiling prices at retail for certain articles, Docket No. 6063-580-13-798.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 197 issued under section 13 of Maximum Price Regulation 580 on application of Shwayder Bros., Inc., 1050 South Broadway, Denver, Colorado, is amended in the following respects:

1. Paragraph (a) is amended by changing the heading of the fourth column to read as follows: "Manufacturer's Unadjusted Selling Price."

2. Paragraph (a) is further amended by increasing the uniform retail ceiling price previously established by the order for the article listed below. The new cost-retail price line is as follows:

Brand name	Article	Manufacturer's unadjusted selling price	Retail ceiling price
Samson.....	Card table..	\$2.22	\$3.95

3. Paragraph (b) is amended as follows:

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

4. 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. Shwayder Bros., Inc., as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance 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.

5. 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 subsequent to the effective date of the amendment.

This amendment shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 197 UNDER MAXIMUM PRICE REGULATION 580

The accompanying amendment to Order No. 197 issued to Shwayder Bros., Inc., 1050 So. Broadway, Denver, Colorado under Section 13 of Maximum Price Regulation 580, increases the uniform retail ceiling price of a card table for which the manufacturer has received a price increase under Revised Order No. 8 of Maximum Price Regulation 188.

The amendment makes it explicit that retail ceilings established by the order are based upon the manufacturer's unadjusted prices.

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 adds the requirement that copies of each amendment to the order must be sent by the manufacturer to specified purchasers.

[F. R. Doc. 46-17351; Filed, Sept. 23, 1946; 4:48 p. m.]

[MPR 580, Order 321]

FRANK STACK HATS, INC.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Order 321 Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-626.

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

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Frank Stack Hats, Inc., 8 Mulvoy Street, South Norwalk, Connecticut, having the brand name "Stack" or "Mac Lachlan" and described in the manufacturer's application dated April 12, 1946 as supplemented on August 19, 1946 and September 3, 1946:

MEN'S HATS

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
\$45.00	\$6.50
54.00	7.50
60.00	8.50
72.00	10.00
84.00	12.50
108.00	15.00
132.00	20.00
150.00	25.00
240.00	40.00
300.00	50.00

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

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

(d) On and after October 25, 1946, Frank Stack Hats, Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

Sec. 13, MPR 580 OPA Price—\$.....

On and after November 25, 1946, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 25, 1946, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

Upon issuance of any amendment to this order which either adds an article to those already listed in paragraph (a) or changes the retail ceiling price of a listed article, Frank Stack Hats, Inc., 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 preticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so preticketed, 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.

(e) Within 15 days after the effective date of this order, the seller shall send a copy to each purchaser for resale to whom, within two months immediately prior to the effective date, the seller had delivered any article covered in paragraph (a). Copies shall be sent to all other purchasers at the time of or before the first delivery of such article subsequent to the effective date of the order and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the 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 subsequent to the effective date of the amendment.

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

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

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 321
UNDER MAXIMUM PRICE REGULATION NO.
580

In accordance with Section 13 of Maximum Price Regulation No. 580, the applicant named in the accompanying Order, Frank Stack Hats, Inc. has applied to the Office of Price Administration for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this Section and has produced evidence which in the judgment of the Price Administrator indicates that the applicant has complied with other stated requirements.

The Price Administrator has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this Order are no higher than the level of maximum prices under Maximum Price Regulation No. 580. The articles for which the accompanying Order fixes ceiling prices for sales at retail under Section 13 will no longer be priced under any other section of this or of any other regulation.

The Order also contains a provision requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying Order. Applicant and subsequent sellers (except sellers at retail) are required to send purchasers of the articles a copy of this Order, and, in specified cases, of subsequent amendments thereto.

[F. R. Doc. 46-17352; Filed, Sept. 23, 1946;
4:48 p. m.]

[MPR 610, Order 21]

REO MOTORS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 of Maximum Price Regulation 610; *It is ordered:*

(a) Reo Motors, Inc., Lansing, Michigan, hereinafter called the Company is authorized to sell f. o. b. factory, Lansing, Michigan, each new Reo truck described in sub-paragraph (1) at a price not to exceed the total of the following charges:

(1) *Charge for the new truck.* A charge for the new truck not to exceed the applicable list price in the following schedule less the discounts in effect on March 31, 1942 to the applicable class of purchaser.

Model No.	Description	List price at factory
19B	Truck, chassis with cab, 145" wheel-base, 14,000 pounds gross vehicle weight; standard specifications and equipment as of January 1, 1941, plus the following changes and additions: 7.50 x 20 8-ply front and dual rear tires on 7" rims replacing 6.00 x 20 6-ply front, 32 x 6, 8-ply single rear tires on 5" rims; 245 cubic inch engine replacing 228 cubic inch engine; 17-plate battery; 18" steering gear; helper springs, booster brakes; vacuum reserve tank; cab corner marker lights; dual windshield wipers.	\$1,928
20B	Truck, chassis with cab, 145" wheel-base, 16,000 pounds gross vehicle weight; standard specifications and equipment as of January 1, 1941, plus the following changes and additions: 8.25 x 20 10-ply front and dual rear tires on 7" rims replacing 6.00 x 20 6-ply front and dual rear tires on 5" rims; 288 cubic inch engine replacing 245 cubic inch engine; 5-speed direct drive transmission replacing 4-speed standard transmission; Timken 31107 front axle; Timken 56410 rear axle; booster brakes; vacuum reserve tank; 20" steering wheel; Model 21 front fenders; cab corner marker lights; electric windshield wipers.	2,971
21B	Truck, chassis with cab, 145" wheel-base, 18,000 pounds gross vehicle weight; standard specifications and equipment as of January 1, 1941, plus the following changes and additions: 8.25 x 20 10-ply front and dual rear tires on 8" rims replacing 7.00 x 20 8-ply front and dual rear tires on 6" rims; 288 cubic inch engine replacing 245 cubic inch engine; 5-speed direct drive transmission replacing 4-speed standard transmission; cab corner marker lights; vacuum reserve tank; 20" steering wheel; dual electric windshield wipers; 17-plate battery.	2,913
22B	Truck, chassis with cab, 145" wheel-base, 20,500 pounds gross vehicle weight; standard specifications and equipment as of January 1, 1941, plus the following changes and additions: 9.00 x 20 10-ply front and dual rear tires on 8" rims replacing 7.50 x 20 8-ply front and dual rear tires on 7" rims; 310 cubic inch engine replacing 288 cubic inch engine; 5-speed direct drive transmission replacing 4-speed standard transmission; cab corner marker lights; 20" steering wheel; dual electric windshield wipers; 19-plate battery.	3,365
23B	Truck, chassis with cab, 145" wheel-base, 23,000 pounds gross vehicle weight; standard specifications and equipment as of January 1, 1941, plus the following changes and additions: 10.00 x 20 12-ply front and dual rear tires on 9-10" rims replacing 8.25 x 20, 10-ply front and dual rear tires on 7" rims; 371 cubic inch engine replacing 310 cubic inch engine; Clark 270 VO transmission replacing 5-speed standard transmission; Timken 58300 rear axle replacing standard axle; cab corner marker lights; 20" steering wheel; dual electric windshield wipers; 19-plate battery.	4,795
25B	Truck, chassis with cab, 145" wheel-base, 27,400 pounds gross vehicle weight; standard specifications and equipment for Model 23B as of January 1, 1941, plus the following changes and additions: 10.00 x 20 12-ply front and dual rear tires on 9-10" rims replacing 8.25 x 20 10-ply front and dual rear tires on 7" rims; 427 cubic inch engine replacing 310 cubic inch engine; Timken S200 rear axle and 35000 front axle replacing standard axles; Clark 270 VO transmission replacing 5-speed standard transmission; air brakes; Gemmer 400 steering gear; dual windshield wipers (air); 6-volt, 40 amp, generator; dual air horns; Air Maze air cleaner; cab corner marker lights; 20" steering wheel; cab grab handles; front tow hooks; dual rear view mirror; dual sun visors; 19-plate battery.	6,330

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed

the list price to be computed as follows, less the discount in effect on March 31, 1942 to the applicable class of purchaser:

(i) The Company shall multiply the list price in effect on January 1, 1941 for each item of extra or optional equipment by the increase factor approved by the Office of Price Administration for adjusting the Company's January 1, 1941, prices under section 8 of Maximum Price Regulation 610.

(ii) The Company shall file the dollar and cents list prices for each item of extra or optional equipment with the Office of Price Administration, Automotive Branch, Washington, D. C., within 48 hours after such adjusted prices are established.

(3) *Charge for transportation.* A charge for transportation of the truck and extra or optional equipment not to exceed a charge computed in accordance with the method the Company had in effect on March 31, 1942.

(4) *Charge for taxes.* A charge to cover Federal Excise Taxes at the current legal rate, computed in accordance with the method the Company had in effect on March 31, 1942, and also state and local taxes, if any, directly imposed upon the delivery of the truck and extra or optional equipment.

(5) *Charge for factory handling and delivery.* A charge to cover factory handling and delivery computed by using the same rate and method the Company had in effect on March 31, 1942, except as provided in the following sentence: In the case of a sale to a user, the amount that may be included in the handling and delivery charge for preparing and conditioning operations shall be determined in accordance with section 10 (g) (3) of Maximum Price Regulation 610.

NOTE: As required by section 12 of Maximum Price Regulation 610, the Company shall notify all resellers of list prices and discounts for the vehicles of base specifications and extra or optional equipment and shall notify resellers that they must use such list prices and discounts in determining maximum prices in accordance with section 10.

(b) *Sales below ceiling to resellers.* In the event the Company sells to resellers below the maximum net price in this order for sales of truck chassis or items of extra or optional equipment it shall so advise the National Office of Price Administration, Automotive Branch, Washington, D. C., within 48 hours and shall immediately comply with the provisions of section 8 (h) of Maximum Price Regulation 610.

(c) A distributor of Reo Motor trucks may sell and deliver each of the new Reo trucks described in paragraph (a) (1) at a price not to exceed the total of the following charges:

(1) *Charge for the new truck.* A charge for the new truck not to exceed the applicable list price set forth in paragraph (a) (1) less the discount in effect on March 31, 1942 to the applicable class of purchaser.

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price which the Company shall determine in accordance with paragraph (a) (2) less the discount in effect

on March 31, 1942 to the applicable class of purchaser.

(3) *Discounts for distributors not in business on March 31, 1942.* A distributor who was not in business on March 31, 1942 shall apply to the applicable list price for the new truck and extra or optional equipment, the discounts generally in effect for Reo distributors on March 31, 1942 to the applicable class of purchaser.

(4) *Other charges.* Charges permitted for section 10 of Maximum Price Regulation 610 when applicable to the sale.

(d) Resellers may sell and deliver to users each of the new Reo trucks described in paragraph (a) (1) at a price not to exceed the total of the following applicable charges:

(1) *Charge for new truck.* A charge for the new truck not to exceed the applicable list prices set forth in paragraph (a) (1), adjusted to reflect suggested discounts the Company had in effect on March 31, 1942, to the applicable class of purchaser. The Company will notify all resellers of the list prices and discounts authorized in this order for new trucks.

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price which the Company will determine in accordance with paragraph (a) (2), adjusted to reflect suggested discounts the Company had in effect on March 31, 1942, to the applicable class of purchaser. The Company will notify all resellers of the list prices and discounts authorized in this order for extra or optional equipment.

(3) *Other charges.* Charges permitted by section 10 of Maximum Price Regulation 610 when applicable to the sale.

(e) *Sales by resellers in Porto Rico and the Territory of Alaska.* A reseller may sell and deliver in Porto Rico and Alaska each of the new Reo trucks described in paragraph (a) (1) at a price it may charge under paragraph (c) or (d), whichever is applicable, to which it may add a sum equal to the expense incurred by or charged to it for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new truck and extra or optional equipment in the territory or possession, when not charged under paragraph (c) or (d); export premiums; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations, ocean freight; freight to the port of embarkation when not charged under paragraph (c) or (d); and inland freight from the port of debarkation by the most direct route to the reseller's place of business.

(f) All requests not granted herein are denied.

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

This order shall become effective September 23, 1946, for new Reo trucks and extra or optional equipment sold by the Company on and after September 23, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 21 UNDER
MAXIMUM PRICE REGULATION 610 MAXI-
MUM PRICES FOR NEW TRUCKS AND NEW
MOTORCYCLES

Reo Motors, Inc., Lansing, Michigan, has applied, pursuant to section 8 of Maximum Price Regulation 610, for maximum prices on its Models 19 B, 20 B, 21 B, 22 B, 23 B and 25 B trucks and extra or optional equipment. Maximum prices in the order which this opinion accompanies supersede adjusted maximum prices under Revised Maximum Price Regulation 136 for Models 19 B, 20 B and 21 B. The maximum prices for the remaining models, prior to this action, were those in effect on March 31, 1942. The gross vehicle weights on the models priced in this action range from 13,000 pounds for Model 19 B to approximately 27,000 pounds for the Model 25 B.

In general, section 8 of the regulation permits the establishment of maximum prices for manufacturers by the calculation of a price increase factor for each commodity line reflecting legal increases since January 1, 1941 in materials prices and basic wage rate schedules and a profit margin over cost, the application of this increase factor to 1941 model prices and the adjusting of the resulting prices to show increases or decreases in direct labor and direct materials costs due to changes in specification, design, material and equipment from the 1941 models.

The increases in basic wage rate schedules and in the general level of materials prices, including increases consistent with Executive Order 9697, and profit, which were reflected in the Reo increase factor were in accordance with the provisions of section 8. Section 8 was adhered to in determining increases in direct labor and materials cost resulting from changes in specification, design, material and equipment incorporated in the new trucks and in determining the overall price increase factor. The price increase factor and the increases resulting from specification changes were correctly applied to the 1941 model prices. In these circumstances, the prices requested by Reo for its sales have been authorized in the accompanying order.

The company's maximum prices for its sales consist of a price for the truck and extra or optional equipment plus charges for transportation, federal excise taxes and handling and delivery.

In accordance with section 10 of Maximum Price Regulation 610, the order also includes adjusted maximum prices for resellers in the United States and for resellers in Porto Rico and the Territory of Alaska. Resellers' adjusted maximum prices reflect the increase in prices given to the applicant, Reo Motors, Inc., and preserve the resellers' customary prewar margin on their increased cost. Maximum prices for resellers consist of list prices for the new trucks and optional equipment, less applicable discounts, plus the applicable charges for transportation, state and local taxes, federal excise taxes, factory handling and delivery, and preparing and conditioning set forth in section 10. For resellers in Porto Rico and Alaska, provision is made for additional charges as set forth in section 11. As required by section 12, the company

must notify resellers of list prices and discounts for the new trucks and extra or optional equipment.

The prices authorized in this order are in accordance with the provisions of Maximum Price Regulation 610 and the provisions of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17357; Filed, Sept. 23, 1946; 4:50 p. m.]

Regional and District Office Orders.

[Region VII Order G-26 Under RMPR 122, Amdt. 48]

SOLID FUELS IN DENVER REGION

Order No. G-26 Under Revised Maximum Price Regulation No. 122, Amendment No. 48. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII. Docket No. 7-122-259 (a) (1), 260-30.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 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. 48 is issued.

1. The table of maximum prices, as set forth in paragraph (3) of *Appendix X, Northern Colorado 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 municipalities of Berthoud, Longmont, Loveland, La Porte, Windsor, or Wellington, 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 25¢ per ton to the above specified dollars-and-cents prices. If you are a dealer located in the Town of Hudson or the hamlet of Derby, receiving coal from District 16 coming to you by rail shipment originating on the Union Pacific Railroad, you may add 70¢ per ton to the above specified dollars-and-cents prices. If you are a dealer located in the Town of Keenesburg, receiving coal from District 16 coming to you by rail shipment originating on the Union Pacific Railroad, you may add 65¢ per ton to the above specified dollars-and-cents prices.

2. Effective date. This Amendment No. 48 shall become effective on the 9th day of September 1946.

Issued this 5th day of September 1946.

PAUL D. SHRIVER,
Acting Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 48
TO ORDER NO. G-26 UNDER REVISED MAXI-
MUM PRICE REGULATION NO. 122

When dollars-and-cents prices were established for the Northern Colorado Trade Area, as set forth in *Appendix X to Order No. G-26 under Revised Maximum Price Regulation No. 122*, dealers located in the municipalities, towns, and hamlet referred to in this Amendment No. 48 were able to have coals purchased by them from producers in District 16 shipped via Chicago, Burlington and Quincy Railroad, and their principal source of supply was the Columbine Mine of the Rocky Mountain Fuel Company. Some months ago said Columbine Mine

ceased production and now the only sources of supply available to the dealers in question are those which make shipment only via Union Pacific Railroad; and because of the established freight tariffs such shipments via Union Pacific Railroad are subjected to additional transportation charges of 25¢, 70¢, and 65¢ per ton respectively as stated in this Amendment No. 48 and such increased transportation costs are by this Amendment No. 48 permitted to be added to the dollars-and-cents maximum prices by the dealers in question.

[F. R. Doc. 46, 17124; Filed, Sept. 23, 1946; 8:47 a. m.]

[Little Rock Order 4 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN OUACHITA AND UNION COUNTIES, ARK.

Pursuant to the Emergency Price Control Act of 1942, as amended, General Order No. 68, and Delegation of Authority No. 4, issued under General Order No. 68 by the Little Rock District Director of the OPA, and for the reasons set forth in the accompanying opinion, this amendment is issued. The statement of considerations involved in the issuance of this Amendment No. 1 to Order No. 4, under General Order No. 68, has been issued simultaneously herewith and filed with the Division of the Federal Register.

It is ordered, That the title and contents of section VII of Order No. 4, under General Order No. 68, is amended to read as follows:

SEC. VII. Adjustment to reflect increase in supplier's price—(a) *Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum prices provides that all resellers, including those subject to area orders, issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order.

It is also ordered, That Appendix A to Order No. 4, under General Order No. 68, is amended in the following respects:

(1) The dollars-and-cents prices for specific items of hard building materials contained in Order No. 4, issued under General Order No. 68, are revised to the extent set forth in Appendix A² attached hereto and dated August 23, 1946.

(2) The original Appendix A to Order No. 4, under General Order No. 68, is hereby by reference dated August 23, 1946.

(3) The hard building material items of fire brick, fire clay, plastic fire brick, and items of screen wire cloth, 18" x 14", both black and galvanized, originally set forth in Appendix A of Order No. 4, under General Order No. 68, are deleted from said appendix.

(4) The hard building material item of masonry mortar, originally set forth in the order as 65# bag, is corrected to read 70# bag.

This amendment No. 1 shall become effective August 23, 1946.

Issued at Little Rock, Arkansas, this 23d day of August 1946.

ROBERT P. HALL,
District Director.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 4 UNDER GENERAL ORDER NO. 68

Pursuant to the authority vested in the District Director of the Little Rock District Office by General Order No. 68 and Order of Delegation No. 126, issued by the Regional Administrator of Region V, and in accordance with the provisions of Order No. 4, under General Order No. 68, Amendment No. 1 to the above order has been issued.

Order No. 4, under General Order No. 68, was issued by the Little Rock District Director of the OPA on May 31, 1946, and became effective June 1, 1946. This order established dollars-and-cents ceiling prices for various items of hard building materials set forth in Appendix A thereof when sold at retail in the geographical area comprising Ouachita and Union Counties, Arkansas.

Subsequent to March 31, 1946, various industry-wide adjustments have been granted manufacturers of hard building materials; and under the provisions of the Emergency Price Control Act as amended, the retail industry is entitled to

its March, 1946 mark-up on those items on which the manufacturer has received adjustments. Therefore, in view of increases granted the producer of hard building materials, it has been necessary, under the provisions of the Emergency Price Control Act of 1942 as amended, to amend and revise the retail price list of hard building material items (as of August 23, 1946) to the extent set forth in the accompanying amendment. Such action by the District Director has been found necessary under the act and will remove all inequities now existing in the original order.

Section VII of Order No. 4 provides that retailers subject to the order are required to absorb all price increases granted the producer of hard building materials. However, under the provisions of the Emergency Price Control Act, as amended, the retail industry is entitled to its March, 1946 mark-up on items on which the manufacturer has received price increases. Because of this provision of the act as amended, it has been necessary to amend Order No. 4 to conform to the new provisions of the act. It is also for this reason that this amendment is being issued.

Since the issuance of the above order, it has been found that certain items of building materials have been either suspended from price control or covered by other regulations, and also that items set forth in the order have been inaccurately described because of typographical errors. Therefore, this amendment is also being issued to delete items exempt from control or covered by other regulations, as well as to correct typographical errors which appeared in the description of items of hard building materials in the original order.

[F. R. Doc. 46-17066; Filed, Sept. 23, 1946; 8:58 a. m.]

[St. Louis Order 1 Under Gen. Order 68, Amdt. 4]

CERTAIN BUILDING MATERIALS IN ST. LOUIS, AND ST. LOUIS COUNTY, MO.

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. 1 under General Order No. 68 is amended in the following respects:

1. The following items listed in Appendix A are amended to read as follows:

Name of Item	Basic unit	Maximum prices in dollars per basic unit to—			Name of Item	Basic unit	Maximum prices in dollars per basic unit to—		
		Ultimate users		Contractors			Ultimate users		Contractors
		At plant, yard, siding, or store or for delivery in free zone	At plant, yard, siding or store				For delivery in free zone	At plant, yard, siding, or store or for delivery in free zone	
Metal lath, 2.5 copper bearing	1 sq. yd.	\$0.275	\$0.275	\$0.275	Asphalt or tarred felt, 15-lb. (best quality)	432 ft. roll	\$2.75	\$2.75	\$2.75
Metal lath, 3.4 copper bearing (min. 2-yd. sheet)	1 sq. yd.	1.32	1.32	1.32	Asphalt or tarred felt, 30-lb. (best quality)	216 ft. roll	12.75	12.75	12.75
Metal lath, 2.75 flat rib copper bearing (min. 2-yd. sheet)	1 sq. yd.	1.30	1.30	1.30	Smooth roofing, 45-lb. (best quality)	108 ft. roll	11.76	11.76	11.76
Corner bead, expanded type	1 M lin. ft.	146.86	139.41	139.41	Smooth roofing, 55-lb. (best quality)	108 ft. roll	12.31	12.31	12.31
Corner bead regular	1 M lin. ft.	134.88	132.70	132.70	Smooth roofing, 65-lb. (best quality)	108 ft. roll	12.55	12.55	12.55
Asphalt roofing, 90-lb. mineral surface (best quality)	108 ft. roll	12.73	12.73	12.73	Asphalt shingles, 210-lb. 3 in 1 thickbutt (best quality)	Per sq.	16.40	16.40	16.40
					Asphalt shingles, 165-lb. 2-tab. hex. (best quality)	Per sq.	14.97	14.97	14.97

¹ Date on which price became effective, 8/24/46,

² Filed as part of the original document,

2. Appendix A is further amended by revoking and removing therefrom the following items:

Name of item	Basic unit	Maximum prices in dollars per basic unit to—			Name of item	Basic unit	Maximum prices in dollars per basic unit to—		
		Ultimate users		Contractors			Ultimate users		Contractors
		At plant, yard, siding, or store or for delivery in free zone	At plant, yard, siding or store				For delivery in free zone	At plant, yard, siding, or store or for delivery in free zone	
Smooth roofing, paper, 35-lb. Fire brick 9" Sirt. (1st quality)	108 ft. roll Per brick	\$1.10 .105	\$1.10 .0725	\$1.10 .0725	Fire clay	100-lb. bags	\$0.90	\$0.90	\$0.90

3. Section VII is hereby revoked, and a new section VII is added to read as follows:

Sec. VII. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants the supplier an increase in his maximum price provides that all resellers, including those resellers subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** A seller making sales subject to this order may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing his supplier's maximum price. Such seller can only do this, however, if the effective date of the action increasing his supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if the supplier's maximum price for a product is increased, and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted the reseller by the amendment or order increasing his supplier's maximum price.

This Amendment No. 4 to Order No. 1 under General Order No. 68 shall become effective August 24, 1946.

Issued this 21st day of August 1946.

WILLIAM H. BRYAN,
District Director.

OPINION ACCOMPANYING AMENDMENT NO. 4 TO ORDER NO. 1 UNDER GENERAL ORDER NO. 68

The accompanying Amendment No. 4 to Order No. 1 under General Order No. 68 permits certain increases in the maximum prices of asphalt and tarred roofing products and in the maximum prices of metal lath.

This action is taken in conformity with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended, which provides "in establishing maximum prices applicable to wholesale and retail distributors, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discounts or mark-up as was in effect March 31, 1946."

Amendment 8 to Revised Price Schedule 45 granted producers of asphalt and tarred roofing products certain price increases. This was the first increase in

producers' maximum prices for these items since March 31, 1946. Amendment No. 3 to Order No. 1 under General Order No. 68, effective June 20, 1946, provided for an increase in the price of asphalt and tarred roofing products within the coverage of Order No. 1, only to the extent that costs had been increased resulting from increase granted producers by Amendment 8 to Revised Price Schedule 45. The accompanying amendment now permits persons making retail sales of asphalt and tarred roofing products within the coverage of Order No. 1, to realize the same average percentage mark-up on such products, as was in effect on March 31, 1946.

Moreover, the price increase for asphalt and tarred roofing products granted by the accompanying amendment, includes an adjustment necessary to prevent diversion of roofing materials from the St. Louis and St. Louis County, Missouri area. Prior to the issuance of the accompanying Amendment 4, maximum prices for asphalt and tarred roofing products established by area orders issued under General Order No. 68 for areas adjacent to the St. Louis and St. Louis County, Missouri area, were substantially higher than those in St. Louis and St. Louis County, Missouri; consequently, asphalt and tarred roofing products normally flowing into St. Louis and St. Louis County, Missouri, were diverted into adjacent areas. The District Director has determined that the increases permitted by the accompanying amendment are sufficient to prevent such diversion, and thus assure normal distribution of asphalt and tarred roofing products.

Amendment 44 to Order No. 1 under Maximum Price Regulation No. 592, effective June 10, 1946, granted increases in manufacturers' prices for specified items of metal lath. The accompanying Amendment No. 4 to Order No. 1 under General Order No. 68, permits persons making retail sales of metal lath to realize the same average percentage mark-up on average current acquisition costs of such products, as was in effect March 31, 1946.

Section VII of Order No. 1 under General Order No. 68 has been amended to permit resellers to increase their maximum prices in the event their suppliers' maximum prices have been increased by an amendment or order permitting such resellers to make such an increase. The reseller, however, may so increase his price only if the effective date of the action increasing his supplier's maxi-

mum price is later than the date stated on the price list contained in Order No. 1 under General Order No. 68.

Fire Brick and Fire Clay have been deleted from Order No. 1 under General Order No. 68, inasmuch as these items are now suspended from price control by Amendment 27 to Supplementary Order No. 129, effective June 12, 1946. Smooth Roofing Paper 35# has been removed from the coverage of Order No. 1 inasmuch as the manufacture of this item has practically ceased.

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

In the light of the foregoing, the District Director finds that the accompanying Amendment No. 4 to Order No. 1 under General Order No. 68 is consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17048; Filed, Sept. 23, 1946; 8:51 a. m.]

[Region VIII Rev. Order G-16 Under MPR 592]

SPECIFIED CEMENT PRODUCTS IN NEVADA

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Regional Administrator by section 23 of Maximum Price Regulation No. 592, Order No. G-16 under Maximum Price Regulation No. 592 is revised and amended to read as follows:

(a) This order shall apply to sales by producers in the State of Nevada.

(b) Maximum prices for sales at retail of specified building blocks and clay bricks shall be as set forth in Appendix A, attached hereto, for producers located in Nevada, except Clark and Lincoln Counties.

(c) Maximum prices for sales at retail of specified building blocks shall be as set forth in Appendix B, attached hereto, for producers located in Clark or Lincoln Counties, Nevada.

(d) Maximum prices for sales to building block producers of specified aggregates shall be as set forth in Appendix C, attached hereto.

(e) For the purpose of this order sales at retail shall mean sales to persons such as contractors, who purchase for resale

¹ Filed as part of the original document.

on all installed basis, and ultimate consumers.

(f) This order may be corrected, amended or revoked at any time.

(g) This revised order shall become effective September 6, 1946.

Issued this 28th day of August 1946.

GUY R. KINSLEY,
Acting Regional Administrator.

OPINION ACCOMPANYING REVISED ORDER NO. G-16 UNDER SECTION 23 OF MAXIMUM PRICE REGULATION NO. 592

The accompanying revision of Order No. G-16 incorporates the counties of Clark and Lincoln, which were excluded from the coverage of Order No. G-16 when originally issued, thus establishing

maximum prices for sales of building blocks by producers located in said counties. The order further provides that the prices listed for aggregates shall cover sales by producers located anywhere in Nevada.

The action taken is based on information recently obtained as a result of a survey of Clark and Lincoln Counties. The prices established are based on the general level of prices in the area covered, and are set forth in dollars-and-cents amounts.

The considerations given to the issuance of Order No. G-16 have been applied to the issuance of this revised order.

In the opinion of the Regional Administrator the action taken herein is fair and equitable and consistent with the

Emergency Price Control Act of 1942, as amended, and Executive orders supplementary thereto.

[F. R. Doc. 46-17058; Filed, Sept. 23, 1946; 8:54 a. m.]

[St. Louis Order 2 Under Gen. Order 68, Amdt. 2]

CERTAIN BUILDING MATERIALS IN ST. LOUIS, MO., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. 2 under General Order No. 68 is amended in the following respects.

1. The following items listed in Appendix A are amended to read as follows:

Name of item	When sold in quantities of—	Selling unit	Delivered in free delivery zone	F. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales)	Name of item	When sold in quantities of—	Selling unit	Delivered in free delivery zone	F. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales)
Lath, metal, 2.2 lbs., painted, diamond mesh.	Less than 100 sq. yds.	Sq. yd.	\$0.30	\$0.25	Smooth roofing paper, 65-lb. (best quality).	Per 108 ft. roll		\$2.57	
Lath, metal, 2.2 lbs., painted, diamond mesh.	100 sq. yds. or more.	Sq. yd.	1.27	1.225	Asphalt roofing 90-lb. (best quality).	Per 108 ft. roll		12.93	
Lath, metal, 3.4 lbs., painted, diamond mesh.	Less than 100 sq. yds.	Sq. yd.	1.41	1.41	Asphalt or tarred felt, 15-lb.: Standard grade.	432 ft. roll		12.84	
Lath, metal, 3.4 lbs., painted, diamond mesh.	100 sq. yds. or more.	Sq. yd.	1.38	1.38	All rag	432 ft. roll		13.12	
Metal lath, corner bead, standard.		Per 100 lin. ft.	15.45		Asphalt or tarred felt, 30-lb. (best quality).	216 ft. roll		12.84	
Smooth roofing paper, 45-lb.: No. 1 grade.		Per 108 ft. roll	11.835		Asphalt shingles, 210-lb., 3 in 1 thickbutt (best quality).		Per square	16.90	
No. 2 grade.		Per 108 ft. roll	11.36		Asphalt shingles, 165-lb., 2 tab hex (best quality).		Per square	15.46	
Smooth roofing paper, 55-lb.: No. 1 grade.		Per 108 ft. roll	12.36						
No. 2 grade.		Per 108 ft. roll	11.78						

¹ Date on which price became effective, August 24, 1946.

2. Appendix A is further amended by revoking and removing therefrom, the following items:

Name of item	When sold in quantities of—	Selling unit	Delivered in free delivery zone	F. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales)	Name of item	When sold in quantities of—	Selling unit	Delivered in free delivery zone	F. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales)
Fire brick, 9" straight first quality.	Less than 500.	1000	\$100.00	\$98.00	Fire clay	One bag	100 lb. bag	\$1.50	\$1.35
	500 or more, LCL.	1000	98.00	95.00		More than one bag.	100 lb. bag	1.12	1.02
	CL or more.	1000	95.00	95.00					

3. Section VIII is hereby revoked, and a new section VIII is added to read as follows:

SEC. VIII. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants the supplier an increase in his maximum price provides that all resellers, including those resellers subject to area orders issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) Maximum price. A seller making sales subject to this order may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing his supplier's maximum price. Such seller can only do this, however, if the effective date of the action increasing his supplier's maximum price is later than the date stated on the price list contained in this

order. Thus, if the supplier's maximum price for a product is increased, and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted the reseller by the amendment or order increasing his supplier's maximum price.

This Amendment No. 2 to Order No. 2 under General Order No. 68 shall become effective August 24, 1946.

Issued this 21st day of August 1946.

WILLIAM H. BRYAN,
District Director.

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. 2 UNDER GENERAL ORDER NO. 68

The accompanying Amendment No. 2 to Order No. 2 under General Order No. 68 permits certain increases in maximum prices of asphalt and tarred roofing

products, and in the maximum prices of metal lath.

This action is taken in conformity with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended, which provides "in establishing maximum prices applicable to wholesale and retail distributors, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discounts or mark-up as was in effect March 31, 1946."

Amendment 8 to Revised Price Schedule 45, effective May 10, 1946, granted producers of asphalt and tarred roofing products certain price increases. This was the first increase in producers' maximum prices for these items since March 31, 1946. Amendment No. 1 to Order No. 2 under General Order No. 68, effective June 20, 1946, provided for an increase in the price of asphalt and tarred roofing products within the coverage of Order

No. 2 only to the extent that costs had been increased resulting from increase granted producers by Amendment 8 to Revised Price Schedule 45. The accompanying amendment now permits persons making retail sales of asphalt and tarred roofing products within the coverage of Order No. 2 to realize the same average percentage mark-up on such products as was in effect on March 31, 1946.

Amendment No. 44 to Order No. 1 under Maximum Price Regulation No. 592, effective June 10, 1946, granted increases in manufacturers' prices for specified items of metal lath. The accompanying Amendment No. 2 to Order No. 2 under General Order No. 68, permits persons making retail sales of metal lath to realize the same average percentage mark-up on average current acquisition costs of such products, as was in effect March 31, 1946.

Section VIII of Order No. 2 under General Order No. 68 has been amended to permit resellers to increase their maximum prices in the event their suppliers' maximum prices have been increased by an amendment or order permitting such resellers to make such an increase. The reseller, however, may so increase his price only if the effective date of the action increasing his supplier's maximum price is later than the date stated on the price list contained in Order No. 2 under General Order No. 68.

Fire brick and fire clay have been deleted from Order No. 2 under General Order No. 68, inasmuch as these items are now suspended from price control by Amendment No. 27 to Supplementary Order No. 129, effective June 12, 1946.

To the extent practicable, the District Director has advised and consulted with representatives of the industry which will be affected by this Amendment and

has given due consideration to their recommendations.

In the light of the foregoing, the District Director finds that the accompanying Amendment No. 2 to Order No. 2 under General Order No. 68 is consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17060; Filed, Sept. 23, 1946; 8:55 a. m.]

[St. Louis Order 3 Under Gen. Order 68, Amdt. 1]

CERTAIN BUILDING MATERIALS IN ST. LOUIS, MO., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. 3 under General Order No. 68 is amended in the following respects.

1. The following items listed in Appendix A are amended to read as follows:

Name of item	When sold in quantities of	Selling unit	Delivered in free delivery zone	F. o. b. yard, store or plant (f. o. b. railroad car in case of carload sales)	Name of item	When sold in quantities of	Selling unit	Delivered in free delivery zone	F. o. b. yard, store or plant (f. o. b. railroad car in case of carload sales)
Lath, metal, 2.2 lbs. (copper bearing).	Less than 100 sq. yds.	(2sq. yds. min.)	\$0.30	\$0.30	Roofing paper, smooth, 55-lbs., No. 1 grade.	1-19 rolls.....	108 sq. ft. roll.....	\$2.31	\$2.26
	100 sq. yds. or more.	Sq. yd.	1.27	1.27	20 or more rolls.....	108 sq. ft. roll.....	\$2.08	\$2.03	
Lath, metal, 2.5 lbs. (copper bearing).	Less than 100 sq. yds.	(2sq. yds. min.)	1.31	1.31	Roofing paper, smooth, 65 lbs., No. 1 grade.	1-19 rolls.....	108 sq. ft. roll.....	\$2.82	\$2.77
	100 sq. yds. or more.	Sq. yd.	1.28	1.28	20 or more rolls.....	108 sq. ft. roll.....	\$2.54	\$2.49	
Lath, metal, 3.4 lbs. (copper bearing).	Less than 100 sq. yds.	(2sq. yds. min.)	1.34	1.34	Asphalt roofing paper, 90-lb. mineral surface, No. 1 grade.	1-19 rolls.....	108 sq. ft. roll.....	\$2.97	\$2.92
	100 sq. yds. or more.	Sq. yd.	1.31	1.31	20 or more rolls.....	108 sq. ft. roll.....	\$2.67	\$2.62	
Corner bead metal lath, expanded type.		Per lin. ft.	1.051	1.051	Asphalt or tarred felt, 15 lbs.	1-19 rolls.....	432 sq. ft. roll.....	\$2.70	\$2.65
Corner bead metal lath, standard.		Per lin. ft.	1.0415	1.0415	20 or more rolls.....	432 sq. ft. roll.....	\$2.43	\$2.38	
Roofing paper, smooth, 45 lbs., No. 1 grade.	1-19 rolls.....	108 sq. ft. roll.....	\$1.76	\$1.71	1-19 rolls.....	216 sq. ft. roll.....	\$2.70	\$2.65	
	20 or more rolls.....	108 sq. ft. roll.....	\$1.58	\$1.53	20 or more rolls.....	216 sq. ft. roll.....	\$2.43	\$2.38	
					Asphalt shingles, 210-lb. thickbutt.	1-19 squares.....	Per square.....	\$6.67	\$6.57
					20 or more squares.....	Per square.....	\$6.00	\$5.90	
					Asphalt shingles, 165-lb., 2 tab. hex.	1-19 squares.....	Per square.....	\$5.35	\$5.25
					20 or more squares.....	Per square.....	\$4.81	\$4.71	

¹ Date on which price became effective, 8/24/46.

2. Appendix A is further amended by revoking and removing therefrom, the following items:

Name of item	When sold in quantities of	Selling unit	Delivered in free delivery zones	F. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales)	Name of item	When sold in quantities of	Selling unit	Delivered in free delivery zones	F. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales)
Fire brick, 9" first quality.	Less than 500.....	Each.....	\$0.09	\$0.09	Fire clay.....	One bag.....	100-lb. bag.....	\$1.45	\$1.30
	500 or more.....	Per M.....	88.00	85.50		More than one bag..	100-lb. bag.....	1.30	1.17

3. Section VIII is hereby revoked, and a new section VIII is added to read as follows:

SEC. VIII. *Adjustment to reflect increase in supplier's price*—(a) *Applicability.* This section is applicable only where the amendment or order which grants the supplier an increase in his maximum price provides that all resellers, including those resellers subject to area orders issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* A seller making sales subject to this order may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing his supplier's maximum price. Such seller can

only do this, however, if the effective date of the action increasing his supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if the supplier's maximum price for a product is increased, and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted the reseller by the amendment or order increasing his supplier's maximum price.

This Amendment No. 1 to Order No. 3 under General Order No. 68 shall become effective August 24, 1946.

Issued this 21st day of August 1946.

WILLIAM H. BRYAN,
District Director.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 3 UNDER GENERAL ORDER NO. 68

The accompanying Amendment No. 1 to Order No. 3 under General Order No. 68 permits certain increases in maximum prices of asphalt and tarred roofing products.

This action is taken in conformity with the provisions of section 2(t) of the Emergency Price Control Act of 1942, as amended, which provides "in establishing maximum prices applicable to wholesale and retail distributors, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or mark-up as was in effect March 31, 1946."

Amendment 8 to Revised Price Schedule 45, effective May 10, 1946, granted

producers of asphalt and tarred roofing products certain price increases, which were the first increases in producers' maximum prices for these items since March 31, 1946. Amendment 44 to Order No. 1 under Maximum Price Regulation No. 592, effective June 10, 1946, granted increases in manufacturers' prices for specified items of metal lath, which were the first increases in manufacturers' maximum prices for these items since March 31, 1946. Order No. 3 under General Order 68, in establishing maximum prices for retail sales of specified asphalt and tarred roofing products and metal lath, included the dollars-and-cents increase in cost to persons making retail sales of such items, resulting from the increase granted the manufacturers. The accompanying amendment now permits persons making retail sales of asphalt and tarred roofing products and

metal lath, within the coverage of Order No. 3, to realize the same average percentage mark-up on average current acquisition costs of such products, as was in effect on March 31, 1946.

Section VIII of Order No. 3 under General Order 68 has been amended to permit resellers to increase their maximum prices in the event their suppliers' maximum prices have been increased by an amendment or order permitting such resellers to make such an increase. The reseller, however, may so increase his price only if the effective date of the action increasing his supplier's maximum price is later than the date stated on the price list contained in Order No. 3 under General Order 68.

The issuance and effective date of Order No. 4 have been changed to July 26, 1946.

In the light of the foregoing, the District Director finds that the accompanying Amendment No. 1 to Order No. 4 under General Order No. 68 is consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17062; Filed, Sept. 23, 1946; 8:56 a. m.]

[St. Louis, Order 4 Under Gen. Order 68, Amdt. 1]

CERTAIN BUILDING MATERIALS IN ST. LOUIS, MO., DISTRICT

On opinion accompanying this amendment has been issue simultaneously herewith. Order No. 4 under General Order No. 68 is amended in the following respects.

1. The following items listed in appendix A are amended to read as follows:

Name of item	When sold in quantities of—	Selling unit	De-livered in free delivery zone	F. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales)	Name of item	When sold in quantities of—	Selling unit	De-livered in free delivery zone	F. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales)
Lath, metal 2.5 lb. painted diamond mesh copper bearing.	Less than 100 sq. yds.	2 sq. yd. sheet...	\$0.616	\$0.616	Asphalt roofing, smooth surface, 65# No. 1 grade.	1-19 rolls	108 sq. ft. roll	\$2.88	\$2.84
Corner bead metal lath, expanded type.	100 sq. yds. or more	2 sq. yd. sheet...	1.55	1.55	Roofing, asphalt 90# mineral surface.	20 or more rolls	108 sq. ft. roll	12.59	12.56
Corner bead metal lath, standard.		Per lin. ft.	1.051	1.051	Asphalt or tarred felt 15#.	1-19 rolls	108 sq. ft. roll	12.88	12.83
Asphalt roofing, smooth surface, 45# No. 1 grade.	1-19 rolls	108 sq. ft. roll	1.85	1.81	Asphalt or tarred felt 30#.	20 or more rolls	108 sq. ft. roll	12.59	12.54
Asphalt roofing, smooth surface, 45# No. 2 grade.	20 or more rolls	108 sq. ft. roll	1.67	1.63	Asphalt shingles 210# thickbutt.	1-19 squares	per square	17.10	17.00
Asphalt roofing, smooth surface, 55# No. 1 grade.	1-19 rolls	108 sq. ft. roll	1.60	1.56	Asphalt shingles 165# 2 tab. hex.	20 or more squares	per square	16.40	16.30
Asphalt roofing, smooth surface, 55# No. 2 grade.	20 or more rolls	108 sq. ft. roll	1.44	1.41	Siding asbestos cement, 12" x 24" or 27" (standard colors).	1-19 squares	per square	5.61	5.41
	1-19 rolls	108 sq. ft. roll	2.37	2.33		20 or more squares	per square	5.05	4.95
	20 or more rolls	108 sq. ft. roll	1.23	1.20		Less than 1,000 sq. ft.	100 sq. ft.	8.63	8.53
	1-19 rolls	108 sq. ft. roll	1.87	1.83		1,000 sq. ft. or more.	100 sq. ft.	17.77	17.67
	20 or more rolls	108 sq. ft. foil	1.08	1.05					

1 Date on which price became effective—8/24/46.

2. Section VIII is hereby revoked, and a new section VIII is added to read as follows:

SEC. VIII. Adjustment to reflect increase in supplier's price.—(a) Applicability. This section is applicable only where the amendment or order which grants the supplier an increase in his maximum price provides that all resellers, including those resellers subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) Maximum price. A seller making sales subject to this order may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing his supplier's maximum price. Such seller can only do this, however, if the effective date of the action increasing his suppliers' maximum price is later than the date stated on the price list contained in this order. Thus, if the supplier's maximum price for a product is increased, and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted the reseller by the amendment or order increasing his supplier's maximum price.

3. The issuance and effective dates in Order No. 4 under General Order 68 are amended to read "July 26, 1946."

This Amendment No. 1 to Order No. 4 under General Order No. 68 shall become effective August 24, 1946.

Issued this 21st day of August 1946.

WILLIAM H. BRYAN,
District Director.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 4 UNDER GENERAL ORDER NO. 68

The accompanying Amendment No. 1 to Order No. 4 under General Order No. 68 permits certain increases in maximum prices of asphalt and tarred roofing products. This action is taken in conformity with the provisions of section 2 (b) of the Emergency Price Control Act of 1942, as amended, which provides "in establishing maximum prices applicable to wholesale and retail distributors, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or mark-up as was in effect March 31, 1946."

Amendment 8 to Revised Price Schedule 45 effective May 10, 1946, granted producers of asphalt and tarred roofing products certain price increases, which were the first increases in producers' maximum prices for these items since March 31, 1946. Amendment 44 to Order No. 1 under Maximum Price Regulation No. 592, effective June 10, 1946, granted increases in manufacturers' prices for specified items of metal lath,

which were the first increases in manufacturers' maximum prices for these items since March 31, 1946. Order No. 4 under General Order 68, in establishing maximum prices for retail sales of specified asphalt and tarred roofing products and metal lath, included the dollars-and-cents increase in cost to persons making retail sales of such items, resulting from the increase granted the manufacturers. The accompanying amendment now permits persons making retail sales of asphalt and tarred roofing products and metal lath, within the coverage of Order No. 4, to realize the same average percentage mark-up on average current acquisition costs of such products, as was in effect on March 31, 1946.

Section VIII of Order No. 4 under General Order 68 has been amended to permit resellers to increase their maximum prices in the event their suppliers' maximum prices have been increased by an amendment or order permitting such resellers to make such an increase. The reseller, however, may so increase his price only if the effective date of the action increasing his supplier's maximum price is later than the date stated on the price list contained in Order No. 4 under General Order 68.

The issuance and effective date of Order No. 4 have been changed to July 26, 1946.

In the light of the foregoing, the District Director finds that the accompany-

ing Amendment No. 1 to Order No. 4 under General Order No. 68 is consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17063; Filed, Sept. 23, 1946; 8:56 a. m.]

[Region VII Rev. Order G-1 Under MPR 121]

SOLID FUELS IN ELBERT COUNTY, COLO.

Revised Order No. G-1 Under Maximum Price Regulation No. 121. Order modifying maximum prices for miscellaneous solid fuel produced at or for delivery from a mine or preparation plant operated as an adjunct thereof in Elbert County, Colorado. Docket No. 7-121-247a (e)-2.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.247a (c) of Maximum Price Regulation No. 121, and for the reasons set forth in the accompanying opinion, this Revised Order No. G-1 is issued.

(a) *What this Revised Order No. G-1 does.* This Revised Order No. G-1 amends Order No. 1 issued under § 1340-247a (c) of Maximum Price Regulation No. 121, issued November 9, 1942, and supersedes said Order No. 1 as of the effective date hereof.

(b) (1) The title to said Order No. 1 is hereby deleted and a new title as set forth in the caption hereof is hereby substituted therefor.

(2) The preamble or introductory paragraph of said Order No. 1 is hereby deleted and a new preamble as hereinabove set forth is substituted therefor.

(3) The numbering of paragraphs and subparagraphs is changed as set forth in this Revised Order No. G-1.

(c) *Maximum f. o. b. mine prices.* The maximum prices for miscellaneous solid fuel sold at or delivered f. o. b. from a mine or preparation plant operated as an adjunct thereof in Elbert County, State of Colorado, shall, from and after the effective date of this Revised Order No. G-1, be as follows:

	<i>Per ton</i>
3" lignite lump.....	\$3.50
3" x 1" lignite nut.....	2.75
1½" x ¾" pea.....	1.80

(d) *Definitions.* "Miscellaneous solid fuel" means lignite coal produced at any mine in Elbert County, State of Colorado.

(e) *Customary discounts and allowances must be maintained.* Sellers covered by this Revised Order No. G-1 must maintain their customary discounts, differentials, and allowances.

(f) *Relation to other regulations and orders.* Persons making sales under this Revised Order No. G-1 remain subject to all the terms and provisions of Maximum Price Regulation No. 121 that are not contradictory hereof or inconsistent herewith. Order No. 1 under § 1340-247a(c) of Maximum Price Regulation No. 121, issued November 9, 1942, is hereby superseded by this Revised Order No. G-1, as of the effective date hereof.

(g) *Right to revoke or amend.* This Revised Order No. G-1 may be revoked, modified, or amended by the Price Administrator or the Regional Administrator.

Effective date. This Revised Order No. G-1 shall become effective on the 9th day of September, 1946.

Issued this 5th day of September, 1946.

PAUL D. SHRIVER,
Acting Regional Administrator.

OPINION ACCOMPANYING REVISED ORDER NO. G-1 UNDER MAXIMUM PRICE REGULATION NO. 121

The opinion issued in support of Order No. G-1 which is now superseded by this Revised Order No. G-1, which said opinion was designated "Statement of Reasons for the Order", is, insofar as applicable, incorporated herein by reference and made a part of this opinion now issued in support of Revised Order No. G-1.

When the said original Order No. 1 was issued, the method of numbering orders and paragraphing them was in process of development and no manual on field price instructions had been promulgated definitely determining these matters. Therefore this revised order renumbers, re-paragraphs, and, in some respects, rewrites said original Order No. 1, to make the same conform with the now established procedure.

When said Order No. 1 was issued there was, and there now is, only one small mine operating in Elbert County, State of Colorado. That mine has heretofore produced only two classes of coal, mine run and pea coal. Recently the mine changed hands, and the present owner and operator desires to expand his classification of coals produced as set forth in this Revised Order No. G-1, and in order to enable him to do so maximum prices are hereby established for the three categories specified.

[F. R. Doc. 46-17126; Filed, Sept. 23, 1946; 8:46 a. m.]

[Region VIII Order G-9 Under RMPR 122, Amdt. 2]

SOLID FUELS IN WASHINGTON

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-9 under Revised Maximum Price Regulation No. 122 is amended in the following respect:

Paragraph (b) (1) is amended by deleting Tables I-IX in their entirety and inserting the following tables in their place:

TABLE I—DISTRICT 19, WYOMING (Subdistrict 1, "Kemmerer")

Size	Group and trade size	Div. f. o. b. yard, loose		Delivered to buyer's premises				
		100#sk	Per ton	100#sk	½ ton	1 ton	2 ton	3 ton
1	Lump 8"	.80	13.70	.85	\$7.85	\$14.70	\$14.45	\$14.20
2	Lump 7"							
3	Lump 6" Gratent 9 x 1½"							
4	Lump 3"	.80	13.60	.85	7.80	14.60	14.35	14.10
5	Stove 8 x 3"							
6	Stove 7 x 3"	.70	11.85	.75	6.95	12.85	12.60	12.35
7	Gratent 8 x 1½"							
8	Egg 5 x 3"	.65	10.90	.70	6.45	11.90	11.65	11.40
9	Nut 3 x 1½"							
10	Pea 1½ x 1"	.65	10.15	.70	6.10	11.15	10.90	10.65
11	Pea #2, 1½ x ½"							
12	Stoker 1 x ¾"	.65	10.15	.70	6.10	11.15	10.90	10.65
13	Slack 2½ x 0"							
14	Slack 1½ x 0"							
15	Slack 1 x 0"							

TABLE I-A—DISTRICT 19, WYOMING (Subdistrict 2, "Rock Springs")

1	Lump 8"	.80	13.40	.85	\$7.70	\$14.40	\$14.15	\$13.90
2	Lump 7"							
3	Lump 6" Gratent 9 x 1½"							
4	Lump 3"	.80	13.20	.85	7.60	14.20	13.95	13.70
5	Stove 8 x 3"							
6	Stove 7 x 3"	.70	11.75	.75	6.90	12.75	12.50	12.25
7	Gratent 8 x 1½"							
8	Egg 5 x 3"	.65	10.95	.70	6.50	11.95	11.70	11.45
9	Nut 3 x 1½"							
10	Pea 1½ x 1"	.65	10.50	.70	6.25	11.50	11.25	11.00
11	Pea #2, 1½ x ½"							
12	Stoker 1 x ¾"	.65	10.50	.70	6.25	11.50	11.25	11.00
13	Slack 2½ x 0"							
14	Slack 1½ x 0"							
15	Slack 1 x 0"							

TABLE I-B—DISTRICT 19, WYOMING (Subdistrict 3, "Hanna Rawlins")

1	Lump 8"	.80	13.50	.85	\$7.75	\$14.50	\$14.25	\$14.00
2	Lump 7"							
3	Lump 6" Gratent 9 x 1½"							
4	Lump 3"	.80	13.20	.85	7.60	14.20	13.95	13.70
5	Stove 8 x 3"							
6	Stove 7 x 3"	.70	12.15	.75	7.10	13.15	12.90	12.65
7	Gratent 8 x 1½"							
8	Egg 5 x 3"	.70	11.35	.75	6.70	12.35	12.10	11.85
9	Nut 3 x 1½"							
10	Pea 1½ x 1"	.65	10.70	.70	6.50	11.95	11.70	11.45
11	Pea #2, 1½ x ½"							
12	Stoker 1 x ¾"	.65	10.70	.70	6.50	11.95	11.70	11.45
13	Slack 2½ x 0"							
14	Slack 1½ x 0"							
15	Slack 1 x 0"							

TABLE III-A—DISTRICT 22, MONTANA (Subdistrict 2, "Bearcreek")

Size	Group and trade size	Div. f. o. b. yard, loose		Delivered to buyer's premises			
		100#sk	Per ton	100#sk	1 ton	2 ton	3 ton
1	Lump 6"						
2	Lump 2"						
3	Furnace 9 x 6"						
4	Egg 6 x 3 1/2"						
5	Stove 6 x 2"						
6	Nut #1, 3 x 2"						
7	Nut #2, 1 1/2 x 1 1/2"						
8	Pea 1 1/2 x 1 1/2"						
9	Pea 1 1/4 x 1 1/2"						
10	Slack 1 1/4 x 0"						
11	Slack 1 x 0"						

TABLE IV—DISTRICT 23, WASHINGTON (Subdistrict A, "Realyru")

Size	Group and trade size	F. o. b. yard, loose		Delivered to buyer's premises				
		100#sk	Per ton	100#sk	1 ton	2 ton	3 ton	Load lots
1 through 5, inclusive	Lump 1" and up							
6 through 10, inclusive	Eggnut, top size 2" to 4"							
11 and 12, inclusive	Nut, top size 1 1/4" to 2"							
13 and 14, inclusive	Nut, top size 3/4" to 1 1/4"							
15 through 18, inclusive	Pea, top size 1" to 1 1/2"							
19 and 20, inclusive	Minerun and 3/4 x 0" slack							
22	1/4 x 0" slack							

TABLE V—DISTRICT 23, WASHINGTON (Subdistrict E, "McKay-Lawson")

Size	Group and trade size	F. o. b. yard, loose		Delivered to buyer's premises			
		100#sk	Per ton	100#sk	1 ton	2 ton	3 ton
1 through 5, inclusive	Lump 1" and up						
6 through 10, inclusive	Eggnut, top size 2" to 4"						
11 through 14, inclusive	Nut, top size 1 1/4" to 2"						
15 through 18, inclusive	Pea, top size 1" to 1 1/2"						
22	1/4 x 0" slack						

TABLE VI—DISTRICT 23, WASHINGTON (Subdistrict F, "Renton")

Size	Group and trade size	Div. f. o. b. yard, loose		Delivered to buyer's premises			
		100#sk	Per ton	100#sk	1 ton	2 ton	3 ton
1 through 5, inclusive	Lump 1" and up						
6 through 10, inclusive	Eggnut, top size 2" to 4" bot.						
11 and 12, inclusive	Nut, top size 1 1/4" to 2"						
13 and 14, inclusive	Nut, top size 3/4" to 1 1/4" size						
15, through 18, inclusive	Pea, top size 1" to 1 1/2" bot.						
19 and 20, inclusive	Minerun and 3/4 x 0"						
22	1/4 x 0" slack						

* NOTE: For bulk sales of McKay and Black Diamond Coals delivered in Zone B or Zone C, an addition of 40¢ per ton may be made.
 * NOTE: For bulk sales of Renton coals delivered in Zone B, an addition of 45¢ per ton or 20¢ per half-ton may be made. For bulk sales of Renton coals delivered in Zone C, an addition of 90¢ per ton may be made.

TABLE I-C—DISTRICT 19, WYOMING (Subdistrict 5, "Gebo-Kirby")

Size	Group and trade size	Div. f. o. b. yard, loose		Delivered to buyer's premises			
		100#sk	Per ton	100#sk	1 ton	2 ton	3 ton
1	Lump 8"						
2	Lump 7"						
3	Lump 5"						
4	Gratemut 9 x 1 1/4"						
5	Stove 8 x 3"						
6	Stove 7 x 3"						
7	Gratemut 8 x 1 1/2"						
8	Nut 3 x 1 1/2"						
9	Pea 1 1/2 x 1 1/2"						
10	Pea #2, 1 1/4 x 1 1/2"						
11	Stoker 1 x 3/4"						
14	Slack 2 1/4 x 0"						
15	Slack 1 1/2 x 0"						
16	Slack 1 x 0"						

TABLE I-D—DISTRICT 19, WYOMING (Subdistrict 7, "Sheridan")

Size	Group and trade size	Div. f. o. b. yard, loose		Delivered to buyer's premises			
		100#sk	Per ton	100#sk	1 ton	2 ton	3 ton
1	Lump 8"						
2	Lump 7"						
3	Lump 5"						
4	Gratemut 9 x 1 1/2"						
5	Stove 8 x 3"						
6	Stove 7 x 3"						
7	Gratemut 8 x 1 1/2"						
8	Nut 3 x 1 1/2"						
9	Pea 1 1/2 x 1 1/2"						
10	Pea #2, 1 1/4 x 1 1/2"						
11	Stoker 1 x 3/4"						
14	Slack 2 1/4 x 0"						
15	Slack 1 1/2 x 0"						
16	Slack 1 x 0"						

TABLE II—DISTRICT 20, UTAH (Subdistrict 1, "Castlegate")

Size	Group and trade size	Div. f. o. b. yard, loose		Delivered to buyer's premises			
		100#sk	Per ton	100#sk	1 ton	2 ton	3 ton
1	Lump 11" and 8"						
2	Lump 10"						
3	Lump 3"						
4	Lump 1 1/2"						
5	Stove 8 x 3"						
6	Egg 8 x 1 1/2"						
7	Nut 3 x 1 1/2"						
8	Pea 1 1/2 x 1 1/2"						
9	Stoker 1 x 3/4"						
10	Slack 1 1/2 x 0"						
11	Slack 1 x 0"						

TABLE III—DISTRICT 22, MONTANA (Subdistrict 1, "Roundup")

Size	Group and trade size	Div. f. o. b. yard, loose		Delivered to buyer's premises			
		100#sk	Per ton	100#sk	1 ton	2 ton	3 ton
1	Lump 6"						
2	Furnace 9 x 6"						
3	Egg 6 x 3 1/2"						
4	Stove 6 x 2"						
5	Nut #1, 3 x 2"						
6	Nut #2, 1 1/2 x 1 1/2"						
7	Pea 1 1/2 x 1 1/2"						
8	Pea 1 1/4 x 1 1/2"						
9	Pea 1 1/4 x 1 1/2"						
10	Slack 1 1/4 x 0"						
11	Slack 1 x 0"						

* NOTE: For sales of Utah coals delivered in Zone C, an addition of 70¢ per ton may be made.
 * NOTE: For sales of Montana coals delivered in Zone C, an addition of 70¢ per ton may be made.

TABLE VII—DISTRICT 23, WASHINGTON
(Subdistrict G, "Cumberland")

Size	Group and trade size	F. o. b. yard, loose		Delivered to buyer's premises					
		100# sk	Per ton	100# sk	½ ton	1 ton	2 ton	3 ton	Load lots
1 through 5	Lump 1" and up	\$0.65	\$10.75	\$0.70	\$6.35	\$11.75	\$11.50	\$11.25	\$10.75
6 through 10, inclusive	Eggnut, top size 2" to 4", bottom 1" to 2"	.65	10.40	.70	6.00	11.40	11.15	10.90	10.40
11 and 12, inclusive	Nut, top size 1½" to 2", bot. ¾ to 1¼"	.60	9.50	.65	5.75	10.50	10.25	10.00	9.50
13 and 14, inclusive	Nut, top 1¼ to 2", bot. ¾ to 1"	.60	9.10	.65	5.55	10.10	9.85	9.60	9.10
15 through 18, inclusive	Pea, top size 1" to 1½, bot. ¾ to 1"	.55	8.75	.60	5.35	9.75	9.50	9.25	8.75
19 and 20	Minerun and 3½ x 0"	.55	9.00	.60	5.50	10.00	9.75	9.50	9.00
22	Slack 1¼ x 0"	.55	8.65	.60	5.35	9.65	9.40	9.15	8.65

TABLE VIII—"CROW FIELD"

Lump	4" and up	\$0.85	\$14.25	\$0.90	\$7.90	\$15.25	\$15.00	\$14.75
Furnace	Top size 4" to 8", bottom 1½ to 2"	.85	14.25	.90	7.90	15.25	15.00	14.75
Stove-pea	Top size 1½" to 2", bot. 1 to 1½"	.75	12.85	.80	7.20	13.85	13.60	13.35
Stoker-pea	Top size 1½" to 1¾", bot. ¾ to 1"	.75	12.10	.80	6.80	13.10	12.85	12.60
Stoker	Top size 1", bot. ¾" to ¾"	.65	11.70	.70	6.60	12.70	12.45	12.20
Steam	1 x 0" and 2 x 0"	.70	11.35	.75	6.45	12.35	12.10	11.85
Minerun		.75	12.10	.80	6.80	13.10	12.85	12.60

TABLE IX—"LETHBRIDGE FIELD"

Lump	4" plus	\$0.80	\$14.10	\$0.90	\$7.80	\$15.10	\$14.85	\$14.60
Egg	4 x 2"	.70	12.15	.80	6.85	13.15	12.90	12.65
Pea	2 x 1" and 1¾ x ¾"	.65	10.65	.70	6.10	11.65	11.40	11.15
Stoker	1¼ x ¾" and 1 x ¾"	.65	10.40	.70	5.95	11.40	11.15	10.90
Slack	1½ x 0"	.60	9.70	.65	5.60	10.70	10.45	10.20

NOTE: To the maximum prices listed in Tables IV through VII, inclusive, may be added the appropriate one of the following amounts: \$1.09 per ton; \$0.55 ½ ton; \$0.05 100# sack.

NOTE: For bulk sales of Cumberland coals delivered in Zone B or Zone C, an addition of 40¢ per ton may be made.

General Notes

The following general notes shall be a part of the tables to which they relate:

1. To the prices listed in Tables I-IX, inclusive, may be added the following:

a. 30 cents per net ton as heretofore permitted by Order #G-11 under RMPR 122.

b. The exact amount of the increase in railroad freight incurred as a result of the order of the Interstate Commerce Commission of June 20, 1946 on Docket Ex Parte 162, as permitted by Amendment 46 to Revised Maximum Price Regulation 122.

c. 18 cents per net ton as permitted by Amendment 48 to RMPR 122.

This amendment 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-9 UNDER REVISED MAXIMUM PRICE REGULATION NO. 122

The accompanying amendment revises the prices set forth in Tables I through IX of Order G-9 under Revised Maximum Price Regulation No. 122.

The price changes effected by this amendment for Wyoming, Utah and Montana coals (Tables I through III-A), and Washington coals (Tables IV through IX) were prompted because of increased prices at the producer level granted by terms of Amendments 146 and 158 to Maximum Price Regulation No. 120. In the case of Wyoming, Utah and Montana coals, the maximum prices were re-calculated upon the basis of these mine increases and were determined in the same manner as the prices established by the terms of Order G-9. Relative to Washington mined coals, specific price increases have been allowed to reflect authorized increases at the mine level.

When Order G-9 under Revised Maximum Price Regulation No. 122 was originally issued, maximum prices for the

various types of out-of-state coals were on a fairly uniform basis after taking into consideration mine and transportation costs and selling margins. Recently authorized mine increases, however, have varied in amounts among the different coal producing districts. For this reason the same types of coals from the various districts will command different maximum prices.

Maximum price changes for Canadian coals (Tables VIII and IX) were deemed necessary because of the change in exchange rates between Canadian funds and American funds on July 5, 1946. The 10% premium which was granted on American funds was discontinued by the Canadian Government and the exchange basis of Canadian currency raised to par with American currency. As a result, adjusted maximum prices for Canadian coals at the mine level have been incorporated in Amendment No. 2 to Revised Order G-1 under Order 68, as amended, under Section 21 of the Maximum Import Price Regulation. The price changes, then, for Canadian coals have been re-calculated to reflect this 10% increase in the price of such coal at the mine and were determined in the same manner as the prices established by the terms of Order G-9.

Since the preparation of the basic tables, certain increases have been permitted by Amendments 46 and 48 to RMPR 122. These increases have been

reflected in this amendment by the insertion of the general notes at the end of the tables. In addition, the increase permitted by Order Nos. G-11 and G-13 under RMPR 122 have been reflected in this amendment. Consequently, simultaneously with this amendment, Order Nos. G-11 and G-13 are being amended to eliminate from their coverage those dealers covered by Order No. G-9.

For reasons stated above, the maximum prices established by this order are generally fair and equitable and are consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

The same considerations which prompted the issuance of Order G-9 are present herein. For a complete statement of such considerations, reference is made to the opinion accompanying the order.

[F. R. Doc. 46-17137; Filed, Sept. 23, 1946; 9:01 a. m.]

[Region II Order G-51 Under RMPR 122, Amdt. 7]

SOLID FUELS IN CAMBRIA AND BLAIR COUNTIES, PA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-51 is amended in the following respects:

1. Paragraph (d) (1) and (d) (2) are amended by revising the "Direct-Delivery" and "Yard" Sales prices for Beehive Oven Coke to read as follows:

(d) Schedule I.

(1) Sales on a "direct-delivery" basis by dealers and by bituminous coal producers. For sales of coal of the kinds and sizes, and in the quantities specified:

Kind and size of coal	Per net ton	Per net ½ ton	Per net ¼ ton	Per net ⅓ ton	Per 100 pounds for sales of 100 pounds or more but less than ½ ton

(2) "Yard" sales by dealers. For sales of coal of the kinds and sizes, and in the quantities specified:

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs for sales of less than ½ ton

This Amendment No. 7 to Order No. G-51 shall become effective August 22, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681)

Issued this 5th day of September 1946.

JAMES L. MEADER,
Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 7 TO ORDER NO. G-51 UNDER SECTIONS 1340.-260 AND 1340.259 (a) (1) OF REVISED MAXIMUM PRICE REGULATION NO. 122

By Amendment No. 6 effective August 22, 1946, to Maximum Price Regulation No. 77—Beehive Oven Coke, the maximum prices for beehive coke produced in the Connellsville District were increased by \$1.35 per net ton for hand drawn coke. By action of the Interstate Commerce Commission in Ex Parte 162, freight rate increases were effected and by Amendment No. 48 to Revised Maximum Price Regulation No. 122, increases of 30¢ and 10¢ were effected in the prices for direct and yard deliveries respectively.

The Amendment which this opinion accompanies has been issued to reflect these increases.

[F. R. Doc. 46-17136; Filed, Sept. 23, 1946; 9:01 a. m.]

[Little Rock Order 5 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN JEFFERSON COUNTY, ARK.

Pursuant to the Emergency Price Control Act of 1942, as amended, General Order No. 68, and Delegation of Authority Order No. 126, and in accordance with Order No. 5, issued under General Order No. 68 by the Little Rock District Director of the OPA, and for the reasons set forth in the accompanying opinion, this amendment is issued. The statement of considerations involved in the issuance of this Amendment No. 1 to Order No. 5, under General Order No. 68, has been issued simultaneously herewith and filed with the Division of the Federal Register.

It is ordered, That the title and contents of section VII of Order No. 5, under General Order No. 68, is amended to read as follows:

SEC. VII. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum prices provides that all resellers, including those subject to area orders, issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order.

It is also ordered, That Appendix A to Order No. 5, under General Order No. 68, is amended in the following respects:

(1) The dollars-and-cents prices for specific items of hard building materials contained in Order No. 5, issued under

General Order No. 68, are revised to the extent set forth in Appendix A attached hereto and dated August 23, 1946.

(2) The original Appendix A to Order No. 5, under General Order No. 68, is hereby by reference dated August 23, 1946.

(3) The hard building material items of fire brick, fire clay, plastic fire brick, and items of screen wire cloth 18 x 14, black and galvanized, originally set forth in Appendix A of Order No. 5, under General Order No. 68, are deleted from said appendix.

This amendment No. 1 shall become effective August 23, 1946.

Issued at Little Rock, Arkansas, this 23d day of August 1946.

ROBERT P. HALL,
District Director.

APPENDIX A

REVISED MAXIMUM PRICES FOR RETAIL SALES OF SPECIFIED BUILDING MATERIALS WHEN MADE IN JEFFERSON COUNTY, ARKANSAS

Name of item	Selling unit	Revised maximum prices for sales f. o. b. plant, store, or delivered within free delivery zone
Asbestos cement roofing shingles:		
Economy cut, colors other than green	100 sq. ft.	\$11.50
Economy cut, green	100 sq. ft.	12.10
Asbestos cement siding:		
12 x 24 or 27:		
White, plain	100 sq. ft.	9.94
White, glazed	100 sq. ft.	10.40
Colors	100 sq. ft.	10.50
Asphalt roofing:		
90-lb. mineral surface	Roll, 1 sq.	2.62
Smooth surface:		
35-lb.	Roll, 1 sq.	1.31
45-lb.	Roll, 1 sq.	1.42
55-lb.	Roll, 1 sq.	1.86
Shingles:		
210-lb. (3 in 1), thickbutt.	100 sq. ft.	5.58
167-lb., hexagon	100 sq. ft.	4.50
Asphalt or tarred felt:		
15-lb.	Roll, 4 sq.	2.61
30-lb.	Roll, 2 sq.	2.61
Rolled brick siding	100 sq. ft.	4.20
Rolled brick soldier course	100 sq. ft.	4.20
Cement:		
Portland, std., paper bag	94-lb. bag	.965
Portland, quick setting	94-lb. bag	1.065
Fibre insulation board:		
3/4" std., lath and board	M sq. ft.	44.50
1/2" std., lath and board	M sq. ft.	53.75
3/4" asphalt sheathing	M sq. ft.	71.50
Insulation plank	M sq. ft.	69.25
Limes:		
Finishing, paper bag	50-lb. bag	.92
Mason's hydrated:		
10-lb.	Bag	.28
40-lb.	Bag	.56
50-lb.	Bag	.73
Metal lath:		
2.5 painted diamond mesh	Sq. yd.	.30
2.5 galvanized	Sq. yd.	.35
3.4 painted diamond mesh	Sq. yd.	.36
3.4 galvanized	Sq. yd.	.40
2.5 copper	Sq. yd.	.31
3.4 copper	Sq. yd.	.35
2.75 flat rib, painted	Sq. yd.	.34
3.4 3/8" high rib:		
Painted	Sq. yd.	.39
Copper	Sq. yd.	.40
Galvanized	Sq. yd.	.43
Sewer pipe, vitrified clay:		
4"	Lin. ft.	.26
6"	Lin. ft.	.37
8"	Lin. ft.	.685
10"	Lin. ft.	.855
12"	Lin. ft.	1.10
15"	Lin. ft.	1.855
18"	Lin. ft.	2.615
24"	Lin. ft.	4.40
Wall coping, vitrified clay:		
9"	Lin. ft.	.30
13"	Lin. ft.	.48

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 5 UNDER GENERAL ORDER NO. 68

Pursuant to the authority vested in the District Director of the Little Rock District Office by General Order No. 68 and Order of Delegation No. 126, issued by the Regional Administrator of Region V, and in accordance with the provisions of Order No. 5, under General Order No. 68, Amendment No. 1 to the above order has been issued.

Order No. 5, under General Order No. 68, was issued by the Little Rock District Director of the OPA on May 31, 1946, and became effective June 1, 1946. This order established dollars-and-cents ceiling prices for various items of hard building materials set forth in Appendix A thereof when sold at retail in the geographical area comprising Jefferson County, Arkansas.

Subsequent to March 31, 1946, various industry-wide adjustments have been granted manufacturers of hard building materials; and under the provisions of the Emergency Price Control Act as amended, the retail industry is entitled to its March, 1946 markup on those items on which the manufacturer has received adjustments. Therefore, in view of increases granted the producer of hard building materials, it has been necessary, under the provisions of the Emergency Price Control Act of 1942 as amended, to amend and revise the retail price list of hard building material items (as of August 23, 1946), to the extent set forth in the accompanying Amendment. Such action by the District Director has been found necessary under the Act and will remove all inequities now existing in the original order.

Section VII of Order No. 5 provides that retailers subject to the Order are required to absorb all price increases granted the producer of hard building materials. However, under the provisions of the Emergency Price Control Act, as amended, the retail industry is entitled to its March, 1946 mark-up on items on which the manufacturer has received price increases. Because of this provision of the Act as amended, it has been necessary to amend Order No. 5 to conform to the new provisions of the act. It is also for this reason that this amendment is being issued.

Since the issuance of the above order, it has been found that certain items of building materials have been either suspended from price control or covered by other regulations. Therefore, this amendment is also being issued to delete items exempt from control or covered by other regulations.

[F. R. Doc. 46-17120; Filed, Sept. 23, 1946; 8:48 a. m.]

[Region VII 3d Rev. Order G-24 Under RMPR 122, Amdt. 21]

SOLID FUELS IN DENVER, COLO., AREA

Third Revised Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 21. (Solid fuels sold and delivered by dealers.) Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74

to Maximum Price Regulation No. 120. Docket No. 7-122-260-24.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the

reasons set forth in the accompanying opinion, this Amendment No. 21 is issued.

1. Part IV of paragraph (d) of this Third Revised Order No. G-24, as heretofore amended, is hereby further amended to read as follows:

PART IV
MINES IN DISTRICT 16

Operator	Sub district	Index No.	Size groups	Amount	Effective date
(1) Boulder Valley Coal Co.: Centennial.....	2	3	All.....	50¢	Sept. 6, 1945
(2) National Fuel Co.: Monarch.....	1	13	1 through 9.....	\$1.60	Aug. 26, 1946
			10 through 13.....	70¢	Aug. 26, 1946
(3) William E. Russell Coal Co.: Russell.....	8	18	All.....	60¢	Aug. 13, 1945
(4) Louisville-Lafayette Coal Co.: Hi-Way.....	2	9	All.....	9¢	Sept. 3, 1946

NOTE: Notwithstanding anything to the contrary in this Third Revised Order No. G-24, the increases above set forth in subparagraphs (1), (2), (3), and (4) of this Part IV are applicable to shipments made by truck as well as to shipments made by rail.

Effective date. This amendment No. 21 shall become effective on the 3d day of September 1946.

Issued this 5th day of September 1946.

PAUL D. SHRIVER,
Acting Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 21 TO THIRD REVISED ORDER NO. G-24 UNDER REVISED MAXIMUM PRICE REGULATION NO. 122

Order L-788, issued by the Washington Office of the Office of Price Administration, effective August 26, 1946, granted Louisville-Lafayette Coal Company an increase of 9¢ per ton on all sizes produced at its Hi-Way Mine; and Order L-789, issued by the Washington Office of the Office of Price Administration, effective August 26, 1946, granted National Fuel Company further price increases for coals produced at its Monarch Mine. This Amendment No. 21 to Third Revised Order No. G-25 permits dealers retailing coals produced by the two mines specified to increase their dollars-and-cents maximum prices as now established to cover in full these f. o. b. mine price increases.

[F. R. Doc. 46-17125; Filed, Sept. 23, 1946; 8:47 a. m.]

[Miami Rev. Order G-12 Under Gen. Order 68]

HARD BUILDING MATERIALS IN PALM BEACH 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 orders covers.* This orders covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in Palm Beach 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 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 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 Palm Beach County, Florida, 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.

TABLE 1

Effective in Palm Beach County, Florida, Effective August 24, 1946.

READY MIXED CONCRETE

The maximum prices for sales of ready-mixed concrete delivered to a job site within a five mile radius of the seller's plant shall be as follows:¹

\$11.15 per cubic yard of five bag mix

An additional 15¢ per cubic yard may be charged for deliveries beyond a five mile radius of the seller's plant.

An additional 98¢ per bag of cement per cubic yard may be charged for ready-mixed concrete containing more than 5 bags of cement per cubic yard and 98¢ per bag of cement per cubic yard must be deducted for ready-mixed concrete containing less than 5 bags of cement per cubic yard.

An additional \$1.50 per cubic yard may be charged for sales of less than two cubic yards.

An additional \$2.00 per cubic yard may be added for installing the concrete in place with a chute.

An additional \$1.00 per cubic yard may be added for concrete treated with a water-proofing additive.

An amount computed at the rate of \$4.00 per hour may be added on deliveries requiring a waiting time of more than twenty (20) minutes.

OPINION ACCOMPANYING REVISED ORDERS NUMBERED G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, AND ORDER NO. G-16

Under General Order No. 68, as amended, the Price Administrator may, and each Regional Administrator of the Office of Price Administration and any District Director who may be authorized by the appropriate Regional Administrator is authorized to issue and put into effect

¹All prices are subject to the customary quantity and trade differentials in effect during March, 1942.

orders establishing maximum prices, applicable to a particular community or defined area, for sales of commodities under the jurisdiction of the Building Materials and Construction Price Branch by all persons to ultimate users or to purchasers for resale on an installed basis.

This authority has been delegated to the Director of the Miami District Office by the Regional Administrator of Region IV, by Regional Delegation Order No. 93, as amended.

Acting pursuant to said General Order 68, as amended, and to Regional Delegation Order No. 93, the District Director of the Miami District Office has heretofore issued orders numbered G-13 through G-15. These orders established ceiling prices for the listed hard building materials and covered most of the area comprising the Miami District.

General Order 68 provides the following standards to be applied to orders issued under that general order: (1) Maximum prices shall be set forth in dollars-and-cents unless this shall clearly appear impractical or inappropriate; and (2) maximum prices thus set forth shall not exceed the general level of prices as fixed by the regulation which would otherwise be applicable.

In accordance with the first of the above described standards, prices established in the above mentioned orders are specific dollars-and-cents prices applicable to sales in various quantities.

In determining the appropriate prices for inclusion in the orders the Director of the Miami District Office surveyed the prices charged by the principal suppliers in the stated areas. Prices charged currently and in March 1942, for each item in each quantity bracket as well as discount terms, delivery practices and other conditions of sale were obtained. The prices obtained were first studied in order to ascertain that amount of differentiation as to types of sellers, types of purchasers and quantity of sales that should be recognized in the orders to prevent substantial hardship and to avoid marked increases and which could be based on definite and recognizable objective characteristics apparent at the time of the sale. The data for each selected grouping was next set forth in an array and where possible a quasi-modal price based on prices weighted on the over-all sales volumes of the sellers studied and covering 60-65% of the volume of sales was chosen as the ceiling prices for the particular commodity. In those cases where the model price was not appropriate or where it was impossible of ascertainment a bulkline price covering 60-65% of the sales was selected. By the use of these statistical methods it was apparent that in general the prices established did not exceed the level of prices as fixed by the regulation which otherwise would have been applicable nor was any substantial reduction made in the current legal maximum prices of any important group of sellers.

Aside from correcting certain minor errors found in the orders numbered G-3 through G-15, the issuance of the revised orders accompanying this opinion is intended to accomplish two objectives. In the first place the minor revisions in the areas covered under the Revised Orders

numbered G-3 through G-15 together with the issuance of Order G-16, complete the coverage of the entire area comprising the Miami District. Thus, dollars-and-cents ceiling prices for the listed hard building materials are now established for the entire area commonly known as South Florida or Peninsular Florida. In the second place the issuance of the accompanying orders is intended to, and apparently does, remove the absorption of certain costs heretofore required of dealers and arising because of increased manufacturer's ceilings subsequent to March 31, 1946. Further, in accordance with the provisions of Section 2 (t) of the Emergency Price Control Act of 1942, as amended, the revised orders now make specific provisions regarding increased costs accruing to the affected sellers.

This action has been discussed with members of the trade at informal meetings with representative dealers and all suggestions and recommendations offered by the trade have been considered and have been incorporated into this order to the extent that these suggestions were consistent with the provisions of General Order No. 68 and the Emergency Price Control Act of 1942, as amended.

All provisions of these orders and their effect upon business practices, cost practices, or methods or means or aids to distribution in the industry have been carefully considered by the District Director of the Miami District Office. No provisions which might have the effect of requiring a change in such practices, methods, means or aids established in the industry have been included in the new regulations unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation or of the Emergency Price Control Act of 1942, as amended. To the extent that provisions of the orders compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry, such provisions have been found necessary to prevent circumvention or evasion of the regulation of act. [F. R. Doc. 46-17118; Filed, Sept. 23, 1946; 8:49 a. m.]

[Miami Rev. Order G-7 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 counties of De Soto, Hardee, Hernando, Highlands, Okeechobee, Osceola, Pasco, Glades and Polk in the State of Florida.

SEC. 2. Definition of retail sales. For the purposes of this order, a retail sale means a sale to an ultimate user, or to a purchaser for resale on an installed basis.

SEC. 3. Description of items covered by this order. This order covers the

commodities set forth in the annexed price table.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall apply to sales covered by this order. This order reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this order supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

SEC. 5. Maximum prices.—The maximum prices for the building materials covered by this order are set forth in Table 1 which is annexed 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 De Soto, Glades, Hardee, Hernando, Highlands, Okeechobee, Osceola, Pasco and Polk 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 sales slip delivered by him pursuant to this section. Each such seller shall also keep at least such records of each sale as he customarily kept. For any sale of \$50.00 or more, each seller, regardless of previous custom, must keep records showing at least the following:

1. Name and address of buyer.
2. Date of transaction.
3. Place of delivery.
4. Complete description of each item sold and price charged.

SEC. 8. Adjustment to reflect increase in supplier's price.—(a) *Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated

on the price list contained in this order. Thus, if your 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.

TABLE 1—MAXIMUM PRICES FOR RETAIL SALES OF CERTAIN HARD BUILDING MATERIALS DEVELOPED IN DESOTO, GLADES, HARDEE, HERNANDO, HIGHLANDS, ONECHOBBEE, OSCEOLA, PASCO, AND POLK COUNTIES IN THE STATE OF FLORIDA

Item	Quantity	Price ¹
Portland cement	94 lb. bag	\$0.93
Mortar mix	70 lb. bag	.88
Keene's cement	100 lb. bag	2.65
Common red clay brick	1,000	34.00
Standard cement brick	1,000	21.00
Hydrated lime	50 lb. bag	.70
Finishing lime	50 lb. bag	1.00
Gypsum hard wall plaster	100 lb. bag	1.40
Finishing plaster	100 lb. bag	2.15
3/16" pulp wallboard	1,000 sq. ft.	43.00
3/8" gypsum wallboard	1,000 sq. ft.	50.15
1/2" gypsum wallboard	1,000 sq. ft.	55.15
1/2" gypsum rock lath	1,000 sq. ft.	29.40
1/2" gyplath sheathing	1,000 sq. ft.	45.15
Tempered presdwood, 4' x 8' x 3/4"	1,000 sq. ft.	90.25
Tempered presdwood, 4' x 8' x 3/4"	1,000 sq. ft.	110.35
Tempered presdwood, 4' x 8' x 3/4"	1,000 sq. ft.	145.45
16 x 16 asbestos grey hexagon shingles	Square ²	11.90
12 x 24 asbestos grey siding	Square	10.30
Brick asphalt siding	Square	4.75
20 lb. asphalt strip shingles	Square	7.60
90 lb. mineral surfaced roofing	Roll	3.35
Concrete rock	Cubic yard	5.50
Concrete sand	Cubic yard	3.00
Grade A concrete blocks ³ (A. S. T. M. C90-44):		
8 x 8 x 16 regular and corner	Each	.18
8 x 8 x 16 light weight	Each	.145
8 x 8 x 16 lintel	Each	.20
8 x 8 x 16 partition	Each	.16
8 x 12 x 16 regular and corner	Each	.27
8 x 8 x 8 half and jamb	Each	.095
8 x 4 x 16 partition	Each	.10
8 x 8 x 16 partition	Each	.10
3 1/2 x 8 x 12 partition	Each	.095
5 x 8 x 16 regular and corner	Each	.13
5 x 8 x 8 half and jamb	Each	.0775
4 x 8 x 16 regular and corner	Each	.105
5 x 8 x 12 regular	Each	.11
5 x 4 x 16 regular	Each	.0835
5 x 4 x 12 regular	Each	.055
Grade B concrete blocks ³ (A. S. T. M. C90-44):		
8 x 8 x 16 regular and corner	Each	.17
8 x 8 x 16 lintel	Each	.19
8 x 12 x 16 regular	Each	.255
8 x 8 x 8 half and jamb	Each	.09
5 x 8 x 16 regular and corner	Each	.125
5 x 8 x 8 half and jamb	Each	.0725
4 x 8 x 16 regular and jamb	Each	.10
5 x 8 x 12 regular	Each	.105
8 x 4 x 16 partition	Each	.095
8 x 3 x 16 partition	Each	.095
5 x 4 x 16 partition	Each	.0775
5 x 4 x 12 partition	Each	.06
16 x 16 x 4 concrete bases	Each	.42
8 x 8 x 16 concrete piers	Each	.37
18" concrete sidewalk tiles	Each	.37

¹ All prices listed above include free delivery to the job site within the area covered by this order. All prices are subject to a 2 percent cash discount and customary quantity and other trade differentials in effect during March 1942.

² A square is defined as the quantity of asphalt or tarred roofing products sufficient to cover 100 square feet of surface when applied in the customary trade manner.

³ If delivery of concrete blocks is made at the seller's yard, deduct 2 cents from above prices, for 8 x 8 x 16 blocks, 2 1/2 cents for 8 x 12 x 16 blocks, and 1 cent for all others.

OPINION ACCOMPANYING REVISED ORDERS NUMBERED G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, AND ORDER NO. G-16

Under General Order No. 68, as amended, the Price Administrator may, and each Regional Administrator of the Office of Price Administration and any District Director who may be authorized by the appropriate Regional Administrator is authorized to issue and put into effect orders establishing maximum prices, applicable to a particular community or defined area, for sales of commodities under the jurisdiction of the Building Materials and Construction Price Branch by all persons to ultimate users or to purchasers for resale on an installed basis.

This authority has been delegated to the Director of the Miami District Office by the Regional Administrator of Region IV, by Regional Delegation Order No. 93, as amended.

Acting pursuant to said General Order 68, as amended, and to Regional Delegation Order No. 93, the District Director of the Miami District Office has heretofore issued orders numbered G-13 through G-15. These orders established ceiling prices for the listed hard building materials and covered most of the area comprising the Miami District.

General Order 68 provides for the following standards to be applied to orders issued under that general order: (1) Maximum prices shall be set forth in dollars-and-cents unless this shall clearly appear impractical or inappropriate; and (2) maximum prices thus set forth shall not exceed the general level of prices as fixed by the regulation which would otherwise be applicable.

In accordance with the first of the above described standards, prices established in the above mentioned orders are specific dollars-and-cents applicable to sales in various quantities.

In determining the appropriate prices for inclusion in the orders the Director of the Miami Office surveyed the prices charged by the principal suppliers in the stated areas. Prices charged currently and in March 1942, for each item in each quantity bracket as well as discount terms, delivery practices and other conditions of sale were obtained. The prices obtained were first studied to ascertain that amount of differentiation as to types of sellers, types of purchasers and quantity of sales that should be recognized in the orders to prevent substantial hardship and to avoid increases and which could be based on definite and recognizable objective characteristics apparent at the time of the sale. The data for each selected grouping was next set forth in an array and where possible a quasi-model price based on prices weighted on the over-all sales volumes of the sellers studied and covering 60-65% of the volume of sales was chosen as the ceiling prices for the particular commodity. In those cases where the model price was not appropriate or where it was impossible of ascertainment a bulkline price covering 60-65% of the sales was selected. By the use of these statistical methods it was apparent that in general the prices established did not exceed the level of prices as fixed by the

regulation which otherwise would have been applicable nor was any substantial reduction made in the current legal maximum prices of any important group of sellers.

Aside from correcting certain minor errors found in the orders numbered G-3 through G-15, the issuance of the Revised Orders accompanying this opinion is intended to accomplish two objectives. In the first place the minor revisions in the areas covered under the Revised Orders numbered G-3 through G-15 together with the issuance of Order G-16, complete the coverage of the entire area comprising the Miami District. Thus, dollars-and-cents ceiling prices for the listed hard building materials are now established for the entire area commonly known as South Florida or Peninsular Florida. In the second place the issuance of the accompanying orders is intended to, and apparently does, remove the absorption of certain costs heretofore required of dealers and arising because of increased manufacturer's ceilings subsequent to March 31, 1946. Further, in accordance with the provisions of Section 2 (b) of the Emergency Price Control Act of 1942, as amended, the revised orders now make specific provisions regarding increased costs accruing to the affected sellers.

This action has been discussed with members of the trade at informal meetings with representative dealers and all suggestions and recommendations offered by the trade have been considered and have been incorporated into this order to the extent that these suggestions were consistent with the provisions of General Order No. 68 and the Emergency Price Control Act of 1942, as amended.

All provisions of these orders and their effect upon business practices, cost practices, or methods or means or aids to distribution in the industry have been carefully considered by the District Director of the Miami District Office. No provisions which might have the effect of requiring a change in such practices, methods, means or aids established in the industry have been included in the new regulations unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation or of the Emergency Price Control Act of 1942, as amended. To the extent that provisions of the Orders compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry, such provisions have been found necessary to prevent circumvention or evasion of the regulation or Act.

[F. R. Doc. 46-17116; Filed Sept. 23, 1946; 8:50 a. m.]

[Miami Rev. Order G-13 Under Gen. Order 68]

HARD BUILDING MATERIALS IN HILLSBOROUGH 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 Hillsborough 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 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 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 Hillsborough 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 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.

TABLE 1

Effective in Hillsborough County, Florida.
Effective August 24, 1946.

READY MIXED CONCRETE

The maximum prices for sales of ready-mixed concrete delivered to a job site within a five mile radius of the seller's plant shall be as follows:¹

\$12.20 per cubic yard of five bag mix.

An additional 15¢ per cubic yard per mile may be charged for deliveries beyond a five mile radius of the seller's plant.

An additional 7¢ per bag of cement per cubic yard may be charged for ready-mixed concrete containing more than 5 bags of cement per cubic yard and 7¢ per bag of cement per cubic yard must be deducted for ready-mixed concrete containing less than 5 bags of cement per cubic yard.

An additional \$1.50 per cubic yard may be charged for sales of less than two cubic yards.

An additional \$2.00 per cubic yard may be added for installing the concrete in place with a chute.

An additional \$1.00 per cubic yard may be added for concrete treated with a water-proofing additive.

An amount computed at the rate of \$4.00 per hour may be added on deliveries requiring a waiting time of more than twenty (20) minutes.

OPINION ACCOMPANYING REVISED ORDERS
NUMBERED G-3, G-4, G-5, G-6, G-7, G-8,
G-9, G-10, G-11, G-12, G-13, G-14, G-15
AND ORDER NO. G-16

Under General Order No. 68, as amended, the Price Administrator may, and each Regional Administrator of the Office of Price Administration and any District Director who may be authorized by the appropriate Regional Administrator is authorized to issue and put into effect orders establishing maximum prices, applicable to a particular community or defined area, for sales of commodities under the jurisdiction of the Building Materials and Construction Price Branch

¹ All prices are subject to the customary quantity and trade differentials in effect during March 1942.

by all persons to ultimate users or to purchasers for resale on an installed basis.

This authority has been delegated to the Director of the Miami District Office by the Regional Administrator of Region IV, by Regional Delegation Order No. 93, as amended.

Acting pursuant to said General Order 68, as amended, and to Regional Delegation Order No. 93, the District Director of the Miami District Office has heretofore issued orders numbered G-13 through G-15. These orders established ceiling prices for the listed hard building materials and covered most of the area comprising the Miami District.

General Order 68 provides the following standards to be applied to orders issued under that general order: (1) Maximum prices shall be set forth in dollars-and-cents unless this shall clearly appear impractical or inappropriate; and (2) maximum prices thus set forth shall not exceed the general level of prices as fixed by the regulation which would otherwise be applicable.

In accordance with the first of the above described standards, prices established in the above mentioned orders are specific dollars-and-cents prices applicable to sales in various quantities.

In determining the appropriate prices for inclusion in the orders the Director of the Miami District Office surveyed the prices charged by the principal suppliers in the stated areas. Prices charged currently and in March 1942 for each item in each quantity bracket as well as discount terms, delivery practices and other conditions of sale were obtained. The prices obtained were first studied in order to ascertain that amount of differentiation as to types of sellers, types of purchasers and quantity of sales that should be recognized in the orders to prevent substantial hardship and to avoid marked increases and which could be based on definite and recognizable objective characteristics apparent at the time of the sale. The data for each selected grouping was next set forth in an array and where possible a quasi-modal price based on prices weighted on the over-all sales volumes of the sellers studied and covering 60-65% of the volume of sales was chosen as the ceiling prices for the particular commodity. In those cases where the modal price was not appropriate or where it was impossible of ascertainment a bulkline price covering 60-65% of the sales was selected. By the use of these statistical methods it was apparent that in general the prices established did not exceed the level of prices as fixed by the regulation which otherwise would have been applicable nor was any substantial reduction made in the current legal maximum prices of any important group of sellers.

Aside from correcting certain minor errors found in the orders numbered G-3 through G-15, the issuance of the revised orders accompanying this opinion is intended to accomplish two objectives. In the first place the minor revisions in the areas covered under the revised orders numbered G-3 through G-15 together with the issuance of Order G-16, complete the coverage of the entire area comprising the Miami District. Thus,

dollars-and-cents ceiling prices for the listed hard building materials are now established for the entire area commonly known as South Florida or Peninsular Florida. In the second place the issuance of the accompanying orders is intended to, and apparently does, remove the absorption of certain costs heretofore required of dealers and arising because of increased manufacturer's ceilings subsequent to March 31, 1946. Further, in accordance with the provisions of Section 2 (t) of the Emergency Price Control Act of 1942, as amended, the revised orders now make specific provisions regarding increased costs accruing to the affected sellers.

This action has been discussed with members of the trade at informal meetings with representative dealers and all suggestions and recommendations offered by the trade have been considered and have been incorporated into this order to the extent that these suggestions were

consistent with the provisions of General Order No. 68 and the Emergency Price Control Act of 1942, as amended.

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

circumvention or evasion of the regulation or Act.

[F. R. Doc. 46-17119; Filed, Sept. 23, 1946; 8:49 a. m.]

[Kansas City Order 1 Under Gen. Order 68, Amdt. 6]

BUILDING MATERIALS IN CLAY AND JACKSON COUNTIES, MO., AND JOHNSON AND WYANDOTT COUNTIES, KANS.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, *It is hereby ordered*, That Order No. 1 under General Order No. 68 be and it is hereby amended in the following respects:

The prices heretofore established for the following named items in Appendix A or said original order No. 1, including any and all amendments thereto, are hereby deleted and the following prices for said items are substituted in lieu thereof:

Item	When sold in quantities of—	Selling unit	Delivered in free delivery zone	F. o. b. yard, store, or plant. (F. o. b. railroad car in case of CL sales.)	Item	When sold in quantities of—	Selling unit	Delivered in free delivery zone	F. o. b. yard, store, or plant. (F. o. b. railroad car in case of CL sales.)
Lath, metal, corner bead, expanded type.	Less than 300'	Lin. ft.....	\$0.064	\$0.053	Lath, metal, 3.4 lb., diamond mesh copper bearing.	Less than 100 sq. yds.	Sq. yd.....	\$0.34	\$0.34
Lath, metal, 2.5 lb., painted diamond mesh.	300' or more. Less than 100 sq. yds.	Lin. ft..... Sq. yd.....	.053 .253	.053 .253	Lath, metal, 3.4 lb., diamond mesh galvanized.	100 sq. yds. or more.	Sq. yd.....	.31	.31
Lath, metal, 2.5 lb., diamond mesh, copper bearing.	100 sq. yds. or more.	Sq. yd.....	.228	.228	Portland cement, standard (paper bags).	Less than 100 sq. yds.	Sq. yd.....	.364	.364
Lath, metal, 2.5 lb., diamond mesh, galvanized.	100 sq. yds. or more.	Sq. yd.....	.286	.286	Portland cement, standard (cloth bags).	100 sq. yds. or more.	Sq. yd.....	.335	.335
Lath, metal, 2.75 lb., painted diamond mesh.	Less than 100 sq. yds.	Sq. yd.....	.247	.247	Masonry cement.....	1-19 bags.....	94 lb. bag.....	.75	.715
Lath, metal, 2.75 lb., diamond mesh, copper bearing.	100 sq. yds. or more.	Sq. yd.....	.308	.308	Mason's hydrated lime.....	20 or more bags, LCL	376 lb. bbl.....	2.86	2.81
Lath, metal, 2.75 lb., diamond mesh, galvanized.	100 sq. yds. or more.	Sq. yd.....	.262	.262	Vitrified clay sewer pipe, 4".....	CL or more.	376 lb. bbl.....	2.81	2.68
Lath, metal, 3.4 lb., painted diamond mesh.	Less than 100 sq. yds.	Sq. yd.....	.237	.237	Vitrified clay sewer pipe, 6".....	1-19 bags.....	94 lb. bag.....	.875	.825
	100 sq. yds. or more.	Sq. yd.....	.317	.317		20 or more bags, LCL	376 lb. bbl.....	3.11	3.06
	100 sq. yds. or more.	Sq. yd.....	.288	.288		CL or more.	376 lb. bbl.....	3.06	2.93
	Less than 100 sq. yds.	Sq. yd.....	.34	.34		1-29 bags.....	67 lb. bag.....	.735	.71
	100 sq. yds. or more.	Sq. yd.....	.311	.311		30 or more bags, LCL	268 lb. bbl.....	2.66	2.61
	100 sq. yds. or more.	Sq. yd.....	.33	.33		CL or more.	268 lb. bbl.....	2.46	2.36
	100 sq. yds. or more.	Sq. yd.....	.30	.30		1-39 bags.....	50 lb. bag.....	.83	.67
						40 or more bags, LCL	Ton.....	26.88	24.64
						CL or more.	Ton.....	16.80	15.68
						Less than 300'.	Lin. ft.....	.226	.226
						300' or more, LCL.	Lin. ft.....	.203	.203
						CL or more.	Lin. ft.....	.192	.181
						Less than 300'.	Lin. ft.....	.328	.328
						300' or more, LCL.	Lin. ft.....	.294	.294
						CL or more.	Lin. ft.....	.266	.243

The adjusted prices herein established by this amendment include the upward adjusted prices granted in Supplementary Order 172, dated August 8, 1946.

All other provisions of said original Order No. 1 and/or any amendments thereto which are not specifically amended hereby shall remain in full force and effect.

Issued and effective the 24th day of August 1946.

J. G. CALLAWAY,
District Director.

OPINION ACCOMPANYING AMENDMENT 6 TO ORDER NO. 1 UNDER GENERAL ORDER NO. 68

In compliance with the Emergency Price Control Act of 1942, as amended, and in consideration of the complexities involved in effectuating the increase of

maximum prices contemplated in connection with the building material industry, it has been determined that the "dollar and cent pass through" increase prices heretofore granted for the retail sellers thereof should be revoked and that the prices which would have otherwise been effective on March 1, 1946, should be increased by a definite percentage adjustment.

This amendment takes away the increases granted under Supplementary Order 172 as issued under date of August 8, 1946, and grants an upward adjustment by the application of percentage mark-ups in lieu thereof. This amendment was made only after consultation with representative retail sellers of the materials affected, and in the opinion of the District Director, the amendments are necessary in order to effectuate the purposes of the Emergency Price Control Act of

1942, as amended, and it does effectuate those purposes. The District Director is of the further opinion that the amendment is generally fair and equitable to the buyers and sellers alike.

[F. R. Doc. 46-17135; Filed, Sept. 23, 1946; 9:00 a. m.]

[Kansas City Order 3 Under Gen. Order 68, Amdt. 2]

BUILDING MATERIALS IN JASPER COUNTY, MO. AREA

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, *It is hereby ordered*, That Order No. 3 under General Order No. 68 be and it is hereby amended in the following respects:

The prices heretofore established for the following named items in Appendix A

of said original Order No. 3, including any and all amendments thereto, are hereby

deleted and the following prices for said items are substituted in lieu thereof:

MAXIMUM PRICES IN DOLLARS PER SELLING UNIT

Item	When sold in quantities of—	Selling unit	F.o.b. yard, store, plant, or railroad car	Item	When sold in quantities of—	Selling unit	F.o.b. yard, store, plant, or railroad car
Finishing lime.....	LCL.....	50-lb. bag.....	\$0.56	Metal lath, corner bead (not expanded).....	Any.....	Lin. ft.....	\$0.048
	CL or more.....	Ton.....	21.84	Portland cement, standard paper bags.....	LCL.....	94-lb. bag.....	.765
Metal lath, 2.5 lb., copper bearing painted diamond mesh.....	Any.....	Sq. yd.....	.297	Portland cement, standard cloth bags.....	CL or more.....	94-lb. bag.....	.815
Metal lath, 2.5 lb., painted diamond mesh (not copper bearing).....	Any.....	Sq. yd.....	.288	Masonry mortar (paper bags).....	Any.....	67-lb. bag.....	.745
Metal lath, 2.5 lb., galvanized.....	Any.....	Sq. yd.....	.308	Mason's hydrated lime.....	Any.....	50-lb. bag.....	.31
Metal lath, 3.4 lb., copper bearing painted diamond mesh.....	Any.....	Sq. yd.....	.376	Fibre insulation, 1/2" standard lath and board.....	Any.....	1,000 sq. ft.....	51.03
Metal lath, 3.4 lb., painted diamond mesh (not copper bearing).....	Any.....	Sq. yd.....	.364	Vitrified clay sewer pipe, No. 1SS-4".....	Any.....	Lin. ft.....	.215
Metal lath, 3.4 lb., galvanized.....	Any.....	Sq. yd.....	.388	Vitrified clay sewer pipe, No. 1SS-6".....	Any.....	Lin. ft.....	.311
Metal lath, corner bead, expanded type.....	Any.....	Lin. ft.....	.059	Asbestos cement siding, 12 x 24 x 27", standard colors.....	Any.....	Square.....	8.93
				Asbestos cement siding, 12 x 24 x 27", brilliant colors.....	Any.....	Square.....	9.45

(10¢ refund to be made for the return of each empty bag in serviceable condition.)

The adjusted prices herein established by this amendment include the upward adjusted prices granted in Supplementary Order 172, dated August 8, 1946.

All other provisions of said original Order No. 3 and/or any amendments thereto which are not specifically amended hereby shall remain in full force and effect.

Issued and effective the 24th day of August 1946.

J. G. CALLAWAY,
District Director.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 3 UNDER GENERAL ORDER NO. 63

In compliance with the Emergency Price Control Act of 1942, as amended, and in consideration of the complexities involved in effectuating the increase of maximum prices contemplated in connection with the building material industry, it has been determined that the

dollar and cent pass through increase prices heretofore granted for the retail sellers thereof should be revoked and that the prices which would have otherwise been effective on March 1, 1946, should be increased by a definite percentage adjustment.

This amendment takes away the increases granted under Supplementary Order 172 as issued under date of August 8, 1946, and grants an upward adjustment by the application of percentage mark-ups in lieu thereof.

This amendment was made only after consultation with representative retail sellers of the materials affected, and in the opinion of the District Director, the amendments are necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and it does effectuate those purposes. The District Director is of the further opinion that the amendment is generally

fair and equitable to the buyers and sellers alike.

[F. R. Doc. 46-17132; Filed, Sept. 23, 1946; 8:59 a. m.]

[Kansas City Order 4 Under Gen. Order 68, Amdt. 3]

BUILDING MATERIALS IN BUCHANAN COUNTY, Mo.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, it is hereby ordered, That Order No. 4 under General Order No. 68 be and it is hereby amended in the following respects:

The prices heretofore established for the following named items in Appendix A of said original Order No. 4, including any and all amendments thereto, are hereby deleted and the following prices for said items are substituted in lieu thereof:

MAXIMUM PRICES IN DOLLARS PER SELLING UNIT

Item	When sold in quantities of—	Selling unit	Delivered in free delivery zone	Item	When sold in quantities of—	Selling unit	Delivered in free delivery zone
Asphalt roofing, 90 lb., mineral surface.....	Any.....	Roll.....	\$2.50	Metal lath, 2.75 lb. (not copper bearing), flat ribbed, painted.....	Any.....	Sq. yd.....	\$0.284
Finishing lime.....	Any.....	50-lb. bag.....	.62	Metal lath, 3.4 lb., copper bearing painted diamond mesh.....	Any.....	Sq. yd.....	.317
Metal lath, 2.5 lb., copper bearing painted diamond mesh.....	Any.....	Sq. yd.....	.275	Metal lath, 3.4 lb., painted diamond mesh (not copper bearing).....	Any.....	Sq. yd.....	.305
Metal lath, 2.5 lb., painted diamond mesh (not copper bearing).....	Any.....	Sq. yd.....	.264	Metal lath, 3.4 lb., galvanized.....	Any.....	Sq. yd.....	.329
Metal lath, 2.5 lb., galvanized.....	Any.....	Sq. yd.....	.297	Metal lath, corner bead, expanded type.....	1-499 ft.....	Lin. ft.....	.053
Metal lath, 2.75 lb., copper bearing, flat ribbed, painted.....	Any.....	Sq. yd.....	.294	Metal lath, corner bead (not expanded).....	500' or more.....	Lin. ft.....	.043
					1-499 ft.....	Lin. ft.....	.052
					500' or more.....	Lin. ft.....	.052

Item	When sold in quantities of—	Basic unit	Delivered in free delivery zone	F. o. b. yard, store, plant, or railroad car	Item	When sold in quantities of—	Basic unit	Delivered in free delivery zone	F. o. b. yard, store, plant, or railroad car
Masonry mortar, paper bags.....	Any.....	67-lb. bag.....	\$0.615		Asbestos cement siding, 12 x 24 x 27", standard colors.....	Any.....	Square.....	\$9.19	
Mason's hydrated lime.....	Any.....	50-lb. bag.....	.51		Asbestos cement siding 12 x 24 x 27" brilliant colors.....	Any.....	Square.....	9.71	
	Any.....	10-lb. bag.....	.21		Portland cement, standard paper bags.....	Any.....	94-lb. bag.....	.715	\$0.605
Fibre insulation 1/2" standard lath and board.....	Any.....	1,000 sq. ft.....	49.45		Portland cement, standard cloth bags.....	Any.....	94-lb. bag.....	.765	.715
Vitrified clay sewer pipe No. 1SS-4".....	Any.....	Lin. ft.....	.20						
Vitrified clay sewer pipe, No. 1SS-6".....	Any.....	Lin. ft.....	.306						

A 10¢ refund is to be made for the return of each empty bag in serviceable condition.

The adjusted prices herein established by this amendment include the upward adjusted prices granted in Supplementary Order 172, dated August 8, 1946.

All other provisions of said original Order No. 4 and/or any amendments thereto which are not specifically amended hereby shall remain in full force and effect.

Issued and effective the 24th day of August 1946.

J. G. CALLAWAY,
District Director.

OPINION ACCOMPANYING AMENDMENT 3 TO ORDER NO. 4 UNDER GENERAL ORDER NO. 68

In compliance with the Emergency Price Control Act of 1942, as amended, and in consideration of the complexities involved in effectuating the increase of maximum prices contemplated in connection with the building material industry, it has been determined that the

dollar and cent pass through increase prices heretofore granted for the retail sellers thereof should be revoked and that the prices which would have otherwise been effective on March 1, 1946, should be increased by a definite percentage adjustment.

This amendment takes away the increases granted under Supplementary Order 172 as issued under date of August 8, 1946, and grants an upward adjustment by the application of percentage mark-ups in lieu thereof.

This amendment was made only after consultation with representative retail sellers of the materials affected, and in the opinion of the District Director, the amendments are necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and it does effectuate those purposes. The District Director is of the further opinion that the amendment is generally

fair and equitable to the buyers and sellers alike.

[F. R. Doc. 46-17133; Filed, Sept. 23, 1946; 8:59 a. m.]

[Kansas City Order 5 Under Gen. Order 68, Amdt. 2]

BUILDING MATERIALS IN JOPLIN, MO.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, *It is hereby ordered*, That Order No. 5 under General Order No. 68 be and it is hereby amended in the following respects:

The prices heretofore established for the following named items in Appendix A of said original Order No. 5, including any and all amendments thereto, are hereby deleted and the following prices for said items are substituted in lieu thereof:

Item	When sold in quantities of—	Selling unit	Delivered in free zone	F. o. b. yard, store, plant or railroad car	Item	When sold in quantities of—	Selling unit	Delivered in free zone	F. o. b. yard, store, plant or railroad car
Finishing line.....	LCL.....	50-lb. bag.....	\$0.84	\$0.84	Portland cement, standard cloth bag.	LCL..... CL or more.....	94-lb. bag..... 94-lb. bag.....	\$0.865 .765	\$0.865 .745
Portland cement, standard paper bag.	CL or more.....	Ton.....	22.96	21.84					
	LCL.....	94-lb. bag.....	.815	.815					
	CL or more.....	94-lb. bag.....	.715	.695					

(10¢ refund to be given for the return of each empty bag in serviceable condition)

Item	When sold in quantities of—	Selling unit	Delivered in free zone or f.o.b. yard, store plant, or RR car	Item	When sold in quantities of—	Selling unit	Delivered in free zone or f.o.b. yard, store plant, or RR car
Metal lath, 2.5 lb., copper bearing painted diamond mesh.	Any.....	Sq. yd.....	\$0.319	Masonry mortar (paper bags).....	LCL..... CL or more.....	67 lb. bag..... 268 lb. bag.....	\$0.715 2.51
Metal lath, 2.5 lb., painted diamond mesh (not copper bearing).	Any.....	Sq. yd.....	.297	Fibre insulation, 1/2", lath and board.	Any.....	Sq. ft.....	.054
Metal lath, 2.5 lb., galvanized.	Any.....	Sq. yd.....	.33	Vitrified clay, sewer pipe No. 18S-4".	Any.....	Lin. ft.....	.22
Metal lath, 3.4 lb., copper bearing painted diamond mesh.	Any.....	Sq. yd.....	.352	Vitrified clay sewer pipe No. 18S-6".	Any.....	Lin. ft.....	.34
Metal lath, 3.4 lb., painted diamond mesh (not copper bearing).	Any.....	Sq. yd.....	.34	Asbestos cement siding 12 x 24 x 27", standard colors.	Any.....	Square.....	9.24
Metal lath, 3.4 lb., galvanized.	Any.....	Sq. yd.....	.363	Asbestos cement siding 12 x 24 x 27", brilliant colors.	Any.....	Square.....	9.76
Metal lath, corner bead, expanded type.	Any.....	Lin. ft.....	.053				
Metal lath, corner bead (not expanded).	Any.....	Lin. ft.....	.042				

The adjusted prices herein established by this amendment include the upward adjusted prices granted in Supplementary Order 172, dated August 8, 1946.

All other provisions of said original Order No. 5 and/or any amendments thereto which are not specifically amended hereby shall remain in full force and effect.

Issued and effective the 24th day of August 1946.

J. G. CALLAWAY,
District Director.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 5 UNDER GENERAL ORDER NO. 68

In compliance with the Emergency Price Control Act of 1942, as amended, and in consideration of the complexities involved in effectuating the increase of maximum prices contemplated in connection with the building material industry, it has been determined that the dollar and cent pass through increase

prices heretofore granted for the retail sellers thereof should be revoked and that the prices which would have otherwise been effective on March 1, 1946, should be increased by a definite percentage adjustment.

This amendment takes away the increases granted under Supplementary Order 172 as issued under date of August 8, 1946, and grants an upward adjustment by the application of percentage mark-ups in lieu thereof. This amendment was made only after consultation with representative retail sellers of the materials affected, and in the opinion of the District Director, the amendments are necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and it does effectuate those purposes. The District Director is of the further opinion that the amendment is generally fair and equitable to the buyers and sellers alike.

[F. R. Doc. 46-17134; Filed, Sept. 23, 1946; 9:00 a. m.]

[Little Rock Order 6 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN MILLER COUNTY, ARK.

Pursuant to the Emergency Price Control Act of 1942, as amended, General Order No. 68, and Delegation of Authority Order No. 126, and in accordance with Order No. 6, issued under General Order No. 68 by the Little Rock District Director of the OPA, and for the reasons set forth in the accompanying opinion, this amendment is issued. The statement of considerations involved in the issuance of this Amendment No. 1 to Order No. 6, under General Order No. 68, has been issued simultaneously herewith and filed with the Division of the Federal Register.

It is ordered, That the title and contents of section VII of Order No. 6, under General Order No. 68 is amended to read as follows:

SEC. VII. Adjustment to reflect increase in supplier's price—(a) Applica-

bility. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum prices provides that all resellers, including those subject to area orders, issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) *Maximum Price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's

maximum price is later than the date stated on the price list contained in this order.

It is also ordered, That Appendix A to Order No. 6, under General Order No. 68, is amended in the following respects:

(1) The dollars-and-cents prices for specific items of hard building materials contained in Order No. 6, issued under General Order No. 68, are revised to the extent set forth in Appendix A attached hereto and dated August 23, 1946.

(2) The original Appendix A to Order No. 6, under General Order No. 68, is

hereby by reference dated August 23, 1946.

(3) The hard building material item of fire clay, originally set forth in Appendix A of Order No. 6, under General Order No. 68 are deleted from said Appendix.

This amendment No. 1 shall become effective August 23, 1946.

Issued at Little Rock, Arkansas, this 23d day of August 1946.

ROBERT P. HALL,
District Director.

REVISED MAXIMUM PRICES FOR RETAIL SALES OF SPECIFIED BUILDING MATERIALS WHEN MADE IN MILLER COUNTY, ARK.

Name of item	Selling unit	When sold in quantities of—	Revised maximum prices		Name of item	Selling unit	When sold in quantities of—	Revised maximum prices	
			F. o. b. car	Other				F. o. b. car	Other
Asbestos cement roofing shingles:					Asphalt or tarred felt:				
Economy cut, standard colors.	100 sq. ft.	Any		\$12.08	15-lb.	432' roll.	Any		\$2.62
Economy cut, white.	100 sq. ft.	Any		11.50	30-lb.	216' roll.	Any		2.62
Asbestos cement siding:					Cement:				
12 x 24 or 27, standard colors.	100 sq. ft.	Any		8.93	Portland standard, paper bags.	94-lb. bag.	1-9 sacks		.815
12 x 24 or 27, white.	100 sq. ft.	Any		8.93	Portland standard, paper bags.	94-lb. bag.	10 or more I. C. L.		.765
Asphalt roofing:					Portland standard, paper bags.	Bbl.	C. L.		2.85
90-lb., mineral surface.	108' roll.	Any		2.56	Portland standard, paper bags.	Bbl.	C. L.	\$2.70	
45-lb., smooth surface, first quality.	108' roll.	Any		1.78	Portland standard, cloth bags.	94-lb.	Any		.865
45-lb., smooth surface, second quality.	108' roll.	Any		1.68	Portland standard, cloth bags.	Bbl.	C. L.		2.95
45-lb., smooth surface, third quality.	108' roll.	Any		1.42	Portland standard, cloth bags.	Bbl.	C. L.		2.80
55-lb., smooth surface, first quality.	108' roll.	Any		2.16	Fiber insulation board:				
55-lb., smooth surface, second quality.	108' roll.	Any		1.94	3/8" standard lath and board.	100 sq. ft.	Any		4.25
55-lb., smooth surface, third quality.	108' roll.	Any		1.63	1/2" standard lath and board.	100 sq. ft.	Any		5.33
65-lb., smooth surface, first quality.	108' roll.	Any		2.43	Lime:				
65-lb., smooth surface, second quality.	108' roll.	Any		2.21	Finishing, paper bags.	50-lb. bag.	Any		1.01
Asphalt shingles:					Masons hydrated, 10-lb.	10-lb. bag.	Any		.28
210-lb. (3 in 1) thickbutt.	100 sq. ft.	Any		5.66	Masons hydrated, 50-lb.	50-lb. bag.	Any		.73
167-lb., hexagon.	100 sq. ft.	Any		4.61	Masons hydrated, bbl.	Bbl.	C. L.		2.95

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 6 UNDER GENERAL ORDER NO. 68

Pursuant to the authority vested in the District Director of the Little Rock District Office by General Order No. 68 and Order of Delegation No. 126, issued by the Regional Administrator of Region V, and in accordance with the provisions of Order No. 6, under General Order No. 68, Amendment No. 1 to the above order has been issued.

Order No. 6, under General Order No. 68, was issued by the Little Rock District Director of the OPA on April 23, 1946, and became effective May 6, 1946. This order established dollars-and-cents ceiling prices for various items of hard building materials set forth in Appendix A thereof when sold at retail in the geographical area comprising Miller County, Arkansas.

Subsequent to March 31, 1946, various industry-wide adjustments have been granted manufacturers of hard building materials; and under the provisions of the Emergency Price Control Act as amended, the retail industry is entitled to its March, 1946 mark-up on those items on which the manufacturer has received adjustments. Therefore, in view of increases granted the producer of hard building materials, it has been necessary, under the provisions of the

Emergency Price Control Act of 1942, as amended, to amend and revise the retail price list of hard building material items (as of August 23, 1946) to the extent set forth in the accompanying amendment. Such action by the District Director has been found necessary under the Act and will remove all inequities now existing in the original order.

Section VII of Order No. 6 provides that retailers subject to the order are required to absorb all price increases granted the producer of hard building materials. However, under the provisions of the Emergency Price Control Act, as amended, the retail industry is entitled to its March, 1946 mark-up on items on which the manufacturer has received price increases. Because of this provision of the Act as amended, it has been necessary to amend Order No. 6 to conform to the new provisions of the act. It is also for this reason that this Amendment is being issued.

Since the issuance of the above order, it has been found that certain items of building materials have been either suspended from price control or covered by other regulations. Therefore, this Amendment is also being issued to delete items exempt from control or covered by other regulations.

[F. R. Doc. 46-17121; Filed, Sept. 23, 1946; 8:48 a. m.]

[Miami Rev. Order G-11 Under Gen. Order 68]

HARD BUILDING MATERIALS IN BROWARD 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 Broward 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 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 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 Broward 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 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 increases in supplier's price—(a) Applicability This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

Sec. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

Issued this 22d day of August 1946.

BERNARD C. GOODWIN,
District Director.

TABLE 1

Effective in Broward County, Florida.
Effective Date: August 24, 1946.

READY MIXED CONCRETE

The maximum prices for sales of ready-mixed concrete delivered to a jobsite within a five mile radius of the seller's plant shall be as follows:¹

\$10.20 per cubic yard of five bag mix

An additional 15¢ per cubic yard per mile may be charged for deliveries beyond a five mile radius of the seller's plant.

An additional 82¢ per bag of cement per cubic yard may be charged for ready-mixed concrete containing more than 5 bags of cement per cubic yard and 82¢ per bag of cement per cubic yard must be deducted for ready-mixed concrete containing less than 5 bags of cement per cubic yard.

An additional \$1.50 per cubic yard may be charged for sales of less than two cubic yards.

An additional \$2.00 per cubic yard may be added for installing the concrete in place with a chute.

An additional \$1.00 per cubic yard may be added for concrete treated with a water-proofing additive.

An amount computed at the rate of \$4.00 per hour may be added on deliveries requiring a waiting time of more than twenty (20) minutes.

OPINION ACCOMPANYING REVISED ORDERS NUMBERED G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15 AND ORDER NO. G-16

Under General Order No. 68, as amended, the Price Administrator may, and each Regional Administrator of the Office of Price Administration and any District Director who may be authorized by the appropriate Regional Administrator is authorized to issue and put into effect orders establishing maximum prices, applicable to a particular community or defined area, for sales of commodities under the jurisdiction of the Building Materials and Construction Price Branch by all persons to ultimate users or to purchasers for resale on an installed basis.

This authority has been delegated to the Director of the Miami District Office by the Regional Administrator of Region IV, by Regional Delegation Order No. 93, as amended.

Acting pursuant to said General Order 68, as amended, and to Regional Delegation Order No. 93, the District Director of the Miami District Office has heretofore issued orders numbered G-13 through G-15. These orders established ceiling prices for the listed hard building materials and covered most of the area comprising the Miami District.

¹ All prices are subject to the customary quantity and trade differentials in effect during March 1942.

General Order 68 provides the following standards to be applied to orders issued under that general order: (1) Maximum prices shall be set forth in dollars-and-cents unless this shall clearly appear impractical or inappropriate; and (2) maximum prices thus set forth shall not exceed the general level of prices as fixed by the regulation which would otherwise be applicable.

In accordance with the first of the above described standards, prices established in the above mentioned orders are specific dollars-and-cents prices applicable to sales in various quantities.

In determining the appropriate prices for inclusion in the orders the Director of the Miami District Office surveyed the prices charged by the principal suppliers in the stated areas. Prices charged currently and in March 1942, for each item in each quantity bracket as well as discount terms, delivery practices and other conditions of sale were obtained. The prices obtained were first studied in order to ascertain that amount of differentiation as to types of sellers, types of purchasers and quantity of sales that should be recognized in the orders to prevent substantial hardship and to avoid marked increases and which could be based on definite and recognizable objective characteristics apparent at the time of the sale. The data for each selected grouping was next set forth in an array and where possible a quasi-modal price based on prices weighted on the over-all sales volumes of the sellers studied and covering 60-65% of the volume of sales was chosen as the ceiling prices for the particular commodity. In those cases where the modal price was not appropriate or where it was impossible of ascertainment a bulkline price covering 60-65% of the sales was selected. By the use of these statistical methods it was apparent that in general the prices established did not exceed the level of prices as fixed by the regulation which otherwise would have been applicable nor was any substantial reduction made in the current legal maximum prices of any important group of sellers.

Aside from correcting certain minor errors found in the orders numbered G-3 through G-15, the issuance of the revised orders accompanying this opinion is intended to accomplish two objectives. In the first place the minor revisions in the areas covered under the Revised Orders numbered G-3 through G-15 together with the issuance of Order G-16, complete the coverage of the entire area comprising the Miami District. Thus, dollars-and-cents ceiling prices for the listed hard building materials are now established for the entire area commonly known as South Florida or Peninsular Florida. In the second place the issuance of the accompanying orders is intended to, and apparently does, remove the absorption of certain costs heretofore required of dealers and arising because of increased manufacturer's ceilings subsequent to March 31, 1946. Further, in accordance with the provisions of Section 2 (t) of the Emergency Price Control Act of 1942, as amended, the revised orders now make specific pro-

visions regarding increased costs accruing to the affected sellers.

This action has been discussed with members of the trade at informal meetings with representative dealers and all suggestions and recommendations offered by the trade have been considered and have been incorporated into this order to the extent that these suggestions were consistent with the provisions of General Order No. 68 and the Emergency Price Control Act of 1942, as amended.

All provisions of these orders and their effect upon business practices, cost practices, or methods or means or aids to distribution in the industry have been carefully considered by the District Director of the Miami District Office. No provisions which might have the effect

of requiring a change in such practices, methods, means or aids established in the industry have been included in the new regulations unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation or of the Emergency Price Control Act of 1942, as amended. To the extent that provisions of the orders compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry, such provisions have been found necessary to prevent circumvention or evasion of the regulation or Act.

[F. R. Doc. 46-17117; Filed, Sept. 23, 1946; 8:49 a. m.]

MAXIMUM PRICES IN DOLLARS PER SELLING UNIT

Item	When sold in quantities of—	Selling unit	Delivered in free delivery zone	Item	When sold in quantities of—	Selling unit	Delivered in free delivery zone
Finishing lime	LCL	50 lb. bag	\$0.62	Portland cement, standard paper bags	LCL	94 lb. bag	\$0.765
	LCL	100 lb. bag	.94		CL or more	376 lb. bbl	2.81
	CL or more	Ton	18.64	Portland cement, standard cloth bags	LCL	94 lb. bag	.815
Metal lath, 2.5 lb., copper bearing painted diamond mesh	1 sq. yd. or more	Sq. yd.	.327		CL or more	376 lb. bbl	3.01
Metal lath, 2.5 lb., painted diamond mesh (not copper bearing)	1 sq. yd. or more	Sq. yd.	.336	Masonry cement, paper bags	LCL	67 lb. bag	.695
Metal lath, 3.4 lb., copper bearing painted diamond mesh	1 sq. yd. or more	Sq. yd.	.364		CL or more	268 lb. bbl	2.41
Metal lath, 3.4 lb., painted diamond mesh (not copper bearing)	1 sq. yd. or more	Sq. yd.	.354	Mason's hydrated lime	LCL	50 lb. bag	.50
Metal lath, corner bead, expanded type	1 lin. ft. or more	Lin. ft.	.043		CL or more	Ton	16.80
Metal lath, corner bead, not expanded	1 lin. ft. or more	Lin. ft.	.032	Waterproof cement, gray	1 bag or more	94 lb. bag	.965
				Fibre insulation, 1/2", standard lath and board	Any amount	1000 sq. ft.	51.60
				Vitrified clay sewer pipe No. 18S-4"	LCL	Lin. ft.	.226
					CL or more	Lin. ft.	.192
				Vitrified clay sewer pipe No. 18S-6"	LCL	Lin. ft.	.317
					CL or more	Lin. ft.	.253

(10¢ refund to be given for the return of each empty bag in serviceable condition.)

The adjusted prices herein established by this amendment include the upward adjusted prices granted in Supplementary Order 172, dated August 8, 1946.

All other provisions of said original Order No. 2 and/or any amendments thereto which are not specifically amended hereby shall remain in full force and effect.

Issued and effective the 24th day of August, 1946.

J. G. CALLAWAY,
District Director.

AMENDMENT 3 TO ORDER NO. 2 UNDER
GENERAL ORDER NO. 68

In compliance with the Emergency Price Control Act of 1942, as amended, and in consideration of the complexities involved in effectuating the increase of maximum prices contemplated in connection with the building material industry, it has been determined that the dollar and cent pass through increase prices heretofore granted for the retail sellers thereof should be revoked and that the prices which would have otherwise been effective on March 1, 1946, should be increased by a definite percentage adjustment.

This amendment takes away the increases granted under Supplementary Order 172 as issued under date of August

8, 1946, and grants an upward adjustment by the application of percentage mark-ups in lieu thereof.

This amendment was made only after consultation with representative retail sellers of the materials affected, and in the opinion of the District Director, the amendments are necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and it does effectuate those purposes. The District Director is of the further opinion that the amendment is generally fair and equitable to the buyers and sellers alike.

[F. R. Doc. 46-17131; Filed, Sept. 23, 1946; 8:45 a. m.]

[Little Rock Order 7 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN CRAIGHEAD COUNTY,
ARK.

Pursuant to the Emergency Price Control Act of 1942, as amended, General Order No. 68, and Delegation of Authority Order No. 126, and in accordance with Order No. 7, issued under General Order No. 68 by the Little Rock District Director of the OPA, and for the reasons set forth in the accompanying opinion, this amendment is issued. The statement of

[Kansas City Order 2 Under Gen. Order 68, Amdt. 3]

BUILDING MATERIALS IN GREENE COUNTY,
MO.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, It is hereby ordered, That Order No. 2 under General Order No. 68 be and it is hereby amended in the following respects:

The prices heretofore established for the following named items in Appendix A of said original Order No. 2, including any and all amendments thereto, are hereby deleted and the following prices for said items are substituted in lieu thereof:

considerations involved in the issuance of this amendment No. 1 to Order No. 7, under General Order No. 68, has been issued simultaneously herewith and filed with the Division of the Federal Register.

It is ordered, That the title and contents of Section VII of Order No. 7, under General Order No. 68, is amended to read as follows:

SEC. VII. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum prices provides that all resellers, including those subject to area orders, issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order.

It is also ordered, That Appendix A to Order No. 7, under General Order No. 68, is amended in the following respects:

(1) The dollars-and-cents prices for specific items of hard building materials contained in Order No. 7, issued under General Order No. 68, are revised to the extent set forth in Appendix A attached hereto and dated August 23, 1946.

(2) The original Appendix A to Order No. 7, under General Order No. 68, is hereby by reference dated August 23, 1946.

(3) The hard building materials items "fire brick" and "fire clay powder" originally set forth in Appendix A of Order No. 7, under General Order No. 68, are deleted from said appendix.

This Amendment No. 1 shall become effective August 23, 1946.

Issued at Little Rock, Ark., this 23d day of August 1946.

ROBERT P. HALL,
District Director.

APPENDIX A

REVISED MAXIMUM PRICES FOR RETAIL SALES OF SPECIFIED BUILDING MATERIALS WHEN MADE IN CRAIG-HEAD COUNTY, ARKANSAS

Name of item	Selling unit	Revised maximum prices for sales f. o. b. plant, store or delivered within free delivery zone
Asbestos cement siding, 12 x 24 or 27:		
White, plain	100 sq. ft.	\$9.25
White, glazed	100 sq. ft.	11.55
Colors	100 sq. ft.	9.98
Asphalt roofing:		
90 lb., mineral surface	Roll 1 sq.	3.09
45 lb., smooth surface	Roll 1 sq.	1.62
55 lb., smooth surface	Roll 1 sq.	2.35
65 lb., smooth surface	Roll 1 sq.	2.78
Asphalt shingles:		
210 lb. (3 in 1), thick butt.	100 sq. ft.	6.70
167 lb., hexagon	100 sq. ft.	5.08
Asphalt or tarred felt:		
15 lb.	Roll, 4 sq.	3.04
30 lb.	Roll, 2 sq.	3.04
Slaters felt:		
6 lb.	500 ft. roll	1.84
Asphalt roll brick:		
Corners	Lin. ft.	.155
Siding	100 sq. ft.	3.83
Soldier course	100 sq. ft.	3.67
Cement:		
Portland, std.	94 lb. bag	.865
Portland, quick set	94 lb. bag	1.015
Fibre insulation board and latb:		
3/4 lb.	M sq. ft.	45.80
1/2 lb.	M sq. ft.	53.75
Insulating plank	M sq. ft.	69.27
Lime:		
Finishing, 50 lb.	Bag	.95
Masons hydrated, 10 lb.	Bag	.28
Masons hydrated, 50 lb.	Bag	.84
Sewer pipe vitrified clay:		
4"	Lin. ft.	.23
6"	Lin. ft.	.315
8"	Lin. ft.	.485
10"	Lin. ft.	.715
12"	Lin. ft.	1.072
15"	Lin. ft.	1.575
24"	Lin. ft.	3.62
Wall coping:		
6"	Lin. ft.	.32
13"	Lin. ft.	.40

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 7 UNDER GENERAL ORDER NO. 68

Pursuant to the authority vested in the District Director of the Little Rock District Office by General Order No. 68 and Order of Delegation No. 126, issued by the Regional Administrator of Region V,

and in accordance with the provisions of Order No. 7, under General Order No. 68, Amendment No. 1 to the above order has been issued.

Order No. 7, under General Order No. 68, was issued by the Little Rock District Director of the OPA on June 28, 1946, and became effective July 1, 1946. This order established dollars-and-cents ceiling prices for various items of hard building materials set forth in Appendix A thereof when sold at retail in the geographical area comprising Craighead County, Arkansas.

Subsequent to March 31, 1946, various industry-wide adjustments have been granted manufacturers of hard building materials; and under the provisions of the Emergency Price Control Act as amended, the retail industry is entitled to its March, 1946 mark-up on those items on which the manufacturer has received adjustments. Therefore, in view of increases granted the producer of hard building materials, it has been necessary, under the provisions of the Emergency Price Control Act of 1942 as amended, to amend and revise the retail price list of hard building material items (as of August 23, 1946) to the extent set forth in the accompanying amendment. Such action by the District Director has been found necessary under the Act and will remove all inequities now existing in the original order.

Section VII of Order No. 7 provides that retailers subject to the order are required to absorb all price increases granted the producer of hard building materials. However, under the provisions of the Emergency Price Control Act, as amended, the retail industry is entitled to its March, 1946 mark-up on items on which the manufacturer has received price increases. Because of this provision of the Act as amended, it has been necessary to amend Order No. 7 to conform to the new provisions of the Act. It is also for this reason that this Amendment is being issued.

Since the issuance of the above order, it has been found that certain items of building materials have been either suspended from price control or covered by other regulations. Therefore, this amendment is also being issued to delete items exempt from control or covered by other regulations.

[F. R. Doc. 46-17122; Filed, Sept. 23, 1946; 8:48 a. m.]

[Region I Order G-2 Under Gen. Order 70]

STOCK PRINT AND SPECIAL PRINT FOLDING EGG CARTONS OF PAPERBOARD IN NEW ENGLAND

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by General Order No. 70, as amended, and the Emergency Price Control Act of 1942, as amended, It is ordered:

(a) On and after the effective date of this order, the maximum prices for sales

and deliveries to all purchasers within New England of the folding egg cartons listed below shall be as follows:

(1) *Manufacturers' maximum prices.* The following are the maximum prices for sellers who are producers or manufacturers:

Quantity sold	Maximum prices, per thousand			
	3 x 4 chip carton	3 x 4 manila or blue lined chip carton	2 x 6 chip carton	2 x 6 manila or blue lined chip carton
Less than 10,000 cartons	\$10.05	\$10.50	\$13.35	\$13.85
10,000 cartons to carload ¹				
Carload and over ²				

¹ List prices above less 2 1/4%
² List prices above less 5%.

(2) *Wholesalers' maximum prices.* The following are the maximum prices for sellers who are wholesale distributors with receiving points within the manufacturer's free delivery zones, and who sell to buyers for resale rather than use:

Quantity sold	Maximum prices, per thousand			
	3 x 4 chip carton	3 x 4 manila or blue lined chip carton	2 x 6 chip carton	2 x 6 manila or blue lined chip carton
Less than 10,000 cartons	\$12.05	\$12.60	\$16.00	\$16.60
10,000 or more cartons	11.45	12.00	15.25	15.85

(a) Wholesale distributors with receiving points outside of the manufacturer's free delivery zone may add to the above prices transportation charges (including transportation tax, if any) actually paid.

(3) *Retailers' maximum prices.* The following are the maximum prices for sellers who are retail distributors selling to buyers who buy for use (such as, to farmers, poultry):

Quantity sold	Maximum prices, per thousand			
	3 x 4 chip carton	3 x 4 manila or blue lined chip carton	2 x 6 chip carton	2 x 6 manila or blue lined chip carton
Less than 250 cartons	\$15.95	\$16.40	\$19.70	\$20.30
250 up to 1,999 cartons	13.95	14.40	17.70	18.30
2,000 up to 4,999 cartons	13.15	13.60	17.15	17.65
5,000 up to 9,999 cartons	12.85	13.30	16.80	17.30
10,000 up to 24,999 cartons	12.60	13.05	16.45	16.95
25,000 up to 99,999 cartons	12.05	12.50	15.75	16.25
100,000 and over	11.75	12.20	15.05	15.90

(b) *Charges for special printing—(One color).*

	Per M
5M	\$2.00
10M	1.50
25M	1.25
50M	1.00
100M	.50
Carload	.25

For each additional color, add the above one-color price.

"Special printing" shall include printing of trade names, addresses or slogans, but shall not include printing of words which indicate merely the contents of the carton.

(c) *Delivery.* The maximum prices hereby established are for sale on a delivered basis within the seller's free delivery zone in New England. For delivery made by the seller beyond his free delivery zone, transportation shall not exceed the lowest available common carrier rate. For non-delivered sales (i. e., f. o. b. seller's plant or warehouse), the seller must deduct from the maximum prices established in paragraph (a), above, the seller's customary delivery differential (as determined under the otherwise applicable regulation; e. g., Revised Maximum Price Regulation 187—for manufacturers, Maximum Price Regulation 349—for distributors, or General Maximum Price Regulation—for sellers other than manufacturers and distributors as defined in Maximum Price Regulation 349). If the seller had no such customary delivery differential, he must deduct for non-delivered sales the lowest available common carrier rate for delivery to the buyer.

(d) The seller must notify the buyer at the time of the first sale of the maximum prices established by this order for the items of such sale. The seller may comply with this requirement by furnishing each buyer with a copy of this order.

(e) Regardless of any contract or other obligation, this order applies to all sales and deliveries within Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, of all stock-print and special-print folding egg cartons made of paperboard (but not of moulded paper) of caliper .020 to .023, inclusive, for which prices are established by paragraph (a). The maximum prices established hereby shall apply to all sales pursuant to which the buyer receives delivery within New England.

(f) The maximum prices of used egg cartons are not affected by this order.

(g) Sellers subject to this order must deduct from the maximum prices in paragraph (a) their customary allowances, discounts or other price differentials, including the differential for non-delivered sales.

(h) New sellers and sellers without "base-period experience" shall use the free delivery zone, delivery practices and differentials, allowances and discounts of their most closely competitive seller of the same class. "Seller of the same class" means a seller (1) performing the same function (for example, manufacturing, distributing, retailing), (2) of similar type (for example, manufacturer, paper jobber, wholesale grocer, feed and grain store, hardware store), (3) dealing in the same type of commodities, and (4) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (1) is selling the same or a similar commodity, and (2) is closely competitive in the sale

of such commodities, and (3) is located nearest to the seller. "Base-period experience" refers to the business practices of manufacturers during October, 1941, and to the business practices of other sellers during March, 1942.

(i) No additional charges not provided for by this order shall be made. However, lower prices than those established by this order may be charged, demanded, offered or paid.

(j) (1) *Invoices and records.* Every person making a sale of egg cartons for which a maximum price is set by this order shall give the purchaser or his agent, at the time of the sale, an invoice or other memorandum of sale which shall show:

(i) The date of sale.

(ii) The name and address of the buyer and seller.

(iii) The quantity of egg cartons sold.

(iv) A description of the egg cartons in the same manner as they are described in this order.

(v) Any customary allowance, discount, or other price differential, including the differential for nondelivered sale.

(vi) Total price of the egg cartons.

(vii) A description of and the amount of the permitted charges for special printing.

(2) The seller shall keep an exact copy of such invoice or memorandum for a period of two years, and such copy shall be made available for inspection by the Office of Price Administration.

(k) *Adjustable pricing.* Any person may agree to sell at whatever maximum price is in effect at the time of delivery; but no person may deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery.

(1) *Applicability of other regulations.*

(1) To the extent applicable, the provisions of this order supersede the maximum prices as established by Revised Maximum Price Regulation No. 187 for sales by manufacturers, and by Maximum Price Regulation No. 349 for sales by certain distributors, and by GMPR for certain wholesalers and retailers. This order incorporates the provisions relating to taxes contained in said regulations; namely: Revised Maximum Price Regulation 187, Section 5; Maximum Price Regulation 349, Section 4; and General Maximum Price Regulation, Section 7.

(2) The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this 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.

(m) *Enforcement.* Persons violating any provision of this order are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

(n) *Evasion.* The price limitation set forth in this order shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of egg cartons covered in this order, within Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, alone or in conjunction with any other commodity, or by way of commission service transportation, or other charge or discount, premium, privilege or other trade understanding, or by modifying, discontinuing or altering any customary trade practice of the seller, or by increasing terms, or extension of credit, or by splitting orders or by reducing the size of the sale, or by any other means.

(o) *Petitions for amendment.* Any person seeking an amendment of any provision of this order, including any provision of any appendix to this order, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration.

(p) *Power to amend, revoke or correct.* This order is subject to revocation, correction or amendment by the Office of Price Administration at any time.

This order shall become effective September 19, 1946.

Issued this 19th day of September 1946.

ELDON C. SHOUP,
Regional Administrator.

OPINION ACCOMPANYING ORDER NO. G-2
UNDER GENERAL ORDER NO. 70

The accompanying Order No. G-2, issued pursuant to General Order No. 70, sets forth current maximum prices for all sales in Region I of the folding egg cartons listed in the order. The cartons specified are made of paperboard only.

Paragraph (a) (1) establishes maximum prices in Region I to all purchasers direct from the manufacturers for stock print cartons. Paragraphs (a) (2) and (a) (3) establish maximum prices for all resellers in Region I. Paragraph (b) applies to charges for special print cartons. In other words, in respect to the egg cartons specified, the order affects all sellers; that is, a "manufacturer" as defined in Revised Maximum Price Regulation No. 187, a "distributor" as defined in Maximum Price Regulation No. 349, a "seller" as defined in General Maximum Price Regulation. The order does not affect the maximum prices of used egg cartons. Sellers subject to the order must price egg cartons, other than those specifically covered by the present order, pursuant to the particular maximum price regulation applicable to their own sales of such cartons.

Section (a) of General Order No. 70 delegates to the Regional Administrator authority to establish dollar-and-cent ceiling prices on certain paperboard commodities, including egg cartons; and to grant adjustment thereof, under certain conditions, in any area or locality

within his jurisdiction. Section (c) provides that an order establishing maximum prices under General Order No. 70, after approval by the Office of Price Administration, Washington, D. C., shall supersede the maximum prices established for any of the items affected in any existing maximum price regulation, schedule or order.

The delegation of authority to the Regional Administrator under General Order No. 70, together with the applicable procedure and criteria, are explained in the Statement of Considerations accompanying said General Order No. 70, and were recited in the opinion accompanying Region I Order No. G-1 thereunder (to which further reference may be made). Pursuant thereto, the accompanying order adjusts the maximum prices for all sales within Region I of the cartons specified. Investigation discloses a threat of a local shortage of these egg cartons in the New England States. It appears that price adjustments for manufacturers, for sales by wholesale distributors selling to buyers who buy for resale rather than use, and for retail distributors selling to buyers who buy for use, such as farmers, poultrymen, etc., are necessary in order to maintain production and to avoid the threatened shortage.

Practically all of the egg cartons used in this region are produced here, since bulk and freight make it uneconomical to import from other sections of the country. Because price increases granted in paperboard, together with other necessary supplies (such as glue, ink and corrugated packing cases), have become so large compared with March, 1943, costs, and since it has been necessary to grant numerous wage increases to workers in the industry, the financial conditions facing the companies making up the industry are such as to threaten the continued supply of the cartons. In

addition to cost increases in types of board and paper normally used, the shortage of these types has made it necessary very frequently to use more expensive substitutes. Since there would be no alternative source of supply if local manufacturers were to discontinue production, it is considered that there is a serious threat of shortage to the supply of egg cartons at the present time.

Upon the basis of the data submitted to this office, the present order effects an adjustment in manufacturers' maximum selling prices sufficient to compensate for recent increases in labor and material costs and to allow the percentage of return equal to the industry-wide profit factor prevailing in 1941. The latter is not less favorable to the industry than its profit factor based upon its operations in any prior annual period proximate thereto. As to resellers, the maximum selling prices which, as presently adjusted, are hereby established conform with the percentage mark-up in effect on March 31, 1946. The present adjustments will not create nor tend to create an increase in prices in another locality; since prices for said cartons have generally been higher than prices which have prevailed in this region. The present action is deemed advisable as establishing area prices in this region, where a large part of the egg cartons used are sold, and where the industry, although highly competitive, appears customarily to have maintained uniform prices.

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

All provisions of this order and their effect upon business practices, cost practices, or methods, or means, or aids to distribution in the industry 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 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 Emergency Price Control Act of 1942, as amended. 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 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 present order supersedes Region I Order No. G-44, previously issued, under section 18 (c) of General Maximum Price Regulation. Consequently, that order will be revoked, said revocation to be effective concurrently with the effective date of the present order.

[F. R. Doc. 46-17114; Filed, Sept. 23, 1946; 8:50 a. m.]

[Kansas City Order 7 Under Gen. Order 68, Amdt. 2]

BUILDING MATERIALS IN MISSOURI

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, *It is hereby ordered*, That Order 7 under General Order No. 68 be and it is hereby amended in the following respects:

The prices heretofore established for the following named items in Appendix A of said original Order No. 7, including any and all amendments thereto, are hereby deleted and the following prices for said items are substituted in lieu thereof:

MAXIMUM PRICES IN DOLLARS PER SELLING UNIT

Item	When sold in quantities of—	Selling unit	F. o. b. yard, store, plant, or railroad car	Item	When sold in quantities of—	Selling unit	F. o. b. yard, store, plant, or railroad car
Portland cement, standard gray	Any	94-lb. bag	\$0.765	Asphalt roll brick siding, 105 lb.	Any	Per roll	\$3.77
Hydrated lime	Any	50-lb. bag	.73	Asphalt roll brick siding, 105 lb. soldier course	Any	Per roll	3.77
Hydrated lime	Any	10-lb. bag	.28	Asphalt roll roofing, smooth surface, first grade, 45 lb.	Any	Per roll	1.81
Finish lime	Any	50-lb. bag	.84	Asphalt roll roofing, smooth surface, first grade, 55 lb.	Any	Per roll	2.36
Vitrified clay sewer pipe 4"	Any	Lin. ft.	.199	Asphalt roll roofing, smooth surface, first grade, 65 lb.	Any	Per roll	2.41
Vitrified clay sewer pipe 6"	Any	Lin. ft.	.30	Asphalt roll roofing, smooth surface, second grade, 35 lb.	Any	Per roll	1.31
Vitrified clay sewer pipe 8"	Any	Lin. ft.	.418	Asphalt roll roofing, smooth surface, second grade, 45 lb.	Any	Per roll	1.64
Vitrified clay sewer pipe 10"	Any	Lin. ft.	.584	Asphalt roll roofing, smooth surface, second grade, 55 lb.	Any	Per roll	1.92
Vitrified clay sewer pipe 12"	Any	Lin. ft.	.713	Asphalt roll roofing, mineral surface, 30 lb.	Any	Per roll	2.76
Metal lath, painted diamond mesh, not copper bearing, 2.5 lb.	Any	Sq. yd.	.33	Asphalt roll roofing, diamond point, 105 lb.	Any	Per roll	3.41
Metal lath, painted diamond mesh, copper bearing, 2.5 lb.	Any	Sq. yd.	.341	Asphalt roll roofing, box and staggered edge, 105 lb.	Any	Per roll	3.64
Metal lath, painted diamond mesh, not copper bearing, 3.4 lb.	Any	Sq. yd.	.376	Asphalt shingles, hexagon, 167 lb.	Any	Per sq.	4.74
Metal lath, painted diamond mesh, copper bearing, 3.4 lb.	Any	Sq. yd.	.387	Asphalt shingles, thickbutt, 210 lb.	Any	Per sq.	6.08
Metal lath, 2.5-lb. galvanized diamond mesh.	Any	Sq. yd.	.363	Asphalt and tarred felts, 432 sq. ft., 15 lb.	Any	Per roll	3.06
Metal lath, 3.4 lb. galvanized diamond mesh.	Any	Sq. yd.	.411	Wall board, Upson	Any	1,000 sq. ft.	47.23
Corner bead, smooth	Any	Lin. ft.	.053	Wall board, Atlas	Any	1,000 sq. ft.	43.93
Corner bead, expanded	Any	Lin. ft.	.064	Wall board, utility	Any	1,000 sq. ft.	42.60
Siding, rigid asbestos shingle, standard white	Any	Per sq.	9.20	Insulation board, 3/4"	Any	1,000 sq. ft.	53.75
Siding, rigid asbestos shingles, standard gray	Any	Per sq.	9.15	Insulation board, asphalt sheathing, 2 1/2"	Any	1,000 sq. ft.	89.70
Siding, rigid asbestos shingles, glazed white	Any	Per sq.	11.02	Insulation pile, 1/2" 16 x 32, 24 x 48	Any	1,000 sq. ft.	69.22
Siding, rigid asbestos shingles, glazed gray	Any	Per sq.	11.02				

Issued and effective the twenty-fourth day of August, 1946,

The adjusted prices herein established by this amendment include the upward adjusted prices granted in Supplementary Order 172, dated August 8, 1946.

All other provisions of said original Order No. 7 and/or any amendments thereto which are not specifically amended hereby shall remain in full force and effect.

Issued and effective the 24th day of August 1946.

J. G. CALLAWAY,
District Director.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 7 UNDER GENERAL ORDER NO. 68

In compliance with the Emergency Price Control Act of 1942, as amended, and in consideration of the complexities involved in effectuating the increase of maximum prices contemplated in connection with the building material in-

dustry, it has been determined that the dollar and cent pass through increase prices heretofore granted for the retail sellers thereof should be revoked and that the prices which would have otherwise been effective on March 1, 1946, should be increased by a definite percentage adjustment.

This amendment takes away the increases granted under Supplementary Order 172 as issued under date of August 8, 1946, and grants an upward adjustment by the application of percentage mark-ups in lieu thereof. This amendment was made only after consultation with representative retail sellers of the materials affected, and in the opinion of the District Director, the amendments are necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and it does effectuate these purposes. The District Director is of the further opinion that

the amendment is generally fair and equitable to the buyers and sellers alike.

[F. R. Doc. 46-17129; Filed, Sept. 23, 1946; 8:45 a. m.]

[Kansas City Order 6 Under Gen. Order 68, Amdt. 2]

BUILDING MATERIALS IN PETTIS COUNTY, Mo.

For the reasons set forth in an opinion issues simultaneously herewith and pursuant to the provisions of General Order No. 68, *It is hereby ordered*, That Order No. 6 under General Order No. 68 be and it is hereby amended in the following respects:

The prices heretofore established for the following named items in Appendix A of said original Order No. 6, including any and all amendments thereto, are hereby deleted and the following prices for said items are substituted in lieu thereof:

Item	When sold in quantities of	Selling unit	F. o. b. yard, store, plant or railroad car	Item	When sold in quantities of	Selling unit	F. o. b. yard, store, plant or railroad car
Portland cement, gray (paper)	1 to 99 bags	94-lb. bag	\$0.765	Asphalt roll brick siding, 105 lb.	Any	Per roll	\$3.93
	100 bags or more	94-lb. bag	.715	Asphalt roll brick siding 105 lb., soldier course.	Any	Per roll	3.93
Portland cement, gray (cloth)	1 to 99 bags	94-lb. bag	.815	Asphalt roll roofing 35 lb., first grade smooth.	Any	Per roll	1.62
	100 bags or more	94-lb. bag	.765	Asphalt roll roofing 45 lb., first grade smooth.	Any	Per roll	1.94
Hydrated lime (paper)	Any	50-lb. bag	.56	Asphalt roll roofing 55 lb., first grade smooth.	Any	Per roll	2.31
Hydrated lime (paper)	Any	10-lb. bag	.21	Asphalt roll roofing 65 lb., first grade smooth.	Any	Per roll	2.88
Finish lime (paper)	Any	50-lb. bag	.84	Asphalt roll roofing 35 lb., second grade smooth.	Any	Per roll	1.31
Vitrified clay sewer pipe No. 1-SS, 4"	Any	Lin. ft.	.209	Asphalt roll roofing 45 lb., second grade, smooth.	Any	Per roll	1.83
Vitrified clay sewer pipe No. 1-SS, 6"	Any	Lin. ft.	.306	Asphalt roll roofing 90 lb., mineral surface.	Any	Per roll	2.76
Vitrified clay sewer pipe No. 1-SS, 8"	Any	Lin. ft.	.441	Asphalt roll roofing 105 lb., mineral surface.	Any	Per roll	3.15
Vitrified clay sewer pipe No. 1-SS, 10"	Any	Lin. ft.	.588	Asphalt roll roofing box and staggered edge, 105 lb.	Any	Per roll	2.99
Vitrified clay sewer pipe No. 1-SS, 12"	Any	Lin. ft.	.803	Asphalt shingles 167 lb., hexagon	Any	Per sq.	4.77
Metal lath, 2.2 lb., painted diamond mesh (not copper bearing).	Any	Sq. yd.	.319	Asphalt shingles 186 lb., hexagon	Any	Per sq.	5.02
Metal lath, 2.2 lb., painted diamond mesh (copper bearing).	Any	Sq. yd.	.33	Asphalt shingles 210 lb., hexagon	Any	Per sq.	6.03
Metal lath, 3.4 lb., painted diamond mesh (not copper bearing).	Any	Sq. yd.	.411	Asphalt shingles 210 lb., Thick Butt.	Any	Per sq.	6.03
Metal lath, 3.4 lb., painted diamond mesh (copper bearing).	Any	Sq. yd.	.423	Asphalt tarred felts 15 lb., 432 sq. ft.	Any	Per roll	2.79
Metal lath, 2.5 lb., painted diamond mesh (not copper bearing).	Any	Sq. yd.	.33	Asphalt tarred felts 30 lb., 216 sq. ft.	Any	Per roll	2.79
Metal lath, 2.5 lb., painted diamond mesh (copper bearing).	Any	Sq. yd.	.341	Wall board, Upson	Any	1,000 sq. ft.	55.81
Metal lath, corner bead, smooth.	Any	Lin. ft.	.048	Wall board, Atlas	Any	1,000 sq. ft.	37.27
Metal lath, corner bead, expanded.	Any	Lin. ft.	.053	Wall board, utility	Any	1,000 sq. ft.	42.60
Siding, rigid asbestos, standard white.	Any	Per sq.	8.92	Insulation board, 1/2"	Any	1,000 sq. ft.	53.75
Siding, rigid asbestos, standard gray.	Any	Per sq.	8.92	Insulation board sheathing 2 3/8", asphalt coated or impregnated.	Any	1,000 sq. ft.	84.50
Siding, rigid asbestos, glazed white.	Any	Per sq.	9.98	Insulation tile, 1/2", 16 x 32, 24 x 48"	Any	1,000 sq. ft.	71.88
Siding, rigid asbestos, glazed gray.	Any	Per sq.	9.98	Insulation tile, 1/2", other sizes	Any	1,000 sq. ft.	74.55
				Insulation plank, 1/2 x 8, 10, 12	Any	1,000 sq. ft.	69.22

A 10¢ refund to be made for the return of each empty bag in serviceable condition.

The adjusted prices herein established by this amendment include the upward adjusted prices granted in Supplementary Order 172, dated August 8, 1946.

All other provisions of said original Order No. 6 and/or any amendments thereto which are not specifically amended hereby shall remain in full force and effect.

Issued and effective the 24th day of August 1946.

J. G. CALLAWAY,
District Director.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 6 UNDER GENERAL ORDER NO. 68

In compliance with the Emergency

Price Control Act of 1942, as amended, and in consideration of the complexities involved in effectuating the increase of maximum prices contemplated in connection with the building material industry, it has been determined that the dollar and cent pass through increase prices heretofore granted for the retail sellers thereof should be revoked and that the prices which would have otherwise been effective on March 1, 1946, should be increased by a definite percentage adjustment.

This amendment takes away the increases granted under Supplementary Order 172 as issued under date of August 8, 1946, and grants an upward ad-

justment by the application of percentage mark-ups in lieu thereof.

This amendment was made only after consultation with representative retail sellers of the materials affected, and in the opinion of the District Director, the amendments are necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and it does effectuate those purposes. The District Director is of the further opinion that the amendment is generally fair and equitable to the buyers and sellers alike.

[F. R. Doc. 46-17128; Filed Sept. 23, 1946; 8:46 a. m.]