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FEDERAL REGISTER

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Regulations

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 725—BURLEY AND FLUE-CURED TOBACCO

NATIONAL MARKETING QUOTA FOR 1947–48

§ 725.305 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1947*[1]—(a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,352,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1946, is 1,444,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of Burley tobacco which will make available during the marketing year beginning October 1, 1947, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 408,000,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 408,000,000 pounds would result in undue restriction of marketings during the 1947–1948 marketing year, and such amount is hereby increased by 20 per centum. Therefore, the amount of the national marketing quota for Burley tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1947, is 490,000,000 pounds.

§ 725.306 *Effective date.* In view of the requirement of section 312 (b) of the Agricultural Adjustment Act of 1938, as amended, that a referendum of farmers who were engaged in the production of the 1946 crop of Burley tobacco be conducted within thirty days after the date of the issuance of the proclamation herein to determine whether such farmers are in favor of or opposed to the national quota so proclaimed and in order that reasonable notice of the referendum may be given to farmers eligible to vote therein, it is hereby determined and found that this proclamation should, and the same hereby shall, become effective upon publication in the FEDERAL REGISTER.

(52 Stat. 40, 41, 42, 43, 46; 53 Stat. 1261; 54 Stat. 392; 56 Stat. 121; 57 Stat. 387; 58 Stat. 136; 7 U. S. C. 1301 (b), 1301 (c), 1312; 60 Stat. 21)

Done at Washington, D. C., this 1st day of October 1946. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-17932; Filed, Oct. 4, 1946; 9:06 a. m.]

[1] Rounded to the nearest 1,000,000 pounds.

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 801—GENERAL SUGAR REGULATIONS

RULES OF PRACTICE APPLICABLE TO PRICE AND WAGE PROCEEDINGS UNDER SUGAR ACT OF 1937 AND TO PROCEEDINGS UNDER SECTION 511 THEREOF

GENERAL

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RULES APPLICABLE TO WAGE AND FAIR PRICE PROCEEDINGS

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801.110 Procedure governing proceedings under section 511.
801.111 Preparation and issuance of recommendations under section 511.

AUTHORITY: §§ 801.101 to 801.111, inclusive, issued under 50 Stat. 909, 916; 7 U. S. C. 1131, 1181.

GENERAL

§ 801.101 *Definitions.* (a) The term "act" means the Sugar Act of 1937 (50 Stat. 903–916; 7 U. S. C. 1100–1183), and

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legislation supplementary thereto and amendatory thereof;

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary delegates authority to act in his stead;

(d) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and the acts supplementary thereto and amendatory thereof;

(e) The term "price and wage proceeding" means a proceeding arising under section 301 of the act;

(f) The term "hearing clerk" means the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.; and

(g) The term "presiding officer" means any employee of the Department designated by the Secretary to conduct hearings under sections 301 and 511 of the act.

RULES APPLICABLE TO WAGE AND FAIR PRICE PROCEEDINGS

§ 801.102 *When hearing held.* The Secretary shall annually hold or cause to be held, pursuant to section 301 of the act, one or more hearings for the purpose of receiving evidence which may be of assistance to him in determining (a) fair and reasonable prices for sugar beets and sugarcane, and (b) fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets or sugarcane. Due notice and opportunity for hearing shall be given to persons employed in the production, cultivation, or harvesting of sugar beets or sugarcane, and to the producers and processors of sugar beets and sugarcane.

§ 801.103 *Notice of hearing*—(a) *Filing and giving notice.* Upon his decision to hold a hearing for the purpose stated in the preceding section, the Secretary shall issue a notice of hearing, which shall be filed with the hearing clerk, who promptly shall mail a true copy thereof to grower and labor groups or organizations known to be interested in the proceeding. The hearing clerk shall give or cause to be given further notice of the hearing in the following manner:

(1) By publication of such notice in the FEDERAL REGISTER; and

(2) By issuing a press release containing the complete text or a summary of the contents of such notice.

Proof of the mailing of the notice of the hearing and of other means of giving notice shall be by affidavit or certificate of the person making or giving the same. Such affidavits or certificates shall be filed with the hearing clerk and the filing thereof shall be noted on the docket of the proceeding.

(b) *Contents.* The notice of hearing shall contain: (1) A statement of the purpose of the hearing, including the complete text, or a summary thereof, of any determination that is to be proposed by the Department at the hearing, and (2) a statement of the time and place for the hearing. The time of the hearing shall not be less than 10 days after the date of publication of the notice in the FEDERAL REGISTER, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

§ 801.104 *Docket number.* Each proceeding, immediately following the filing of the notice of hearing, shall be assigned a docket number by the hearing clerk, and thereafter the proceeding shall be referred to by such number.

§ 801.105 *Conduct of hearing*—(a) *Presiding Officer.* Each such hearing shall be presided over by such employee or employees of the Department as the Secretary may designate for the purpose. The hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

(b) *Continuance of hearing.* Each such hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.

(c) *Order of procedure.* At the commencement of the hearing, the presiding officer shall file as an exhibit for the record a copy of the FEDERAL REGISTER containing the notice of the hearing, and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(d) *Submission of evidence.* All interested persons appearing at the hearing shall be given reasonable opportunity to offer evidence with respect to the matters specified in the notice of hearing. Every witness shall, before proceeding to testify, be sworn, after which he shall state his name, address, and whom he represents at the hearing, and shall give such other information respecting his appearance as the presiding officer may request. The presiding officer shall confine the evidence to the questions before the hearing but shall not apply the technical rules of evidence. Affidavits as to relevant facts may be admitted in evidence at the hearing. Every witness shall be subject to questioning by the presiding officer or by any other representative of the Department, but cross-examination by other persons shall not be allowed, except in the discretion of the presiding officer.

(e) *Transcript of the evidence.* Testimony given at the hearing shall be reported verbatim. All supporting written statements, charts, tabulations, or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be numbered as exhibits and received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, four copies of the exhibits shall be submitted and in typewritten, printed, or mimeographed form. If sufficient copies are not available, the presiding officer may have any exhibit read in evidence or may require additional copies to be furnished within a specified time.

(f) *Written arguments.* The presiding officer shall announce at the hearing a reasonable period within which interested persons may file with the hearing clerk written arguments based on the evidence received at the hearing. Written arguments will not be accepted unless an original and three copies are filed. The period for filing written arguments may be extended by the presiding officer for good cause.

(g) *Copies of the transcript.* Any person desiring a copy of the transcript of testimony shall be entitled thereto upon written application filed with the reporter, and upon payment of fees at the rate provided in the contract between the reporter and the Secretary.

§ 801.106 *Preparation and issuance of determination*—(a) *Preparation of proposed determination.* Within a reasonable time after the expiration of the period allowed for the filing of written arguments, the presiding officer, or such employees of the Department as may be assigned for the purpose, shall prepare such proposed determination as is appropriate and practicable.

(b) *Submission of proposed determination to the Secretary.* Immediately upon completion of its preparation, the proposed determination shall be submitted to the Secretary for approval and issuance. The proposed determination shall be accompanied by a memorandum containing a summary of the evidence contained in the record and of any other factual data to which consideration shall have been given in the formulation of the proposed determination.

(c) *Publication of the determination.* Whenever any determination of the Secretary in any price and wage proceeding is issued, a duplicate thereof shall be filed with the hearing clerk for public inspection, and the full text of such determination shall be published in the FEDERAL REGISTER. Upon application to the hearing clerk, any person shall be entitled to a copy of such determination.

§ 801.107 *Revision or amendment of determination.* Any determination issued in a price and wage proceeding may be revised or amended without the holding of a new hearing.

RULES APPLICABLE TO HEARINGS UNDER SECTION 511

§ 801.110 *Procedure governing proceedings under section 511.* Whenever, from time to time, the Secretary shall determine to hold a public hearing under the authority of section 511 of the act, the procedure governing such hearing shall be that provided by §§ 801.103 to 801.105, inclusive, of this part.

§ 801.111 *Preparation and issuance of recommendations under section 511.* The provisions of § 801.106 of this part shall be applicable to any recommendations made by the Secretary with respect to (a) the terms and conditions of

contracts between producers and processors of sugar beets and sugarcane, and (b) the terms and conditions of contracts between laborers and producers of sugar beets and sugarcane.

Issued this 1st day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary.

[F. R. Doc. 46-17935; Filed, Oct. 4, 1946; 9:03 a. m.]

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

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

RULES AND REGULATIONS

Approval has been given to the following rules and regulations, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp. 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, hereinafter referred to as the "marketing agreement" and the "order," respectively. Section 933.102 of these rules and regulations was prescribed pursuant to section 2 of the marketing agreement and § 933.2 of the order. Sections 933.104 and 933.106 of these rules and regulations were adopted by the Growers Administrative Committee, established under the marketing agreement and order as the agency to administer the terms and provisions thereof.

Sec.
933.102 Nomination procedure.
933.104 Exemptions.
933.106 Fruit not subject to regulation.

AUTHORITY: §§ 933.102, 933.104, and 933.106 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 933.1 et seq.; 11 F. R. 9471.

§ 933.102 *Nomination procedure.* (a) Meetings shall be called by the designated agent of the Secretary in accordance with the provisions of the order for the purpose of making nominations for members and alternate members of the Growers Administrative Committee and for members and alternate members of the Shippers Advisory Committee. The manner of nominating members and alternate members of said committees shall be as follows:

(1) At each such meeting the said agent shall announce the requirements as to eligibility for voting for nominees and the procedure for balloting, and shall explain the duties of the committees under the order.

(2) A chairman and a secretary of each meeting shall be selected.

(3) At each meeting there shall be presented for nomination and there shall be nominated not less than the number of nominees required under the provisions of the order, all of whom shall have the qualifications therein provided.

(4) At the meetings of handlers, any person authorized to represent a handler may cast a ballot for such handler.

(5) At each meeting there may be cast at least one ballot for at least the number of persons required to be nominated to represent the several districts or groups, as the case may be.

(6) All voting shall be by ballot and all ballots shall be delivered by the chairman or the secretary of the meeting to the agent of the Secretary.

§ 933.104 *Exemptions.* The following shall apply when exemption certificates are issued:

(a) The producer should make application for exemption on the form prescribed by, and available at the office of, the Growers Administrative Committee. The following information shall be furnished by the applicant:

(1) Name and address of applicant.

(2) Location and description of grove.

(3) Variety for which exemption is requested.

(4) Regulation from which exemption is requested.

(5) Number of trees and age of trees of variety for which exemption is requested.

(6) Total crop of variety for which exemption is requested.

(7) Number of boxes of variety for which exemption is requested which remain to be harvested.

(8) Estimate of the number of boxes of the crop remaining that will grade U. S. No. 1, U. S. No. 2, U. S. No. 3, and culls as such grades are defined in the U. S. Standards for Citrus Fruits.

(9) Indicate whether fruit averages large, medium, or small in size.

(10) Number of boxes of variety, for which exemption is requested which have been sold or otherwise disposed of, and to whom.

(11) Remarks, if any.

(12) Signature of applicant.

(b) The information furnished by the producer pursuant to (a) will be investigated by a crop estimator of the Growers Administrative Committee.

(c) If it is determined from the available information that the applicant is entitled to an exemption for a quantity of fruit, the manager of the Growers Administrative Committee shall issue on behalf of the committee one or more exemption certificates to such producer pursuant to the order.

(d) If it is determined from the available information that the applicant is not entitled to an exemption, he will be informed by written notice why the application was not granted.

(e) Any producer receiving an exemption certificate shall immediately report the shipment of any portion of the fruit covered by such exemption certificate.

§ 933.106 *Fruit not subject to regulation.* (a) Any shipper who ships more than 5 boxes of oranges, grapefruit, or tangerines in any one lot by express to any one consignee, or to the agents or representatives of such consignee, shall, within 3 days after such shipment by express has been made, submit to the Growers Administrative Committee a statement as to the name, address, and business of such consignee, and such other information as the committee may require in order to determine whether such express shipment of fruit was made for the purpose of entering commercial fresh fruit channels of trade contrary to the provisions of the order.

(b) Nothing contained herein shall be construed to exempt any express shipment of oranges, grapefruit, or tangerines in a lot of 5 boxes or less from the provisions of the order and the regulations issued thereunder, and no regulated grades and sizes shall be shipped by express for the purpose of entering commercial fresh fruit channels of trade contrary to the provisions of the order.

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

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-17934; Filed, Oct. 4, 1946; 9:06 a. m.]

[Lemon Reg. 196]

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

LIMITATION OF SHIPMENTS

§ 953.303 *Lemon Regulation 196*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., October 6, 1946, and ending at 12:01 a. m., p. s. t., October 13, 1946, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 195 (11 F. R. 11061) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which

may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

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

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

Done at Washington, D. C., this 3d day of October 1946.

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

LEMON ADMINISTRATIVE COMMITTEE

111 West Seventh Street,
Los Angeles 14, California

PRORATE BASE SCHEDULE

Storage date: September 22, 1946.
Regulation No. 196

[12:01 a. m. Sept. 29, 1946 to 12:01 a. m. Oct. 13, 1946]

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.229
American Fruit Growers, Upland	.045
Consolidated Citrus Growers	.000
Corona Plantation Co	.035
Hazeltine Packing Co	.033
Leppla-Pratt, Produce Distrs., Inc	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Costal Lemon Co	3.018
Ventura Pacific Company	1.210
Total A. F. G	4.570
Arizona Citrus Exchange:	
Arizona Citrus Growers	.000
Desert Citrus Growers Association	.000
Mesa Citrus Growers	.000
Central California Citrus Exchange:	
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Fruit Exchange:	
Glendora Lemon Growers Association	1.320
La Verne Fruit Exchange:	
La Verne Lemon Association	.313
North Orange County Citrus Exchange:	
La Habra Citrus Association	.673
Yorba Linda Citrus Association	.412
Ontario-Cucamonga Fruit Exchange:	
Alta Loma Hts. Citrus Association	.110
Etiwanda Citrus Fruit Association	.002
Mt. View Fruit Association	.325
Old Baldy Citrus Association	.928
Upland Lemon Growers Association	3.229
Orange County Fruit Exchange:	
Central Lemon Association	.858
Irvine Citrus Association	.602
Placentia Orange County Exchange:	
Placentia Mutual Orange Association	.078
Queen Colony Fruit Exchange:	
Corona Citrus Association	.000
Corona Foothill Lemon Co	1.523
Jameson Co	.460
Riverside-Arlington Heights Fruit Exchange:	
Arlington Heights Fruit Co	.148
San Antonio Fruit Exchange:	
College Heights Orange & Lemon Association	3.956
San Diego County Fruit Exchange:	
Chula Vista Citrus Association	1.109
El Cajon Valley Citrus Association	.029
Escondido Lemon Association	1.804
Fallbrook Citrus Association	1.287
Lemon Grove Citrus Association	.503
Sweetwater CoOp. Citrus Association	.393
San Dimas Fruit Exchange:	
San Dimas Lemon Association	1.832
Santa Barbara Citrus Exchange:	
Carpinteria Lemon Association	4.202
Carpinteria Mutual Citrus Association	4.035
Goleta Lemon Association	4.855
Johnston Fruit Co	8.510
Semi-Tropic Fruit Exchange:	
Canoga Citrus Association	.008
North Whittier Heights Citrus Association	.434
San Fernando Heights Lemon Association	.242
San Fernando Lemon Association	.004
Sierra Madre-Lamanda Citrus Association	1.059
Sunny Hills Citrus Association	.045
Tulare County Fruit Exchange:	
Tulare County Lemon and Grapefruit Association	.000
Ventura County Citrus Exchange:	
Briggs Lemon Association	1.800
Culbertson Investment Co	1.180
Culbertson Lemon Association	2.320
Fillmore Lemon Association	.612
Oxnard Citrus Association No. 1	5.498
Oxnard Citrus Association No. 2	5.589
Rancho Sespe	.907
Santa Paula Citrus Fruit Association	2.447
Saticoy Lemon Association	6.099
Seaboard Lemon Association	6.567
Ventura Citrus Association	2.393
Ventura County Fruit Exchange:	
Limoneira Co	3.506
Teague-McKevett Association	1.793
Whittier District Fruit Exchange:	
East Whittier Citrus Association	.540
Leffingwell Rancho Lemon Association	.357
Murphy Ranch Company	1.226
Whittier Citrus Association	.297
Whittier Select Citrus Association	.393
Total C. F. G. E	88.812
Mutual Orange Distributors:	
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	1.487
Escondido Coop. Citrus Association	.269
Glendora Coop. Citrus Association	.005
Index Mutual Association	.135
La Verne Coop. Citrus Association	1.327
Libbey Fruit Packing Company	.000
Orange Coop. Citrus Association	.135
Ventura Co. Orange and Lemon Association	2.731
Whittier Mutual Orange and Lemon Association	.014
Total M. O. D	6.103
Independent Handlers:	
California Citrus Groves, Inc., Ltd	.000
El Modena Citrus, Inc	.000
Evans Bros. Packing Co	.000
Foothill Packing Co	.000
Harding & Leggett	.000
Macchiaroli, James, Fruit Co	.000
Orange Belt Fruit Distributors	.510
Pioneer Fruit Co	.000
Raymond Bros	.000
Rooke, B. G. Packing Co	.000
San Antonio Orchard Co	.005
Verity, R. H., Sons & Co	.000
Western States Fruit & Produce Co	.000
Total Independents	.515

[F. R. Doc. 46-18067; Filed, Oct. 4, 1946; 9:35 a. m.]

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

[WFO 15, Amdt. 7]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE AND PROCESS CHEDDAR CHEESE

War Food Order No. 15, as amended (11 F. R. 4778, 6271), is further amended by deleting the provisions contained in § 1401.1 (b) (9) and inserting, in lieu thereof, the following:

(9) On and after October 1, 1946, unless authorized in writing by the Administrator:

(i) No purchaser of Cheddar cheese shall sell, contract to sell, deliver, or otherwise dispose of any Cheddar cheese, except as set-aside Cheddar cheese, until he has sold and delivered to authorized cheese assemblers or designated agencies, or until he has contracted to sell and deliver to designated agencies, all Cheddar cheese required, pursuant to War Food Order No. 15, as amended, to be set aside by him before July 1, 1946; and

(ii) No authorized cheese assembler shall sell, contract to sell, deliver, or otherwise dispose of any Cheddar cheese, except as set-aside Cheddar cheese to designated agencies, until he has sold and delivered or contracted to sell and deliver to designated agencies a quantity of Cheddar cheese equivalent to the total quantity of Cheddar cheese required, pursuant to War Food Order No. 15, as amended, to be set aside before July 1, 1946, and received by him at any time: *Provided*, That with respect to any set-aside Cheddar cheese received by an authorized cheese assembler from any producer after August 31, 1946, such authorized cheese assembler shall not be subject to the restrictions of this subparagraph (ii) because of such set-aside Cheddar cheese until the end of the calendar month immediately following the calendar month in which he received such set-aside Cheddar cheese.

This order 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 under said War Food Order No. 15, as amended, prior to the effective time of the provisions hereof, all provisions of War Food Order No. 15, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or 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 1st day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-17936; Filed, Oct. 4, 1946; 9:03 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 559, Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of October A. D. 1946.

Upon further consideration of Service Order No. 559 (11 F. R. 8163), as amended (11 F. R. 8453) and good cause appearing therefor: *It is ordered*, That:

The provisions of Service Order No. 559 shall not apply to cars loaded with commodities the nature of which requires the use of electric cranes or other similar electric machinery to unload such commodities from the car or cars.

This amendment shall apply to cars on hand at 7:00 a. m., October 2, 1946, and on cars arriving after that time but before 7:00 a. m., October 8, 1946, at points in Beaver County, Pennsylvania.

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the 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. 46-17931; Filed, Oct. 4, 1946; 9:01 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Supplies and Equipment

[Procurement Regs. 1-3, 5-8, 11, 13 and 15]

MISCELLANEOUS AMENDMENTS

The following amendment and additions to the regulations contained in Parts 801-803, 805, 806, 808, 811, 813, 821, 823-827, 830, 833, 836, 839, 841, 844, and 848 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated September 5, 1942 (9 F. R. 8363[1]) as amended by Change 57, September 19, 1946, the particular regulations being Nos. 1-3, 5—8, 11, 13 and 15.

In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

[1] See also 10 F. R. 10449, 11418, 13171; 11 F. R. 5, 1701, 3501, 4225, 6276.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1224, 10 U. S. C. 1193-1195; the First War Powers Act, 1941, 55 Stat. 838, 50 U. S. C. Supp. 601-622; 58 Stat. 649.

Subchapter A—Procurement

[Procurement Reg. 1]

PART 801—GENERAL INSTRUCTIONS

SUBPART A—INTRODUCTION

1. Section 801.101-1 is amended to read as follows:

§ 801.101-1 *Suggestions for simplification or improvement.* Suggestions for the simplification or improvement of procurement regulations and for the consolidation or elimination of sections thereof are invited, and may be forwarded directly to the Procurement Judge Advocate, Procurement Group, SS&P Division, WDGS, Room 3-C-747, The Pentagon, Washington 25, D. C. All suggestions should be accompanied with reasons therefor.

2. Section 801.101a is added as follows:

§ 801.101a *Publication of procurement circulars.* The publication of War Department Procurement Circulars was resumed with the publication of Procurement Circular No. 1 dated 10 June 1946. As indicated in AR 310-20, dated 1 July 1946, these circulars will publish general instructions and information governing the procurement of supplies, materials, equipment, nonpersonal services, construction work, and certain other related matters pending incorporation in procurement regulations, and also matter of a semipermanent nature. Distribution of Procurement Circulars is controlled by The Adjutant General and requests in connection with distribution should be made to The Adjutant General rather than to the office mentioned in § 801.106-1.

[Procurement Reg. 2]

PART 802—GENERAL PROCUREMENT POLICIES AND PROCEDURES

SUBPART C—POLICIES AND FORMS

1. In paragraph (d) of § 802.214-3 the next to the last sentence is amended to read as follows:

§ 802.214-3 *Additional factors.* * * *

(d) *Small business concerns.* * * * If in the opinion of the chief of a technical service a premium higher than 15 per cent should be paid in a particular case to effectuate this purpose, the proposed prime contract, with supporting data, will be submitted to the Chief, Current Procurement Branch, for approval.

2. Section 802.216-1 and 802.216-2 are amended to read as follows:

§ 802.216-1 *Persons and firms disqualified.* Contracts will not be placed with persons or firms who are on any of the following lists of disqualified bidders: (a) List of persons or firms found by Secretary of Labor to have breached or violated contractual representations and stipulations required by Walsh-Healey Act, published by the Comptroller General (see § 809.924 of this chapter); (b) list of persons and firms which have been held ineligible to be awarded contracts subject to Public Contracts Act (Walsh-Healey) under provisions of section 5 of that act, published by Department of Labor (see § 809.924 of this chapter); (c) list of persons and firms found by the Comptroller General to have violated the requirements of the Davis-Bacon Act, published by the Comptroller General (see § 809.914-1 of this chapter); (d) Confidential List of Bidders to Whom Awards Will Not Be Made, published by The Adjutant General; and (e) list of certain foreign countries and nationals thereof as provided by Executive Order 8389, as amended, and Treasury Department regulations issued pursuant thereto (see § 811.1184 of this chapter).

§ 802.216-2 *Distribution of lists.* The Adjutant General will distribute to the technical services lists of bidders debarred by the Comptroller General by reason of violations of the Walsh-Healey Act or the Davis-Bacon Act and copies of the Confidential List of Bidders To Whom Awards Will Not Be Made.

3. In § 802.217-6 (c) the second sentence is amended to read as follows:

§ 802.217-6 *Research and development contracts.* * * *

(c) *Title to foreground patents.* * * * Where a contract cannot be placed upon such a basis, before any work is started under the proposed contract the proposal must be approved by the Chief, Current Procurement Branch.

4. Paragraph (b) of § 802.220 is amended to read as follows:

§ 802.220 *Standard procurement forms prescribed for use in certain cases.* * * *

(b) Upon request and justification by the technical service involved, the Procurement Judge Advocate, Procurement Group, SS&P Division, WDGS, may in particular classes of cases permit deviations from the forms. Such authority will normally be granted only where the forms do not fit particular situations, and in these instances it will be required that the deviations be applied in all like situations.

5. Sections 802.221-1 and 802.221-2 through 802.221-4, inclusive, are amended, and § 802.221-1a is added, as follows:

§ 802.221-1 *W. D. Standard Procurement Form No. 101—Invitation for Bids (Supply).* This form will be used for procurement by formal advertising of supplies. The form is set forth in § 813.1335 of this chapter.

§ 802.221-1a *W. D. Standard Procurement Form No. 116—Invitation for Bids (Construction Contract).* This form will be used for procurement by formal advertising of construction. The form is set forth in § 813.1337 of this chapter.

§ 802.221-2 *W. D. Form 106, approved 1 April 1946 (Invitation, Bid, and Acceptance—Short Form Contract).* Effective October 1, 1946, this form will be used for the procurement of supplies by formal advertising whenever the execution of a long form contract is neither required or desired. This form replaces U. S. Standard Form No. 33 (Short Form

Contract). W. D. Form 106 may be requisitioned from Adjutant General Depots.

§ 802.221–3 *War Department Form No. 104 (Short Form)—Request for Proposal and Contractor's Proposal.* This form will be used for procurement by negotiation of supplies (excluding construction work) for small amounts where effective competition exists and where the information to be obtained from bidders may ordinarily be confined substantially to the quotation of prices. This form may be requisitioned from Adjutant General Depots.

§ 802.221–4 *War Department Form No. 105 and related Forms Nos. 105A, 105B and 105C (Long Form).* These forms will be used for procurement, by negotiation, of supplies other than construction, whenever, in the opinion of the technical service involved, detailed cost or price information should be obtained from bidders as an aid to adequate negotiation. Within the scope of the foregoing rule, each technical service may prescribe more precisely the size and types of procurement for which these forms are to be used. These forms may be requisitioned from Adjutant General Depots.

(a) *Detailed instructions as to use of Form No. 105 and related forms*—(1) *In general.* The use of the related forms with Form No. 105 is discretionary. The procurement office is required to select and specify (within established limits) the data expected. Thus, the procurement office has latitude to use the related forms according to the necessities of particular situations, and may relieve the bidder of the task of compiling information which is not pertinent to the procurement or which is already known to the procurement office.

It is of the utmost importance that no contractor be asked to complete the forms related to W. D. Standard Procurement Form No. 105 with respect to information which will not be pertinent or useful in properly effecting the particular procurement, or which is already on file with the procurement office. Where necessary the information obtained through use of the form may be clarified or amplified through correspondence or personal negotiation. The information submitted in or with Standard Procurement Form No. 105 and related forms will be used as a basis of negotiations with the prospective contractor, in accordance with this part and ASF Manual M–601 and any other instructions that may be in force from time to time.

One copy of the "Instructions for Completing War Department Form 105" should be sent to each contractor along with the necessary number of counterparts of Form 105.

6. Sections 802.222–2 and 802.222–3 are amended and §§ 802.222–3a and 802.222–3b are added, as follows:

§ 802.222–2 *W. D. Standard Procurement Form No. 117—Bid (Construction Contract).* This form is set forth in § 813.1338 of this chapter.

§ 802.222–3 *W. D. Standard Procurement Form No. 102—Form of Bid (Supply Contract).* This form is set forth in § 813.1336 of this chapter.

§ 802.222–3a *W. D. Standard Procurement Form No. 1617—Plant and Equipment Schedule.* This schedule is to be attached to the bid form when required by the invitation for bids. The form is set forth in § 813.1339 of this chapter.

§ 802.222–3b *W. D. Standard Procurement Form No. 1618—Unit Price Schedule.* This schedule is to be attached to the bid form when required by the invitation for bids. The form is set forth in § 813.1340 of this chapter.

SUBPART D—PROCUREMENT BY FORMAL ADVERTISING

1. In § 802.236–3 paragraphs (a) and (c) are amended to read as follows:

§ 802.236–3 *Request for authority to advertise.* (a) Requests for authority to advertise in newspapers will be made upon War Department Form No. 1 (Request for authority to advertise) in triplicate and forwarded through the chief of the technical service concerned to the Chief, Current Procurement Branch, except that in case of great emergency, the nature of which will be stated, authority to advertise may be requested directly by telegraph to the Chief, Current Procurement Branch, who will in such case secure any necessary coordination with the technical service concerned. In making application for authority to advertise, officers will specify the newspapers in which it is deemed advantageous to advertise. Due economy both as to the number of newspapers and as to the number of insertions will be observed by all officers whether advertising under special or general authority, no greater number being used in any case than may be necessary to give proper and sufficient public notice.

* * * * *

(c) The Director of Service, Supply, and Procurement, War Department General Staff, has been delegated authority by the Under Secretary of War to authorize the advertising of invitations for bids in newspapers, with power of redelegation. The Director of Service, Supply, and Procurement has redelegated the authority granted him in this respect, through the Chief, Procurement Group, to the Chief, Current Procurement Branch. See § 811.1188–3 of this chapter.

2. Paragraph (b) of § 802.236–8 is amended to read as follows:

§ 802.236–8 *Use of forms.* * * *

(b) Vouchers covering bills for advertising in newspapers must, prior to payment, be submitted to the office authorizing the advertisement, who will accomplish the certificates at the bottom of Standard Form No. 1054.

3. In § 802.245 subparagraph (2) of paragraph (c) is revoked.

SUBPART E—PROCUREMENT BY NEGOTIATION

1. Section 802.279–1 is amended to read as follows:

§ 802.279–1 *Policy.* The Government is vitally interested in the prices of component parts and materials of the items which it procures. The prices for such component articles are reflected in prices under fixed price prime contracts and are directly reimbursed under fixed-fee contracts. If excessive, such prices encourage inefficiency, inflationary expenditures and excessive profits in the same manner as excessive prime contract prices. Accordingly, the War Department and technical services must also supervise these prices insofar as is practicable. Because the Government could not attempt to inspect or approve individual purchases under all fixed price and fixed-fee contracts, they must be supervised by more selective methods adapted to varying circumstances.

2. In § 802.279–2 the second sentence is amended to read as follows:

§ 802.279–2 *Methods of supervising purchases under cost-plus-a-fixed fee contracts.* * * * Experience has shown that detailed prior approval of all purchase orders and subcontracts under fixed-fee supply contracts is less efficient for this purpose than more selective methods.

3. Section 802.279–3 is amended to read as follows:

§ 802.279–3 *Methods of supervising purchasing by fixed-price contractors.* (a) In the case of fixed price contracts, the contractor ordinarily has strong incentives to purchase at low prices in order to enhance the profit, and this incentive can be fully maintained only by keeping the prices under prime contracts close to minimum costs. For this purpose procurement officers must have adequate information on what component parts and materials should cost if well purchased and must know whether the contractor is equipped to obtain the best prices available.

(b) Price analyses in accordance with § 802.261 will supply necessary information. Wherever feasible in that connection, the purchasing policies and methods of important fixed price contractors should be analyzed in the manner described in § 802.279–2. When such analysis or the study of the prices paid by different contractors for important component parts and materials reveals deficiencies, they should be called to the attention of the contractor with recommendations for their correction.

(c) Prime contractors should be encouraged to report to the technical service any unsatisfactory subcontract prices.

4. Sections 802.280 and 802.281 are amended to read as follows:

802.280 *Reports of excessive prices.* Where in the opinion of the contracting officer or price analysis personnel prices reflect an unwarranted increase over those at which the same or similar supplies have been procured in the past, or where for other reasons it is believed that an investigation as to whether prices comply with OPA regulations is desirable, a report containing all pertinent information shall be submitted, through channels, to the Chief, Current Procurement Branch.

§ 802.281 *Coordination.* Each technical service may determine the form of organization necessary to perform the foregoing functions within its service and to obtain their essential coordination and their integration with procurement. Thus, in its discretion, a technical service may combine these functions in a single agency or assign them to several separate agencies. Because these various price functions are so closely related, however, it is recommended that even where they are performed by several agencies in any service, all of them should be coordinated and integrated under a single head. Such an agency should supervise within the service all functions relating to contract clearance, negotiation aids, price analysis and supervision, liaison with the Office of Price Administration, renegotiation and price adjustment and price research. This policy has been followed in the Procurement Group, by the creation within the Current Procurement Branch of an Assistant Chief for Price responsible for supervising all of these functions. Creation of a similar agency in each service will facilitate coordination and cooperation between the Procurement Group and the services.

SUBPART G—PURCHASE ACTION REPORTS

1. Paragraph (b) of § 802.290 is amended to read as follows:

§ 802.290 *General.* * * *

(b) The Current Procurement Branch, Procurement Group, SS&P Division, WDGS, retains authority over reporting procedures established by this subpart, despite decentralization of some of the operating functions.

2. Sections 802.291 through 802.292–2, inclusive, are amended to read as follows:

§ 802.291 *Definitions*—(a) *Technical service.* Notwithstanding the provisions of § 801.108–5 of this chapter "technical service" when used in this subpart includes the Army Air Forces but excludes Armies, ZI. "Chief of a technical service" when used in this subpart includes the Commanding General, Army Air Forces.

(b) *Army, ZI.* "Army, ZI" includes the Military District of Washington.

(c) *Functional staff division.* "Functional staff division" includes all organizations in the headquarters offices in Washington, D. C., so classified in WD Circular 138, 1946.

(d) *Purchase action.* A "purchase action" is any transaction (including all types of awards, and manadatory orders and requisitions under Part 814 of this chapter) with any individual, firm, corporation, or Governmental agency not under the jurisdiction of the War Department, involving the purchase or lease of goods, real estate, or services of every character and description, and usually obligating Government funds; *Provided, however,* That the following are not regarded as purchase actions and therefore are not reportable:

(1) Pay of individuals;

(2) Shipping and traveling expenses;

(3) Open-end contracts for services which are subject to open allotment as enumerated in Circular 178 WD 1945 and open-end contracts for the rental or lease of communications services or facilities;

(4) Indefinite quantity contracts, such as are listed in § 806.605d of this chapter, which are for the use of more than one technical service or service command. (Delivery or purchase orders issued against such contracts, however, are considered purchase actions and will be reported. (See § 802.294–3 (b));

(5) Delivery or purchase orders placed against a contract executed by another Department of the Government, such as a contract executed by the Procurement Division, Treasury Department;

(6) Supplemental purchase actions which change the cost of a purchase action previously reported. However, if such change increases to more than $10,000 the value of a purchase action not previously reported, an original report on the whole value of the amended action is required. (See § 802.292–3 (b)).

(e) *Preliminary contractual agreements.* "Preliminary contractual agreements" as used in this subpart refers to all written agreements which do not obligate War Department funds to the full amount which is expected to be obligated finally. Letter orders, letter purchase orders, letter contracts, and letters of intent are examples of preliminary contractual agreements. (For example, see WD Contract Form No. 7, § 813.1307 of this chapter.) For manner of reporting see § 802.294–1.

(f) *Open-end contracts.* "Open-end contract" as used in this subpart means a contract in which no final completion date is set and which usually involves recurring charges for goods and services. (For example, contracts for gas, electricity, or water.) For manner of reporting see § 802.294–2.

(g) *Indefinite quantity contracts.* "Indefinite quantity contracts" as used in this subpart, include those contracts which permit deliveries to be made in larger or smaller quantities than stated in the contract, either at the option of the contractor or of the contracting officer, and with or without a written change order modifying the contract. For manner of reporting, see § 802.294–3.

(h) *Date of award.* "Date of award" of a purchase action is the first date upon which the contracting officer gives the contractor either verbal or written notice of the award.

§ 802.292 *Procedures for reporting stations.* Stations under the jurisdiction of chiefs of technical services, directors of functional staff divisions, or commanding generals of Armies, ZI, are required to file purchase action reports as provided in §§ 802.292–1 through 802.292–4, inclusive.

§ 802.292–1 *Stations required to report.* A station (whether exempted or non-exempted) which has received a reallocation, allotment, or sub-allotment and which is within the continental limits of the United States will file purchase action reports.

§ 802.292–2 *Headquarters where reports are to be filed.* The numbering of the contract being reported on determines the headquarters to which the report will be made. A contract whose number contains the letter symbol of a technical service (see § 803.309–2 of this chapter) will be reported to the chief of that technical service. A contract whose number contains the letter symbol of a Army, ZI (see § 803.318b–5 of this chapter) will be reported to the commanding general of that Army, ZI. A contract whose number contains the letter symbol of a functional staff division will be reported to the director of that division.

3. Paragraph (a) of § 802.292–3 is amended to read as follows:

§ 802.292–3 *Station procedure for purchase action reports.* (a) A Purchase Action Report (WD AGO Form No. 375, Reports Control Symbol WDGSP–17, see § 802.296–1) will be submitted for every purchase action which involves a total cost (actual or estimated) in excess of $10,000. The original and four copies (or more if directed by appropriate authority) will be forwarded to the chief of the technical service, director of the functional staff division, or commanding general of the Army, ZI (see § 802.292–2) not later than the fifth calendar day following the date of award. (See §802.291 (h).)

4. In § 802.293–1 the introductory text and paragraph (c) are amended to read as follows:

§ 802.293–1 *Responsibilities of reporting headquarters.* Chiefs of technical services, directors of functional staff divisions, and commanding generals of Armies, ZI are charged with the following responsibilities:

* * * * *

(c) Responsibility for promptly obtaining and submitting to the Current Procurement Branch, Procurement Group, SS&P Division, WDGS, upon request, detailed information on specific transactions.

5. The introductory text of paragraph (a) of § 802.293–2 is amended to read as follows:

§ 802.293–2 *Headquarters procedure for purchase action reports.* (a) Except as noted in paragraph (b) of this section, chiefs of technical services, directors of functional staff divisions, and commanding generals of Armies, ZI will forward four copies of each Purchase Action Report (WD AGO Form No. 375, Reports Control Symbol WDGSP–17, see § 802.296–1) to:

In § 802.296–1a instructions numbered (30) through (33) are revoked and instruction (34) is amended to read as follows:

§ 802.296–1a *Instructions for preparation of Purchase Action Report (WD AGO Form No. 375; Reports Control Symbol PDS–21).* * * *

(34) *Remarks.* This space may be used for any pertinent remarks, including data which cannot be entered in the appropriate prior spaces. At the discretion of the chief of each technical service or commanding general of each service command, additional data, such as the monthly scheduled deliveries, may be entered here.

Sections 802.296–3 and 802.296–3a are revoked as follows:

§ 802.296–3 *Quarterly Report on Procurement, Reports Control Symbol PDS–19.* [Revoked]

§ 802.296–3a *Instructions for preparation of Quarterly Report on Procurement.* [Revoked]

[Procurement Reg. 3]

PART 803—CONTRACTS

SUBPART A—GENERAL

In § 803.303–5 the introductory text of paragraph (b) is amended to read as follows:

§ 803.303–5 *Numbering and distribution of contracts.* * * *

(b) *Distribution of purchase orders.* As pointed out in paragraph (b) of § 803.303–4, it is not necessary that a purchase order which does not exceed $5,000 in amount be preceded by a quotation. However, if such purchase order, even though it does not exceed $5,000, is preceded by a written quotation, or if the contract price exceeds $5,000, then in either event the following rules shall apply:

SUBPART F—CONTRACT APPEALS

1. Section 803.318f–1 is amended to read as follows:

§ 803.318f–1 *General.* There should exist in each technical service, a board to act as an advisor to the chief of the technical service with respect to appeals under contracts which authorize the chief of the technical service to pass upon appeals either finally or subject to further appeals by the contractor to the Secretary of War.

2. In § 803.318f–4 a headnote is added, reading *"Policy."*

3. In § 803.318f–5 a headnote is added, reading *"Recommendations."*

SUBPART G—GUARANTEES, LOANS AND COMMITMENTS, AND ADVANCE PAYMENTS

Subpart G is amended to read as follows:

Sec.
803.319 General policy.
803.320 Guarantees, loans, and commitments under Executive Order 9112.
803.320–1 Executive Order 9112.
803.320–2 Administration.
803.320–3 Financial contracting officers.
803.320–4 Procedure for obtaining guaranteed loans.
803.320–5 Loans and guarantees required to be approved by the Chief of Finance.
803.320–6 Execution of loan or guarantee.
803.320–7 Cooperation of procurement officers.
803.321 Advance payments.
803.321–1 Basic law; Executive order.
803.321–2 General policy.
803.321–3 Approval of advance payments.
803.321–4 Advance payments in connection with letter contracts or letter purchase orders.
803.321–5 Security.
803.321–6 Release of security upon liquidation of advance payments.
803.321–7 Interest.
803.321–8 Exceptions to interest requirement.
803.321–9 Forms of supplemental agreement and contract clauses.
803.321–10 Reports.
803.321–11 Action to be taken on uncollected balances of advance payments under contracts.
803.321–12 Advance payments to finance supplemental payments of retroactive wage adjustments involved in the settlement of terminated War Department contracts.

§ 803.319 *General policy.* The policy of the War Department is to authorize guarantees of loans only in exceptional cases and where there is a clear necessity for procurement of supplies or services by the War Department, Navy Department, or Maritime Commission from the particular borrower and where no other means of adequate financing is available. In such cases the financing institution will be expected to take an exposure clearly commensurate with the risks involved (at least 10 percent except in unusual cases) and the maturity will be limited strictly in accordance with the requirements of the particular contracts to be financed. Appropriate provisions for borrowing against terminated contracts may be included in such loans. Where the War Department must provide necessary financing, advance payments generally are preferred to guaranteed loans.

§ 803.320 *Guarantees, loans, and commitments under Executive Order 9112.*

§ 803.320–1 *Executive Order 9112.* Under date of March 26, 1942, Executive Order 9112 (7 F. R. 2367) was issued. It read in part as follows:

(1) The War Department, Navy Department and the Maritime Commission are hereby respectively authorized, without regard to the provisions of law relating to the making, performance, amendment or modification of contracts, (a) to enter into contracts with any Federal Reserve Bank, the Reconstruction Finance Corporation, or with any other financing institution guaranteeing such Reserve Bank, Reconstruction Finance Corporation or other financing institution against loss of principal or interest on loans, discounts or advances, or on commitments in connection therewith, which may be made by such Reserve Bank, Reconstruction Finance Corporation, or other financing institution for the purpose of financing any contractor, subcontractor or others engaged in any business or operation which is deemed by the War Department, Navy Department or Maritime Commission to be necessary, appropriate or convenient for the prosecution of the war, and to pay out funds in accordance with the terms of any such contract so entered into; and (b) to enter into contracts to make, or to participate with any Federal Reserve Bank, the Reconstruction Finance Corporation, or other financing institution in making loans, discounts or advances, or commitments in connection therewith, for the purpose of financing any contractor, subcontractor or others engaged in any business or operation which is deemed by the War Department, Navy Department or Maritime Commission to be necessary, appropriate or convenient for the prosecution of the war, and to pay out funds in accordance with the terms of any such contract so entered into.

§ 803.320–2 *Administration.* The administration of the powers conferred upon the War Department by Executive Order 9112 are vested in the Chief of Finance. The general policies and procedures as well as the general contractual arrangements established by the Chief of Finance are subject to review by the Chief, Procurement Group.

§ 803.320–3 *Financial contracting officers.* Financial contracting officers are officers or civilian officials attached to the Office of the Chief of Finance who have been granted authority by the Chief of Finance to execute or approve guarantees (either in the form of guarantees to save financial institutions harmless or in the form of commitments to purchase), to make direct Government loans, to enter into other financial arrangements, and to enter into commitments therefor, all pursuant to the authority conferred by Executive Order 9112; to participate in negotiations for financing; and to coordinate with the Federal Reserve Banks which act as agents of the War Department in arranging financing for businesses whose operations are necessary, appropriate, or convenient for the prosecution of the war effort.

§ 803.320–4 *Procedure for obtaining guaranteed loans.* Contractors may make applications for guaranteed loans:

(a) Through a local bank which in turn will transmit the applications to the Federal Reserve Bank in the district where the bank is located, or

(b) Directly to a Federal Reserve Bank.

Procurement officers will furnish, upon request, to financial contracting officers or Federal Reserve Banks information as to whether the applicant's operations (existing or prospective) are necessary, appropriate, or convenient for the prosecution of the war effort and as to the applicant's ability to perform its contracts. Upon the basis of the information so obtained, the financial contracting officer will issue a Statement of Necessity.

§ 803.320–5 *Loans and guarantees required to be approved by the Chief of Finance.* All direct Government loans and guarantees must be submitted for approval to the Chief of Finance.

§ 803.320–6 *Execution of loan or guarantee.*—If the Federal Reserve Bank does not participate in the loan the guarantee normally will be executed by the Federal Reserve Bank as fiscal agent of the United States. If the Federal Reserve Bank does participate in the loan, the guarantee will be executed by a financial contracting officer. Direct Government loans will be executed by a financial contracting officer.

§ 803.320–7 *Cooperation of procurement officers.* When it has been determined pursuant to § 803.319 that a guaranteed loan is necessary in financing an essential contractor and would be conducive to maximum war production, it is essential that the Federal Reserve Bank, Chief of Finance, and the financial contracting officers receive the fullest and speediest cooperation from the procurement officers of the various technical services. Procurement officers of the technical services will furnish such information relating to contracts awarded or executed by them, and as to subcontractors and orders under such contracts, as may be called for by the Federal Re-

serve Bank, the financial contracting officer or the Chief of Finance. Information normally required to be furnished will include:

(a) The need for the borrower's production, and

(b) The ability of the borrower to perform from the viewpoint of technical production.

Obtaining information as to the borrower's financial condition is primarily the responsibility of financial contracting officers and the Federal Reserve Banks. However, procurement officers of a technical service may supply such information and may make recommendations with respect thereto which will be given due weight provided that the information as to the necessity for the production and the technical ability of the borrower to perform is not delayed.

§ 803.321 *Advance payments.*

§ 803.321–1 *Basic law; Executive Order.* Executive Order 9001, December 27, 1941 (6 F. R. 6787), issued pursuant to Title II, First War Powers Act (55 Stat. 839; 50 U. S. C. App. 611), in order to facilitate the prosecution of the war effort, grants authority, with certain limitations, to the Secretary of War, to make advance payments in any amount under agreements of all kinds (whether contracts, purchase orders, letters of intent, or otherwise) under such regulations as he may prescribe. The Executive order provides that advance payments shall be made only after careful scrutiny to determine that such payments will promote the national interest.

§ 803.321–2 *General policy.* (a) The policy of the War Department is to authorize advance payments where in order to expedite the war effort there is a clear necessity for the procurement of services or supplies from particular contractor or where a particular contractor is needed for the equipment and operation of a facility. Such advance payments will be authorized only if said contor has no other means of adequate financing, with the possible exception of a guaranteed V-loan. Where a contractor must be financed either by an advance payment or a guaranteed loan, the advance payment method of financing shall be preferred.

(b) As to new contracts, pre-award procedure should be rigidly followed and no contracts should be given to a contractor requiring advance payment financing if other contractors are available which do not require such financing. If advance payments are authorized, the amount of the authorization should be based upon use of the contractor's own working capital as much as possible; the advance payment agreement should provide for 100 percent deposit of all payments into a special bank account and should include suitable negative covenants to protect the Government's interest. Advance payments under such authorizations should be limited to 30 days requirements and withdrawals from the special bank account should be closely supervised.

(c) Advance payments shall not be made in connection with any contract entered into after formal advertising.

§ 803.321–3 *Approval of advance payments.* Requests for authorization to make advance payments will in each instance be submitted through the head of technical service concerned and the Chief of Finance to the Under Secretary of War for approval or disapproval. The request will be supported by the following data:

(a) A statement from the head of the technical service that the national interest will be served in making the advance.

(b) A statement from the head of the technical service that contractors with other means of financing are not available.

(c) Information as to the security proposed to protect the Government against loss with the definite recommendation of the head of the technical service involved as to the adequacy thereof and negative covenants, if any, needed for further protection of the Government against loss.

(d) Information as to the general character and responsibility as well as the technical ability of the contractor to perform the contract.

(e) The amount of the contracts, the items to be supplied and a schedule of deliveries.

(f) Whether contract was awarded on a fixed price or on a cost-plus-a-fixed-fee basis.

(g) The terms of the proposed advance and method of repayment or liquidation.

(h) Latest available balance sheet and profit and loss statement of contractor.

(i) Copy of the contractor's letter of request and any financial and budgetary data submitted in support of the necessity for the advance payment.

(j) Copy of the contracting officer's report on the advance payment request, if any.

(k) The date and identifying symbol of the approval of the award together with the appropriation available.

(l) Any other information pertinent to a proper decision in the case.

Requests for the approval of the authorization of an advance payment may be presented either during the negotiation of a contract or at any time thereafter. If the contract is available a copy thereof together with applicable letters of intent and intermediate supplemental agreements, if any, should be forwarded together with the request. If a copy of the contract is not available at the time the request is forwarded, such a copy should be submitted to the Chief of Finance for review and filing promptly after execution.

§ 803.321–4 *Advance payments in connection with letter contracts or letter purchase orders.* Advance payments in connection with letter contracts or letter purchase orders will be provided for by a standard supplemental agreement. There should be included in such agreement a clause relieving a subsequent performance surety of the fidelity risk involved in making advance payments in any case where it is contemplated that a performance bond will be required in connection with the more formal contract and where no advance payment bond has been required.

§ 803.321–5 *Security.* Advance payments shall be authorized only upon the furnishing of adequate security by the contractor. The security to be furnished will be that required under the provisions of the standard clauses or standard forms of supplemental agreements referred to in § 803.321–9. A guarantee by, or bond of, a parent corporation is desirable if the subsidiary corporation has limited financial responsibility, especially in the case of a newly-formed subsidiary corporation. Whether guarantees, subordination agreements or other security devices should be required, in connection with advance payments, is within the discretion of the person having authority to approve the authorization of advance payments. Advance payment bonds will be required only in the most exceptional circumstances (see §§ 804.406–4 and 804.407–1 of this chapter).

§ 803.321–6 *Release of security upon liquidation of advance payments.* (a) The execution, upon the liquidation of advance payments, of releases and agreements to release mortgages, guarantors in guaranty agreements, sureties on advance payment bonds, and other security devices, which may be required in connection with advance payments, will facilitate the prosecution of the war effort. Accordingly, such release and agreements to release may be executed pursuant to Title II of the First War Powers Act, 1941, and Executive Order 9001, by the head of a technical service or his duly authorized representative, in those cases where such security devices have been given to secure a specific advance payment or advance payments and no other obligations to the Government, and such advance payment or advance payments have been fully liquidated.

(b) In cases where releases or agreements to release security devices, given in connection with advance payments, cannot be executed pursuant to the authority above granted, proposed releases or agreements to release, together with recommendaions as to action requested, should be submitted for prior approval and execution by the Chief of Finance or his duly authorized representative to whom authority to execute such releases and agreements to release is granted pursuant to Title II of the First War Powers Act, 1941, and Executive Order 9001.

§ 803.321–7 *Interest.* Except as set forth in § 803.321–8, whenever an advance payment is made to a contractor by the War Department, a charge should be made for the use of the Government money so furnished. The charge should be in the nature of an interest charge computed, at convenient accounting periods, at the rate of 2½ percent per annum on the unliquidated balance of advance payments outstanding from time to time. In the case of a fixed-price contract, the amount of the charge should be deducted from payments under the contract. In the case of a cost-plus-a-fixed-fee contract, the charge should be deducted from the amount of the fee

otherwise payable to the contractor. In case such fee is not sufficient to take care of such interest chargeable, deduction should be made from any other moneys due the contractor. Such interest should not be an item of reimbursable cost under the contract.

§ 803.321–8 *Exceptions to interest requirement.* The requirement that interest be charged on advance payments shall not be applicable to advance payments.

(a) Authorized in connection with contracts which provide that the work thereunder shall be performed at cost without profit or fee to the contractor.

(b) Authorized in connection with cost-plus-a-fixed-fee contracts on which the fee is disproportionately small compared to the amount of interest that would accrue on the advanve payment.

(c) Authorized in connection with contracts entered into, or contracts the terms of which had been agreed upon, prior to June 8, 1942, to the extent that such application would be inconsistent with the terms upon which such contracts were negotiated.

(d) Authorized in connection with fixed price contracts which have been converted from cost-plus-a-fixed-fee contracts provided that advances previously authorized on the cost-plus-a-fixed-fee contracts have been without interest and provided further that in negotiating the fixed prices on the converted contracts due allowance is made for the continuation of advances without interest. This does not preclude, however, the use of advances with interest in accordance with § 803.321–7 in the negotiation of the converted contracts from a cost-plus-a-fixed-fee to fixed price basis if it is preferred to negotiate the new price on the use of advances with interest.

(e) Authorized to be made without interest by specific action of the Under Secretary of War.

(f) Authorized in connection with cost-plus-a-fixed-fee contracts which have been terminated in whole or in part to the extent that such advance payments are used for the making of partial payments to subcontractors on account of termination claims of such subcontractors. Interest will cease to accrue on that part of the advance payment balance outstanding so used from the time such partial payments are made until the time the prime contractor is reimbursed for termination settlements with such subcontractors. (See § 803.349a and Subpart C of Part 843 of this chapter.)

§ 803.321–9 *Forms of supplemental agreement and contract clauses.* The following is a list of contract clauses and forms of supplemental agreements for use without substantial deviation as to wording in connection with the authorization of advance payments:

(a) The contract clause contained in § 803.347 will be used in providing for advance payments with interest on fixed-price contracts.

(b) War Department Contract Form 20 will be used in executing a supplemental agreement for advance payments with interest on fixed-price contracts (see § 813.1320 of this chapter).

(c) War Department Contract Form 21 will be used in executing a supplemental agreement for advance payments with interest on cost-plus-a-fixed-fee contracts (see § 813.1321 of this chapter).

(d) The contract clause contained in § 803.348a will be used in providing for advance payments with interest on cost-plus-a-fixed-fee contracts.

(e) War Department Contract Form 22 will be used in executing a supplemental agreement for advance payments with interest on a letter purchase order (see § 813.1322 of this chapter).

(f) The contract clause contained in § 803.348 will be used in providing for advance payments without interest on fixed-price contracts.

(g) War Department Contract Form 23 will be used for executing a supplemental agreement for advance payments without interest on fixed-price contracts (see § 813.1323 of this chapter).

(h) The contract clause contained in § 803.348b will be used in providing for advance payments without interest on cost-plus-a-fixed-fee contracts.

(i) War Department Contract Form 24 will be used for executing a supplemental agreement for advance payments without interest on cost-plus-a-fixed-fee contracts (see § 813.1324 of this chapter).

(j) War Department Contract Form 25 will be used for executing a supplemental agreement for advance payments without interest on letter purchase orders (see § 813.1325 of this chapter).

§ 803.321–10 *Reports.* In connection with advance payments, the offices of the chiefs of technical services will make the following described reports:

(a) *Monthly reports.* After June 30, 1946, each month there shall be rendered to the Chief of Finance reports on WD AGO Form 14–135 to be rendered not later than 10 days after the close of the month. The following data should be included in the report:

(1) Contract number.
(2) Name of contractor.
(3) Description of contract.
(4) Type of contract.
(5) Amount of contract as it may be changed from time to time.
(6) Amount of advance payments authorized.
(7) Amount of advance payments made.
(8) Advance payments recovered.
(9) Advance payments outstanding.
(10) Appropriation symbol.
(11) Project number.

A special statement should be included in the report as to any contract with respect to which the completion of the contract and liquidation of the advance payments appear to be doubtful together with a statement as to the steps being taken to protect the advance payments. A report should include data previously furnished and not merely cover the period from the last report. The report need not include contracts upon which complete liquidation of the advance payments has been made and previously reported. When it is the intention to terminate a contract without using the advance or the contract is completed without use of the advance an appropriate remark to that effect should be made when listing the advance in order to clear the records of the Chief of Finance. They may then be dropped on the next monthly report.

(b) *Interim reports.* If at any time between the rendering of monthly reports it appears doubtful that a contractor to whom advance payments have been made will complete the contract, a report should be rendered to the Chief of Finance immediately. This report should include a statement of the facts in the case and of the steps being taken to protect the Government's interest in the advance payments.

§ 803.321–11 *Action to be taken on uncollected balances of advance payments under contracts.* See section I, WD Circular 63, 1946, as amended.

§ 803.321–12 *Advance payments to finance supplemental payments of retroactive wage adjustments involved in the settlement of terminated War Department contracts.* Sections 803.321–1 through 803.321–11, inclusive, do not apply to this type of advance payments.

SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

1. In § 803.324 the headnote is amended to read: "*Termination article (lump sum supply contracts).*"

2. In the clause in § 803.353, paragraph (h) is redesignated as paragraph (j), and new paragraphs (h) and (i) are added as follows:

§ 803.353 * * *

(h) The contractor is not a person who is ineligible to be awarded government contracts by virtue of sanctions imposed pursuant to the provisions of section 3 of the act.

(i) No part of the contract shall be performed and none of the materials, articles, supplies or equipment manufactured or furnished under the contract shall be manufactured or furnished by any person found by the Secretary of Labor to be ineligible to be awarded Government contracts pursuant to section 3 of the act.

(j) The foregoing stipulation shall be deemed inoperative if this contract is for a definite amount not in excess of $10,000.

3. In § 803.353–3 (b) the reference to "§ 802.297–1a (t)" is amended to read "§ 802.296–1a (t)".

SUBPART J—MISCELLANEOUS

1. Section 803.394–3 and §§ 803.394–5 through 803.395–5, inclusive, are amended to read as follows:

§ 803.394–3 *Representatives of War Department Power Procurement Officer.* The Repairs and Utilities Divisions of the Army, ZI, Engineer Offices are designated as representatives of the War Department Power Procurement Officer. These representatives will carry out, under his direction, such field activities as may be necessary in connection with contracts and supplements to contracts for electrical service to all establishments within the geographical boundaries of the Armies, ZI, where the War Department has an interest in the cost of electric service. Commanding Officers at all such establishments will cooperate with these representatives by making avail-

able such information as is required for their review of existing and proposed contracts and supplements.

* * * * *

§ 803.394–5 *Required provision in contracts and supplements.* All contracts and supplements of the character referred to in § 803.394–2 will contain a provision that the contract or supplement is subject to the approval of the War Department Power Procurement Officer or Deputy War Department Power Procurement Officer and will not be binding until so approved. Such contracts and supplements which are Army Air Forces utility contracts (see § 803.397–1) will be forwarded as provided in § 803.397–1, to the War Department Power Procurement Officer for approval. Such contracts and supplements which are not Army Air Forces utility contracts (see § 803.397–1) will be forwarded through the Repairs and Utilities Division of the Army, ZI, to the War Department Power Procurement Officer, Office of the Chief of Engineers, for approval.

§ 803.395 *Contracts for services of architects, engineers and other technical and professional personnel.*

§ 803.395–1 *Statutory authority.* Section 8, Military Appropriation Act, 1947 (Public Law 515, 79th Congress) provides:

> Whenever, during the fiscal year ending June 30, 1947, the Secretary of War should deem it to be advantageous to the national defense, and if in his opinion the existing facilities of the War Department are inadequate, he is hereby authorized to employ, by contract or otherwise, without reference to section 3709, Revised Statutes, civil-service or classification laws, or section 5 of the Act of April 6, 1914 (38 Stat. 335), and at such rates of compensation (not to exceed $40 per day and travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized in travel orders or letters of appointment for individuals) as he may determine, the services of architects, engineers, or firms or corporations thereof, and other technical and professional personnel as may be necessary.

§ 803.395–2 *Application of statutes.* Except as may be provided in other applicable statutes (see, e. g., section 12, Public Law 580, 77th Congress), the statutes above-quoted affect (a) each War Department contract for architectural, engineering, technical or professional services (1) made with any individual; or (2) made with a firm or corporation which is engaged primarily in the business of furnishing such services, and (b) each War Department contract for the employment of the services of accountants or other experts to assist in inaugurating new or changing old methods of transacting business of the Department. Except as above stated, they do not apply to any contracts with firms or corporations for services related to the development, invention, design, procurement, production, repair, or maintenance of war supplies, matériel or facilities or for research or services concerning any such supplies, matériel or facilities, or to any other type of War Department contract.

§ 803.395–3 *Approval required.* Notwithstanding anything contained in subpart B of this part, each contract of the type described in the first sentence of § 803.395–2, regardless of amount, and each award of any such contract, and each supplemental agreement or change order making a material change in such a contract, will contain a provision stating that it is subject to the approval of the Secretary of War or Under Secretary of War and will not be binding until so approved; and such contract, supplemental agreement or change order will be forwarded by the chief of the technical service involved for approval by the Secretary of War or Under Secretary of War through the Chief, Current Procurement Branch. The chief of the technical service, in recommending approval, will refer specifically to the applicable statute above quoted and will furnish a full statement of facts supporting the findings and determination required by that statute to be made by the Secretary of War (Under Secretary of War).

§ 803.395–4 *Citation of statutory authorities.* Each such contract, supplemental agreement and change order will cite as authority the applicable statute above quoted, the First War Powers Act, 1941, Executive Order 9001, and Public Law 703, 76th Congress, as extended by Public Law 580, 77th Congress.

§ 803.395–5 *Limitation on compensation.* Where such contract is with an individual, it will expressly limit the compensation payable to him to not more than forty dollars per day, plus additional compensation for overtime pursuant to the provisions of the Federal Employees Pay Act of 1945 (Public Law 106, 79th Congress, approved June 30, 1945) as amended by the Federal Employees Pay Act of 1946 (Public Law 390, 79th Congress, approved May 24, 1946).

2. In § 803.396, paragraph (a) is amended and paragraph (d) is revoked, as follows:

§ 803.396 *Management consultant contracts.* (a) Contracts for "management consultant" services, or awards thereof, and supplemental agreements or change orders thereto which involve a substantial change in the nature of the services or substantial increase in the amount of the services to be performed, must be approved as provided in § 803.395–3. "Management consultant" services are defined as including assistance in inaugurating new or changing old methods of transacting business of the War Department, or in investigating, devising or developing procedures, methods, systems, forms or the like for accomplishing the business of the War Department. Assistance in developing systems of item identification, nomenclature or interchangeability of war material is an example of "management consultant" services within the meaning of this section. The character of the work to be performed determines whether the services involved are "management consultant" services within the meaning of this section; the question whether the proposed contractor is engaged primarily in the business of furnishing such services, and the dollar amount of the project, are irrelevant to the determination.

3. Sections 803.397–1 through 803.397–3, inclusive, are amended to read as follows:

§ 803.397–1 *Army Air Forces utility contracts.* (a) Army Air Forces utility contracts are those utility contracts, as defined in § 803.318c–1, which affect Class III installations and which (1) are not of general or regional application or (2) do not primarily affect Class I, II and IV installations. Army Air Forces utility contracts are the responsibility of the Commanding General, Army Air Forces, subject, however, to the provisions of §§ 803.306–1 through 803.306–4, inclusive, and §§ 803.394 through 803.394–5, inclusive. Army Air Forces commanding officers, however, may request the advice and assistance of Army, ZI, Engineers in connection with Army Air Forces utility contracts.

(b) Any Army Air Forces utility contract requiring approval of higher authority will be referred by the commanding officer of the Class III installation concerned through Army Air Forces command channels to the Chief, Current Procurement Branch. If approval of any such contract is required under §§ 803.394 through 803.394–5, inclusive, it will contain the approval provision required by § 803.394–5 and will be forwarded by the Chief, Current Procurement Branch, to the War Department Power Procurement Officer for necessary action.

§ 803.397–2 *Army area utility contracts.* Utility contracts, as defined in § 803.318c–1, other than Army Air Forces utility contracts, are the responsibility of the commanding generals of the Armies, ZI. In this connection see §§ 803.318c through 803.318c–4, inclusive.

§ 803.397–3 *Engineer utility contracts.* Notwithstanding the provisions of §§ 803.397–1 and 803.397–2, if utility contracts, as defined in § 803.318c–1, are required during construction at Class I, II, III or IV installations, under the jurisdiction of the Chief of Engineers, such contracts will be entered into by Engineer contracting officers and administered as Engineer contracts until transferred to Army Air Forces or Army, ZI, jurisdiction.

4. In paragraph (a) of § 803.398a the reference to paragraphs 263–267 is amended to read "paragraphs 220–223".

[Procurement Reg. 5]

PART 805—FOREIGN PURCHASES

Part 805 is amended to read as follows:

SUBPART A—BUY AMERICAN ACT AND APPROPRIATION RESTRICTION

Sec.

805.501 General.
805.502 Buy American Act.
805.503 Restriction created by Military Appropriation Act.
805.504 Interpretation of Buy American Act and Appropriation Restriction.
805.505 Insertion of contract clause.
805.506 Exempt items; Buy American Act.
805.507 Exempt food and clothing; appropriation restriction.
805.508 Bids and awards; Buy American Act and appropriation restriction; cases where no satisfactory domestic bid is received.
805.509 Bids and awards; Buy American Act; cases where satisfactory domestic and foreign bids are received.

Sec.
805.510 Advertising for bids; Buy American Act.
805.511 Advertising for bids; appropriation restriction.

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SUBPART A—BUY AMERICAN ACT AND APPROPRIATION RESTRICTION

§ 805.501 *General.* (a) Restrictions on foreign purchases of personal property are found in the Buy American Act (§ 805.502) and in annual military appropriation acts (called the Appropriation Restriction and set out in full in § 805.503).

(b) When in doubt as to whether a given purchase is or is not covered by either act contracting officers will forward the matter through channels to the Chief, Current Procurement Branch, Service, Supply and Procurement Division, War Department General Staff, Washington 25, D. C., for decision.

(c) Army Regulation 5–340, August 10, 1936, as amended, and all other prior procurement regulations, directives and instructions relating to the Buy American Act and foreign purchases, have been rescinded.

(d) Effective as to contracts executed on and after October 1, 1946.

§ 805.502 *Buy American Act.* The Act provides:

SEC. 1. That when used in this title:

(a) The term "United States," when used in a geographical sense, includes the United States and any place subject to the jurisdiction thereof:

(b) The term "public use," "public building," and "public work" shall mean use by, public building of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, the Philippine Islands, American Samoa, the Canal Zone, and the Virgin Islands.

SEC. 2. Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use. This section shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

SEC. 3. (a) Every contract for the construction, alteration, or repair of any public building or public work in the United States growing out of an appropriation heretofore made or hereafter to be made shall contain a provision that in the performance of the work the contractor, subcontractors, material men, or suppliers, shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States except as provided in section 2: *Provided, however,* That if the head of the department or independent establishment making the contract shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to that particular article, material, or supply, and a public record made of the findings which justified the exception.

(b) If the head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (a) finds that in the performance of such contract there has been a failure to comply with such provisions, he shall make public his findings, including therein the name of the contractor obligated under such contract, and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractor, material men, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public.

[Title III, Act 3 March 1933 (47 Stat. 1520; 41 U. S. C. 10a, b, and c; M. L., 1939, Sec. 742).]

§ 805.503 *Restriction created by Military Appropriation Act.* The Military Appropriation Act, 1947, approved July 16, 1946 (Public Law 515—79th Cong.) contains the following proviso:

That no part of this or any other appropriation contained in this Act shall be available for the procurement of any article of food or clothing not grown or produced in the United States or its possessions, except to the extent that the Secretary of War shall determine that articles of food or clothing grown or produced in the United States or its possessions cannot be procured of satisfactory quality and in sufficient quantities and at reasonable prices as and when needed, and except procurements by vessels in foreign waters and by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto.

§ 805.504 *Interpretation of Buy American Act and appropriation restriction—*(a) *Applicability—*(1) *Buy American Act.* (i) The act applies to articles, materials and supplies (hereinafter referred to as items) acquired for public use in the United States (section 2) or acquired for use in the construction, alteration or repair of any public building or public work in the United States (section 3). The act defines the United States as "the United States and any place subject to the jurisdiction thereof," hence purchases of items to be used outside such areas are excepted from the act. Furthermore, the act does not apply to books, periodicals, magazines, newspapers or the printing of briefs (12 Comp. Gen. 618).

(ii) The act applies to all items from raw materials to end products. Thus it provides that only unmanufactured items mined or produced in the United States will be acquired; second, that only end products which have been manufactured in the United States substantially all from items mined, produced or manufactured in the United States will be acquired. An example of the application of the act to the purchase of manufactured items is as follows:

In the purchase of clothing, which is a manufactured item, the only requirement of the law is that the clothing be manufactured in the United States substantially all from cloth and findings manufactured in the United States. The origin of the materials from which the cloth and findings were made is not for consideration.

(2) *Appropriation restriction.* The restriction applies only to purchases of food and clothing and does not apply to such purchases by vessels in foreign waters or by establishments located outside the continental United States, Hawaii and Alaska, for the personnel attached thereto.

(b) *Exceptions.—*(1) *Buy American Act.* The Secretary of War and the Under Secretary of War have authority to make exceptions to the act based on certain findings of fact. Those findings under section 2 of the act (public use) are:

(i) That items of the class or kind to be used, or the items from which they are manufactured, are not mined, produced or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a sufficient quality, or

(ii) That it would be inconsistent with the public interest to apply the act, or

(iii) That the cost would be unreasonable if the act were applied.

Those findings under section 3 of the act (public buildings and public works) are:

(iv) Any of the findings stated in (i), (ii), or (iii), or

(v) That it is impracticable to make such requirement in respect to, or that it would unreasonably increase the cost of, some particular item or items; in either of which events the exception must be noted in the specifications and a public record made of the findings.

(2) *Appropriation restriction.* The Secretary of War or the Under Secretary of War have authority to make exceptions to the act if it is found that food or clothing of satisfactory quality, in sufficient quantities and at reasonable prices, grown or produced in the United States or its possessions cannot be produced as and when needed.

§ 805.505. *Insertion of contract clause.* The contract clause set forth in § 803.327 of this chapter will be inserted in all contracts for the purchase of items to which the Buy American Act applies (see § 805.504) except contracts for items excepted from the Act (see §§ 805.506, 805.508 (a)).

§ 805.506 *Exempt items; Buy American Act.* In accordance with sections 2 and 3 of the Buy American Act, and based on the necessary findings of fact the Under Secretary of War has administratively determined that the articles, materials, and supplies listed below, or the articles, materials, and supplies from which they are manufactured are au-

thorized to be procured for the War Department without regard to the country of origin:

FOOD

Bananas.	Papaw juice or crude papain.
Chocolate.	Pepper, unground (black and white)
Citron.	Spices.
Cloves, unground.	Sugar.
Cocoa or cacao beans.	Tea.
Coffee.	Vanilla.
Olives, green.	

CLOTHING

Asbestos.	Leather.
Cotton, long staple.	Manila fibre.
Flax and flaxseed.	Mohair.
Goat and kid skins.	Rubber.
Hemp.	Silk.
Jute and jute burlaps.	Sisal.
	Tanning materials.

OTHER ITEMS

Agar.	Manila or abaca fibre.
Antimony.	Menthol.
Argols, tartar and wine lees.	Mercury.
Asbestos, unmanufactured.	Monazite.
Beryl.	Nickel.
Bismuth.	Nux vomica.
Cadmium.	Opium, crude
Calcium cyanamide.	Palm oil.
Calcium nitrate.	Perilla oil.
Calcium tartrate.	Platinum.
Castor oil.	Platinum group metals.
Celestite.	Pyrethrum flowers.
Chalk, English.	Quartz crystals.
Chrome ore or chromite.	Quebracho.
Cinchona bark.	Quinidine.
Cobalt (ore and metals).	Radium salts.
Coconut oil.	Rapeseed oil.
Columbite.	Rubber, crude and milk of.
Copper.	Rutite.
Cork and manufactures.	Sapphire and ruby.
Corundum.	Shellac.
Cryolite, natural.	Sisal and henequen fibre.
Derris and tumbo roots.	Sperm oil.
Diamonds, industrial.	Talc.
Emetine.	Tantalite.
Ergot.	Tin.
Graphite.	Tung oil.
Hyoscine.	Tungsten ore and concentrates.
Iodine.	Uranium (oxide and salts).
Jewel bearings.	Vanadium.
Kyanite.	Wattle bark.
Lead.	Zinc.
Manganese ore.	Zirconium.

§ 805.507 *Exempt food and clothing; appropriation restriction.* In accordance with Public Law 515, 79th Congress, and based on the necessary findings of fact the Under Secretary of War has administratively determined that the articles of food and clothing listed in § 805.506 are authorized to be procured, without regard to the country of origin.

§ 805.508 *Bids and awards; Buy American Act and appropriation restriction; cases where no satisfactory domestic bid is received.* (a) It is the duty of contracting officers, whether purchasing by advertising or negotiation, to ascertain first whether either or both acts apply and if so that no foreign items as defined in the acts are included in the purchase. If a bidder states that the source of the items offered is unknown, such items shall be considered to be foreign. In no case will a bidder be permitted to make this determination. If foreign items are included the contracting officer must then determine whether they are listed as exempt under §§ 805.506 and 805.507. If not listed there (and a satisfactory domestic bid cannot be obtained thus preventing use of the procedure outlined in § 805.509) the purchase cannot be made unless it is found that an exception to the act or acts is justifiable. Such a finding will be made by the Under Secretary of War. Request therefore will be submitted through channels to the Chief, Current Procurement Branch, Service, supply and Procurement Division, War Department General Staff, Washington 25, D. C., and will contain the following information:

(1) Brief description of items and statement as to acts involved.

(2) Statement whether or not the exception is to be limited to items mined, produced or manufactured in a specific country.

(3) Statement showing what effort was made to provide the items out of domestic production.

(4) Statement of grounds warranting the exception. The grounds on which the Under Secretary of War may base his finding authorizing an exception are stated in § 805.504 (b).

(b) *Certificate on bids under Buy American Act.* When manufactured articles, materials, or supplies are procured which require in their manufacture the use of any different materials among which are numerous miscellaneous foreign materials and such foreign materials constitute a relatively small percentage of the finished article, it is not necessary that the bidder or vendor submit an itemized list of all the foreign materials used in the manufacture of the article offered or furnished. It will be sufficient for him to make the following general exception to the certificate required on the bid or invoice (see § 805.510 (a) (2)):

Not to exceed . . . per cent in cost and weight of miscellaneous foreign materials which are required in the manufacture of the articles, materials, or supplies offered (furnished) and which are not produced in the United States in reasonably available commercial quantities and of a satisfactory quality.

§ 805.509 *Bids and awards; Buy American Act; cases where satisfactory domestic and foreign bids are received.* In this type of case an exception based on inadequacy of the domestic supply cannot be made under either act. Therefore, if the appropriation restriction applies (food or clothing) the award must be made to a domestic bidder. However, the Buy American Act authorizes exceptions to be made on other grounds than inadequacy (see § 805.504 (b)) and the Under Secretary of War, based on those additional grounds, has administratively determined that the following procedure will be followed in this type of case under the Buy American Act:

(a) The total amount the lowest acceptable net foreign bid, hereafter called the foreign bid, and the total amount of the lowest acceptable net domestic bid, hereafter called the domestic bid, will be determined. If the domestic bid is less than the foreign bid, the award will be made to the former without further computation. If the domestic bid is greater than the foreign bid, the difference will be computed and this difference reduced to a percentage of the foreign bid as follows: Difference divided by the foreign bid multipled by 100. The tabulations below indicate the prescribed awards depending upon the location in which the purchase is made, the foreign bid, and the percentage difference which has been computed above. Those in subparagraph (1) of this section are based on a determination of the Director of Procurement, Treasury Department, which is adopted for use in the War Department, and those in subparagraph (2) of this section on a determination of the Secretary of War.

(1) Purchases made within the continental limits of the United States, except Alaska.

Foreign bid	Percentage difference	Prescribed award
$0.01 to $100.00, inclusive	0% to 100%, inclusive	Domestic.
$0.01 to $100.00, inclusive	Greater than 100%	Foreign.
Greater than $100.00	0% to 25%, inclusive	Domestic.
Greater than $100.00	Greater than 25%	Foreign.

(2) Purchases made outside continental limits of the United States.

Foreign bid	Percentage difference	Prescribed award
$0.01 to $49.99, inclusive	0% to 100%, inclusive	Domestic.
$0.01 to $49.99, inclusive	Greater than 100%	Foreign.
$50.00 to $99.99, inclusive	0% to 75%, inclusive	Domestic.
$50.00 to $99.99, inclusive	Greater than 75%	Foreign.
$100.00 to $499.99, inclusive	0% to 50%, inclusive	Domestic.
$100.00 to $499.99, inclusive	Greater than 50%	Foreign.
$500.00 to $999.99, inclusive	0% to 40%, inclusive	Domestic.
$500.00 to $999.99, inclusive	Greater than 40%	Foreign.
$1,000.00 to $4,999.99, inclusive	0% to 30%, inclusive	Domestic.
$1,000.00 to $4,999.99, inclusive	Greater than 30%	Foreign.
$5,000.00 or greater	See (2) below	

(b) In cases where the foreign bid is $5,000 or greater or those where the contracting officer is of the opinion that an award made as indicated above would be inconsistent with the public interest, the contracting officer will forward the case, with his recommendations, through channels to the Chief, Current Procurement Branch, Service, Supply and Procurement Division, War Department General Staff, Washington 25, D. C., before award is made.

§ 805.510 *Advertising for bids; Buy American Act.* (a) The following changes will be made in standard forms in cases where the act applies.

(1) *U. S. Standard Forms Nos. 22 (Instructions to Bidders—construction and supplies) and 42 (Intructions to Bidders—coal).* Change Standard Form No. 22 by adding (i) and (ii) below and change paragraph 14 of Standard Form No. 42 by adding (i) below:

(i) Unless the Secretary of War shall otherwise determine, only such manufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use.

(ii) Unless the Secretary of War shall otherwise determine, all contracts for the construction, alteration, or repair of any public building or public work in the United States will contain a provision that in the performance of the work the contractor, subcontractor, material men, or suppliers shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced or manufactured, as the case may be, in the United States, except articles, materials and supplies listed in the specifications pertaining to the contract or in the contract itself, as being exempt from the foregoing restriction.

(2) *W. D. Standard Procurement Form No. 102 (form of bid—supply) and No. 117 (form of bid—construction).* Insert the following:

It is hereby warranted that in the event award is made to the undersigned there will be furnished under this contract, or used in the performance of the work covered by this contract, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, except as noted below or otherwise indicated in the invitation.

(b) *Special clause for the construction, alteration, or repair of public buildings and public works.* The specifications accompany the invitation for bids for the construction, alteration, or repair of public buildings or public works in the United States will contain the following:

Because the materials listed below, or the materials from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, their use in the work herein specified (subject to the requirements of the specifications) is authorized without regard to the country of origin:

Asbestos.
Chromium.
Clay, English ball.
Clay, English china.
Copper, natural—nickel alloy.
Cork.
Jute.
Kaurigum.
Lac.
Nickel.
Oil, China wood (Tung oil).
Platinum.
Rubber.
Silk.
Sisal.
Tin.
Wood, Balsa.
Wood, Teak.

Articles, materials, or supplies manufactured in the United States and containing mercury, antimony, tungsten, or mica of foreign origin may be used (subject to the requirements of the specifications) in the work herein specified because such manufactured articles, materials, or supplies have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States.

§ 805.511 *Advertising for bids; appropriation restriction.* The following changes will be made in standard forms in cases where the appropriation restriction applies:

(a) *U. S. Standard Form No. 22 (Instructions to Bidders—construction and supplies).* Change by adding:

Unless the Secretary of War shall otherwise determine, only articles of food or clothing grown or produced in the United States or its possessions shall be procured with funds appropriated by Military Appropriations Act of 1947 (Public Law 515, 79th Cong.).

(b) *W. D. Standard Procurement Form No. 102 (Form of Bid—supply contract).* Insert the following:

It is hereby warranted that in the event award is made to the undersigned, the articles of food and clothing furnished the United States will have been grown or produced in the United States or its possessions, except as noted below or otherwise indicated in this bid.

SUBPART B—DUTY AND CUSTOMS

§ 805.520 *Duty.* In the absence of legislation authorizing admission, free of duty, of supplies purchased outside the United States, the duty must be paid. See AR 35–6040. No bond prescribed by any provision of the customs laws or regulations is required in connection with the importation of articles when such articles are imported by the War Department, its bureaus, or authorized agents.

§ 805.521 *Clearance through customs.* The procedure for clearing through customs materials imported by the War Department is set forth in detail in WD Cir. 180, 1945. That circular also describes the circumstances under which such materials may be admitted free of duty. All personnel concerned with procurement of materials abroad should familiarize themselves with the contents of the circular.

§ 805.522 *Explanation of WD Cir. 180, 1945.* Particular attention is directed to paragraph 4 of WD Circular 180, 1945 in connection with the manner of consigning materials imported from abroad by the War Department.

§ 805.523 *Provisions of Tariff Act.* The Tariff Act of 1930 (Chapter 4, Title 19, U. S. Code) provides that under certain circumstances the amount of customs duties paid on merchandise imported shall be refunded as a "drawback." The most usual circumstances under which this right arises is when there are exported out of the United States articles which were manufactured or produced in the United States with the use of merchandise imported from abroad. It is provided that the full amount of the duties paid on the merchandise so used, less 1% of such duties, shall be refunded as a "drawback."

§ 805.524 *Customs regulations.* The problem frequently arises as to who is entitled to claim the drawback. Assume, for example, that an importer manufactures with the imported merchandise an end product which he sells to an exporter. Under the act referred to in § 805.523, someone is entitled to a refund of the import duties. The rule for determining whether the manufacturer or the exporter is entitled to this refund is stated in Article 1070 of the Customs Regulations. This regulation provides that a manufacturer of articles with respect to which there is a right to a drawback is not entitled to the drawback unless, on the sale or consignment of the articles, he has reserved to himself the right to claim the drawback and produces evidences that such reservation was made with the knowledge and consent of the exporter.

§ 805.525 *When purchase price to include customs duties.* Whenever the Government purchases articles, with respect to which there might arise a claim to a drawback, the price paid shall include the customs duties, and accordingly the manufacturer will have no claim to a drawback.

§ 805.526 *Marking of shipments.* In addition to normal markings prescribed by the procuring service for materials procured abroad, each container on inbound water and air freight shipments, and each container in a less-than-carload lot (LCL), less-than-truckload lot (LTL), express or parcel post shipment imported through inland ports of entry, will be marked to indicate that the War Department or an official of the War Department, acting in his official capacity, is the consignee.

SUBPART C—CANADIAN PURCHASES

§ 805.530 *Purchases from Canadian suppliers.*

§ 805.530–1 *No contracts to be made directly.* The technical services shall not directly enter into contracts with contractors domiciled in the Dominion of Canada for the delivery of supplies to be produced in Canada. All such contracts will be entered into with War Supplies Limited through its Washington representatives, or, under the circumstances set forth in § 805.509–9, with North West Purchasing Limited. Such corporation will then arrange with the Canadian Department of Munitions and Supply for the purchase by that Department from Canadian contractors of the supplies covered by the contracts between the War Department and War Supplies Limited or North West Purchasing Limited, as the case may be.

§ 805.530–2 *War Supplies Limited.* War Supplies Limited is a corporation wholly owned and controlled by the Government of Canada and created under the laws of the Dominion of Canada with its principal office in the city of Ottawa, Province of Ontario. A Washington office is maintained at 1205 Fifteenth Street, N. W., (Marshall Building), telephone Executive 2020, Extensions 120,

121, 196 and 556. The representative of the corporation in Washington is Mr. F. G. Rounthwaite, President, and Acting General Manager.

§ 805.530–3 *Purpose of organization of War Supplies Limited.* At the time that War Supplies Limited was organized it was recognized that if the various agencies of this government were to purchase directly from Canadian manufacturers, competition for supplies produced in Canada would arise between this government and the Canadian Government. The result would, in all probability be that both governments would be obliged to pay more for the supplies so obtained than would otherwise be necessary. Such competition likewise would give rise to complications with respect to the precedence of the two governments with regard to the production of Canadian plants. It was also recognized that unless orders for the account of the United States Government were placed through some agency of the Canadian Government, the control over costs and profits which the Canadian Government exercises would not be effective with regard to orders so placed by this government. Accordingly War Supplies Limited was organized to centralize purchases by this government from Canadian manufacturers.

§ 805.530–4 *Procedure for negotiating contract.* If practicable, arrangements should be made through War Supplies Limited to have a representative of the subcontractor, who, it is contemplated, will actually produce the item desired, present in Washington to participate in the negotiation of the contract. In this way the prime contract and the contract with the producer can be prepared simultaneously.

§ 805.530–5 *Administration of contract.* On matters pertaining to contracts with War Supplies Limited, concontact should be had with said corporation and not with the Canadian subcontractor. The only exception to this would be in those cases where the technical service is represented at the plant through inspectors or other officers, in such instances communication with the subcontractor through the resident representative is in order on inspection and technical matters. Payment checks should be issued to War Supplies Limited and addressed to that corporation at its Washington office.

§ 805.530–6 *Contract form.* The contract form set forth in § 813.1313 of this chapter should be used for executing supply contracts with War Supplies Limited, subject to such additions and deletions as may be necessary in any particular case. It will be noted that no provision relative to progress or advance payment is made in the form. This matter will be considered individually in each case. In accordance with § 805.505 no duty will be paid and accordingly no duty should be included in the purchase price. If it is necessary in a particular case, there may be added to the contract form a statement to the effect that the United States Government will pay any duties necessarily imposed for the entrance of articles into the United States.

§ 805.530–7 *Guarantee by Canadian Government.* The Canadian Government, through its Secretary of State for External Affairs, has guaranteed to the United States Government all commitments, obligations and covenants which War Supplies Limited may give to any department or agency of the United States Government in connection with any contracts or orders which may be given to said corporation by any department or agency of the United States Government. The Canadian Government has likewise waived notice of any change or modification which may be made from time to time in these commitments, obligations or covenants.

§ 805.530–8 *Excess profits on contracts with War Supplies Limited.* In a letter dated September 10, 1942, addressed to the Under Secretaries of War and Navy and to the Chairman of the Maritime Commission, War Supplies Limited, stipulated in part as follows:

> All contracts with the War Department will be treated collectively and not individually, and if the aggregate profits realized by private corporations under such contracts are in excess of ten percent of cost, the amount of the excess will be refunded.
>
> * * * * *
>
> The Canadian Government will not make any profit on the aggregate of the transactions. However, it is understood that any losses to the Canadian Government on individual contracts may be recovered out of profits realized on other contracts.

The standard renegotiation clause will not be included in contracts with War Supplies Limited.

§ 805.530–9 *Purchases in Canadian Northwest.* (a) In the future, contracts with suppliers, domiciled in the Dominion of Canada, for the purchase of materials, machinery, machine tools, and equipment necessary for the maintenance, repair, and operation of War Department projects in the Canadian Northwest, including the Alaska Military Highway and associated projects, will be made direct with the supplier without reference to the Department of Munitions and Supply.

(b) Subsistence items will be purchased after approval of 3 months estimates by the Department of Munitions and Supply, Ottawa, Canada.

[Procurement Reg. 6]

PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

SUBPART B—INTERBRANCH PROCUREMENT

1. Section 806.603–3 is amended to read as follows:

§ 806.603–3 *Clearance of instructions with Board.* All instructions by the Service, Supply and Procurement Division, W. D. G. S., Branches thereof, or Army Air Forces to be issued in War Department publications concerning:

(a) Transfer of any of the functions of procurement from one technical service to another or to or from the Army Air Forces, or

(b) Assumption of any of the functions of procurement by a technical service or the Army Air Forces;

shall be submitted for concurrence and clearance to the Procurement Assignment Board, Service, Supply and Procurement Division, W. D. G. S., before publication.

2. In § 806.603–6 paragraph (a) is amended and paragraph (f) is added, as follows:

§ 806.603–6 *Procedure.* (a) All technical services requiring an item for which determination of requirements and provision of funds have been assigned to another service, will assist the responsible technical service by furnishing to it statements of their requirements at such times as may be called for by the responsible technical service.

* * * * *

(f) The technical service having responsibility for determination of requirements will give due consideration to the fact that the technical service having responsibility for purchase may have assigned the particular type of item or items for procurement by formal advertising. See § 802.230–4 of this chapter. This would ordinarily involve an interval of 30 days between the date of issuance and the date of opening of bids. See § 802.234 of this chapter. Therefore, in such cases, an additional period of 15 days or more, or a total of approximately 45 days or more, should be allowed for the purchase. This will obviate any necessity for the purchasing technical service to reduce the advertising interval or the requiring technical service to make an emergency purchase under § 806.603–2.

3. Paragraph (a) of § 806.604 is amended to read as follows:

§ 806.604 *Report of actions of the Procurement Assignment Board.* (a) There is contained in Appendix I to these procurement regulations (see page 5001) a condensed record of the assignments made by the Board since the beginning of the calendar year 1942. Reference is made to the first page of the appendix for a more complete statement as to what is covered therein.

4. In the table in § 806.605–3 the items "Petrolatum (medicinal)" and "Paraffine * * *" are amended to read as follows:

§ 806.605–3 *Assignment of oils (illuminating and lubricating), greases and all lubricants (FSSC Class 14).*

Items	Spec.	Req.	Funds	Pur.	Insp.
* * * * *	*	*	*	*	*
Petrolatum (medicinal)	MED	MED	MED	MED	MED
Paraffine, refined for dental, histological and pharmaceutical use	MED	MED	MED	MED	MED

5. The table in § 806.605d is amended to read as follows:

§ 806.605d *Indefinite quantity contracts executed by the office of the Quartermaster General.* * * *

INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL

Supply bulletin number	Date	Commodity	Contract period	Contract symbol number	Contractor	Area serviced	Applicability
10-87	June 1946	Books	Fiscal year 1947	See Supply Bulletin No. 10-87		Continental U. S. and its possessions.	General utilization by the War Department except the Medical Corps
10-246	August 3, 1946	Compressed yeast	Fiscal year 1947	W 11-009-qm-62055	National Grain Yeast Corporation, Belleville, N. J.	Second Army area	All branches of the War Department
				W 11-009-qm-62056	Federal Yeast Corporation, Baltimore, Md.	Army Medical Center, Army War College, Bolling Field.	
				W 11-009-qm-61885	Standard Brands Inc., 595 Madison Ave., New York, N. Y.	First, Third, Fourth, and Sixth Army areas.	
				W 11-009-qm-61887	Calumet Yeast and Grain Products Co., 3441 E. 100th St., Chicago, Ill.	Fort Sheridan, Ill	
				W 11-009-qm-61889	Red Star Yeast and Products Co., 221 E. Buffalo, Milwaukee, Wis.	Fifth Army area	
				W 11-009-qm-62057	Anheuser Busch Inc., 721 Pestalozzi St., St. Louis, Mo.	Fourth Army area and Ft. Bragg, N. C., 554th AAF Base Unit, Memphis, Tenn., Smyrna AAF, Smyrna, Tenn.	
10-270	July 19, 1946	Malt	Fiscal year 1947	W 11-009-qm-61888	Standard Brands Inc., 595 Madison Ave., New York, N. Y.	Army Medical Center, Army War College, Mil. Dist., Wash. First, Second, Third, Fourth, Fifth and Sixth Army areas.	All branches of the War Department
10-270	July 19, 1946	Mineral yeast food	Fiscal year 1947	W 11-009-qm-61888	Standard Brands Inc., 595 Madison Ave., New York, N. Y.	Ft. Belvoir and Ft. McPherson.	All branches of the War Department
10-96	June 1946	Paper rolls for cash register.	Fiscal year 1947	W 30-280-qm-1906	The National Cash Register Co., Main and K Sts., Dayton, Ohio.	See Supply Bulletin No. 10-96.	All posts, camps and stations

SUBPART C—INTERDEPARTMENTAL PURCHASES

1. Section 806.606–4 is amended to read as follows:

§ 806.606–4 *General Schedule of Supplies.* Chiefs of technical services and commanding generals of Armies, ZI are responsible for advising contracting officers operating under their respective jurisdictions as to the terms and conditions of all mandatory General Schedule of Supplies contracts. Chiefs of technical services and commanding generals of Armies, ZI may obtain copies of the individual schedules, by classes, for distribution to their contracting officers, from the Editorial Section, Procurement Division, Treasury Department, Washington 25, D. C.

2. Section 806.606–7 is amended to read as follows:

§ 806.606–7 *Mandatory schedules.* The following is a list of the classes of the General Schedule of Supplies which are mandatory by the terms of the schedules on the field services of the War Department:

Description of item	Schedule of supplies (class)	Period
Explosives and blasting accessories	4	January 1 to December 31, 1946.
Gasoline: Tank wagon and drum deliveries, tank-car, transport-truck and marine deliveries.	7 and Supps., Regions 1 to 6, incl.	July 1, 1946 to June 30, 1947.
Fuel oil: Tank-wagon and drum deliveries, tank-car, transport-truck, and marine deliveries.	7 and Supps., Regions 1 to 6, incl.	July 1, 1946 to June 30, 1947.
Gasoline, Diesel oil, and lubricating oil, service-station deliveries.	7 and 14	July 1, 1946 to June 30, 1947.
Tire chains	8	July 1, 1946 to May 31, 1947.
Motor-vehicle accessories, etc. (clutch facings and brake-band lining only).	8 and 66	July 1, 1946 to June 30, 1947.
Spark plugs	17	April 15, 1946 to April 14, 1947.
Heavy duty electric storage batteries, item 17-B-9800 (battery equipment and parts) only.	17	March 1, 1946 to May 31, 1946 (extended to September 30, 1946).
Electric lamps	17	September 1, 1946 to August 31, 1947.
Telephones and parts	17, Supp. No. 6, revised	March 1 to August 31, 1944 (extended to February 28, 1947).
Wood furniture	26, part I	January 1 to December 31, 1946.
Steel furniture	26, part II, revised	January 1 to December 31, 1942 (in effect until December 31, 1946).
Floor and window coverings	27	October 1, 1945 to September 30, 1946.
Books (including Encyclopedia Britannica).	35	December 1, 1945 to November 30, 1946.
Machine tools (only the following items: 40-M-9-100, and 40-P-22 to 40-P-37, incl.).	40	September 1, 1946 to August 31, 1947.
Woodworking saws	40	July 1, 1946 to June 30, 1947.
Solvents	51	July 1, 1946 to June 30, 1947.
Paper drinking cups and dispensers	53	July 1, 1946 to June 30, 1947.
Office equipment (part I only)	54	July 1, 1946 to December 31, 1946.
Offset duplicating supplies, etc.	54	July 1, 1946 to June 30, 1947.
Typewriters	54	July 1, 1946 to December 31, 1946.
Portable drinking fountains	63	March 1, 1946 to February 28, 1947.
Feed and forage (applicable to certain D. C. installations only).	67	June 1 to September 30, 1946.
Seed (applicable to certain D. C. installations only).	67	November 20, 1945 to November 19, 1946.
Airplane tires and tubes	83, revised	April 24 to June 30, 1942 (extended to September 30, 1946).
Consolidated public utilities contracts in Baltimore, Md.; New York, N. Y.; and Philadelphia, Pa.	101 (electric service); 105 (gas service).	Effective December 1, 1944 and thereafter until further notice.
Recording and transcription service	103	March 1, 1946 to February 28, 1947.

Note (1) Some of the schedules listed above are mandatory only upon some of the activities of the War Department. In case of doubt as to whether it is mandatory that a particular item be procured under a schedule, the schedule itself should be consulted and provisions of the schedule should be regarded as controlling.

(2) Attention is called to the provisions of § 811.1187 et seq. of this chapter, as to restrictions concerning local purchases and the purchases of restricted or prohibited items. Such restrictions apply to items, even though they may be listed on the General Schedule of Supplies.

3. In § 806.611 the reference to "§§ 806.613–806.613–8" is amended to read "§§ 806.613–806.613–9."

4. The headnote to § 806.613 is amended to read: *"Procurement of surplus property."*

5. Sections 806.613–1 through 806.613–3, inclusive, are amended to read as follows:

§ 806.613–1 *Surplus Property Act.* The Surplus Property Act of 1944 (Public Law 457, 78th Congress), as amended, places the responsibility upon all Government agencies, in order to avoid making purchases through commercial channels when suitable items are available from surplus property disposal agencies, to consult continuously the records of surplus property maintained by the disposal agencies under the regulations of the War Assets Administration, and to determine whether their requirements can be satisfied out of such surplus property.

§ 806.613–2 *Disposal agencies.* (a) Under its Regulation 1, Order 1, the War Assets Administration has designated certain Government Agencies as disposal agencies. The disposal agencies and the general types of property for which they are responsible are set forth in § 827.791 of this chapter.

(b) The surplus property operations of the War Assets Administration within the United States are conducted through regional offices and offices which have been established to handle specialized property. The addresses of these offices are set forth in § 827.792 of this chapter.

(c) The surplus property operations of other designated disposal agencies are conducted through centralized offices, the addresses of which are set forth in § 827.791 of this chapter.

§ 806.613–3 *Information as to available surpluses.* Information as to available surpluses may be obtained from the regional offices, and from other War Assets Administration offices and disposal agency offices listed in §§ 827.791 and 827.792 of this chapter.

6. Paragraph (a) (3) of § 806.613–4 is amended to read as follows:

§ 806.613–4 *Establishment of operational liaison with disposal agencies.* (a) * * *

(3) Each technical service will establish operational liaison between each of its field procurement offices and the regional offices of War Assets Administration for the region in which the field procurement office is located. In addition, operational liaison between the office of the chief of service and the Washington office of War Assets Administration, as well as special offices, may be established if the chief of service deems such operational liaison desirable.

7. Section 806.613–5 is amended to read as follows:

§ 806.613–5 *Procedure for acquiring surplus property.* In general, surplus property declared surplus by an agency other than the War Department will be transferred to the War Department at a fair valuation as determined by the disposal agency. Details of such transfer procedure may be ascertained from the offices of the disposal agencies. See § 806.614 as to the appropriate form of delivery order to be used in acquiring surplus property from disposal agencies. Where the property desired was declared surplus by the War Department, the acquiring technical service will proceed in accordance with the provisions of § 827.723 of this chapter. Transfers without reimbursement between the War and Navy Departments and the Coast Guard are authorized under the provisions of 10 U. S. C. 1274 as amended by the Act of August 7, 1946 (P. L. 627—79th Congress), but transfers under this Act will be limited to military type items as defined in paragraph 1 *p* of War Department TM 38–419. Transfers without reimbursement between the War Department and Veterans' Administration are authorized by Section 102, Title I, of the Act of June 22, 1944 (P. L. 346—78th Congress),

8. Section 806.613–7 is amended to read as follows:

§ 806.613–7 *Policy matters.* All policy matters pertaining to the acquisition of surplus industrial property from disposal agencies will have the approval of Readjustment Branch, Procurement Group, SS&P Division, WDGS, and policy matters pertaining to the acquisition of all other types of surplus property from disposal agencies will have the approval of the Director of Service, Supply, and Procurement (Supply Group), WDGS.

9. Section 806.613–9 is added as follows:

§ 806.613–9 *Items in critical short supply.* Provisions have been made in § 833.303 (a) and in War Department Technical Manual 38–419, dated July 1, 1946, for the removal from installations of excess property which is in critical short supply within the U. S. Army.

SUBPART D—SUPPLIES MANUFACTURED IN GOVERNMENT-OWNED ESTABLISHMENTS

Subpart D is added as follows:

Sec.
806.640 Statutory basis.
806.641 Manufacturing facilities of War Department establishments.
806.642 Invitation for bids.
806.643 Estimates.

§ 806.640 *Statutory basis.* (a) Section 5a of act of June 3, 1916, as added by section 5 of act of June 4, 1920 (41 Stat. 765), and amended by act of June 5, 1920 (41 Stat. 975) and section 2 of act of December 16, 1940 (54 Stat. 1224; 10 U. S. C. 1195) provides:

> The Secretary of War shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or factories are capable of manufacturing or producing upon an economical basis. All appropriations for manufacture of material pertaining to approved projects which are placed with arsenals, Government-owned factories, or other ordnance establishments shall remain available for such purpose until the close of the next ensuing fiscal year.

(b) The act of June 5, 1920 (41 Stat. 975) as amended by act of July 1, 1922 (42 Stat. 812) and act of June 2, 1937 (50 Stat. 245; 41 U. S. C. 23) provides:

> All orders or contracts for work or material or for the manufacture of material pertaining to approved projects heretofore or hereafter placed with Government-owned establishments shall be considered as obligations in the same manner as provided for similar orders or contracts placed with commercial manufacturers or private contractors, and the appropriations shall remain available for the payment of the obligations so created as in the case of contracts or orders with commercial manufacturers or private contractors.

§ 806.641 *Manufacturing facilities of War Department establishments.* Government-owned establishments under the control of the War Department are equipped with the following facilities:

(a) *Ordnance Department.* Machine shops, foundries capable of handling both ferrous and nonferrous work, forge shops, metal stamping and drawing presses, gas and electric welding shops, heat treatment equipment, woodworking shops, paint shops, optical shops, tool and instrument making shops.

(b) *Quartermaster Corps.* Depots equipped with facilities for woodwork, for the manufacture and repair of leather, textile, canvas, webbing, metal and wheelwright products.

(c) *Chemical Corps.* Gas-mask factory and plants for producing chemical agents, smoke candles, etc.

§ 806.642 *Invitation for bids.* (a) When supplies are to be purchased by a technical service which are not capable of being manufactured by its facilities but which are capable of being manufactured by the facilities of another technical service, bids will be invited as prescribed in Part 802 of this chapter before the order is placed with the other technical service unless:

(1) The amount involved is less than $1,000.

(2) The supplies are, in the opinion of the chief of the requiring service, of such a nature that the interest of the public would be injured by publicly divulging them.

(3) The supplies are needed in an emergency.

(4) The supplies are needed for tests or other special purposes, in which case orders exceeding $1,000 may be placed after obtaining the approval of the Under Secretary of War.

(b) When inviting bids for supplies capable of being manufactured by the facilities listed in § 806.641, purchasing officers will forward a copy of the invitation for bids to the following offices:

(1) By facilities listed in § 806.641 (a). To the Chief of Ordnance, Arensal Orders Branch.

(2) By facilities listed in § 806.641 (b).

(i) Woodwork, leather, canvas, metal, and wheelwright products. To the Commanding Officer, Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.

(ii) Textile and canvas products. To the Commanding Officer, Philadelphia Quartermaster Depot, Philadelphia, Pa.

(3) By facilities listed in § 806.641 (c). To the Chief of the Chemical Corps.

§ 806.643 *Estimates*—(a) *Preparation of.* (1) Upon receipt of an invita-

tion for bids, the offices listed in § 806.642 will submit estimates in response thereto for the manufacture of such part of the supplies as in their opinion can be economically manufactured at their establishments.

(2) Failure to receive estimates before the time of opening of bids will be considered as indicating the inability of Government-owned establishments to manufacture the supplies required.

(3) Estimates will be prepared with great care so that, if an order is placed for the supplies with such establishment, only in exceptional cases will it become necessary to increase the monetary consideration involved.

(b) *Consideration of.* (1) Part 802 of this chapter.

(2) In making awards, estimates received from such establishments will be considered in exactly the same manner as are bids from commercial bidders.

(3) If an estimate received from a Government-owned establishment is lower than the bids received from commercial bidders, but the chief of the technical service purchasing the supplies is of the opinion that the manufacture thereof by a Government-owned establishment would not be economical or desirable, a full report accompanied by suitable recommendations will be submitted to the Under Secretary of War before the award is made.

[Procurement Reg. 8]

PART 808—FEDERAL, STATE AND LOCAL TAXES

SUBPART E—STATE AND LOCAL TAXES

In the table in § 808.831 the item "Colorado" is amended to read as follows:

§ 808.831 *Applicable tax directives.* * * *

Colorado	Memo. No. 34–46, June 5, 1946.

[Procurement Reg. 11]

PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

SUBPART B—PATENTS

Section 811.1115–22 is amended to read as follows:

§ 811.1115–22 *Submission of contracts for approval by the Director.* When a license, release or assignment requires the Director's approval, it shall be submitted to the Procurement Judge Advocate with the number of copies desired approved and returned plus one copy for the files of the Procurement Judge Advocate. There shall also be submitted a memorandum of facts signed by the delegate, containing the following:

(a) Identification and brief description of the subject matter of the patent, patent application or invention involved.

(b) A brief statement of the Delegate's conclusions regarding validity and infringement and the reasons therefor.

(c) A statement of the extent of Government use of the invention(s) including the estimated money value of the claim, if any, and an estimate of future procurement, if any, involving possible increase of the claim.

(d) Reference to paragraphs of these regulations which require the Director's approval of the contract.

(e) Reasons for omission of the "Non-Estoppel" article, if such be the fact, together with statement of efforts made to obtain inclusion of such article.

(f) Recommendation that the contract be approved and the reasons therefor.

SUBPART H—MISCELLANEOUS MATTERS

1. Sections 811.1185 through 811.1185–2, inclusive, are revoked as follows:

§ 811.1185 *Contracts with blocked nationals.* [Revoked]

§ 811.1185–1 [Revoked]

§ 811.1185–2 [Revoked]

2. Section 811.1187a is amended to read as follows:

§ 811.1187a *Restrictions on local purchases.* (a) The Supply Control System sets forth the requirements of the Army for regularly stocked material and supplies. Additional items required by the Army in insufficient amounts and frequency to justify maintenance in the depot system and of a type normally available in civilian economy are purchased locally. Extent of such local purchases must of necessity be based on consideration of relative importance of cost and administrative advantages of local purchases over supply from depot system. Local purchases effected must be regulated to the end that nonstandard supplies of limited use are not accumulated and undue depletion of supplies available to civilian economy do not result.

(b) (1) The term "local purchases" as used in these procurement regulations comprises purchases made by depots, posts, camps, stations, ports of embarkation, installations, and units of the Army Ground Forces, Army Air Forces, or other War Department activities except civil works activities of the Corps of Engineers. Such purchases are made from retail or wholesale establishments, distributors, jobbers, or dealers, of items of material and supplies or of nonpersonal services for immediate use or consumption.

(2) The term "local purchases" as used herein does not include the purchase of items specifically authorized to be bought locally as part of the War Department planned procurement program, such as perishable subsistence, laundry services, burial services, etc.

(c) Local purchases of either standard items of issue or nonstandard items will be made only under the following conditions:

(1) The material or supplies are for immediate consumption and are not for stock; or

(2) The item or a suitable substitute therefor is not available through the normal depot supply channels; the item is a standard issue item for which local purchase has been authorized by the chiefs of technical services or Commanding General, Army Air Forces; or the item is required to meet the needs of a real emergency, and a definite demonstrative harm would result at the requesting installation if the item were not purchased immediately. Determination of emergencies must not be adopted as a substitute for proper foresight and planning.

(d) Responsibility for controlling local purchases is a continuing function in all echelons and at all installations. It shall be exercised vigorously and systematically.

(e) Reference is also made to section II, WD Circular 143, 1945, dealing with local purchase of items of ordnance supply such as spare parts, tools, accessories, shop equipment, and supplies.

3. Sections 811.1188–3 and 811.1189 are amended to read as follows:

§ 811.1188–3 *Delegation of authority.* (a) The responsibility for authorizing advertising has been assigned by the Secretary of War to the Under Secretary of War (see AR 5–5, April 2, 1945). The Under Secretary of War has delegated his power and authority with respect to the authorization of advertising to the Director of Service, Supply, and Procurement, War Department General Staff.

(b) The authority so delegated to the Director of Service, Supply, and Procurement, has been further delegated, through the Chief, Procurement Group, SS&P, to the Chief, Current Procurement Branch, Procurement Group, SS&P, WDGS.

§ 811.1189 *Certificate required in procurement with respect to motor-propelled passenger-carrying vehicles.* All procuring instruments covering the purchase of supplies, equipment, spare parts, accessories or services, for use in the operation, maintenance, or repair of motor-propelled passenger-carrying vehicles will bear the following certificate:

None of the supplies or services covered by this instrument are to be used in violation of the legal restrictions quoted in Sec. V, WD Circular 272, 1946.

[Procurement Reg. 13]

PART 813—FORMS OF CONTRACTS

1. In § 813.1326 (b), paragraph 1 under the heading "General provisions" is amended to read as follows:

§ 813.1326 *W. D. Contract Form No. 26.* * * *

(b) *Contract form.*

* * * * *

GENERAL PROVISIONS

1. *Deposits or Bonds to Accompany Bid.* Unless otherwise specified, bids must be accompanied by cash, certified check or postal money order made payable to the Treasurer of the United States, bonds or notes of the United States (at par value) deposited in accordance with Treasury Department Regulations (see PR 423.1) or a bid bond on the standard Government form (U. S. Standard Form 24), in an amount equal to at least 20 percent of the total sum of the bid. If the bidder does not receive an award, or if a deposit of cash, certified check, postal money order or United States bonds or notes exceeds the total sum bid on the items accepted by the Government, such deposit or the excess thereof will be promptly returned

to the bidder or purchaser. In other cases, the amount inclosed with the bid will be retained as a guaranty for the faithful performance of all the terms and conditions of the purchase: *Provided, however,* That if a bid bond is submitted it must be replaced, immediately upon the acceptance of the bid, by a performance bond on U. S. Standard Form 25 in an amount equal to the penal sum of the bid bond, or the bidder may deposit cash, certified check or postal money order made payable to the Treasurer of the United States, or bonds or notes of the United States (at par value) deposited in accordance with Treasury Department Regulations, but such performance bond or deposit shall not in any event exceed 100 percent of the award, and *Provided, further,* That if the deposit consists of cash, certified check, postal money order or United States bonds or notes, and the contract, by its terms, cannot be performed in less than 30 days, the purchaser shall have the option of substituting a performance bond on U. S. Standard Form 25 in an amount equal to the amount of such deposit.

2. Sections 813.1327 and 813.1327a are revoked as follows:

§ 813.1327 *Standard Procurement Form No. 3 and related forms (WD AGO Forms 299, 299–1, 299–2).* [Revoked]

§ 813.1327a *Standard Procurement Form No. 4.* [Revoked]

3. Sections 813.1335 through 813.1340 are amended to read as follows:

§ 813.1335 *W. D. Standard Procurement Form No. 101.*

Budget Bureau No. 49–R271.1
Approval expires 1 Sept., 1947

Serial Number

WAR DEPARTMENT
INVITATION FOR BIDS
(Supply)

Agency _____ Address _____

Date _____

1. Sealed bids in _____
(Duplicate, triplicate, etc.)
will be received in this office until _____ 19, at ____ M., and then publicly opened for furnishing:

2. Envelopes containing bids must be sealed, marked and addressed as follows:
Bid under Serial No. _____
Bidder _____
Address of bidder _____
To be opened _____
Name of purchasing agency _____
Address of purchasing agency _____

3. Bids must be submitted upon War Department Standard Procurement Form No. 102. The successful bidder will be required to execute contract form number _____, as amended to date of the proposal, including (a) all applicable provisions required by Federal law, Executive Order, and War Department Procurement Regulations, and (b) the following additional clauses:

4. Guarantee will be required with each bid, as follows (see par. 8, U. S. Standard Form No. 22):

5. The right is reserved, as the interest of the Government may require, to reject any and all bids, to waive any informality in bids received, and to accept or reject any items of any bid unless qualified by specific limitation.

6. The right is reserved, as the interest of the Government may require, to revise or amend the specification and/or drawings prior to the date set for opening bids. Such revisions or amendments, if any, will be announced by an addendum or addenda to this Invitation for Bids. Copies of such addenda as may be issued will be furnished to all prospective bidders. If the revisions and amendments are of a nature which require material changes in the quantities or prices bid or both, the date set for opening bids may be postponed by such number of days as in the opinion of the Contracting Officer will enable bidders to revise their bids. In such case the addendum will include an announcement of the new date for opening bids.

[1] 7. Bidder is required to furnish with his bid a certificate executed in the same manner as the bid, as follows:

"I certify that the prices quoted herein are not in excess of any applicable OPA price regulations."

8. Your attention is directed to the possibility that wage determinations may have been made under the Walsh-Healey Public Contracts Act providing minimum wages for employees engaged in the manufacture for sale to the Government of the articles covered by this invitation for bids. Information in this connection as well as general requirements of the Act concerning overtime payment, child labor, safety and health provisions, etc., may be obtained from the Wage and Hour and Public Contracts Divisions, Department of Labor, Washington 25, D. C.

Note: See Standard Government Instructions to Bidders (U. S. Standard Form No. 22) and copy of form of contract, bid bond and performance bond, which may be obtained upon application.

§ 813.1336 *W. D. Standard Procurement Form No. 102.*

Budget Bureau No. 49-R 272.1
Approval expires 1 Sept. 1947

WAR DEPARTMENT

FORM OF BID

(Supply Contract)

Opening Date for this Bid

____ M., _____, 19___

To _____ Place _____

_____ Date _____

In compliance with your invitation for bids dated _____, 19___ (serial No. _____) and subject to all the conditions thereof, the undersigned, _____ a corporation organized and existing under the laws of the State of _____ a partnership consisting of _____ an individual trading as _____ of the city of _____ hereby proposes to furnish, within the time specified, the materials and supplies at the prices stated opposite the respective items listed hereon or on the attached schedules and specifications if any, and agrees upon receipt of written notice of the acceptance of this bid within _____ calendar days (60 calendar days if no shorter period be specified) after the date of opening of the bids, to execute the form of contract described in the above invitation for bids, in accordance with the bid as accepted, and to give bond, if required, with good and sufficient surety or sureties, for the faithful performance of the contract, within 10 days after the prescribed forms are presented for signature.

Discount will be allowed for prompt payment as follows: 10 calendar days ____ per cent; 20 calendar days ____ per cent; 30 calendar days ____ per cent; or as stated in the schedules. Time will be computed from date of the delivery of the supplies to carrier when final inspection and acceptance are at point of origin, or from date of delivery at destination or port of embarkation when final inspection and acceptance are at those points, or from date correct bill or voucher properly certified by the contractor is received if the latter date is later than the date of delivery.)

Except as otherwise indicated herein, bidder is (the manufacturer of) (a regular dealer in) the articles bid on. (See par. 18, U. S. Standard Form No. 22).

[1] I certify that the prices quoted herein are not in excess of any applicable OPA price regulations.

_____ _____
(Witness to signature) (Full name of bidder)
(Follow instructions for signing contained in par. 3, U. S. Standard Form No. 22) _____ _____

Note: See Standard Government Instructions to Bidders (U. S. Standard Form No. 22) and copy of the standard form of contract, bid bond, and performance bond, which may be obtained upon application.

§ 813.1337 *W. D. Standard Procurement Form No. 116.*

Bureau of Budget No. 49–R281
Approval expires 1 Sept. 1947

Bid No. _____ Bidder _____
(Do not write above this line)
Serial No. _____

INVITATION FOR BIDS

(Construction contract)

WAR DEPARTMENT
UNITED STATES ENGINEER OFFICE
(Address) _____
(Date) _____

Project:

1. Sealed bids in _____, (duplicate unless otherwise specified herein) will be received until _____, 19___, and then publicly opened, for furnishing all plant, labor, materials and equipment and performing all work for the above-described project in strict accordance with the specifications, schedules, drawings and addenda as follows:

2. Bids will be submitted in sealed envelopes upon the attached Government Form of bid, and marked in the upper left hand corner "Bid under Serial No. _____ to be opened _____, 194__", the serial number indicating the project for which the bid is submitted. The bidder who is awarded the contract will be required to execute the War Department contract form for construction (WD Contract Form No. 2) which is attached hereto.

3. The right is reserved, as the interest of the Government may require, to reject any and all bids, to waive any informality in bids received, and to accept or reject any or all items of any bid, unless the bidder qualifies such bid by specific limitation.

4. Bid bond on U. S. Standard Form No. 24 in a penal sum of not less than ____% of the bid price (20% unless otherwise specified) will be required with each bid if the bid price is in excess of $2000.

5. Bidders should carefully examine the drawings and specifications, visit the site of the work, and fully inform themselves as to all conditions and matters which can in any way affect the work or the cost thereof. Should a bidder find discrepancies in, or omissions from, the drawings, specifications or other documents, or should he be in doubt as to their meaning, he should at once notify the Contracting Officer and obtain clarification prior to submitting any bid.

6. Each bidder [2] (shall inclose with his bid) (shall furnish upon request) a statement of whether he is now or ever has been engaged in any work similar to that covered by the specifications herein, the year in which such work was performed and the manner of its execution, and giving such other informa-

[1] To be used if supplies in question are subject to OPA price regulations.

[2] Delete inapplicable provision.

tion as will tend to show the bidder's ability to prosecute the required work.

7. The bidder shall state in his bid that he has available or under his control plant of the character and in the amount required to complete the proposed work within the specified time. Each bidder shall, [1](upon request by the Contracting Officer), furnish a list of the plant proposed for use on the work.

8. Where sets of drawings are requested by bona fide bidders a maximum of _____ sets will be furnished any one bidder, [1]A deposit of $_____ per set will be required to insure their return. The deposit should be in the form of a United States money order or a certified check made payable to the "Treasurer of the United States" and delivered to the disbursing officer, U. S. Engineer Office, _____. The deposit, if made, will be refunded if the drawings are returned in good condition, transportation prepaid, to the issuing office within 15 days after the opening of bids.

9. When not otherwise specified in paragraph 1 of the Special Conditions of the attached specifications, the bidder must state the least number of calendar days (counting Sundays and holidays) after date of receipt of notice to proceed in which he will complete performance. In stating time, the bidder should make due allowance for probable difficulties which may be encountered. For the purpose of comparing bids, there will be added to each bid other than the one offering to complete in the shortest time, an amount equal to the daily liquidated damages named in the Special Conditions of the attached specification multiplied by the number of calendar days that such bidders have named for performance of the work in excess of the days named by the bidder proposing to do the work in the shortest time.

10. Modifications prior to date set for opening bids.—The right is reserved, as the interest of the Government may require, to revise or amend the specifications and/or drawings prior to the date set for opening bids. Such revisions and amendments, if any, will be announced by an addendum or addenda to this Invitation for Bids. Copies of such addenda as may be issued will be furnished to all prospective bidders. If the revisions and amendments are of a nature which require material changes in quantities or prices bid or both, the date set for opening bids may be postponed by such number of days as in the opinion of the District Engineer will enable bidders to revise their bids. In such case, the addendum will include an announcement of the new date for opening bids.

§ 813.1338 *W. D. Standard Procurement Form No. 117.*

Bureau of Budget No. 49-R279
Approval expires 1 Sept. 1947
Bid No._____
Serial No._____

BID
(Construction Contract)

Date_____
To_____
_____
(Address)

Project:

In compliance with your invitation for bids dated _____ the undersigned hereby proposes to furnish the plant, labor, materials and equipment and perform all work for the above-described project in strict accordance with the specifications, schedules, drawings and addenda numbered—for consideration of: [1] (_____ dollars and _____ cents) (the unit prices set forth in attached schedule, Engineer Form No. 1618) and agrees, upon receipt of written notice of an award of the contract within _____ days (30 days unless otherwise specified herein), after the date of opening of the bids, that he will execute WD Contract Form No. 2, in accordance with this bid as accepted, and if the consideration of the contract will exceed $2,000 in amount will furnish to the Government a performance bond on U. S. Standard Form No. 25 or U. S. Standard Form No. 25–B and a payment bond on U. S. Standard Form No. 25–A or U. S. Standard Form No. 25–C with good and sufficient surety or sureties, as required by the specifications, at the time that the contract is executed.

The bidder further agrees that if awarded the contract he will commence to work within ____ calendar days after receipt of written notice to proceed [1](, provide the plant and equipment as set forth in attached schedule, Eng Form 1619 ,) and that he [1](will fully complete the work ready for use not later than ____ calendar days after the date of receipt of notice to proceed) [1](will prosecute the work at an average rate of not less than _____ cubic yards per month after the limiting date fixed for commencement as specified in paragraph SC–1 of the specifications.)

Security (bid bond—U. S. Standard Form No. 24) if required by the invitation is inclosed.

Note: If the Bidder is a corporation indicate State of Incorporation under signature; and if a partnership give full names of all partners.

_____
By _____
_____
(Title)
_____
(Business Address)

§ 813.1339 *W. D. Standard Procurement Form No. 1617.*

Bureau of Budget No. 49-R282
Approval expires 1 Sept. 1947

PLANT AND EQUIPMENT SCHEDULE

(To be attached to bid form when required by Invitation for bids.)

Available Plant to Be Used

[1] _____

No.	Type	Capacity	Manufacturer	Age and condition	Location

[1] _____

No.	Type	Capacity	Manufacturer	Age and condition	Location

The following statement will be executed by all bidders in connection with dredging operations: The plant [1](will, will not) have the facilities for furnishing the meals required by paragraph SC–__ of the specifications.

[1] Provide separate table for each type of equipment such as excavating, Pile Driving, Concrete Plant, Material Handling, etc. Use separate line for each major item. Use additional page if necessary.

§ 813.1340 *W. D. Standard Procurement Form No. 1618.*

Bureau of Budget No. 49-R280
Approval Expires 1 Sept. 1947

UNIT PRICE SCHEDULE

(To be attached to bid form when required by Invitation for bids.)

Item No.	Description	Estimated quantity	Unit	Unit price	Estimated amount

NOTE: Use additional page if necessary.

[1] Delete inapplicable provision.

Subchapter B—Disposition of Property

[Procurement Reg. 7]

PART 821—GENERAL DISPOSITION OF PERSONAL PROPERTY

1. In paragraph (a) (4) of § 821.100–2 the headnote is amended to read: "*War Department Technical Manual 38–419.*"

2. In § 821.102 the paragraphs defining "Reconstruction Finance Corporation and "Supply components" are amended to read as follows:

§ 821.102 *Definitions.* * * *

"Reconstruction Finance Corporation" means the War Assets Administration, except in Part 825 of this chapter, where it means the Reconstruction Finance Corporation.

* * * * *

"Supply components" means any separate station, installation, Army ZI, technical service, or major command under the jurisdiction of the War Department.

3. Section 821.103–1 is amended to read as follows:

§ 821.103–1 *Basic War Department policy.* The demands of the war production program require that the material resources of the nation be used with the utmost efficiency. This can be accomplished only if the accumulation of excess property is avoided and if idle property is put to productive use at the earliest possible moment. Accordingly, it is the policy of the War Department to prevent the acquisition or retention of excess property by the War Department. Excess property will be freely redistributed or transferred under the authority granted in Part 823 of the chapter. All affected thereby will strictly observe the requirements of WD Technical Manual 38–419 "Disposition of Excess and Surplus Army Service Forces Military Property in the Continental United States". In addition, chiefs of technical services will maintain constant and active review of all non-military property on hand or in the process of manufacture, to determine the essentiality of such property for the prosecution of approved functions, activities, projects or industrial operations.

4. Paragraph (d) of § 821.113 is revoked.

PART 823—DISPOSITION OF PERSONAL PROPERTY FOR PURPOSES RELATED TO NATIONAL DEFENSE

Part 823 is amended to read as follows:

Sec.
823.300 Scope of part.
823.301 Sales to contractors.
823.301–1 Sales to War Department contractors.
823.301–2 Pricing policy.
823.301–3 Review of sale.
823.302 Sales to Red Cross and USO.
823.302–A Donations to American National Red Cross.
823.303 Other sales in aid of military production.
823.303–1 Aircraft and related property.
823.303–2 Other property.
823.303–3 Pricing and policy review.
823.304 Leases.
823.305 Leases and other statutes.
823.306 Disposition by contractors.

Sec.
823.307 Transfer to other Government agencies.
823.307–1 War Department policy.
823.307–2 Transfer without reimbursement under certain statutes.
823.307–3 Transfers with reimbursement under the Economy Act.
823.307–4 Cost of packaging, handling and shipment.
823.308 Redistribution with reimbursement.
823.308–1 Authority.
823.308–2 Redistribution with reimbursement.
823.308–3 Redistribution without reimbursement.
823.313 Procedure for transfers and redistributions.
823.313–1 Without reimbursement.
823.313–2 With reimbursement.
823.314 Gifts and loans of drawings and other property.
823.315 Exchange of property.
823.316 Donations to educational institutions.
823.317 Sales to contractors for return in kind.
823.318 Miscellaneous dispositions under Army Regulations.
823.391 Machine and machine tool pricing policy.
823.391–1 Surplus Property Administration Revised Regulation 13.
823.391–2 Order 1, WAA Regulation 13.

§ 823.300 *Scope of part.* This part relates to the disposition of property for military production and for other purposes related to the national defense. Such disposition may be made of both military and non-military property, without regard to its service-ability or state of supply.

§ 823.301 *Sales to contractors.*

§ 823.301–1 *Sales to War Department contractors.* The chiefs of the technical services are authorized when it is determined by them that such action is necessary in the interest of the national defense, to make contracts by negotiation for the sale of, and to sell to contractors, manufacturers and suppliers of War Department contractors, and to employees of the Government engaged in military production, any uniforms, safety clothing and equipment, plant protective clothing and other special articles necessary to persons employed in or otherwise connected with national defense industries or establishments, raw materials, manufactured materials or other materials presently owned or hereafter acquired by the Government. Such sales, however, will be made only for the purpose of facilitating the performance of contracts for military production in cases where the items sold cannot, without unreasonable delay, be obtained through commercial sources. Determination that a sale is necessary in the interest of the national defense will be made only by the chiefs of the technical services or an authorized representative in their office. Sales to War Department contractors ordinarily will be made for cash. However, property (except nonrepairable) may be sold to contractors on credit not exceeding 60 days. Contracts executed in accordance with this paragraph will recite that they are entered into pursuant to the act of July 2, 1940 (Public 703, 76th Congress). It is the policy of the War Department that sales of property other than of the type described in this section will, in accordance with § 823.303–2, be made only with the prior approval of the Director of Service, Supply and Procurement (Supply Group). Normally, property of a type other than that described in this section will be leased to War Department contractors in accordance with § 823.304 and will not be sold.

§ 823.301–2 *Pricing policy.* Sales under § 823.301–1 will be made at prices that are fair and reasonable, having due regard for the circumstances of sale and nature, condition, quantity, and location of the property.

§ 823.301–3 *Review of sale.* (a) Sales made in accordance with § 823.301–2 and sales made to a cost-plus-a-fixed-fee contractor for the account of the Government may be made without review by a Disposal Board. All other sales under § 823.301 will be subject to prior review and approval of a Disposal Board in all cases where the cost (estimated if not known) of the property to be disposed of in the sale:

(1) Exceeds $100,000 and it is proposed to sell below such cost, less freight and handling charges; or

(2) Exceeds $10,000 and it is proposed to sell at more than 50% below such cost, less freight and handling charges.

§ 823.302 *Sales to Red Cross and USO.* The chiefs of the technical services are authorized to make contracts by negotiation and to sell to the Red Cross and the United Service Organization any military, subsistence, or other supplies or property which the chief of the technical service finds is needed by such institutions in connection with their activities with the Army: *Provided,* That no such sale of military property will be made without the prior approval of the Director of Service, Supply and Procurement (Procurement Group). All such contracts will recite that they are entered into pursuant to the act of July 2, 1940 (Public 703, 76th Congress).

§ 823.302a *Donations to American National Red Cross.* Any property which was processed, produced, or donated by the American National Red Cross for a Government agency, now in the possession of the War Department or the Army, may be donated to the American National Red Cross upon its request, solely for charitable purposes. No such property shall be disposed of either under the Surplus Property Act of 1944 or under any other law except after a notice to and consultation with the American National Red Cross. The American National Red Cross shall pay all costs of packing and shipping property donated to it.

§ 823.303 *Other sales in aid of military production.*

§ 823.303–1 *Aircraft and related property.* The Commanding General, Army Air Forces, is authorized to effect sales of aircraft and related property whenever it is determined by him that such sales are incident to military production or to the rendition of services deemed necessary in the interest of the national defense: *Provided,* That such sales are made in accordance with allocations or assignments of the Munitions Assignment Board or the Joint Munitions Allocations Committee or its subcommittee, Joint Allocation (Air).

§ 823.303–2 *Other property.* The chiefs of technical services are authorized to effect sales other than those authorized by § 823.301, § 823.302, or § 823.303–1, whenever it is determined by them that such sales are incident to military production or to the rendition of services deemed necessary in the interest of the national defense: *Provided,* That such determination has the prior approval of the Director of Service, Supply and Procurement (Supply Group). Sales will not be made pursuant to the First War Powers Act and Executive Order 9001 except with the prior approval of the Director, Service, Supply and Procurement (Supply Group).

§ 823.303–3 *Pricing policy and review.* Sales under §§ 823.303 through 823.303–3, inclusive, will be made in accordance with the pricing policy established by § 823.301. Such sales will be subject to prior review and approval by a Disposal Board to the same extent as is required by § 823.301–3 for sales made under § 823.301.

§ 823.304 *Leases.* (a) Leases under the First War Powers Act and Executive Order 9001 will not be made except with the approval of the Director of Service, Supply and Procurement (Supply Group). Under the act of July 2, 1940 (Public 703, 76th Congress), as continued in effect by Section XIII of the act of June 5, 1942 (Public 580, 77th Congress), the chiefs of the technical services are authorized, when it is determined by them that such action is necessary in the interest of the national defense:

(1) To include in supply contracts the Government-Owned Facilities article prescribed in § 803.332 of this chapter subject to the regulations set forth as Notes to § 803.332 of this chapter and to other applicable paragraphs of these procurement regulations (see Part 810 of this chapter for approvals of higher authority which must be obtained in certain cases);

(2) To enter into separate lease agreements (i. e., agreements not made part of supply contracts), as authorized by Part 810 of this chapter.

(3) To enter into agreements for the leasing of other property incident to military production or to the rendition of services which facilitate military production.

(b) Leases executed in accordance with paragraph (a) of this section will be upon a consideration to the Government that is fair and reasonable, having due regard for the nature, condition, quantity, and location of the property as well as the circumstances of the lease.

§ 823.305 *Leases under other statutes.* Authority for the execution of lease agreements may be found in certain statutes other than those mentioned in § 823.304. See AR 850–30 for the terms of those statutes.

§ 823.306 *Disposition by contractors.* (a) The chiefs of the technical services are authorized, when it is determined by

them that insertion of such provision is necessary in the interest of the national defense, to insert in cost-plus-a-fixed-fee contracts and subcontracts heretofore or hereafter executed, the clause set forth in § 803.363 of this chapter, and any property may be disposed of by contractors pursuant to such clause.

(b) Sales pursuant to the clause set forth in § 803.363 of this chapter ordinarily will be made for cash. However, a contractor may sell property (except nonrepairable property) on credit, not exceeding 60 days, at the risk of the Government, if the approval of the contracting officer is first obtained. Such authorization to sell on credit shall be subject to the condition that the contracting officer obtain in advance from the contractor an assignment or a written agreement to assign to the Government at any time on the request of the contracting officer, but in any event before approval of the final voucher of the contract, all the contractor's right, title and interest in claims against buyers arising out of such sale.

§ 823.307 *Transfer to other Government agencies.*

§ 823.307–1 *War Department policy.* The War Department is not a disposal agency. It normally accomplishes the disposition of property surplus to the needs and responsibilities of the War Department by declaring such property to appropriate disposal agencies. Therefore all property determined to be surplus will, except as provided in § 823.307–2, normally be declared to appropriate disposal agencies for disposition. Except as may be authorized in accordance with § 823.307–2 (a) (3), property not determined to be surplus may be transferred only with the approval of the Director, SS&P (Supply Group).

§ 823.307–2 *Transfer without reimbursement under certain statutes.* (a) Under the provisions of Public Law 375, 79th Congress approved May 3, 1946, "no government agency may transfer any property to any other government agency without reimbursement or transfer of funds under authority of any law approved prior to June 22, 1944". (Transfers of property to War Department civil functions, pursuant to second indorsement of the Under Secretary of War to the Chief of Engineers, subject: "Use of Surplus Military Property on War Department Civil Functions," October 22, 1945, are not affected by this law.) Therefore, transfers without reimbursement to other Government agencies may be made by the chief of the technical service involved only in accordance with the following provisions of law:

(1) Public Law 346, 78th Congress, authorizes transfers by the Secretary of War to the Administrator of Veterans' Affairs of facilities, supplies, equipment and materials for use in connection with the authorized care of veterans. (To the extent of civilian type items only and upon certification by the Veterans Administration that the property requested is needed for the authorized care of veterans.)

(2) Public Law 269, 79th Congress, authorizes transfers by the War Department to the Soldiers' Home of personal property.

(3) Public Law 292, 79th Congress, authorizes transfers by the Secretary of War to the National Housing Administrator of structures or facilities (including lands, improvements, equipment, materials or furnishings) which can be utilized to provide temporary housing for distressed families of servicemen, for veterans and their families or for single veterans attending educational institutions. (In accordance with WD Circular 46, 1946, and amendments or revisions thereof.)

(4) Public Law 478, 79th Congress, authorizes transfers by the War Department to the Alaska Railroad of materials, maintenance, and other equipment, locomotives, shop facilities, supplies, rolling stock and docks which may be certified by the Department of Interior as necessary for the Alaska Railroad. (Upon certification by the Department of Interior that such property is necessary for the improvement, maintenance or operation of the Alaska Railroad.)

Public Law 478 also authorizes transfers by the War Department to the Bureau of Indian Affairs and the National Park Service of the Department of the Interior of personal property of all kinds (on certification from the National Park Service, or the Bureau of Indian Affairs, as the case may be, that none of the items requested appear on the current "Veterans' Set-Aside List" and that the appraised value of the items contained on the request, together with the appraised value of property theretofore acquired under Public Law 478, does not exceed the statutory limits provided in Public Law (478).

(5) Public Law 490, 79th Congress, authorizes transfers by the War Department to the Civil Aeronautics Authority of aircraft (for replacement purposes only), aircraft engines, parts, and accessories, hangar, line and shop equipment. (Upon certification as to aircraft by Civil Aeronautics Authority that such aircraft are for replacement purposes only.)

(6) Public Law 504, 79th Congress, authorizes the Secretary of War to transfer Ordnance and Ordnance stores to the United States Coast Guard.

(7) Public Law 515, 79th Congress, authorizes transfers by the War Department to the Maritime Commission, War Shipping Administration, or the Navy Department of vessels.

(8) Public Law 627, 79th Congress, authorizes transfer of property to the Navy or the Coast Guard (transfers of property under this provision of law will be confined to military type items as defined in paragraph 1p of TM 38–419).

(b) United States Government agencies making requests for transfers without reimbursement which are not covered by one of the laws set forth in paragraph (a) of this section will be required to give reference to the law under which the request is made and such requests will be forwarded to the Director, SS&P (Supply Group) for approval.

§ 823.307–3 *Transfers with reimbursement under the Economy Act.* Transfers to other United States Government agencies not authorized under § 823.307–2 may be made, by the chief of the technical service involved, under the provisions of section 7 (a) of the act of May 21, 1920, as amended (31 U. S. C. 686; see § 806.612 of this chapter for the pertinent portions of this act). Except where the property is procured by the War Department for another Government agency:

(a) By assignment of sole purchase responsibility, or

(b) Under procurement pooling arrangements, or

(c) Under any arrangements for procurement by the War Department expressly upon the prior requisition of another Government agency, such transfers may be made only with the approval of the Director, SS&P (Supply Group). Unless specific authority is otherwise granted by the Director, SS&P, Supply Group, transfers under this section will be on the basis of recorded procurement cost, or, in its absence, the estimated original cost, excluding (except in the case of procurement arrangements referred to above) transportation or handling charges incurred after original purchase and prior to transfer.

§ 823.307–4 *Cost of packaging, handling and shipment.* Costs of packaging, handling and shipment in connection with transfers to other United States Government agencies under §§ 823.307 through 823.307–4, inclusive, will be paid by the agency requesting transfer.

§ 823.308 *Redistribution within the War Department.*

§ 823.308–1 *Authority.* Any property not declared surplus may be redistributed to any War Department agency for any authorized use by direction of the chief of the technical service having control thereof: *Provided,* That military property in normal state of supply (not excess or surplus) may be so redistributed only with the approval of the Director, SS&P (Supply Group).

§ 823.308–2 *Redistribution with reimbursement.* Such redistribution will be effected with reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property and of packaging, handling and shipment thereof, when the property is procured by the transferor for the transferee:

(a) By assignment of sole purchase responsibility, or

(b) Under procurement pooling arrangements, or

(c) Under any arrangement for procurement by the transferor expressly upon the prior requisition of the transferee.

§ 823.308–3 *Redistribution without reimbursement.* Such redistribution will be effected without reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property when made under circumstances other than those set forth in § 823.308–2, but the costs of packaging, handling and shipment will be paid by the transferee.

§ 823.313 *Procedure for transfers and redistributions.*

§ 823.313–1 *Without reimbursement.* Officers authorized to transfer or redistribute, or to direct the transfer or redistribution of property without reimbursement under §§ 823.307 and 823.308 will prepare written orders listing in detail the property to be transferred or redistributed, copies of which will be furnished to the Accountable Property Officer and the receiving officers. Such orders will contain a request that the authority directing the transfer be advised of any discrepancies between the order and the property shipped or received. Any discrepancies incident to shipment will be adjusted in accordance with TM 14–904. A copy of such orders will be used as a valid debit or credit voucher to property accounts. It will not be necessary to list for fiscal or property account purposes dollar value of property transferred or redistributed without reimbursement.

§ 823.313–2 *With reimbursement.* Transfers or redistributions of property with reimbursement under §§ 823.307 and 823.308 will require the use of the standard Vendor's Shipping Document (see ASF Manual M–410), or its equivalent, modified as necessary. In addition to the copies required for standard property account purposes, six copies of the document will be prepared, each of which will be marked "Reimbursement Required." Five copies of the document will be furnished to the fiscal officer of the designated billing office and one copy will be furnished to the appropriate property audit office charged with property audits of the shipping office. The fiscal officer will verify prices shown on the documents or will enter prices on all such documents where none have previously been shown. The fiscal officer will sign and return one copy to the initiating property officer as an indication of receipt of the documents. Such receipted copies will be used by the Accountable Property Officer as a credit voucher to his account. Any discrepancies incident to shipment will require action prescribed in TM 14–904.

§ 823.314 *Gifts and loans of drawings and other property.* (a) The chiefs of the technical services are authorized, without further approval, to give or lend drawings, manufacturing and other information and samples of supplies and equipment to be manufactured or furnished, to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department under approved production plans.

(b) Whenever they determine that such action is necessary in the interest of the national defense, the chiefs of the technical services are authorized to give or lend, by appropriate written agreement reciting such determination, to organizations engaged in experimental research, testing, or developing, such items and any other material, supplies or equipment for use in connection therewith; *Provided*, That if, in the case of a gift, the estimated value of the property in question exceeds one thousand dollars, or, in the case of a loan, fifty thousand dollars, the approval of the Director of Service, Supply and Procurement (Supply Group) will first be obtained.

(c) The Commanding General, Army Air Forces, whenever he determines that such action is necessary in the interest of the national defense may authorize the transfer, loan, bailment or lease, by appropriate written agreement reciting such determination, of aircraft, aircraft engines, or aircraft equipment or matériel, without limitation as to the value thereof, to Army Air Forces contractors for the purpose of experimental research, testing or development, training of contractor's personnel, or urgent transportation requirements of such contractors in connection with the performance of their contracts.

§ 823.315 *Exchange of property.* The chiefs of technical services are authorized to make any exchanges of property with suppliers which are authorized by the following statutes: 39 Stat. 635, 10 U. S. C. 1271 (sewing and labor saving machinery, vehicles, band instruments); 53 Stat. 739, 10 U. S. C. 1271 (a) (manufacturing and repairing machines and tools, Ordnance matériel); 40 Stat. 43, 849, 10 U. S. C. 1272 (motor propelled vehicles, aeroplanes, engines, and parts thereof); 38 Stat. 1064, 10 U. S. C. 1273 (typewriters and adding machines by Signal Corps); 38 Stat. 1161, 41 U. S. C. 26 (typewriters and adding machines); 50 Stat. 64, 5 U. S. C. 118d (refrigerators; temperature control devices, watchmen's clocks); 44 Stat. 680, 10 U. S. C. 1209, 1210 (deteriorated and unserviceable ammunition and components); Act of July 2, 1940, Public, No. 703, 76th Congress, as extended, 50 U. S. C. War, Appendix, section 1171 (exchange of deteriorated, unserviceable, obsolescent, or surplus military equipment, munitions, and supplies for other military equipment, munitions and supplies of which there is a shortage); section 204 of the act approved March 28, 1946, Public Law 334, 79th Congress, 5 U. S. C. 118d–1 (vehicles; road, agricultural, manufacturing, or laboratory equipment; boats; parts, accessories, tires, or equipment thereof).

Any other exchanges will be submitted for the approval of the Director of SS&P (Supply Group).

§ 823.316 *Donations to educational institutions.* Under the authority conferred upon the Secretary of War by the act of February 28, 1936 (49 Stat. 1147, 10 U. S. C. 1258), the chiefs of the technical services and the Commanding General, Army Air Forces, are authorized to donate property, in the classes specified, to educational institutions. In accordance with § 8319.5 of Surplus Property Administration Regulation 19, December 7, 1945, donations will be made only with approval of the Federal Security Agency. Applications will be approved and certified by the field representative, U. S. Office of Education, Federal Security Agency, for the state in which the school is located as herein provided. The U. S. Office of Education, Federal Security Agency, will maintain liaison part or full time as required, at each army area headquarters and at the Air Matériel Command headquarters for the purpose of coordinating donation activities.

(a) Requests for donations will be screened by the U. S. Office of Education, Federal Security Agency, and approved and certified by them as complying with the following requirements:

(1) The institution is operated by a state or political subdivision thereof or is an institution which is not operated for profit and has been held exempt from taxation under section 101 (6) of the Internal Revenue Code;

(2) The institution will use the property in courses of vocational training and instruction;

(3) The institution has standard curricula in the fields for which it offers training;

(4) The institution provides a regular course of instruction which will require the use of the property;

(5) The request is reasonable and proper in view of the training to be given and the amount of property requested is also reasonable in proportion to the number to be trained;

(6) The institution provides adequate facilities to maintain the property;

(7) If the institution making the request for donation has received property by donation subsequently to January 1, 1945, the institution has:

(i) Submitted complete lists of property which the institution has previously received or which it knows to be en route as a result of prior donations from the Army, Army Air Forces, and the Navy.

(ii) Stated whether the property previously received by donation is still in use in the training program for which it was requested.

(iii) Stated the specific purpose for which the property covered by this request will be used.

(8) The donee has agreed that if prior to placing the property in use it determines it does not need all or any part of the property received, this fact will be communicated to the source from which the donation was made. Further, the donee has agreed at the time application is made, that if requested, it will return at its own expense, to the source from which the donation was made, all property which it does not place in use.

(b) The Army does not have personnel to locate property requested by educational institutions or to deal with representatives of all the educational institutions which are attempting to locate such property. Accordingly, only field representatives of the U. S. Office of Education, Federal Security Agency, or their properly accredited assistants are authorized to enter Army installations to locate property for donation under this authority. Inquiries by schools with respect to the availability of property for donation should be referred to the field representative of the U. S. Office of Education for the State in which the school is located. The chiefs of technical services and the Commanding General, Air Matériel Command, are authorized to hold property which may be donated under this authority for a period of 10 days to allow representatives of the U. S. Office of Education to screen excesses. If a field representative of the U. S. Office

of Education can demonstrate to the chief of technical service or to the Commanding General, Air Matériel Command, within the 10-day period that he can obtain a firm request for such property, the chief of technical service may set aside such property and delay its declaration as surplus for an additional period of 15 days in order that the U. S. Office of Education may obtain and present a properly certified application therefor. Property which is contractor inventory or which is involved in a "site sale" of War Assets Administration shall not be set aside where this would interfere with the "site sale" or with plant clearance requirements. In accordance with this part requests will be accepted by the commanding general of an Army, ZI, or the Commanding General, Air Matériel Command, only if the location of the property is shown on the application, and the property is sufficiently described to assure that items may be clearly identified by the services having control of the property.

(c) Educational institutions should send requests with supporting data in triplicate to the field representative, U. S. Office of Education, Federal Security Agency, in care of the State Educational Agency for Surplus Property located in the State capital of the State in which the institution is located, for approval and certification and forwarding to the Army, ZI, headquarters in which the school is located, or to the Air Matériel Command in case of requests for AAF property. The commanding general of the Army, ZI, receiving applications will review them and if they appear to be proper and have been certified by the Federal Security Agency, he shall forward them to the chief of the technical service having control of the property to be donated. Attention: Redistribution and Salvage Officer. The chief of the technical service and the Commanding General, Air Matériel Command, upon receipt of the approved and certified requests, will, if they approve the respective requests, direct the appropriate installation to ship such property to the educational institution as is available for donation under this paragraph and will include in such direction a citation of this paragraph. The chief of the technical service or the Commanding General, Air Matériel Command, may delegate this shipping authority to any agency within his command. Requests will be processed in the order in which they are received unless such procedure will result in gross inequities in distribution. Donating officers are authorized to deviate from the above procedure to prevent such gross inequities.

(d) The following property may be donated under the authority of this section:

(1) Obsolete or excess machinery, mechanical equipment, and tools of the following types and categories:

Machine shop equipment.
Welding equipment (gas and electric).
Woodworking equipment.
Foundry and forge equipment.
Electrical equipment.
Automotive equipment.
Diesel and other prime movers.
Sheet metal equipment.
Domestic and power sewing machines.
Business machines.
Farm and construction equipment.
Soil conservation equipment.
Pumps.
Refrigeration and air-conditioning equipment.
Plumbing and heating equipment.
Power-generating equipment.
Electronic equipment.
Photographic and projection equipment.
Mess and food preparation and preserving equipment.
Laundry equipment.
Laboratory equipment.
Drafting equipment.
Test equipment (mechanical, electrical, and automotive).
Hand tools.
Shop tools.
Safety equipment and accessories.
Surveying instruments.

(Inquiries concerning aeronautical property should be directed to the War Assets Administration, as the authority contained in the act of May 26, 1928 providing for donation of aircraft, aircraft parts, instruments, and engines by the Secretary of War has been restricted by the War Assets Administration. However, in exceptional circumstances aeronautical property may be donated by the Army Air Forces with the approval of the War Assets Administrator. Such requests will be submitted for approval through the Commanding General, Air Matériel Command, Attn: TSSDL–6 to C. G., AAF, Attn: AFDBS–4C, with complete statement of the exceptional circumstances.)

(e) Donations will be made for instructional purposes only. Under no circumstances will donations be made which will result in current procurement to replace the property, nor will property be considered available for donation after it has been declared as surplus to a disposal agency, nor will property be considered available if a disposal agency has requested that items of a particular type or certain specific items be reported to it. Property located in an industrial installation as defined in § 830.102–5 of this chapter, or at a temporarily inactive, excess, or surplus flying field will not be considered available while a decision by a disposal agency is pending as to the disposition of the plant or the flying field in its entirety, and after decision, may not be donated without advance approval by the disposal agency. Property will not be donated for the overhead or maintenance use of schools even though it may fall within the meaning of "machinery, mechanical equipment, and tools." Materials as distinguished from equipment will not be donated. Individual requests should list only one type of property, i. e., ordnance property, engineer property, etc.

(f) No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling, and delivery to the carrier. Property shipped by carrier will be on a commercial bill of lading with transportation charges collect. Copies of shipping documents listing the property supported by shipping directions described in paragraph (c) of this section above, will constitute valid credit vouchers to the property accounts. No further accounting for the property will be required.

(g) Applications on hand in War Department installations, if not filled by September 1, 1946, will be considered void. New applications may be filed by schools in accordance with Parts 821 to 829, inclusive, of this chapter.

§ 823.317 *Sales to contractors for return in kind.* (a) The chiefs of technical services are authorized to sell property from War Department stocks to prime contractors for the purpose of maintaining or expediting production, under agreements by such contractors to replace the items delivered with identical articles procured by the contractors or to make payment therefor, in the form prescribed in this section. Property from War Department stocks will be made available to prime contractors under the authority of this section only when the property is needed by the contractor to maintain or expedite the production rate under the prime contract, and when the contractor has outstanding subcontracts for the acquisition of identical articles which can be used to replace the War Department stock. The property sold to a contractor under the authority of this section will not exceed in estimated value an amount equal to 5% of the total amount of the principal contract.

(b) The following procedure will be followed in making property available to contractors under the authority of this section.

(1) Requests for the delivery of property under this section will be addressed to the chief of the technical service or his delegate, and signed by the contracting officer for the contract involved. The request will state the specific quantity or number of articles desired, and will give technical service number and nomenclature, and will specify the time within which the articles will be replaced. The request will also state fully the reasons and circumstances under which the request is made.

(2) The chief of technical service will notify the contracting officer of the approval or disapproval of the request, and will advise him of the depot from which the property will be delivered, if the request is approved. The chief of the technical service will direct the depot from which the property is to be delivered to make delivery to the contractor, upon receipt of notice from the contracting officer as provided in paragraph (5) of this section. The instructions to the depot will require that a special property record be maintained for each such transaction, and that the depot arrange for adequate inspection of the property at the time of its delivery at the contractor's plant, and for inspection of the replacement items upon their delivery to the War Department by the contractor.

(3) Upon approval by the chief of technical service, the contracting officer will arrange with the contractor for the execution of a supplemental agreement in the following form, which agreement will recite that it is executed pursuant to the act of July 2, 1940 (Public 703, 76th Congress):

Article ___. In consideration of the sale and delivery by the United States to the contractor of the articles listed on Exhibit A, the contractor agrees:

(1) To replace said articles by delivery to the United States of identical articles at the place or places designated by the contracting officer on or before _____, or
(Date)

(2) Failing the replacement of said articles on said date, to pay to the United States an amount to be determined by the contracting officer, which will include the cost to the government of the articles, and all packing, handling and other costs.

(3) That said articles will be used by the contractor only for the performance of the contract; and

(4) That the amount of $_____ shall be withheld by the United States until said articles are replaced or the value thereof determined by the contracting officer in accordance with this agreement.

(5) That if an advance payment is outstanding under the prime contract, the advance payment lien shall attach to the said articles listed in Exhibit A, and any amounts to be withheld as provided in (4) above, shall be withheld only from amounts remaining due after the deduction of liquidation payments required by the advance payment article.

(4) The contracting officer will specify an amount, not exceeding 5% of the total amount of the principal contract, to be withheld which in his opinion is adequate to cover the cost to the government of the articles to be delivered to the contractor.

(5) Upon the execution of such supplemental agreement, the contracting officer will (i) promptly transmit a copy thereof to the finance officer, with a request that the specified amount be withheld until receipt of notice of replacement or instructions to make a final deduction, and (ii) notify the Depot Supply Officer that he is authorized to deliver the articles.

(6) Three copies of the shipping document covering the property delivered to the contractor will be forwarded by the depot to the contracting officer. Two copies will be signed by the contractor acknowledging receipt of the property. One copy will be retained by the contracting officer and the other forwarded to the Depot Supply Officer. The third copy will be retained by the contractor.

(7) The following notation will be typed on the shipping document and signed by the contractor:

Receipt from the United States Government of the property listed hereon for use on Contract No. _____ is hereby acknowledged. It is agreed that replacement of this property will be made in kind on or before _____ (date) or payment made therefor in accordance with said contract.

_____ _____
(Date) (Signature of the contractor)

(8) The Depot Supply Officer will notify the contracting officer when the replacement has been made and accepted, and the contracting officer will transmit such notice to the finance officer.

(i) If the property is not replaced in kind by the contractor on or before the date specified in the supplemental agreement, the Depot Supply Officer will report such fact to the contracting officer who will take action to obtain the replacement of the property or will notify the finance officer of the amount payable to the government under the agreement, advising the Depot Supply Officer of the completed action. In the event of payment by the contractor in lieu of replacement, the written advice of the contracting officer to the Depot Supply Officer that settlement has been effected will constitute a valid credit voucher to the Depot Supply Officer's property account.

§ 823.318 *Miscellaneous dispositions under Army Regulations.* The Chiefs of the technical services are authorized to sell or otherwise dispose of any property not determined to be surplus, in accordance with AR 30–2280 (Sales of Ice), AR 30–2290 (Sales of Quartermaster supplies and services) AR's. 45–75 and 45–80 (Sales and disposition of Ordnance Property), AR 500–60 (Sales and dispositions for Disaster Relief) and AR 850–100 (Issues for Promotion of Rifle Practice). Property determined to be surplus will be disposed of only in accordance with Part 827 of this chapter.

§ 823.391 *Machine and machine tool pricing policy.*

§ 823.391–1 *Surplus Property Administration Revised Regulation 13.* On March 4, 1946 the Chairman, Board of Directors of the War Assets Corporation, issued a revised and amended SPA Regulation 13, the text of which is as follows:

PART 8313—STANDARD GENERAL PURPOSE AND SPECIAL MACHINERY

§ 8313.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Commercially unsalable machinery" as used herein is distinguished from property of no commercial value as used in Part 8319 [SPA Reg. 19 (10 F. R. 14966)] and means machinery (i) which by reason of its condition resulting from damage, wear, obsolescence or otherwise has no reasonable prospect of sale except as scrap or salvage or (ii) with respect to which the estimated cost of care and handling and disposal will exceed the estimated proceeds unless it is promptly sold as scrap or salvage.

(2) "Administrator" means the Chairman of the Board of Directors of the War Assets Corporation until March 25, 1946, and thereafter means the War Assets Administrator.

(3) "Salvage" means property that is in such a worn, damaged, deteriorated or incomplete condition, or is of such a specialized nature, that it has no reasonable prospect of sale as a unit, but has some value in excess of its basic material content because it may contain serviceable components. Salvage includes used containers and cable reels. It should be noted that property is not "salvage" merely because it is worn, damaged, deteriorated, incomplete or of a specialized nature.

(4) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(5) "Standard general purpose machinery" includes used machine tools and machines listed in the following categories of the Standard Commodity Classification (May 1943) Volume I (with the exception of special machinery) divided into the designated three classes:

CLASS I

Major group 34:
34 11000 through 34 19900, inclusive
34 40000 to, but not including 34 47000
34 49000 to, but not including 34 50000
34 60000 to, but not including 34 70000
34 74000 to, but not including 34 74900

CLASS I—continued

Major group 33:
33 6000 through 33 6620, inclusive
33 6800
33 6910 through 33 6950, inclusive
33 7210 through 33 7220, inclusive
33 7260

CLASS II

Major group 31:
31 21121 through 31 21124, inclusive
31 2120
31 211121
31 211141
Major group 32:
32 1100, A. C. units only
32 1300, A. C. units only

CLASS III

Major group 31:
31 1511 through 31 1512, inclusive
31 1521 through 31 1522, inclusive
31 1530
31 1541 through 31 1542, inclusive
31 1551 through 31 1552, inclusive
31 211110
31 211122
31 211130
Major group 32:
32 1230 through 32 1252, inclusive, A. C. units only

(6) "Special machinery" includes machines designed for and used exclusively in the production of war material such as but not limited to:

Special gun reaming, rifling and chambering machines.
Gun boring and turning lathes.
Shell turning lathes.
Shell tappers.
Small arms ammunition machines.
Special military tank manufacturing machines.
Special military aircraft manufacturing machines.
Special shipbuilding machines.

§ 8313.2 *Purpose and scope.* The purpose of this part is to provide a fixed price policy for commercially salable used standard general purpose machine tools and machines. It also provides for the scrapping and salvaging of all other general purpose machinery and of any special machinery determined hereunder to be commercially unsalable. Prices at decreasing percentages of original cost are specified for the various classes of machinery up to stated limits of active use and maximum prices are provided for sales of machinery in active use beyond such limits. This part applies to all sales in the continental United States, not including its territories or possessions, made after the effective date hereof by the disposal agency and to all sales by owning agencies of standard general purpose machinery pursuant to Part 8306 [SPA Reg 6 (10 F. R. 14521; 11 F. R. 1893)] or otherwise, but is not applicable to any sale of machinery which has been delivered to the purchaser or to any carrier for the account of the purchaser prior to the effective date of this part.

§ 8313.3 *Determination of base price and period of active use.* (a) Base prices for machinery to be sold hereunder shall be determined as follows:

(1) *Class I.* The base price of machinery falling within Class I shall be the original price at which the manufacturer sold the machine. The selling agency shall determine the original price (f. o. b., the plant of the machine manufacturer) of the machine including electrical equipment, standard or special attachments sold with the machine, and attached special tooling which has value to the purchaser other than as scrap or salvage. In the case of machine tools and metal forming and shaping machines manufactured prior to March 1, 1941, the March 1, 1941, price of the nearest equivalent ma-

chine may be taken as the original price. In the case of standard general purpose machines, other than machine tools and metal forming and shaping machines, manufactured prior to October 1, 1941, the October 1, 1941, price of the nearest equivalent machine may be taken as the original price.

(2) *Classes II and III.* The base price for machinery falling within Classes II and III shall be the original price as provided for in sub-paragraph (1) above or the original manufacturer's current retail price for the same or the nearest equivalent unit.

(b) The selling agency shall determine the period of active use of the machine on the basis of the best information reasonably available. The period of active use shall be considered to run from the estimated date the machine was originally put into use to the date of sale, if the machine is then still in use. If the machine is not in use at the time of sale, the period shall run to the estimated date when the machine last became idle.

§ 8313.4 *Determination of sale price.* (a) Exhibits A, B, and C contain tables of percentages applicable to various periods of active use of machinery to be sold hereunder. The price at which a machine shall be sold shall be computed by applying to the base price determined in accordance with § 8313.3 (a) the percentage appearing in the appropriate exhibit opposite the period of active use of the machine calculated in accordance with § 8313.3 (b). The appropriate exhibit shall be determined as follows:

	Exhibit
Any machine in Class I	A
Any machine in Class II	A
Any machine in Class III operating under 750 revolutions per minute	B
Any machine in Class III operating over 750 revolutions per minute	C

(b) In determining which of the two columns of percentages shall apply in Exhibits A, B, and C, those appearing in Column b shall be applied where the buyer is the person who is using the machine at the time of sale, or, if the machine is then idle, the person who last used it, and the percentage appearing in Column a shall be applied where the sale is to any other buyer. The price computed in accordance herewith shall be the sales price f. o. b. the location of the machine at the time of sale, except that in the case of sales made to a purchaser in possession, it shall be the sales price of the machine at its location.

(c) A sale of a standard general purpose machine in Class III with a period of active use in excess of the highest period of active use specified in the appropriate exhibit may be made at the best price obtainable but not in excess of the price applicable to such a machine with the highest period of active use specified in such exhibit.

§ 8313.5 *Scrapping and salvage of machinery.* (a) The Administrator has determined that, due to the cost of care, handling, and disposition, surplus machinery of any type the period of active use of which is more than 25 years is commercially unsalable and all such machinery shall, subject to the provisions of paragraph (d), upon a determination in writing by the agency in possession that the period of active use is more than 25 years, forthwith be disposed of as scrap after removal of all salvageable components.

(b) From time to time, the Administrator may determine what additional types or classes of special machinery are commercially unsalable. Upon notice of such determinations, the owning and disposal agencies shall, subject to the provisions of paragraph (d), forthwith dispose of any such types or classes in their possession as scrap or salvage.

(c) Any machinery which the disposal agency or any owning agency determines in writing to be commercially unsalable shall be disposed of as scrap or salvage or otherwise by the agency in possession pursuant to applicable regulations of the Administrator. In connection with such determinations owning agencies may request the advice and assistance of the disposal agency.

(d) Prior to the sale of a machine which is to be disposed of as scrap and prior to removal of salvageable components, owning and disposal agencies may, insofar as is consistent with the provisions of Part 8319 [SPA Reg. 19 (10 F. R. 14966)], dispose of such property by donation to such nonprofit institutions and instrumentalities as make application therefor, *Provided,* That such procedure shall not delay or postpone any such scrap disposal for a period in excess of thirty (30) days.

(e) In connection with any sale of machinery as scrap, all components shall be removed therefrom which the disposal agency by general directive may find have sufficient value to warrant the cost of removal, storage, care and handling and disposal and a scrap warranty [Defined in SPA Reg. 9, § 8309.1 (o), (10 F. R. 12961, 14966)] shall be obtained upon the disposal of the remainder.

§ 8313.6 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8313.7 *Regulations to be reported to the Administrator.* Each owning and disposal agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This part shall become effective March 8, 1946.

EXHIBIT A

Period of active use	a	b
	Percent	*Percent*
Less than one month	85.0	90.0
1 month	82.5	87.5
2 months	80.0	85.0
3 months	77.5	82.5
4 months	75.0	80.0
5 months	72.5	77.5
6 months	70.0	75.0
7 months	69.0	74.0
8 months	68.0	73.0
9 months	67.0	72.0
10 months	66.0	71.0
11 months	65.2	70.2
12 months	64.4	69.4
13 months	63.6	68.6
14 months	62.8	67.8
15 months	62.0	67.0
16 months	61.2	66.2
17 months	60.4	65.4
18 months	59.6	64.6
19 months	58.8	63.8
20 months	58.0	63.0
21 months	57.2	62.2
22 months	56.4	61.4
23 months	55.6	60.6
24 months	54.8	59.8
25 months	54.0	59.0
26 months	53.2	58.2
27 months	52.4	57.4
28 months	51.6	56.6
29 months	50.8	55.8
30 months	50.0	55.0
31 months	49.2	54.2
32 months	48.4	53.4
33 months	47.6	52.6
34 months	46.8	51.8
35 months	46.0	51.0
36 months	45.2	50.2
37 months	44.6	49.6
38 months	44.0	49.0
39 months	43.4	48.4
40 months	42.8	47.8
41 months	42.2	47.2
42 months	41.6	46.6
43 months	41.1	46.1
44 months	40.6	45.6
45 months	40.1	45.1
46 months	39.6	44.6
47 months	39.1	44.1

EXHIBIT A—Continued

Period of active use	a	b
	Percent	*Percent*
48 months	38.6	43.6
49 months	38.2	43.2
50 months	37.8	42.8
51 months	37.4	42.4
52 months	37.0	42.0
53 months	36.6	41.6
54 months	36.2	41.2
55 months	36.0	41.0
56 months	35.8	40.8
57 months	35.6	40.6
58 months	35.4	40.4
59 months	35.2	40.2
5 years	35.0	40.0
6 years	34.0	39.0
7 years	33.0	38.0
8 years	32.0	37.0
9 years	31.0	36.0
10 years	30.0	35.0
11 years	29.0	34.0
12 years	28.0	33.0
13 years	27.0	32.0
14 years	26.0	31.0
15 years	25.0	30.0
16 years	24.0	29.0
17 years	23.0	28.0
18 years	22.0	27.0
19 years	21.0	26.0
20 years	20.0	25.0
21 years	19.0	24.0
22 years	18.0	23.0
23 years	17.0	22.0
24 years	16.0	21.0
25 years	15.0	20.0

EXHIBIT B

Period of active use	a	b
	Percent	*Percent*
Less than one month	85.0	90.0
1 month	80.0	85.0
2 months	75.0	80.0
3 months	70.0	75.0
4 months	68.0	73.0
5 months	66.0	71.0
6 months	64.4	69.4
7 months	62.8	67.8
8 months	61.2	66.2
9 months	59.6	64.6
10 months	58.0	63.0
11 months	56.4	61.4
12 months	54.8	59.8
13 months	53.2	58.2
14 months	51.6	56.6
15 months	50.0	55.0
16 months	48.4	53.4
17 months	46.8	51.8
18 months	45.2	50.2
19 months	44.0	49.0
20 months	42.8	47.8
21 months	41.6	46.6
22 months	40.6	45.6
23 months	39.6	44.6
24 months	38.6	43.6
25 months	37.8	42.8
26 months	37.0	42.0
27 months	36.2	41.2
28 months	35.8	40.8
29 months	35.4	40.4
30 months	35.0	40.0
31 months	34.8	39.8
32 months	34.6	39.6
33 months	34.4	39.4
34 months	34.2	39.2
35 months	34.0	39.0
3 years	33.8	38.8
4 years	31.8	36.8
5 years	29.8	34.8
6 years	27.8	32.8
7 years	25.8	30.8
8 years	23.8	28.8
9 years	21.8	26.8
10 years	19.8	24.8

EXHIBIT C

Period of active use	a	b
	Percent	*Percent*
Less than one month	85.0	90.0
1 month	75.0	80.0
2 months	68.0	73.0
3 months	64.4	69.4
4 months	61.2	66.2
5 months	58.0	63.0
6 months	54.8	59.8
7 months	51.6	56.6
8 months	48.4	53.4
9 months	45.2	50.2
10 months	42.8	47.8
11 months	40.6	45.6
12 months	38.6	43.6

EXHIBIT C—Continued

Period of active use	a	b
	Percent	*Percent*
13 months	37.0	42.0
14 months	35.8	40.8
15 months	35.0	40.0
16 months	34.6	39.6
17 months	34.2	39.2
18 months	33.8	38.8
19 months	33.5	38.5
20 months	33.2	38.2
21 months	32.9	37.9
22 months	32.6	37.6
23 months	32.3	37.3
2 years	32.0	37.0
3 years	28.0	33.0
4 years	24.0	29.0
5 years	20.0	25.0

§ 823.391–2 *Order 1, WAA Regulation 13.* On August 15, 1946, the War Assets Administration issued Order 1 to Regulation 13, the text of which is as follows:

PART 8313—STANDARD GENERAL PURPOSE AND SPECIAL MACHINERY

COMMERCIALLY UNSALABLE SPECIAL MACHINERY TO BE DISPOSED OF AS SCRAP OR SALVAGE

Section 8313.5 (b) of this part provides that the Administrator may, from time to time, determine certain classes of special machinery to be commercially unsalable, in which case owning and disposal agencies shall dispose of such special machinery in their possession as scrap or salvage. It has been determined that certain types of special machinery having been designed for, and principally used in, the production of war material are not readily adaptable to general purpose use and are commercially unsalable for the reason that the estimated cost of care, handling, and disposition will exceed the estimated proceeds unless such machines are promptly sold as scrap or salvage.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611), Public Law 181, 79th Congress, 1st Session (59 Stat. 533), Executive Order 9689 (11 F. R. 1265), and Public Law 375, 79th Congress, 2d Session; *It is hereby ordered*, That:

1. The Administrator having determined the special machines described herein to be commercially unsalable, owning agencies are authorized to dispose of such special machines in their possession as scrap or salvage, and disposal agencies shall, subject to the provisions of § 8313.5 (d) of this part, dispose of such special machines as scrap or salvage.

2. Special machines so determined to be commercially unsalable and included in this order are described as follows:

Manufacturer and description

Baird Machine Co.: 5-spindle continuously turning machine.
Baker Machine Co.:
- Single-end horizontal bomb manufacturing machines.
- 3½ and No. 24 floor-type horizontal bomb manufacturing machines.
- Two-way combination machines—bomb manufacturing machines.

E. W. Bliss Co.: No. 4, 6, 7 headers.
Black Rock Manufacturing Co.: 6" Camelure slotting machines.
Cleveland Automatic Machine Co.: Special purpose model B machine.
James Coulter Machine Co.:
- Model T-1 cartridge machine.
- Model T-3 cartridge machine.
- Model T-5 cartridge machine.

Crown Machine & Tool Co.: 3"-6" shell lathes.
Ferracute Machine Co.: Horizontal toggle and crank, 50-cal. ammunition press.
Henry & Wright Co.: Primer inserting machines.
Hepburn-American Co.: Shell lathes, sizes A, B, B-heavy duty, and C.
Jones & Lamson Co.: Supercharger bucket grinders.
Landis Machine Co.: "Landmaco" shell tappers—models 1½R, 1½RR, and 1½ H. O.
Lipe Rollway Corp.: Shell lathes, models B120, B140 and B100.
New Britain Machine Co.: Model 49 and 65 chucking machines.
Sparks Machine Tool Corp.: Semi-automatic lathes.
Sunstrand Machine Tool Co.:
- Special end mills.
- Sliding head mills.
- Impeller mills.
- Angular sliding head mills.
- Swivel rotary mills.
- Duplex spot face mills.
- Planetary mills.
- Muff mills.

In cases where there is reasonable doubt as to the classification of a specific machine, final decision will be made by the War Assets Administration Regional Office.

PART 824—DISPOSITION OF NON-REPAIRABLE PERSONAL PROPERTY

1. Section 824.400 is amended to read as follows:

§ 824.400 *Scope of part.* This part provides the authority and procedures for determining certain non-military property as non-repairable and for the disposal of non-repairable non-military property and current production scrap. It does not pertain to the classification of military property as non-repairable, which is covered by AR 35–6640 and War Department Circular No. 35, 1946, and current revisions thereof, or to the disposal of non-repairable military property, or post, camp and station salvage, which is covered by AR 700–25 and TM 38–505.

2. Subparagraph (1) of § 824.401 (a) is added as follows:

§ 824.401 *Non-military property other than current production scrap.* (a) * * *

(1) Property in the categories covered by War Assets Administration Order 1 to Regulation 13 (§ 823.391–2 of this chapter) will be certified:

The property listed hereon has been dedetermined by the War Assets Administrator, in his Order 1 to Regulation 13, to be commercially unsalable and suitable only for salvage or scrap.

3. Sections 824.401–1 and 824.401–2 are amended to read as follows:

§ 824.401–1 *Review and approval of classification of property as non-repairable.* Government-owned non-military property (other than that worn out through fair wear and tear or covered by § 824.401 (a) (1)) will not be classified as non-repairable property under § 824.401 without the prior review and approval of a local Disposal Board if the cost (estimated if not known) of the property so classified exceeds $25,000. Property will not be subdivided for the purpose of avoiding this limitation.

§ 824.401–2 *Review at chief of service level.* Disposal Boards established pursuant to § 821.106 of this chapter may review classification of Government-owned nonrepairable property under § 824.401, where the cost of such property (estimated if not known) exceeds $500,000, except in the case of property covered by § 824.401 (a) (1).

4. Section 824.404 is amended to read as follows:

§ 824.404 *Non-military property not certified under § 824.401.* Non-military property which cannot be certified under § 824.401 may be classified as non-repairable and turned over to a salvage officer in accordance with the provisions of AR 35–6640, and War Department Circular No. 35, 1946, and current revisions thereof.

5. Section 824.407 is amended and §§ 824.408 through 824.408–4, inclusive, are revoked as follows:

§ 824.407 *Donations to veterans' organizations, museums, and municipal corporations.* (a) The chiefs of the technical services are authorized to donate to soldiers' monument associations, posts of the Grand Army of the Republic, posts of the Veterans of Foreign Wars of the United States, posts of the American Legion, and other recognized war veterans' associations, state museums, and incorporated museums operated and maintained for educational purposes only, whose charters deny them the right to operate for profit, municipal corporations, and posts of The Sons of Veterans Reserve, including those organizations or institutions which contributed material in the early scrap drives, condemned or obsolete ordnance, guns, projectiles, books, manuscripts, works of art, drawings, plans, models, and other condemned or obsolete material of a similar nature which may not be needed in the service of the War Department. Items of captured enemy matériel will not be donated under this authority. Donations made pursuant to this authority will be with such demilitarization as is consistent with the use of the property. For the purpose of determining what war veterans' associations, other than those named in the statute, may be recognized under this section, it has been established by the War Department that those organizations composed of honorably discharged soldiers, sailors, and marines which are organized as veterans' associations and are named in Part 1 or 2, Veterans' Administration Bulletin 23, March 7, 1946, are eligible to receive donations under this section. Those veterans' associations included in this bulletin are:

Disabled American Veterans.
Catholic War Veterans, Inc.
Jewish War Veterans of the United States.
National Society—Army of the Philippines.
The Disabled Emergency Officers of the World Wars.
The Military Order of the Purple Heart, Inc.
United Indian War Veterans, U. S. A.
Army and Navy Union.
United Spanish War Veterans.
Fleet Reserve Association.
Military Order of the World Wars.
Regular Veterans' Association.
Marine Corps League.

Additional organizations may qualify from time to time as they are approved and recognized by the Veterans' Administration. The names of these additional organizations will be included in this section as they occur. Until such time as the chiefs of the technical services have

been notified that a particular organization has been approved it may be considered as not eligible to receive donations of War Department property.

(b) The authority granted in this section cannot be redelegated by the chiefs of the technical services, and in the case of the Army Air Forces cannot be redelegated beyond the headquarters office of a command.

(c) Donations to any one organization will be limited in the case of rifles for ceremonial purposes to not more than ten and in the case of other items to such amounts as the chief of the technical service determines is reasonably required. Requests for amounts considered to be excessive may be referred to the Chief, Readjustment Branch.

(d) Each donee shall be required to file with the chief of the technical service effecting donation a certificate stating that the property is being acquired for the donee's own use and if the property is at any time disposed of by the donee, it will be disposed of only as scrap and then only after it shall have been rendered completely unfit and useless except for its basic material content.

(e) Donations of property under Parts 821 through 829, inclusive, of this chapter, shall be without expense to the Government for packing, handling, demilitarization (where required by WD Circular 183, 1945 and WD Technical Manual 38-419, or later amendments thereto, and demilitarization is performed to effectuate the particular donation) and transportation. No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling, demilitarization, and delivery to the carrier. Property shipped by carrier will be on commercial bill of lading with transportation charges collect.

(f) Copies of shipping documents listing the property supported by evidence of shipment in the manner prescribed in § 827.726 of this chapter, or a receipt by the donee, together with a copy of the authorization of the donation from the chief of the technical service will constitute a valid credit voucher to the property accounts and no further accounting for the property is required.

§ 824.408 *Stockpiling of strategic property.* [Revoked]

§ 824.408-1 *Definition.* [Revoked]

§ 824.408-2 *Strategic property in form listed and scrap composed substantially of strategic property.* [Revoked]

§ 824.408-3 *Determination in other cases.* [Revoked]

§ 824.408-4 *Declaration procedure.* [Revoked]

PART 825—DISPOSITION OF PERSONAL STRATEGIC MATERIALS

Part 825 is added as follows:

Sec.
825.500 Scope of part.
825.501 Definitions.
825.502 List of strategic materials.
825.503 Reports of surplus strategic materials.
825.504 Preparation of strategic materials.
825.505 WAA Form 1003.

§ 825.500 *Scope of part.* This part sets forth the procedures for the disposition of strategic materials pursuant to the Strategic and Critical Materials Stock Piling Act of 1946 (Public Law 520) and Regulation No. 17 of the War Assets Administration. This section applies to both serviceable and non-serviceable property. Under Regulation No. 17, all such materials are reported to the Reconstruction Finance Corporation. Thereafter, if the Civilian Production Administration has determined that such materials are necessary to make up a deficiency in the supply thereof for the current requirements of industry, the Reconstruction Finance Corporation will sell such property to satisfy such deficiencies. All remaining strategic materials will be transferred by the Reconstruction Finance Corporation to the stockpile, provided they meet the specifications and requirements of the Army-Navy Munitions Board with respect thereto. The Reconstruction Finance Corporation is authorized to inspect reported strategic materials for this purpose. Strategic materials which do not meet such specifications and requirements will be declared as surplus by the Reconstruction Finance Corporation to the appropriate disposal agency. In the case of sales to industry, shipping instructions will be furnished by the Reconstruction Finance Corporation; in the case of transfers to stockpiles, such instructions will be furnished by the Treasury Department Procurement Division; and in the case of declarations of surplus, such instructions will be furnished by the disposal agency.

§ 825.501 *Definitions.* "Strategic materials" means materials determined to be strategic and critical by the Army-Navy Munitions Board, pursuant to the Strategic and Critical Materials Stock Piling Act (Public Law 520), July 23, 1946 and complying with determinations made by the Army-Navy Munitions Board as to the types, grades, forms, and minimum quantities of such materials. A current list of such materials, types, grades, forms and minimum quantities is set forth in § 825.502. This definition applies only to strategic materials in any one place at any one time which meet the minimum quantitative requirements set forth in such list, as it may be revised from time to time.

"Reconstruction Finance Corporation". The definition set forth in § 821.102 of this chapter does not apply to this part. In this part "Reconstruction Finance Corporation" means the Reconstruction Finance Corporation.

§ 825.502 *List of strategic materials.* The following is a list of the strategic materials covered by this part. It should be noted that in some cases (viz., beryl) the minimum quantity is stated in terms of the strategic material content, whereas in other cases (viz., bismuth) the minimum quantity is stated in terms of the weight of each piece of metal containing the strategic material and the total weight of such pieces, irrespective of how much of the strategic material they contain:

LIST OF STRATEGIC AND CRITICAL MATERIALS

Material	Types, grades, or forms to be reported	Minimum quantity at one location to be reported
Agar	Shreds, flakes, or granules	1,000 pounds.
Aluminum	Primary or secondary pig or ingot of grades 3, 4, or 5. Mill forms, over 2 inch minimum dimension, of grades 2S, 3S, 24S, 25S, A51S, 52S, or 61S.	50,000 pounds.
Antimony	Ores or concentrates, metal or alloys with other metals, in pieces exceeding 5 pounds each.	Do.
	Liquidated (needle) antimony	1,000 pounds.
Asbestos	Rhodesian chrysotile fiber of grades C and G-1 or C and G-2.	10,000 pounds.
	South African amosite fiber of grades B-1, B-3, D-3, or 3/DM-1.	Do.
Barite	Ores or concentrates	50,000 pounds.
Bauxite	----do	Do.
Beryl	----do	10,000 pounds.
	Beryllium metal in all forms, including clean scrap Copper-beryllium alloys in all forms including clean scrap.	100 pounds, beryllium content.
Bismuth	Metal, or alloys with other metals, in pieces exceeding 5 pounds each.	1,000 pounds.
Cadmium	----do	Do.
Castor oil	Oil in bulk	50,000 pounds.
Celestite	Ore	Do.
Chalk-English	Navy Spec. 52W/e	10,000 pounds.
Chromite	Metallurgical, refractory, or chemical ore or concentrates	50,000 pounds.
Cobalt	Metal, ores, concentrates, oxide, or crudes	10,000 pounds, cobalt content.
Coconut oil	Oil in bulk	50,000 pounds.
Columbite	Ores or concentrates	1,000 pounds.
Copper	Electrolytic or fire refined copper: Cathodes, wire bars, cakes, slabs, ingots, ingot bars, billets, or bars.	50,000 pounds.
	Cartridge brass ingots, slabs, discs, bars partly or completely manufactured ammunition cases, fired cases, or remelt ingot.	Do.
	Leaded brass mill forms or remelt ingot	Do.
	Gilding metal mill forms or remelt ingot	Do.
Cordage fibers	Manila or sisal fiber in bales	10,000 pounds.
Corundum	Crystal or boulder ore or concentrates	Do.
Cryolite	Natural cryolite ore	50,000 pounds.
Diamond dies	Partly or completely finished dies	No minimum.
Diamond, industrial	Tool stones, crushing bort, powder	Do.
Emery	Foreign or domestic ores or concentrates	50,000 pounds.
Emetine	Emetine hydrochloride, USP XII	100 ounces.
Fluorspar	Metallurgical or acid grade ores or concentrates	50,000 pounds.
Graphite	Amorphous lump, flake, or fines	10,000 pounds.
Hyoscine	Hyoscine hydrobromide, USP XII	10 ounces.
Iodine	Crude iodine or USP iodine	2,000 pounds.
Jewel bearings	Finished bearings, set or unset, of following classes: Instrument jewels, V jewels, watch jewels.	1,000 pieces of a single design.
Kyanite	Ore	50,000 pounds.
Lead	Concentrates. Metal, or alloys with other metals, in pieces exceeding 3 pounds each.	Do.
Magnesium	Primary or secondary pig or ingot of ASTM grades 1, 2, 4, or 17.	Do.

LIST OF STRATEGIC AND CRITICAL MATERIALS—Continued

Material	Types, grades, or forms to be reported	Minimum quantity at one location to be reported
Manganese ore	Battery or metallurgical ore	50,000 pounds.
Mercury	Metal or oxide	1,000 pounds.
Mica	Muscovite block and film, muscovite splittings, phlogopite block, phlogopite splittings. All grades.	Do.
Molybdenum	Concentrates, oxide, ferro	10,000 pounds.
Monazite	Monazite sand	Do.
Nickel	Electrolytic, pig, ingot, or shot. Nickel oxide, nickel rolled products.	Do.
Opium	Crude or refined opium and opium derivatives, including dosage forms.	No minimum.
Palm oil	Oil in bulk	50,000 pounds.
Pepper	Unground pepper	1,000 pounds.
Platinum group	Pure metals, or alloys combining any two or more of such metals, in any form.	10 troy ounces.
Metals: Iridium. Osmium. Palladium. Platinum. Rhodium. Ruthenium.		
Pyrethrum	Flowers or 20 percent extract	200 pounds, pyrethrin content.
Quartz crystals	Raw quartz, radio grade	100 pounds.
	sections, slabs, bars, wafers	25 pounds.
	blanks or finished plates, unmounted or mounted	1,000 pieces.
Quebracho	Dried extract	1,000 pounds.
Quinidine	Any alkaloids	100 pounds.
Quinine	do	1,000 ounces.
Rapeseed oil	Oil in bulk	50,000 pounds.
Natural rubber	Crude natural rubber or natural rubber latex	10,000 pounds.
Rutile	Ore or concentrates	Do.
Sapphire and ruby	Half boules, rods, or cut pieces exceeding 10 carats each	1,000 carats.
Selenium	Ingot, block, bar, granules, or powder	1,000 pounds.
Shellac	Dried raw shellac, all grades	10,000 pounds.
Sperm oil	Oil in bulk	50,000 pounds.
Talc	Steatite talc block	1,000 pounds.
	Ground steatite talc	10,000 pounds.
Tantalite	Ore or concentrates	100 pounds.
Tin	Concentrates or pig	2,000 pounds.
Tung oil	Oil in bulk	50,000 pounds.
Tungsten	Ores, concentrates, ferro, powder metal, oxide	10,000 pounds.
Vanadium	Ores, concentrates, oxide, ferro	Do.
Zinc	Concentrates, slab zinc, oxide, mill products	50,000 pounds.
Zirconium ores	Baddeleyite or zircon ores or concentrates	10,000 pounds.

§ 825.503 *Reports of surplus strategic materials.* (a) Strategic materials (other than contractor inventory not in the possession of the War Department) which have been determined to be surplus will be reported to the Reconstruction Finance Corporation on WAA Form 1003, unless other forms therefor are hereafter prescribed by the War Assets Administration. Copies of this form will be made available through the various A. G. Depots. Reports involving scrap will show in columns (g) and (h) an amount representing estimated value instead of cost. The form may carry the listing of strategic materials reported or it may be used as a cover transmittal sheet for mechanical accounting lists. If a machine-tabulated form is used for listing the items of property the columnar arrangement shall conform to that of WAA Form 1003 and the form shall be 11" by 14⅞" in size. Shipping or other instructions will be issued either from the Treasury Department, Procurement Division, or from the Reconstruction Finance Corporation, or War Assets Administration depending upon the ultimate disposition of the declared strategic materials.

(b) Surplus strategic materials which do not meet the minimum quantitative requirements set forth in § 825.502 will be declared in accordance with the ordinary procedures for the declaration of property as surplus pursuant to Subpart B of Part 827 of this chapter.

§ 825.504 *Preparation of strategic materials.* Separation and preparation of strategic materials for reporting or stockpiling purposes will not be carried beyond that normally done for other purposes.

§ 825.505 *WAA Form 1003.* A copy of WAA Form 1003 is set forth below:

WAA FORM-1003
(REV. 8-15-46)

Budget Bureau No. 16-R114
Approval expires March 1, 1947

UNITED STATES OF AMERICA
WAR ASSETS ADMINISTRATION

Page — of — pages

REPORT OR ADJUSTMENT OF PREVIOUS REPORT OF STRATEGIC MATERIALS TO RECONSTRUCTION FINANCE CORPORATION

8. Standard commodity classification group code

9. Date of report

IMPORTANT—See instructions on reverse for completing this form

10. Reporting agency No.

11. Total cost this report

1. To: Reconstruction Finance Corporation
Strategic Materials Unit
Washington 25, D. C.

12. If this is an adjustment or withdrawal of a previous report, complete this block.
Report to be adjusted:
Reporting agency No.:
Dated:

2. From

3. Custodian

4. Location of property

5. Rail carrier serving the site

6. Proceeds—if proceeds are "reimbursable," give symbol and title of appropriation or Government Corporation

7. ..... Signature of reporting official ..... Name and title (please type)

Item No. (a)	Description (b)	Standard commodity classification (c)	Condition (d)	Unit (e)	Number of units (f)	Unit cost (g)	Total cost (h)

These instructions appear on the reverse side of the form:

INSTRUCTIONS FOR WAA FORM 1003

Owning agencies shall use WAA form 1003 to report surplus strategic materials, as defined in WAA Regulation 17, to the Reconstruction Finance Corporation. Such reports will not constitute a declaration of surplus to a disposal agency. WAA form 1003 shall be filed in quintuplicate (5) with the Strategic Materials Unit of the Reconstruction Finance Corporation, Washington 25, D. C.

The items of property listed on any such report shall be confined to property at a single location and classified in a single major group (2 digits) of the Standard Commodity Classification.

If any legal restrictions exist (including patent restrictions) as to the power of the owning agencies to dispose of the property reported as surplus, the report shall include a statement clearly indicating such restrictions.

The receipt of each WAA form 1003 will be acknowledged to the reporting office by the Reconstruction Finance Corporation by a post card notice stating the reporting agency's report number and date. In the case of withdrawals or adjustments the post card notice will constitute an approval of the request for permission to withdraw property previously reported unless the notice specifically states otherwise.

Block 2: Insert the name and address of the reporting agency. Show the department, bureau, office or other similar subdivision involved. The Reconstruction Finance Corporation or the Treasury Procurement Division, if involved, will send one copy of the shipping instructions to the custodian and one copy to the reporting agency as shown on the report.

Block 3: Insert the name and complete address of the custodian of the property reported.

Block 4: Insert the warehouse number and complete address of the site at which the property is located.

Block 5: Insert the name of the rail carrier serving the site location of warehouse reported in Block 4.

Block 6: If the net proceeds from the sale or transfer are reimbursabl pursuant to the Surplus Property Act of 1944, as amended, give the symbol and title of the appropriation to be credited or the name and address of the government corporation to receive the funds. A single report on WAA form 1003 should cover items for which the net proceeds are reimbursable or nonreimbursable, but never both classes of items.

Block 8: Enter code number of the single major group (2 digits) of the Standard Commodity Classification in which the items listed on the report are classified.

Block 9: Enter the date on which the report is signed by the authorizing official.

Block 10: Enter the serial number assigned by the reporting agency to identify the report.

Block 11: Enter the sum of all amounts in column (h), Total Cost, of all pages of the declaration and supporting lists.

Block 12: If the report is an adjustment or withdrawal of a previous report, enter the reporting agency number and date of the report to be adjusted or withdrawn.

Column (a) Enter consecutive numbers starting with 1 on each page for each item listed, leaving a blank line space across all columns between successive property items.

Column (b) Describe the material in sufficient detail as to chemical or other composition, specifications, size, etc., to indicate the nature of the strategic material. Complete purchase specifications or material content analyses shall be included whenever available.

Column (c) If known, enter the detailed classification number for each item according to the Standard Commodity Classification (Government Printing Office). If the strategic property being reported, however, is scrap, no entry should be made in columns (c), (d) and

(g), and in column (h) enter an amount representing the total *estimated* value.

Column (d) If the item being reported is a fabricated article, indicate condition of the property by the following combination letter code:

Means	*Means*
N—New	1. Excellent
E—Used—reconditioned	2. Good
	3. Fair.
O—Used—useable without repairs	4. Poor.
R—Used—repairs required.	
X—Items of no further value for use as originally intended but of possible value other than as scrap.	

Where the code condition does not provide an accurate description of the materials' condition leave this column blank and in appropriate language describe the condition of the property.

Column (e) Indicate the unit of measurement with respect to each specific item, i. e., pounds, tons, dozen, etc. Distinguish between long, short and metric tons. Standard clearly understandable abbreviations may be used. The unit of measurement used for the particular material should be the same as the unit used in Exhibit A to Regulation 17.

Column (f) Specify the quantities of each item reported in terms of the unit used in column (e).

Column (g) Insert the recorded procurement cost or, in its absence, the estimated cost (in dollars and cents) excluding transportation and handling charges incurred after the original purchase. Indicate estimated unit cost by the prefix "E".

Column (h) Insert the total cost. The total cost will be "No. of Units" multiplied by "Unit Cost."

INSTRUCTIONS FOR USE AS A WITHDRAWAL OR ADJUSTMENT OF PREVIOUS REPORT

WAA form 1003 shall be used by the owning agencies in reporting any adjustment in prior reports including withdrawals of materials.

When using WAA form 1003 as a withdrawal of the entire property previously reported only blocks 2, 7, and 12 need be filled in and the phrase "all items to be withdrawn" written in column (b).

When using WAA form 1003 to correct or adjust a previous report, the owning agency shall fill in all of the numbered blocks, including Block 12, underlining any correction that is being made. To identify the items being adjusted the owning agency shall insert in column (a) the page and item number appearing on the original report.

PART 826—DISPOSITION OF SERVICEABLE NON-MILITARY PERSONAL PROPERTY

1. Section 826.604–2 is revoked as follows:

§ 826.604–2 *Stockpiling of strategic property.* [Revoked]

2. Sections 826.693 and 826.693–1 are revoked as follows:

§ 826.693 *Stockpile materials.* [Revoked]

§ 826.693–1 *List of stockpile materials.* [Revoked]

PART 827—DISPOSAL OF SURPLUS PERSONAL PROPERTY

SUBPART A—DIRECT DISPOSAL BY WAR DEPARTMENT

1. Section 827.711–2 is amended to read as follows:

§ 827.711–2 *Demilitarization.* Sections 827.711 through 827.711–4, inclusive, do not pertain to the disposal as salvage of the residue remaining after authorized demilitarization of combat matérial, which is covered by War Department Circular No. 183, 1945, and WD Technical Manual 38–419, or after the authorized destruction of classified matériel, which is covered by AR 380–5.

2. Sections 827.711–4 and 827.712 are amended to read as follows:

§ 827.711–4 *Classification by disposal agencies.* (a) Under Surplus Property Administration Regulation 9, disposal agencies are authorized to certify in writing to the War Department that any given property or class of property is in its judgment scrap, regardless of its condition. That regulation provides that the disposal agency shall forward to the owning agency a memorandum listing and plainly identifying the items in questions and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap and it is requested that sale be effected in accordance with the provisions of SPA Regulation No. 9 without further review of such determination.

The certification may be made at any time prior to the time that the property has been declared to the disposal agency. When property has been declared to the disposal agency, the owning agency will not, except as authorized by paragraph (b) of this section accept a scrap certification and a return of the property.

(b) Where property has been declared to a disposal agency without the disposal agency being afforded an opportunity to inspect the property, the disposal agency may be authorized at its request to inspect the property. With the approval of the installation commander, the owning agency may accept a scrap certificate and a return of the property for disposal as scrap. This procedure will be applicable only in the case of military property as defined in § 821.102 of this chapter.

§ 827.712 *Assistance to be rendered by Armies, ZI.* When requested, the commanding generals of Armies, ZI should, to the extent considered practicable by them and within the limits of their existing facilities, assist the technical services in the disposition of small lots and salvage originating at nearby industrial plants and installations under the jurisdiction of the technical services. Where convenient this assistance will include physical receipt of small lots and salvage.

SUBPART B—DECLARATION TO DISPOSAL AGENCIES

1. Section 827.720 is amended to read as follows:

§ 827.720 *General.* (a) Under its Regulation No. 1, Order 1, the Surplus Property Administration has assigned responsibility for disposal of surplus personal property as indicated in § 827.791 by standard commodity classification numbers. Although the detailed assignments as set forth in § 827.791 will govern, the general basis of assignment of responsibility to the major Disposal Agencies is as follows:

War Assets Administration—Consumer goods; capital and producers goods.

United States Maritime Commission—Ships and maritime property.

Department of Agriculture—Agriculture commodities and food.

(b) Promptly upon determination of surplus, property, other than that to be disposed of directly by the War Department (see Subpart A of this part), will be declared to the designated Disposal Agency by the War Department agencies authorized to determine property as surplus, or by installations or offices instructed by these agencies to make declaration, in accordance with the procedures set forth in this subpart.

2. Sections 827.721–1 and 827.721–2 are amended to read as follows:

§ 827.721–1 *Ships, small watercraft and related property.* Surplus ships of commercial design or susceptible to commercial use, small watercraft and other property assigned to the United States Martime Commission will be reported to the United States Maritime Commission, Attention: Surplus Ship Disposal, Washington 25, D. C.

§ 827.721–2 *Aircraft and related property.* (a) Surplus aircraft, and gliders which have been reported to Headquarters, Army Air Forces, in accordance with Army Air Forces Regulation No. 65–86, dated June 14, 1944, or any amendment thereto, will be declared by Headquarters, Army Air Forces to War Assets Administration, Office of Aircraft Disposal, Washington 25, D. C.

(b) Surplus Aircraft components, parts and other Air Forces property in supply or in government furnished warehouses (as distinguished from items included in termination inventory) which is included in the following classes listed in Army Air Forces Technical Order OO–35A–1, and supplements thereto, will be declared to War Assets Administration, National Aircraft Component Sales Center, Municipal Airport, Cleveland, Ohio. The principle followed in selecting the classes, sub-classes and parts thereof listed below is that property which is airborne or which is peculiar to an aeronautical use shall be declared to War Assets Administration, National Aircraft Component Sales Center, as distinguished from Army Air Forces property which is common to non-aeronautical uses and is consequently declared to other disposal offices.

All of Class 01 except 01–A and 01–Z	
All of Class 02	
All of Class 03 with the following exceptions: Safety belts, cushions, fire extinguishers, carbon dioxide (CO) cylinders, valves and accessories, life raft accessories such as oars, inflation pumps, bailing buckets, bullet hole plugs, etc., and parts, in 03–F.	
Batteries in 03–J	
04–A	
04–B	
04–C	
04–D	Only aircraft bearings (sleeve, roller and ball)
05–A	Except chronometers, personal watches, and astrograph films
05–B	Reference Class 17–C
05–C	
05–D	
05–E	
05–F	
05–G	
08	In its entirety except when it is not peculiar to an aircraft installation
10–A	Only aerial cameras and their parts, including lenses
10–D	Gun cameras, lenses and parts for aeronautical gun cameras only
11–A	
11–B	
11–D	
11–E	
13	Only heated flight clothing, heated casualty blankets, and serviceable personnel parachutes, aviators goggles
15	Except communications equipment

17–A Engine overhaul stands, engine test stands, generator test stands, aircraft scales, swaging machines, dynamometer scales, parachute dryers, hydraulic test units, propeller balancing stands, high-pressure air pumps, spark-plug cleaners, and propeller assembly stands. All parts and accessories peculiar to the components listed.

17–C Devices used for testing purposes for testing components such as: engine test cells, carburetor test stands, hydraulic test stands, ignition test, propeller test, pump test, spark plug test, vacuum test, also field and portable instrument tests (S.C.C. 42–96). "All parts and accessories peculiar to the components listed."

17–D

18 Except tools and equipment for communication

19–A Except aircraft beaching gear, auxiliary power plants all types (other than classified in Class 02–B), shelters, and standard ladders.

19–C Only parts for maintenance of items in 19–A not listed above.

21 All components peculiar to aircraft such as nylon tow rope, fabric for control surfaces, etc.

26 Only those items originally listed in classes set forth in this subparagraph.

28–A (Link Trainers to be reported by Headquarters, AAF.)

28–B Except windlasses, windlass installation parts, and windlass motors.

28–C

29 All items that are inherently aircraft.

30–A Only instructional items for aircraft and aircraft equipment assigned to War Assets Administration.

30–B

30–C

30–D

30–E

30–K

3. Section 827.721–4 is amended, §§ 827.721–4a and 827.721–5 are redesignated 827.721–5 and 827.721–9, respectively, and amended, and §§ 827.721–6 through 827.721–8, inclusive, are added, as follows:

§ 827.721–4 *Portable housing.* Housing of a portable, demountable or prefabricated nature (except house trailers) will be declared to the National Housing Agency, Washington 25, D. C. Structures (not equipped for housing use) of a portable, demountable or prefabricated nature, including quonset and similar huts, when declared surplus separate from any sites thereof, will be declared to the Regional Office of the War Assets Administration for the region in which the property is located.

§ 827.721–5 *Processed film.* Surplus processed film (motion pictures and film strips) will be declared to the Photographic and Optical Section, General Products Branch, War Assets Administration, Railroad Retirement Building, Washington 25, D. C.

§ 827.721–6 *Electronic equipment.* Electronic equipment and telephone and telegraph equipment will be declared to the War Assets Administration, 425 Second Street, Northwest, Washington 25, D. C.

§ 827.721–7 *Automotive spare parts.* Declarations of serviceable automotive spare parts by Ordnance Field Service Depots will be made to the National Auto Parts Office, War Assets Administration, Detroit, Michigan. Such declarations by all other installations will be made to the Regional Office. Unserviceable automotive spare parts will be declared to the Regional Office of War Assets Administration in the region in which the property is located.

§ 827.721–8 *Military property.* The Department of State has been designated as the disposal agency with respect to certain items of surplus military property for disposal to other American governments. Such disposals of property will be in accordance with the provisions of War Department Memo No. 700–50–5 dated July 29, 1946.

§ 827.721–9 *Other property.* Surplus property other than the types of property specified in §§ 827.721 through 827.721–8 will be declared to the Regional Offices of War Assets Administration for the region in which the property is located. The addresses of these regional offices and territories within their jurisdiction are set forth in § 827.792.

4. Sections 827.722–2 and 827.723 are amended to read as follows:

§ 827.722–2 *Transmittal of declarations.* (The following does not apply to declarations of surplus property originating from contractor inventory that are made under the procedures set forth in § 827.724). Declarations of surplus property made on Form WAA 1001 (formerly SPB–1) will be filed with Disposal Agencies in triplicate. If the total cost of the property covered by the declaration exceeds $1,000, one copy will also be sent to the Navy Department, Washington 25, D. C. (Attention: Chief of the Bureau of Supplies and Accounts, SPD 19).

§ 827.723 *Withdrawal, and adjustments of declarations.* (a) Property which has been declared to a disposal agency may be withdrawn only by the declaring office with the consent of the disposal agency to which the property was declared. The withdrawal may be for the purpose of further use by the technical service of origin, for disposal as scrap in accordance with the provisions of § 827.711–4 (b), for purposes of redistribution in accordance with the provisions of §823.308 of this chapter and under special circumstances, as authorized by § 827.727. See § 827.724 for special procedures relating to contractor inventory. Property which has been scheduled for disposal by means of site sales conducted by a disposal agency will not be withdrawn after the disposal agency representative at the site has advised the installation commander that further withdrawals will seriously affect the accuracy of sales publications or disrupt site sales procedures.

(1) In the case of surplus property in the possession of a disposal agency, where the declaring service has already dropped accountability and where a service other than the declaring service desires the property, the declaring service, upon request, will prepare the necessary authorized withdrawal form with shipping instructions and forward same to the disposal agency. In such cases, War Department accountability will be assumed directly by consignee at destination; the declaring service will not assume accountability for purposes of redistribution.

(b) The approval of the chief of the technical service concerned must be secured for withdrawals made to replenish other depot stock accounts, before approval of the Disposal Agency is obtained. Withdrawals from the surplus account which are directed by the Disposal Agency and changes in stock balances on the surplus account due to inventory adjustments shall be made without reference to the chief of the technical service.

(c) Withdrawal of property under this paragraph will be effected by transmitting to the Disposal Agency Form SPB–1.1 titled, "Adjustment of Prior Declaration of Surplus Personal Property." This form will also be used in reporting any modifications or adjustments in prior declarations. Form SPB–1.1 will be prepared and transmitted in the same manner as Form SPB–1. If a withdrawal covers all the items included in a previous declaration, the phrase "All items to be withdrawn" may be inserted in Column (b) instead of listing the items.

(d) Two copies of each approved withdrawal, correction, adjustment, or modification involving a change in cost of $50,000 or more will be transmitted at the time of correction to the Chief, Readjustment Branch. These copies need not be accompanied by a letter of transmittal.

(e) See § 827.724–7 as to withdrawals and adjustments of declarations of contractor inventory.

5. In § 827.725–10 the last two sentences of subparagraph (1), and subparagraph (2) of paragraph (b) and the introductory text of paragraph (d) are amended to read as follows:

§ 827.725–10 *Shipments not directed by disposal agencies.* * * *

(b) * * *

(1) * * * In all such cases, except those relating to Army Air Forces property, approval of Director of SS&P (Supply Group, Storage Branch) will be obtained before the shipment is made, and paragraphs (c) and (d) of this section will be complied with. In case of Army Air Forces property the approval of Headquarters AMC, will be obtained and paragraph (c) will be complied with.

(2) When the quantity of surplus property at a surplus installation is insufficient to warrant the establishment of a resident surplus property officer and it is not feasible to leave the property there. In all such cases, except those relating to Army Air Forces property, the commanding general of the Army, ZI may direct that such property be shipped to the surplus property officer at another installation within the command. This action may be taken without obtaining approval of Director of SS&P (Supply Group, Storage Branch) but paragraph (c) will be complied with.

* * * * *

(d) Each request for approval of Director of SS&P (Supply Group, Storage

Branch) for movement of surplus property (see paragraph (b) (2) of this section) will include the following information:

6. Section 827.727–1 (a) is amended to read as follows:

§ 827.727–1 *Sale after clearance by disposal agency.* (a) When special circumstances, such as danger of deterioration or sanitary or other hazard, or urgent requirement for storage space for military supplies, make immediate sale by the War Department desirable, application may be made (either before or after declaration) to the appropriate disposal agency for clearance of the property for direct sale by the War Department. If clearance is obtained after declaration, the installation concerned will transmit to the disposal agency a Form SPB–1.1 withdrawing the property that has been cleared (see § 827.723 (b) for procedure). Such applications may be made directly by the chiefs of the technical services, Commanding Generals of Armies, ZI or Commanding Generals of Air Material Areas.

7. Section 827.791 is amended to read as follows:

§ 827.791 *Assignment of property to disposal agencies.* Assignment of property to disposal agencies is set forth in this section as published in Surplus Property Administration Regulation No. 1, Order 1, July 19, 1946, under the following prefatory note:

ASSIGNMENT OF SURPLUS PROPERTY

There is hereby assigned to the Government disposal agencies named below such items or types of surplus property located in the continental United States as are listed under the name of each agency. The items or types of surplus property listed below under the name of each disposal agency are included within the class of surplus property assigned to each agency for disposal in this part. The code numbers used herein are those of the Standard Commodity Classification (U. S. Government Printing Office) to Volume I of which reference must be made for a complete list of the items or types of surplus property assigned by means of the code number.

PART 1—CRUDE MATERIALS

War Assets Administration	Agriculture	Maritime Commission
01 Live animals, other than food animals.	01 Live animals, except non-food animals such as horses, dogs, furbearing animals, etc.	
03 Crude animal products inedible, except fibers.	02 Crude animal products, edible.	
	04 Crude vegetable products, edible.	
05–5 Crude rubber and allied gums.	05 Crude vegetable products, inedible, except fibers (except as indicated).	
05–628 Lac.		
05–7 Crude medicinal herbs, roots, barks, and other plant parts, except U. S. P., N. F., and similar grades.		
05–93 Crude pork.		
05–94 Loofa sponges.		
06 Fibers, vegetable and animal, unmanufactured (except as indicated).		
	06–1 Cotton.	
	06–22 Flax (only domestic production).	
	06–23 Hemp (cannabis sativa).	
	06–5 Wool and related specialty hair, unmanufactured (for wool and mohair, domestic production only).	
07 Coal, crude petroleum, and related crude hydrocarbons.		
08 Metallic ores, tailings, concentrates and their unrefined metallic products.		
09 Crude nonmetallic minerals, except coal and petroleum.		

PART 2—BASIC MATERIALS AND PRODUCTS

11 Leather.		
12 Boot and shoe cut stock and shoe findings.		
13 Wood basic materials, except pulpwood.		
14 Pulp, paper and paper board.		
15 Textile basic manufactures.		
	16 Food and beverage basic materials (except as indicated).	
16–52 Industrial molasses.		
	17 Oils, fats, waxes, and derivatives, animal and vegetable (except as indicated).	
17–5 Essential oils (packaged as veterinary or m. g.).		
17–6 Floral absolutes, concretes and mixtures of essential and floral oils.		
17–7 Waxes, Animal and vegetable.		
17–991 Mixtures of animal, vegetable, fish oils, waxes, with or without mineral oils, with or without other substances.		
18 Petroleum and coal products except raw materials for chemical industries.		
19 Chemicals (except as indicated).		
	19–271 Rosins.	
	19–272 Turpentine, crude (includes distilled products, except m. g.).	
	19–274 Pine oil, natural.	
	19–275 Pine pitch.	
	19–276 Pine tar.	
21 Iron, and iron and steel scrap.		
22 Steel.		
23 Ferro and nonferrous additive alloys.		
24 Nonferrous almetals.		
25 Fabricated metal basic products (except as indicated).		25–31 Power boilers, marine.
26 Nonmetallic mineral basic products—chiefly structural.		
27 Nonmetallic mineral basic products—chiefly non-structural.		
29 Miscellaneous basic materials.		
31 General purpose industrial machinery and equipment (except as indicated).		31–582 Fixed shipboard or exclusive marine winches. 31–583 Anchor-windlasses. 31–584 Capstans.
32 Electrical machinery and apparatus.		
33 Special industry machinery.		
34 Metal working machinery.		
35 Agricultural machinery and implements.		
36 Construction, mining, excavating and related machinery.		
37 Tractors.		
38 Office machines.		
39 Miscellaneous machinery.		
41 Communications equipment and electronic devices.		
42 Aircraft.		43 Ships, small watercraft and marine propulsion machinery (except items 43–21 battleships, 43–22 cruisers, 43–23 aircraft carriers, 43–24 destroyers, 43–25 submarines, 43–271 eagles only, 43–279 frigates only, and 43–563 pontoons, rubber).
		Navy Department
		43–271 Gunboats (eagles only). 43–279 Patrol vessels not otherwise classified (frigates only).
44 Railroad transportation equipment.		
45 Motor vehicles.		
49 Miscellaneous transportation equipment.		
51 Plumbing and heating equipment.		
52 Air conditioning and refrigeration equipment.		
		Maritime Commission
53 Lighting fixtures (except as indicated).		53–2 Marine lighting equipment.
54 Furniture and fixtures.		

PART 2—BASIC MATERIALS AND PRODUCTS—Continued

War Assets Administration	Agriculture	Maritime Commission
55 Photographic goods and processed motion pictures.		
56 Optical instruments and apparatus.		
57 Indicating, recording, and controlling instruments and accessories, except watches and clocks (except as indicated).		57-65 Compasses and accessories (fixed shipboard types). 57-661 Azimuths. 57-662 Sextants. 57-663 Octants. 57-691 Taffrail logs.
58 Professional and scientific instruments and apparatus.		
59 Miscellaneous equipment (except as indicated).		59-16 Water safety equipment (except aircraft types) (except 59-1640 life floats or rafts, rubber).
	61 Food, manufactured. 62 Feed, manufactured. 63 Beverages and ice. 64 Tobacco manufactures.	
65 Drugs and medicines (except as indicated).	65-481 Marine liver oils, derivatives, and preparations, except marine liver oil concentrates in solution, m. g. 65-68 Vitamins, vitamin-active compounds and preparations containing one and more than one vitamin, m. g.	
66 Toiletries, cosmetics, soap, and household chemical preparations.		
67 Apparel, except footwear.		
68 Footwear.		
69 Fabricated textile products, except apparel.		
71 End products of leather, except apparel, footwear, and luggage.		
72 Converted paper products and pulp goods.		
73 Products of printing and publishing industries.		
74 Rubber end products.		
75 End products of metal industries (except as indicated).		75-953 Cargo nets, wire rope.
76 Finished wood products, except furniture and mill work (except as indicated).		
77 End products of glass, clay, and stone.		
79 Miscellaneous end products of manufacturing industries (except as indicated).		79-974 Life preservers, cork. 79-975 Buoys, cork.
81 Small arms and components.		
82 Artillery, naval guns, mortars and components.		
83 Small arms ammunition and specifically adapted components.		
84 Artillery, naval, and motor ammunition and specifically adapted components.		
85 Aerial bombs and specifically adapted components.		
86 Miscellaneous ammunition and related products.		
87 Common components of ammunition.		
88 Fire control equipment.		
89 Miscellaneous ordnance and ordnance matériel.		

The assignments made to each disposal agency in the manner detailed above, through the use of the Standard Commodity Classification code numbers, are intended to be in aid of and supplementary to the assignment of the general classes of property made in § 8301.2, Regulation No. 1, Surplus Property Administration. If, therefore, items fall within a general class of property assigned by Regulation No. 1 but the items are not listed in the Standard Commodity Classification, they are assigned to the disposal agency to which the general class of property is assigned. Similarly, where Order No. 1 assigns an item of property to one disposal agency (for example, winches) and the Standard Commodity Classification does not disclose that certain types of that same item are within the general class of property assigned to another disposal agency (for example, marine winches) such types shall be disposed of by the latter disposal agency.

8. Section 827.792 is amended to read as follows:

§ 827.792 *Regional Offices of War Assets Administration to which declarations of capital and producers goods and consumer goods (except items or categories of items which are specifically designated to be reported to other offices, such as automotive parts, aircraft and aircraft parts, and electronic equipment) will be submitted are:*

AREA AND ADDRESS

Region 1. Boston, Mass. (Address—600 Washington St., Boston, Mass.) Territory: Connecticut (exclusive of Fairfield County), Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region 2. New York, N. Y. (Address—350 Fifth Avenue, New York, N. Y.) Territory: Connecticut (Fairfield County only); New Jersey (northern part), Counties of: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; New York.

Region 3. Philadelphia, Pa. (Address—1528 Walnut St., Philadelphia, Pa.) Territory: Delaware; New Jersey, Counties of: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; Pennsylvania (all except extreme western part), Counties of: Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton Huntington, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

Region 4. Cincinnatti, Ohio (Address—704 Race Street, Cincinnati, Ohio). Territory: Indiana (central part), Counties of: Bartholomew, Boone, Brown, Dearborn, Decatur, Delaware, Fayette, Franklin, Hamilton, Hancock, Hendricks, Henry, Jennings, Johnson, Madison, Marion, Monroe, Morgan, Ohio, Owen, Putnam, Randolph, Ripley, Rush, Shelby, Tipton, Union, and Wayne; Kentucky (eastern part), Counties of: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Nicholas, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitney, Wolfe, and Woodford; Ohio, Counties of: Adams, Athens, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, and Washington; West Virginia, Counties of: Brooke, Hancock, Marshall, Ohio, Tyler, and Wetzel.

Region 5. Chicago, Ill. (Address—209 South LaSalle St., Chicago, Ill.) Territory: Illinois (northern part), Counties of: Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry ,McLean, Macon, Marshall, Mason, Menard, Mercer, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford; Indiana (northern part), Counties of: Adams, Allen, Benton, Blackford, Carroll, Cass, Clay, Clinton, De Kalb, Elkhart, Fountain, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, Lagrange, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Vermillion, Vigo, Wabash, Warren, Wells, White, and Whitley; Iowa; Wisconsin (southern part), Counties of: Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, Lafayette, Langdale, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

Region 6. Atlanta, Ga. (Address—699 Ponce de Leon Ave., NE., Atlanta, Georgia). Territory: Georgia.

Region 7. Fort Worth, Tex. (Address—Texas and Pacific Office Bldg., P. O. Box 1407,

Fort Worth, Tex.) Territory: Texas, Counties of: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Brisco, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coleman, Collingsworth, Coke, Comanche, Concho, Coryell, Cottle, Crockett, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Erath, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hood, Howard, Hutchinson, Irion, Jack, Johnson, Jones, Kent, King, Knox, Lamb, Lampasas, Lipscomb, Lubbock, Lynn, McCulloch, Martin, Menard, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Reagan, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackleford, Sherman, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Wheeler, Wichita, Wilbarger, Wise, Yoakum, and Young.

Region 8. Kansas City, Mo. (Address—Troost and Bannister Rd. (95th St.), Kansas City, Mo.) Territory: Kansas; Missouri (extreme western part), Counties of: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth.

Region 9. Denver, Colo. (Address—Commonwealth Bldg., 728 15th St., Denver, Colo.) Territory: Colorado; New Mexico.

Region 10. San Francisco, Calif. (Address—30 Van Ness Ave., San Francisco 2, Calif.) Territory: California (northern part), Counties of: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonomo, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba; Nevada (all except extreme eastern part), Counties of: Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Ormsby, Pershing, Storey, and Washoe.

Region 11. Seattle, Wash. (Address—2005 Fifth Ave., Seattle 1, Washington.) Territory: Washington (western part), Counties of: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom.

Region 12. Richmond, Va. (Address—East End 4th St., Richmond 24, Va.) Territory: Maryland; Virginia; District of Columbia; West Virginia (southern part), Counties of: Barbour, Berkeley, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, McDowell, Marion, Mason, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Wayne, Webster, Wirt, Wood, and Wyoming.

Region 13. Charlotte, N. C. (Address—317 South Tryon St., Charlotte, N. C.) Territory: North Carolina; South Carolina.

Region 14. Jacksonville, Fla. (Address—St. John's Shipyard, Administration Bldg., Jacksonville, Fla.) Territory: Florida.

Region 15. Cleveland, Ohio (Address—1746 East 12th St. (Cleveland, Ohio). Territory: Ohio, Counties of: Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Morrow, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, and Wyandot; Pennsylvania (western part), Counties of: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

Region 16. Detroit, Michigan (Address—Buhl Bldg., Detroit 26, Mich.) Territory: Michigan (eastern part), Counties of: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygen, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilas, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford.

Region 17. Louisville, Ky. (Address—Hoffman Bldg., 139 So. 4th St., Louisville, Ky.) Territory: Kentucky (western part). Counties of: Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster; Indiana (southeastern part), Counties of: Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Lawrence, Orange, Perry, Scott, Switzerland, and Washington.

Region 18. Nashville, Tenn. (Address—Consolidated-Vultee Bldg., Nashville, Tenn.) Territory: Tennessee.

Region 19. Birmingham, Ala. (Address—P. O. Box 2090, 1955 Fiftieth St., North Birmingham, Ala.) Territory: Alabama.

Region 20. New Orleans, La. (Address—7020 Franklin Ave., P. O. Station D, New Orleans, La.) Territory: Louisiana; Mississippi.

Region 21. Minneapolis, Minn. (Address—504 Metropolitan Life Bldg., Minneapolis, Minn.) Territory: Minnesota; North Dakota; South Dakota; Michigan (northern part), Counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontomagon, Schoolcraft; Wisconsin (northern part), Counties of: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, La Crosse, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer; Taylor, Trempealeau, Vilas, and Washburn.

Region 22. St. Louis, Mo. (Address—505 North 7th St., St. Louis, Missouri). Territory: Missouri (all except extreme western part), Counties of: Adir, Audrian, Barry, Benton, Bollinger, Boone, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clarke, Cole, Cooper, Crawford, Dade, Dallas, Daviess, Dent, Douglas, Dunklin, Franklin, Gasconade, Green, Grundy, Harrison, Henry, Hickory, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Peniscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Warren, Washington, Wayne, Webster, and Wright; Illinois (southern part), Counties of: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson; Indiana (southwestern part), Counties of: Daviess, Dubois, Gibson, Greene, Knox, Martin, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick.

Region 23. Little Rock, Ark. (Address—Wallace Bldg., Little Rock, Ark) Territory: Arkansas.

Region 24. Omaha, Nebr. (Address—601 WOW Bldg., Omaha 2, Nebr.) Territory: Nebraska; Wyoming.

Region 25. Oklahoma City, Okla. (Address—200 Cotton Exchange Bldg., Oklahoma City 2, Okla.) Territory: Oklahoma (all except southeastern part), Counties of: Adair, Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Carter, Cherokee, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McIntosh, Major, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Region 26. Dallas, Tex. (Address—2001 McKinney Ave., Dallas 1, Tex.) Territory: Oklahoma (southeastern part), Counties of: Atoka, Bryan, Choctaw, Coal, Johnston, McCurtain, Marshall, Pushmataha; Texas, Counties of: Bell, Bowie, Camp, Cass, Collin, Cooke, Crane, Culberson, Dallas, Delta, Denton, Ector, Ellis, El Paso, Falls, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hill, Hopkins, Hudspeth, Hunt, Jeff Davis, Kaufman, Lamar, Leon, Limestone, Loving, McLennan, Marion, Midland, Milam, Morris, Navarro, Panola, Pecos, Rains, Red River, Reeves, Robertson, Rockwall, Rusk, Smith, Titus, Upshur, Van Zandt, Ward, Williamson, Winkler, and Wood.

Region 27. Houston, Tex. (Address—1020 McKinney Ave., Houston, Tex.) Territory: Texas (southeastern part), Counties of: Anderson, Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Calhoun, Chambers, Cherokee, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Victoria, Walker, Waller, Washington, and Wharton.

Region 28. San Antonio, Tex. (Address—Transit Tower Corner, South St. Mary's and Villita Sts., San Antonio 5, Tex.) Territory: Texas (southern part), Counties of: Aransas, Atascosa, Bandera, Bee, Bexar, Blanco, Brewster, Brooks, Caldwell, Cameron, Comal, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Nueces, Presidio, Real, San Patricio, Starr, Terrell, Travis, Uvalde, Val Verde, Webb, Willacy, Wilson, Zapata, Zavalla.

Region 29. Helena, Mont. (Address—Power Block, Helena, Mont.) Territory: Montana.

Region 30. Salt Lake City, Utah. (Address—222 So. West Temple, Salt Lake City 1, Utah.) Territory: Utah; Idaho (southern part), Counties of: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington; Nevada (extreme eastern part),

Counties of: Clark, Elko, Lincoln, and White Pine.

Region 31. Spokane, Wash. (Address—500 Welch Bldg., Spokane, Wash.) Territory: Washington (eastern part), Counties of: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima; Idaho (northern part), Counties of: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

Region 32. Portland, Oreg. (Address—Fenton Bldg., 310 S. W. 6th Ave., Portland, Oreg.) Territory: Oregon; Washington (southwestern part), Counties of: Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

Region 33. Los Angeles, Calif. (Address—Mode O'Day Bldg., Hill St. and Washington Blvd., Los Angeles, Calif). Territory: California (southern part), Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura; Arizona.

[Procurement Reg. 7–A]

PART 830—GENERAL DISPOSITION OF INDUSTRIAL INSTALLATIONS

1. Paragraph (b) of § 830.100 is amended to read as follows:

§ 830.100 *Scope of Parts 830 and 832 through 839.* * * *

(b) Parts 830 and 832 through 839, inclusive, of this chapter do not cover machine tools, production equipment, or other equipment located in private facilities; command installations; facilities acquired for civil functions of the War Department; or industrial installations owned by the Reconstruction Finance Corporation, Office of Defense Plants (formerly Defense Plant Corporation), except as provided in Part 839 of this chapter.

2. Section 830.104 is amended to read as follows:

§ 830.104 *Disposals in advance of excess or surplus* (a) Sales of installations while still active are to be encouraged, provided that the continuation of war production is assured for as long as the War Department requires. When a purchase inquiry is received, the using service will refer the prospective buyer to the Office of Real Property Disposal (hereinafter called ORPD), War Assets Administration, Washington, D. C., and will advise the War Assets Administration of the conditions upon which such action may proceed. The using service will, in turn, inform the Readjustment Branch, Procurement Group, SS&P, of its action. Upon receipt of this information, the Readjustment Branch will notify the Chief of Engineers that the property is under consideration for disposal.

(b) The Readjustment Branch, Procurement Group, SS&P, on request of the ORPD, War Assets Administration, Washington, D. C., to which a purchase inquiry has been referred, will ascertain, by coordination with the Procurement Planning Branch, Procurement Group, SS&P (in the case of the Army Air Forces, the Assistant Chief of Air Staff–4, Readjustment and Procurement Division) and the using service, the need for continuing war production at the installation, the availability of the property for inspection, the terms of any options, and the probable date the installation will become surplus. If requested by the above War Assets Administration office, the Readjustment Branch, Procurement Group, SS&P, will arrange, with consent of the using service, for field inspection of the installation by prospective buyers, as provided in § 830.105.

(c) When advised by the ORPD, War Assets Administration, Washington, D. C., that an advance disposal is ready to be made, the Readjustment Branch, Procurement Group, SS&P, will request the using service to consent to disposal of the installation, subject to conditions determined by the using service to be necessary to protect the War Department's interest in continued production or any other War Department use. When the using service consents to disposal of the installation, the using service will forward a statement to the Under Secretary of War stating the conditions on which the consent is given and will send copies of this statement to the Procurement Planning Branch and the Readjustment Branch, Procurement Group, SS&P. If the Under Secretary consents to the disposal, he will direct the Chief of Engineers to declare the installation surplus, subject to such conditions as the Under Secretary of War may determine.

3. Paragraph (f) of § 830.105 is amended to read as follows:

§ 830.105 *Inspection of standby, excess, or surplus installations.* * * *

(f) The following is a list of War Assets Administration regional offices handling complete industrial installations, together with a map showing the various areas. Any questions in connection with these properties should be directed to the Deputy Regional Director for Real Property Disposal, War Assets Administration.

Area, Area Office, and Area Included

I. Boston—600 Washington Street, Boston, Mass.; telephone: Lafayette 7500. All of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut (except Fairfield County).

II. New York—44 Pine Street, New York 5, N. Y.; telephone: Whitehall 3–3640. All of New York State; Fairfield County in Connecticut; and the 12 counties in New Jersey north of Mercer and Ocean Counties.

III. Philadelphia—1528 Walnut Street, Philadelphia 2, Pa.; telephone: Kingsley 1500, 48 counties in eastern Pennsylvania, bounded on the west by, and including, McKean, Elk, Clearfield, Cambria, and Bedford Counties; all of Delaware; and 9 New Jersey counties bounded on the north by, and including, Mercer and Ocean Counties.

IV. Richmond—Richmond Trust Building, Richmond 19, Va.; telephone: 73491. All of Virginia, Maryland, North Carolina, South Carolina, District of Columbia, and all of West Virginia except Brooke, Hancock, Marshall, Ohio, Tyler, and Wetzel Counties.

V. Atlanta—699 Ponce de Leon Avenue NE, Atlanta, Ga.; telephone: Cypress 3611. All of Georgia, Alabama, Florida, Mississippi, and Louisiana.

VI. Cleveland—1746 East 12th Street, Cleveland, Ohio; telephone: Cherry 5951. All of Ohio; all counties in Kentucky east of Gallatin, Owen, Franklin, Anderson, Mercer, Boyle, Casey, Russell, and Wayne Counties; all counties of Pennsylvania west of McKean, Elk, Clearfield, Cambria, and Bedford Counties; and Brooke, Hancock, Marshall, Ohio, Tyler, and Wetzel Counties in northern West Virginia.

VII. Detroit—Buhl Building, Detroit 26, Mich.; telephone: Cherry 4920. All of Michigan, except the Upper Peninsula.

VIII. Chicago—209 South LaSalle Street, Chicago, Ill.; telephone: State 0800. 58 counties of Illinois north of, and including, Hancock, Schuyler, Cass, Sangamon, Christian, Shelby, Cumberland, and Clark Counties; 68 counties in Indiana, north of Sullivan, Greene, Lawrence, Jackson, Scott, Jefferson, and Switzerland Counties; all of Minnesota, North Dakota, South Dakota, Wisconsin and Upper Peninsula of Michigan.

IX. St. Louis—505 North 7th Street, St. Louis, Mo., telephone: Central 8900. All of Missouri, except Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth Counties; 44 counties in Illinois south of, but not including, Hancock, Schuyler, Cass, Sangamon, Christian, Shelby, Cumberland and Clark Counties; 64 counties in Kentucky west of, and including, Gallatin, Owen, Franklin, Anderson, Mercer, Boyle, Casey, Russell, and Wayne Counties; all of Tennessee; all of Arkansas; and Sullivan, Greene, Knox, Davies, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Spencer, Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Lawrence, Orange, Perry, Scott, Switzerland, and Washington Counties in Indiana.

X. Kansas City—Troost and Bannister Road (95th St.), Kansas City, Mo.; telephone: Delmar 3500. All of Kansas; and the following counties in Missouri: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon and Worth; all of Colorado and the 13 counties of New Mexico north of, but not including Catron, Socorro, Torrance, Guadalupe, and Quay Counties; all of Nebraska and Wyoming; all of Oklahoma except Atoka, Bryan, Choctaw, Coal, Johnston, McCurtain, Marshall and Pushmataha Counties in southeastern part.

XI. Dallas—2001 McKinney Avenue, Dallas 1, Tex.; telephone: Riverside 4371. All of Texas; Atoka, Bryan, Choctaw, Coal, Johnston, McCurtain, Marshall, and Pushmataha Counties in southeastern Oklahoma; 18 counties in New Mexico south of, and including Catron, Socorro, Torrance, Guadalupe, and Quay Counties; and Cochise, Graham, Greenlee, Pima, and Santa Cruz Counties in southeastern Arizona.

XII. Los Angeles—Room 1103, 215 West Fifth Street, Los Angeles, Calif.; telephone: Michigan 9651. Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego Santa Barbara, and Ventura Counties in southern California; all of Arizona except Cochise, Graham, Greenlee, Pima, and Santa Cruz counties in southeastern part of State.

XIII. San Francisco—30 Van Ness Avenue, San Francisco, Calif.; telephone: Douglas 7968. All of California, except Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties in southern part; all of Nevada; Klamath and Lake Counties in southern Oregon; all of Utah; 34 counties in Idaho south of Idaho County.

XIV. Portland—Fenton Building, 310 W. 6th Avenue, Portland, Oreg.; telephone: Broadway 7741. All of Oregon except Klamath and Lake Counties; all of Washington; and 10 counties of Northern Idaho bounded on the south by, and including, Idaho County; all of Montana.

PART 833—DECLARATION OF SURPLUS INSTALLATIONS; CUSTODY AND ACCOUNTABILITY

1. Section 833.300–1 is amended to read as follows:

§ 833.300–1 *Notification of surplus and formal declaration.* (a) If, within 7 days of receipt of a report that an in-

stallation is excess, no need has been found for the property, as provided in § 832.201–2 (b), the Chief of Engineers will determine the installation to be surplus. The Chief of Engineers will promptly notify the War Assets Administration, Washington, D. C., by letter of intent with copy to the appropriate War Assets Administration regional office that the installation is surplus. At the same time the Chief of Engineers will forward a copy to the using service and to the Procurement Planning Branch and Readjustment Branch, Procurement Group, SS&P. The letter of intent will:

(1) Indicate that the installation is surplus.

(2) Describe the plant and its related machinery and equipment, if any, in general terms.

(3) Request the War Assets Administration to advise its appropriate regional office to consult with the using service and the Corps of Engineers as soon thereafter as possible as to the date on which, and the method by which, custody, maintenance, and accountability for the installation will be transferred, and the method by which the property will be prepared for protection as provided in § 833.307.

(4) Designate the responsible field offices of the using service and the Corps of Engineers with which the War Assets Administration should consult, in accordance with subparagraph (3) of this paragraph.

(5) Transmit copy of contract if the installation is or was contractor operated. Copy of contract will not be sent to War Assets Administration regional office.

(b) Within 40 days of the receipt of a report of excess, the Chief of Engineers will submit four copies (three of the copies will have complete schedules and inclosures attached) of the appropriate WAA Form 1005 to the War Assets Administration, Washington 25, D. C. The previously used SPB or SPA Form 5 may, however, continue to be used for this purpose until all stocks of such forms are exhausted. To insure that declarations of surplus are made as soon as possible, the Chief of Engineers will initiate a title search and take all other necessary action promptly on receipt of the report of excess, and, where practicable, even in advance of such report.

2. Section 833.301 is amended to read as follows:

§ 833.301 *Withdrawal of surplus installations.* A surplus installation which has been declared to the War Assets Administration may be withdrawn by the Chief of Engineers on the request of the Army Air Forces, or of a technical service, made through the Readjustment Branch, Procurement Group, SS&P, which will coordinate with other staff divisions and procure the approval of the Under Secretary of War. SPB or SPA Forms 5 and 1.1, will be used in effecting withdrawals. Upon approval of the request for withdrawal, the Chief of Engineers will assign the property to the service requesting withdrawal and notify the Readjustment Branch, Procurement Group, SS&P, of the action taken.

3. Paragraphs (c) and (f) of § 833.302 are amended to read as follows:

§ 833.302 *Custody of and accountability for surplus installations.* * * *

(c) The using service will retain custody of all surplus installations until such custody is assumed by the War Assets Administration unless such custody is assumed by the Corps of Engineers. At the request of the using service the Corps of Engineers will assume custody of surplus installations. The custodial functions which the Corps of Engineers will assume, on request of the using service, include maintenance of real and personal property, including all production equipment (at other than Chemical Corps installations), operation of utilities, guarding, fire fighting, and all other housekeeping functions. The Chemical Corps will maintain all production equipment at its surplus installations.

* * * * *

(f) Except where assistance is requested by the using service or the Corps of Engineers, Armies, ZI will have no responsibility in connection with surplus installations, or in connection with installations expected to become surplus.

4. Paragraph (d) of § 833.303 is amended to read as follows:

§ 833.303 *Removal of certain types of property from plants.* * * *

(d) Special items of property located at surplus industrial installations, if desired by the disposal agency or ultimate Government transferee, may be declared surplus without reference to U. S. Army critical short supply lists of military property provided a determination can be reached that the property is essential (1) for the protection or (2) for the care and custody of the installation, during the period in which the property is under the jurisdiction of the War Department or of the disposal agency. This determination will be made by the commanding officer of the installation after the disposal agency certifies, in writing, that (i) the property so requested is essential and (ii) that the disposal agency cannot acquire the desired items from inventories of surplus Government properties within the War Assets Administration region in which the plant is located. Such a determination of essentiality will be made by the commanding officer only when the result to be attained (i. e. protection and maintenance of the installation) cannot be reached by substitution from Army active or excess stocks of items not on the U. S. Army critical supply list. No new construction or procurement is authorized in order to provide suitable substitution. U. S. Army critical short supply lists will be furnished the commanding officers by the Army, ZI in which the plant is located. Determination of substitution will be accomplished by the commanding officer through communication with the Army, ZI in which the plant is located. If the Army, ZI advises that there are no available substitutes the commanding officer of the installation, after making the above determinations, will initiate appropriate action in keeping therewith. In the event that the commanding officer decides that the property so requested is not essential, and the War Assets Administration concurs, under subparagraph (1) or (2) of this paragraph, normal disposition action for items in U. S. Army critical short supply will be taken.

PART 834—LEASES AND OTHER DISPOSALS BY THE WAR DEPARTMENT

Paragraph (d) of § 834.400 is amended to read as follows:

§ 834.400 *Direct disposition of installations by War Department.* * * *

(d) The War Department is authorized to dispose of installations pursuant to rights of refusal or options strictly in accordance with the terms of the option and where the option price may be determined solely by a mathematical computation under the provisions of the option in the contract. Such disposition may be made, however, only with the prior approval of the War Assets Administration. All other dispositions pursuant to rights or options will be made by the disposal agency, which may request assistance of the War Department when necessary.

PART 836—SALVAGE RELOCATION AND DISMANTLEMENT OF ACTIVE, STANDBY, EXCESS, AND SURPLUS INDUSTRIAL INSTALLATIONS

1. The last sentence of paragraph (a) of § 836.602 is amended to read as follows:

§ 836.602 *Request for approval for salvaging, relocating, or dismantling buildings and improvements at active or standby industrial installations.* (a) * * * The commanding officer of the installation will indorse his recommendations thereon and forward the request as indicated below. WD AGO Form 337 will be requisitioned through normal supply channels.

2. Paragraph (a) of § 836.603 is amended to read as follows:

§ 836.603 *Approval for salvaging, relocating, or dismantling buildings and improvements at active or standby industrial installations.* (a) The Chief of Engineers or his duly authorized representative will approve requests for approval of disposal of buildings and improvements and take all final action to salvage, relocate, or dismantle the property in accordance with authorized procedure. The approval will include disposition instructions for the installed property shown on the list attached to the request for approval of disposal of buildings and improvements. Disposition of installed property under the control of another technical service will be coordinated with the chief of the service involved. In those cases in which the buildings or improvements are of a manufacturing type and estimated to cost $50,000 or more, and all other types of buildings or improvements estimated to cost $10,000 or more, the Chief of Engineers will submit a request for approval

through the Procurement Planning Branch, Procurement Group, SS&P, to the Under Secretary of War.

3. Paragraph (a) (1) of § 836.605 is amended to read as follows:

§ 836.605 *Conditions under which buildings and improvements at excess or surplus industrial installations may be salvaged, relocated, or dismantled.* (a) * * *

(1) Approval of the War Assets Administration, Washington, D. C., is obtained through the Readjustment Branch, Procurement Group, SS&P, and,

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PART 839—DISPOSAL OF AERONAUTICAL SPECIAL TOOLING IN GOVERNMENT-OWNED PLANTS

Part 329 is amended to read as follows:

Sec.
839.900 Scope of part.
839.901 Definitions.
839.902 Authorization for disposition.
839.903 Sales procedures by contractors.
839.904 Retentions by contractors for own use.
839.905 Assistance of the War Assets Administration.

§ 839.900 *Scope of part.* This part is promulgated under authority of Section 14 (a) of the Surplus Property Act and War Assets Administration Special Order 17, as revised, July 15, 1946. This part states the policies and procedures to be followed in effecting the disposition of Government-owned special tooling located in Government-owned plants engaged in the manufacture of aircraft, including its components and parts, and which are being operated by private contractors pursuant to facilities contracts.

§ 839.901 *Definitions.* As used in this part the following terms shall have the meanings indicated:

(a) "Plant" means an installation owned by the Government (including an installation owned by the RFC, Office of Defense Plants (formerly Defense Plants Corporation)) and used in the production and manufacture of aircraft, including its components and parts.

(b) "Contract" includes subcontracts and subleases and "Contractor" includes subcontractors and sublessees.

(c) "Facilities contract" means a lease, rental agreement, or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(d) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(e) "Special tooling" means equipment of such special design that it has apparent value only as scrap except in the manufacture of the particular product which such equipment was specifically designed to produce. It includes only jigs, dies, fixtures, gauges, molds and similar equipment and as used in Parts 830 and 832 through 839, inclusive, of this chapter is limited to such equipment as was designed for the manufacture of aircraft and its component parts.

§ 839.902 *Authorization for disposition.* The chief of the using service is hereby empowered to authorize any contractor or subcontractor, operating under a facilities contract, in possession of any special tooling to retain or sell such property as thereafter provided in this regulation. Retentions or sales may be made hereunder at any time before the using service takes possession of the special tooling or declares it to a disposal agency as surplus in accordance with other applicable regulations.

§ 839.903 *Sales procedures by contractors.* All disposals made under this part shall be made on the basis of competitive bidding through sealed bids or at auction in the discretion of the chief of the using service subject to such rules and regulations as he may prescribe. Rules and regulations prescribed under this authority shall contain, among other provisions, the following:

(a) The determination of lots shall be subject to approval by the chief of the using service, or his representative.

(b) The chief of the using service, or his representative, shall set an upset price on each lot at which figure the bidding on such lot shall be started.

(c) The right shall be reserved to the chief of the using service, or his representative, to reject any or all bids.

(d) Notice shall be given by publication to all interested possible purchasers indicating the special tooling that will be available for sale, naming a date not less than 14 days from the time of first publication when the bidding will be closed, or when the auction will be held, and giving the upset price on each lot.

(e) If no acceptable bid to purchase is received, and the property cannot be disposed of within a reasonable period of time on the terms stated in this paragraph, it may be sold by the contractor at the best price obtainable, to any buyer who will use the property in the United States for manufacturing, maintenance or repair purposes. Sales prices shall be determined on a basis that is fair and reasonable taking into consideration the limited sales value of the property, its special value, if any, to the purchaser, upset prices, and any bids received. In connection with such sale there shall be obtained from the buyer a written representation that he intends to use the property and that he is not purchasing it for the purpose of reselling it at a profit.

§ 839.904 *Retentions by contractors for own use.* (a) Retentions of special tooling by contractors in possession shall be made by negotiated sale and at prices that are fair and reasonable taking into consideration its special value to the purchaser, acquisition cost to the Government, and replacement cost to the contractor, as well as any proceeds that might be expected to be obtained if the property were offered for sale at such time.

(b) There shall be obtained with each retention under this paragraph a written representation from the contractor that (1) he is acquiring the property for immediate or eventual use in his production; (2) that he is not retaining it for the purpose of reselling it directly or indirectly at a profit; and (3) that except for licenses granted to the Government, no third person is licensed to manufacture the product which such special tooling was specifically designated to produce; or that if such third persons have been so licensed that they have stated in writing they do not wish to acquire the property on the same terms being offered to the contractor.

(c) If any case where special tooling is, in accordance with the terms of a facilities contract, in the possession of a subcontractor or sublessee, such subcontractor or sublessee shall for the purpose hereof be considered as the contractor in possession. If such subcontractor or sublessee shall state in writing that he does not desire to acquire the special tooling, the contractor holding the covering facilities contract may be permitted to retain the property under a negotiated sale as herein provided.

(d) Retentions of special tooling by a contractor not for his own use but for later resale shall be treated as sales and shall be governed by the requirements of § 839.903.

§ 839.905 *Assistance of the War Assets Administration.* The chief of the using service may request the advice and assistance of the War Assets Administration in establishing upset prices and in determining acceptable sales prices. Such requests shall be addressed to the regional office of the War Assets Administration for the region in which the major portion of the special tooling is located. In the discretion of the chief of the using service auctions and sales authorized under this paragraph may be combined with auctions and sales authorized under § 848.864–2 (h) of this chapter. Sales made hereunder shall be included in the statistical reports forwarded to the War Assets Administration.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46–17903; Filed, Oct. 4, 1946; 9:01 a. m.]

Subchapter C—Termination of Contracts

[Procurement Reg. 15]

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 841, 844, 848 are hereby prescribed. These regulations are also contained in Change 47, 20 April 1945 (10 F. R. 5171 [1]) as amended by Change 57, 19 September 1946.

AUTHORITY: Parts 841, 844 and 848, issued under sec. 5a, 41 Stat. 764, as amended by 54 Stat. 1224, 10 U. S. C. 1193–1195; 55 Stat. 838; 50 U. S. C. Supp., 601–622; 58 Stat. 649.

NOTE: In order to conform the Joint Termination Regulation to the numbering system used in the Code of Federal Regulations, the following changes have been made: Sections in the original regulations have been treated as code parts, parts as code subparts,

[1] See also 10 F. R. 10449, 13171; 11 F. R. 5, 1728, 4225 and 6295.

and paragraphs as code sections Thus Section I becomes Part 841, Section II becomes Part 842, part 1 of any section becomes Subpart A, part 2 becomes Subpart B, etc. Paragraphs in the original regulations become sections, with the number to the right of the decimal point corresponding to the original paragraph number, except that where paragraph numbers also contain a point the point is changed to a dash. The original paragraph numbers appear in brackets following text affected.

For an explanation of the numbering and arrangement of the original regulations see §§ 841.113 to 841.113–5.

PART 841—GENERAL PROVISIONS

SUBPART C—BASIC POLICIES

Paragraph (d) of § 841.138–2 is amended to read as follows:

§ 841.138–2 *Duty to report fraud.* * * *

(d) To enable the Department of Justice to make the necessary investigation as soon as possible after discovery of the suspected fraud, all reports and documents in connection therewith shall be prepared in quadruplicate. In the War Department, such reports and documents shall be transmitted, in triplicate, through channels to the Readjustment Branch, Procurement Group, SS&P Division, for submission to the Under Secretary of War and for transmission in duplicate by his office to the Department of Justice. In the Navy, such reports and documents shall be transmitted directly to counsel for the bureau executing the prime contract, who shall in turn promptly forward three copies thereof with any recommendations to the Office of the General Counsel of the Navy Department for further transmittal in duplicate to the Department of Justice. One copy of the report shall be transmitted by the Office of the General Counsel for information to the Industrial Readjustment Branch OP&M. [JTR 138.2]

SUBPART D—ADMINISTRATION OF TERMINATIONS

Section 841.142–1 is amended to read as follows:

§ 841.142–1 (a) The duty of formulating policy with respect to terminations has been vested in the Chief, Readjustment Branch, Procurement Group; Service, Supply and Procurement Division; War Department General Staff, acting under the supervision of the Deputy Director of Procurement for Renegotiation and Terminations, and with respect to surplus property (including real estate) resulting from terminations, under the supervision of the Director of Supply.

(b) Staff supervision of terminations is assigned to the Chief, Readjustment Branch, who will coordinate all activities of all headquarters staff divisions relating to this subject, including all technical and administrative services and Army Air Forces.

(c) Within policies prescribed by the Readjustment Branch, the Office of the Chief of Finance has staff responsibility for developing and coordinating procedures for termination accounting and auditing, and the training of personnel for these purposes. [JTR 142.1]

PART 844—CONTRACTOR INVENTORY

SUBPART D—PRICE POLICIES AND CONDITIONS APPLICABLE TO SPECIFIC DISPOSITIONS

1. Paragraph (b) of § 844.446–1 is amended to read as follows:

§ 844.446–1 *General.* * * *

(b) The owning agency may dispose of small lots and scrap and salvage in contractor inventory. Generally it should not be necessary to exercise this authority. It may be exercised when the contracting officer (in the case of the Navy, the NMR & DA) considers that such action is to the best interest of the government. In sales by the owning agency under the authority of this section, the contractor's tender of title will be accepted, and the material will be sold as government-owned property. The proceeds of such sales will be paid to the government. In the case of the War Department, they will be covered into the Treasury as miscellaneous receipts. In the case of the Navy Department, they shall be deposited to the credit of the Naval Working Fund for ultimate transfer by the Bureau of Supplies and Accounts to the Treasury Department. [JTR 446.1]

2. Paragraph (c) of § 844.447–5 is added as follows:

§ 844.447–5 *Production equipment.* * * *

(c) By its Regulation No. 21, the War Assets Administration has established a list of production equipment deemed to be in short supply (see Appendix C). Items of production equipment on this list will be retained or sold in the case of the War Department in accordance with § 848.864–2 (i), of this chapter, and in the case of the Navy Department in accordance with applicable directives. Such items may not be retained by a war contractor for purposes of resale.

SUBPART E—DISPOSITION OF TERMINATION INVENTORY ON SETTLEMENT AND DISPOSITION OF SURPLUS CONTRACTOR INVENTORY

Paragraph (a) of § 844.452–5 is amended to read as follows:

§ 844.452–5 *Disposition of stock pile materials*—(a) *Within the War Department.* When any strategic material, as defined in § 825.501 of this chapter, is included in contractor inventory and is not disposed of prior to the War Department's taking possession thereof, it will be reported in accordance with § 825.503 of this chapter.

PART 848—SPECIAL PROCEDURES AND REPORTS

SUBPART F—GOVERNMENT-OWNED PLANT EQUIPMENT UNDER WAR DEPARTMENT CONTRACTS

1. Paragraphs (m) and (n) of § 848.860–2 are added as follows:

§ 848.860–2 *Definitions.* * * *

(m) *Production equipment.* The term "production equipment" means machine tools, plant equipment, and attachments thereto except land and buildings, whether located in Government-owned or privately owned plants or property.

(n) *Small business.* The term "small business" means any commercial, industrial, or manufacturing enterprise or group of enterprises, under common ownership or control, employing no more than 500 employees. Other enterprises may be determined to be "small business" by the War Assets Administration. [JTR 860.2]

2. Paragraphs (c), (f) (2), and (h) (1) of § 848.864–2 are amended, and paragraph (i) is added, as follows:

§ 848.864–2 *Sales to war contractors in possession not pursuant to options.* * * *

(c) *Submission of data to the Attorney General.* In any proposed sale of plant equipment which comes within the provisions of paragraph (a) (7) of this section, the contracting officer will immediately prepare and forward to the Chief, Readjustment Branch, a report of such proposal for transmission to the Attorney General as contemplated by section 20 of the Surplus Property Act of 1944. This report will contain the following information:

(1) Name and address of the contractor in possession.

(2) Cost to the Government of the plant equipment to be sold.

(3) Price at which the plant equipment is proposed to be sold if known.

(4) Identification of the facilities contract under which the plant equipment was acquired and a statement of the total dollar amount authorized or disbursed by the Government thereunder.

(5) A statement of the purpose for which the contractor plans to use the items to be purchased.

(6) A statement of whether the proposed sale includes any items of short supply as defined in § 848.860–(m).

(7) If items in short supply are included, a statement of the number of such items and the total cost of such items to the Government.

(8) A statement as to the regulation or regulations under which the sale is being made.

(9) A statement that in the view of the contracting officer the sale is being made in compliance with applicable Government regulations.

The report required by this subparagraph will be addressed to the Chief, Readjustment Branch, and will be forwarded through channels.

* * * * *

(f) *Property covered by Emergency Plant Facilities Contracts.* * * *

(2) The war contractor in possession of property deemed to be plant equipment pursuant to subparagraph (1) of this paragraph may acquire such plant equipment free and clear of the Government's right under the contract to obtain title provided that (i) all the requirements of paragraphs (a) through (e) of this section have been complied with and (ii) the written approval of the Chief, Readjustment Branch, shall have first been obtained. Requests for such approval will be submitted through channels and will contain a full statement of all pertinent information.

* * * * *

(h) *Disposition of special tooling in possession of a subcontractor or sublessee.* * * *

(1) Sales prices and rentals shall be determined on a basis which is fair and reasonable, taking into consideration the limited sale value of the special tooling and its special value to the purchaser or lessee. In determining acceptable sales prices and rentals the contracting officer may request the advice and assistance of the regional office of the War Assets Administration for the region in which the major portion of the special tooling to be sold is located.

* * * * *

(i) *Production equipment in short supply.* By its Regulation No. 21 the War Assets Administration has established a list of production equipment deemed to be in short supply (see App. C). Items of production equipment in short supply will be sold to contractors in possession only under the following conditions:

(1) The contractor will be required to release and waive any and all options or other purchase rights including any rights of first refusal provided for in the particular facilities contract.

(2) Except as provided in subparagraph (3) of this paragraph the sale will be limited to not more than 25 percent in number of each item of production equipment. The base upon which the percentage will be computed will include all such items which at the time of sale are owned by the Government under the particular facilities contract, and which are located in the war contractor's plant.

(3) A war contractor engaged in a small business as defined in § 848.860–2 (n) may acquire production equipment covered by a particular facilities contract without the limitations as to short supply items as provided in subparagraph (2) of this paragraph to the extent that the cost of the production equipment included in the contract does not exceed $300,000. [JTR 864–2]

SUBPART H—REPORTS ON PROPERTY DISPOSITION

Sections 848.884 through 848.884–4, inclusive, are revoked as follows:

§ 848.884 *Report of inventory of plant equipment.* [Revoked]

§ 848.884–1 *General description.* [Revoked]

§ 848.884–2 *Form.* [Revoked]

§ 848.884–3 *Date for submitting reports.* [Revoked]

§ 848.884–4 *Block and column entries.* [Revoked]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General,
War Department.

C. H. COTTER,
Rear Admiral,
Acting Chief of Material Division,
Department of the Navy.

[F. R. Doc. 46–17904; Filed, Oct. 4, 1946; 9:32 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. 378]

PART 40—AIR CARRIER OPERATING CERTIFICATION

AUTHORIZATION TO ADMINISTRATOR OF CIVIL AERONAUTICS TO ISSUE TEMPORARY AIRWORTHINESS CERTIFICATE FOR A COMMEMORATION AIR MAIL FLIGHT AND AUTHORIZATION OF CERTAIN EXEMPTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of September 1946.

The United States Post Office Department has requested United Airlines, Inc., starting on October 1, 1946, to make a special flight in a model C–82 Packet Fairchild aircraft carrying air mail between New York City, New York, and San Francisco, California, with stops en route at Cleveland, Ohio, Chicago, Illinois, Omaha, Nebraska, Denver, Colorado, Cheyenne, Wyoming, and Salt Lake City, Utah, and from San Francisco, California, to Seattle, Washington, for the purpose of commemorating the reduction in air mail rates. It appearing that:

(1) It is in the public interest that this flight be conducted for the Post Office Department;

(2) In order to permit this flight the C–82 Packet must be certificated and certain of the Civil Air Regulations waived;

(3) That time does not permit the publication and notice provided for in paragraph (a) of section 4 of the Administrative Procedure Act, that the regulation is limited as to time and persons, is technical and that the notice and public procedure provided for in such section of the Administrative Procedure Act is unnecessary with respect to the Special Civil Air Regulation hereinafter set forth.

Now therefore: The following Special Civil Air Regulation is made and promulgated to become effective September 24, 1946:

(a) The Administrator may issue a temporary NC airworthiness certificate for a Fairchild model C–82 Packet aircraft furnished by the Fairchild Engine and Airplane Corporation to United Air Lines, Inc., and certified by the Fairchild Engine and Airplane Corporation to be in condition for safe operation for the flight hereinafter described, for the purpose of making a commemorative air mail flight between New York, New York, and San Francisco, California, and from San Francisco, California, to Seattle, Washington, and thereafter to return the aircraft to the Fairchild Engine and Airplane Corporation;

(b) That for the flight specified above, United Air Lines, Inc., need not comply with the provisions of § 40.291 of Part 40 of the Civil Air Regulations.

This regulation and the certificates issued in accordance with it shall terminate October 15, 1946.

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

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46–17968; Filed, Oct. 4, 1946; 9:04 a. m.]

[Regs., Serial No. 378–A]

PART 40—AIR CARRIER OPERATING CERTIFICATION

AUTHORIZATION TO ADMINISTRATOR OF CIVIL AERONAUTICS TO ISSUE A TEMPORARY AIRWORTHINESS CERTIFICATE FOR A COMMEMORATION AIL MAIL FLIGHT AND AUTHORIZATION OF CERTAIN EXEMPTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of September 1946.

The United States Post Office Department has requested United Airlines, Inc. starting on October 1, 1946, to make a special flight in a model C–82 Packet Fairchild aircraft carrying air mail between New York City, New York, and San Francisco, California, with stops en route at Cleveland, Ohio, Chicago, Illinois, Omaha, Nebraska, Denver, Colorado, Cheyenne, Wyoming, and Salt Lake City, Utah, and from San Francisco, California, to Seattle, Washington, for the purpose of commemorating the reduction in air mail rates.

It appearing that:

(1) It is in the public interest that this flight be conducted for the Post Office Department;

(2) In order to permit this flight the C–82 Packet must be certificated and certain of the Civil Air Regulations waived;

(3) That time does not permit the publication and notice provided for in paragraph (a) of section 4 of the Administrative Procedure Act, that the regulation is limited as to time and persons, is technical and that the notice and public procedure provided for in such section of the Administrative Procedure Act is unnecessary with respect to the Special Civil Air Regulation hereinafter set forth.

Now therefore, the following Special Civil Air Regulation is made and promulgated to become effective September 24, 1946:

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(b) That for the flight specified above, United Air Lines, Inc., need not comply with the provisions of § 40.291 of Part 40 of the Civil Air Regulations.

This regulation and the certificates issued in accordance with it shall terminate October 15, 1946.

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

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 46-17969; Filed, Oct. 4, 1946; 9:05 a. m.]

TITLE 29—LABOR

Chapter VI—National Wage Stabilization Board

PART 802—RULES OF PROCEDURE

APPLICATION FOR APPROVAL OF WAGE OR SALARY ADJUSTMENTS

Correction

In Federal Register Document 46-17793, appearing in the issue of Thursday, October 3, 1946, on page 11280, the heading "Selection of Tri-Partite Panels" should read as set forth above.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Local Board Memorandum 186]

PART 671—LOCAL BOARD MEMORANDA

MEDICAL SURVEY

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

§ 671.186 *Medical survey.* The administration of the Medical Survey Program involves considerable personnel and expense, and since there is left available for delivery to the army for examination very few registrants who have not had the benefit of the Medical Survey Program at some time since 1943, the operation of the Medical Survey Program as a Selective Service function is hereby discontinued effective November 1, 1946.

Local Board Memorandum No. 186 issued: October 2, 1943; as amended: August 8, 1946.

LEWIS B. HERSHEY, *Director.*

[F. R. Doc. 46-17974; Filed, Oct. 4, 1946; 9:05 a. m.]

[State Director Advice No. 341]

PART 672—STATE DIRECTOR ADVICES

MEDICAL SURVEY

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

§ 672.341 Medical survey. The administration of the Medical Survey Program involves considerable personnel and expense, and since there is left available for delivery to the army for examination very few registrants who have not had the benefit of the Medical Survey Program at some time since 1943, the operation of the Medical Survey Program as a Selective Service function has been discontinued effective November 1, 1946.

Some State Directors may find it advantageous to continue to work with State and local welfare boards and this will be permitted if it entails no expense to the Selective Service System.

State Director Advice No. 266, Issued: June 6, 1944, As Amended: September 8, 1946. Subject: Medical Survey, has served its purpose and is therefore hereby rescinded.

State Director Advice No. 341 issued: October 2, 1946.

LEWIS B. HERSHEY, *Director.*

[F. R. Doc. 46-17975; Filed, Oct. 4, 1946; 9:05 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 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 23]

DISPOSAL OF EDUCATIONAL EQUIPMENT BY GOVERNMENT DISPOSAL AGENCIES

The following direction is issued pursuant to Priorities Regulation 13:

(a) *Purpose of this direction.* There is a critical shortage in the supply of certain educational equipment required by nonprofit institutions participating in the Veterans' Educational Program. These institutions must have the equipment immediately in order to make the benefits of the program available to the veteran students for whom the program is intended. The institutions are unable to obtain the equipment from other sources in time to take care of this program. The purpose of this direction is to make it possible for nonprofit educational institutions whose needs for equipment are certified by the Federal Works Agency to obtain immediately any of the needed equipment which is available in the hands of the government disposal agencies.

(b) *Effect of orders certified by FWA.* (1) Unless otherwise specifically directed by the Civilian Production Administration or by the Housing Expediter, government disposal agencies must give precedence over orders from buyers in any other category (except holders of CPA urgency certificates or holders of Housing Expediter certificates) to orders from nonprofit educational institutions for equipment listed on Table A of this direction, when these orders have been certified by FWA as necessary to enable the educational institution to meet the requirements of the Veterans' Educational Program. Nonprofit educational institutions desiring to place purchase orders with a disposal agency under this direction should forward them immediately to the appropriate FWA division office in the region in which the institution is located for certification by FWA and transmission by it to appropriate disposal agencies.

(2) The government disposal agencies must fill each order given precedence under paragraph (b) (1) as quickly as possible, irrespective of the preferences of the Surplus Property Act.

(3) The price and terms of sale of specific equipment to such educational institutions will be determined by the government disposal agencies and are not affected by this direction. This direction does not apply to equipment which has been advertised or publicly offered for sale or to equipment located outside of the 48 states, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(c) *Expiration date.* This direction expires December 31, 1946.

Issued this 4th day of October 1946.

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

TABLE A

Educational equipment to be made available immediately to educational institutions under this direction. This direction applies only to items included in the indicated Standard Commodity Classification.

Standard commodity classification	*Electrical Machinery and Apparatus*
32 1200 1 32 1200 2 32 1200 3	Generator sets, 125 kw and under.
32 1400	Rotary converters.
32 1900	Miscellaneous electrical rotating equipment.
32 2100	Switchgear.
32 3000	Power conversion equipment (non-rotating rectifiers).
32 5000	Secondary distribution equipment and wiring devices.
	Woodworking Machinery and Equipment
33 6200	Sawing machines (power saws), except sawmills.
33 6300	Surfacing machines.
33 6400	Lathes, woodworking, except veneer lathes.
33 6500	Jointers, matchers, and molders.
33 6600	Mortisers and tenoners.
33 6800	Veneer and plywood machinery, including veneer lathes.
	Metalworking machinery
34 1000	Machine tools.
	Secondary metal forming and cutting machines and equipment:
34 4111 1	Bending machines, plate and sheet roll, under 8' capacity, plate thickness under 3/8".
34 4121 1	Plate and sheet roll levelers, under 8' width capacity, thickness under 3/8".
34 4131 1 34 4132 1 34 4133 1 34 4134 1	Plate and sheet-press and apron brakes, under and over 7' width capacity, but lighter than 15 gage.
34 4141 1	Plate and sheet beading rolls, lighter than 15 gage.
34 4145 1 34 4145 2	Plate and sheet combination rolls, up to 15 gage.
34 4149	Miscellaneous plate or sheet roll forming machines.
34 4200	Hydraulic presses.
34 4300	Mechanical presses.
34 4400	Shearing and punching machines.

Standard commodity classification	
34 4500	Forging machinery.
34 4600	Wire forming machines.
34 4700	Manual presses.
34 4900	Miscellaneous secondary metal forming and cutting machines and equipment.
	Welding machinery and equipment:
34 5100	Electric welding equipment.
34 5200	Gas-welding machinery and equipment.
34 6000	Testing and measuring machines.
34 7100	Heat treating furnaces and devices (including hardening, annealing, tempering, normalizing, cyaniding, carburizing operations).
34 7200	Electroplating and anodizing equipment.
34 7300	Assembled fixtures and apparatus.
34 7400	Riveting machines.
34 7500	Metal heating furnaces and devices.
34 7600	Metal spraying equipment.
34 8000	Portable metalworking machines and tools (power driven).
	Tools, attachments and accessories for machine tools and other metal-working machines:
34 9100	Cutting tools for machine tools.
34 9200	Cutting and forming tools for metal forming machines.
34 9300	Attachments and accessories for machine tools.
34 9400	Tool room specialties.
	Business Education Equipment
38 1100	Punched card, bookkeeping, tabulating and accounting machines and collateral equipment.
38 1200	Billing machines, accounting principles, and collateral equipment except autographic registers.
38 2100	Adding machines.
38 2200	Calculating machines.
38 5000	Duplicating machines.
	Communication Equipment and Electronic Devices
41 1000	Radio broadcast receiving equipment.
41 2000	Radio broadcast transmitting apparatus.
41 3000	Commercial and specialized radio communications equipment, except broadcast.
41 4400	Object detection apparatus (Radar and Loran).
41 4500	Radio Goniometer equipment and similar apparatus (direction finders).
41 5000	Electronic tubes.
41 8000	Electronic equipment components and subassemblies.
	Heating Equipment
51 3130	Boilers, gas fired, 50 hp 600 psi.
51 3831	Pumps, circulating, ½ gal. per min., motor driven.
51 4660	Humidifiers, cabinet type.
	Furniture
54 3000	Office furniture.
54 4200	School furniture.
54 4300	Auditorium furniture.
54 5100	Laboratory furniture.
54 8000	Industrial and factory furniture.
	Optical Instruments and Apparatus
56 6000	Laboratory research and testing instruments and apparatus, optical.
56 7000	Magnifying instruments.
56 8000	Optical elements and assemblies.
	Indicating, Recording, and Controlling Instruments and Accessories
57 1000	Temperature and hygrometric instruments and accessories.
57 2000	Electrical quantity instruments and accessories, except watt-hour meters (57 2600).
57 3000	Pressure measuring instruments, gauges, and accessories.
57 4000	Flow and liquid level instruments and accessories, except gas meters, domestic types (57 4400) and water meters, domestic type (57 4500).
57 5000	Mechanical motion, rotation, timing, and cycle instruments and accessories.
57 7000	Control valves and regulators, except voltage.
57 9000	Miscellaneous indicating, recording, and controlling instruments and accessories, except watches and clocks.
	Professional and Scientific Instruments and Apparatus
58 4360	Sterilizers, bacteriology and laboratory.
58 5100	Chemical laboratory apparatus.
58 5200	Laboratory testing instruments and apparatus.
58 5500	Physical chemistry and chemical physics instruments and apparatus.
58 5600	Physics study apparatus.
58 5700	Blowers and vacuum pumps, laboratory.
58 5800	Constant temperature apparatus and devices, laboratory.
58 6000	Balances and weights, laboratory.
	Engineering Instruments and Apparatus
58 8100	Drawing instruments and drafting machines.
58 8200	Drafting tools.
58 8300	Drafting accessories.
58 8400	Slide rules.
58 8700	Surveying instruments.
58 9000	Miscellaneous professional and scientific instruments and apparatus.
	Glass and Clay Products Laboratory Ware
77 5000	Technical and scientific laboratory glassware.
77 6130	China and porcelain laboratory ware.

[F. R. Doc. 46-18148; Filed, Oct. 4, 1946; 11:35 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, as Amended Oct. 4, 1946]

COTTON FABRIC DISTRIBUTION

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

Definitions

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

(2) "Producer" means any person who weaves for his own account, or has woven for his account, any cotton fabric in the forty-eight States or the District of Columbia. A person who weaves cotton fabric for the account of another is not a producer of that fabric for the purpose of this order.

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

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

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

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

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

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

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

which are supplied to industrial organization).

(ii) Medical, surgical, or hospital equipment and supplies (except clothing); and other equipment and supplies (except clothing) required for the protection of public health or safety. Articles for household, office or personal use are not included merely because they are fireproof or non-allergic. Supporters and other corrective surgical garments are included only if sold to hospitals (or to persons who certify that they will sell the garments to hospitals), or if made to measure for a particular person on a doctor's prescription, or if designed specifically for use as postoperative or pendulous abdominal belts, visceroptosis (fallen stomach) belts, maternity supports, sacro-illac supports, hernia belts, heart belts (for respiration in heart disease cases), or orthopaedic spinal braces.

(iii) Work clothing, special occupational and safety clothing and gloves, and components of these items (but not including work gloves, uniforms, sports equipment, or their components).

(iv) Production materials to be used in the manufacture of the following products, or repair parts for those products (excluding accessories except when sold by the manufacturer with the new product, and excluding any product manufactured primarily for direct use as toys or for games or sports): vehicles (excluding sails for private pleasure boats); building materials; construction machinery; mechanical household or office equipment; tires, rubber hose and belts; footwear; friction tape and pressure-sensitive tape; burial caskets; electrical, industrial, agricultural, food processing or public transportation equipment; furniture; mattresses; mattress covers; bed pillows; box springs; dual purpose sleeping equipment; gummed tape for cardboard and fibre cartons and corrugated boxes; silica-gel bags; book bindings; and looseleaf bindings.

(v) Piece goods to be sold at retail over-the-counter or by mail order.

(vi) However, "industrial and agricultural purposes" does not include the use of chafer fabric for any purpose other than the manufacture of tires, mechanical rubber goods, or rubber footwear (excluding canvas rubber soled shoes of vulcanized construction).

Set-Asides

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

(i) Orders certified for use or resale for "industrial and agricultural purposes" as defined in paragraph (b) (5) above; (ii) orders for plain print cloths listed opposite Ref. No. 66, 68, 70, 71, 72A and 73 in the attached Table II, certified for use or resale for making bags controlled by Order M-221; or (iii) orders for cotton duck certified for cotton pick sacks under Direction 23 to Order M-317.

A portion of the "industrial and agricultural" set-aside of certain print cloths is restricted to specific purposes by a footnote at the end of the attached tables.

(2) Orders for cotton fabric may not be certified for "industrial or agricultural purposes" in the following cases: (i) if required for coating, unless the coated fabric will be used for the purposes stated in paragraph (b) (5) above; or (ii) if chafer fabrics are ordered for any use except the manufacture of tires, mechanical rubber goods, or rubber footwear (excluding canvas rubber soled shoes of vulcanized construction).

(3) [Deleted Oct. 4, 1946.]

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

(e) *Gray goods minimum ratio in set-asides for industrial, agricultural and bag making purposes.* (1) From the total amount of each group of cotton fabrics having the same reference number which are set aside during each calendar quarter for "industrial and agricultural purposes" and for bags controlled by Order M-221, the producer shall deliver as gray goods not less than the percentage specified in the attached tables (column 12) on orders certified for use in the gray or for use in the manufacture of any of the following:

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

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

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

(4) Cotton fabric received on "for use in the grey" certification made before July 11, 1946 may be used for the manufacture of any of the items specified in paragraph (e) (1) above, without restriction as to use in the grey.

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

(2) *Set-aside for cotton components for apparel.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery only on orders certified for use as cotton components for apparel as defined in paragraph (b) (3) above, an amount computed from Column 8 of the attached tables in accordance with paragraph (h) (1) of this order. This set-aside is in addition to the quantities of cotton fabric set-aside for apparel under Order M-328B and is in addition to the set-aside for work clothing and special occupational and safety clothing under paragraphs (b) (5) (iii) and (c) of this order.

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

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

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

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

than 42½" may be credited against the producer's export set-aside of any drill, twill or sateen less than 42½" wide).

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

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

(ii) [Deleted Oct. 4, 1946.]

(iii) Set-asides from production during each calendar quarter shall be determined by applying the required percentages to a figure equal to total production during the previous quarter, except in the case of 100% set-asides covered by subparagraph (iv) below. A producer may appeal under paragraph (m) if his production of any cotton fabric during any quarter does not equal the total amount of the required set-asides of that fabric for that quarter based on his previous quarter's production.

(iv) If "100" percent appears in any column from 4 through 10 of the attached tables, the set-asides applies to 100 percent of actual production during each calendar quarter for which the set-aside is in effect.

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

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

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

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

(5) *Territorial limitation.* Cotton fabric set aside, or received on certification, for any purpose other than export, may be used, sold or delivered as cotton fabric (including coated fabric) only within the United States and its territories and possessions (notwithstanding the last sentence of § 944.13 of Priorities Regulation No. 1).

(6) *No double set-asides on fabrics listed twice in the attached tables.* Certain fabrics are listed in one form in one part of the attached tables, and in another form in another part of the tables. The producer of such a fabric must set it aside only in the form in which he sells it to another person, if that form is listed in the attached tables. If the producer processes the fabric into a form not listed in the attached tables before disposing of it, he must set it aside on the basis of the last intermediate form of the fabric which is listed in the tables. For example, a producer who sells soft filled sheetings as such must set them aside as required for soft filled sheetings; on the other hand, a producer of soft filled sheetings who naps and sells them as napped fabrics must set them aside as required for napped fabrics; and finally, a producer of soft filled sheetings who naps them and then wishes to make them into milk filters, must set them aside as required for napped fabrics (and may certify for his own requirements as provided in paragraph (k) below).

Certificates

(i) *Purchase order certificates for cotton fabrics*—(1) *When certificate required, and restrictions on use or resale of fabric received on certification.* No producer may deliver cotton fabrics which he is required to set aside under this order except on purchase orders with certificates stating that the fabrics ordered will be used or resold for purposes meeting the set-aside provisions. A person who has obtained cotton fabrics on certification may use them only as certified, and may resell them only on orders similarly certified (this does not apply to the use or resale by a finisher of the shorts, seconds, remnants or mill ends which result from his normal finishing operations). However, he may resell at retail without certification from the buyer unless he knows or has reason to believe that the buyer will not use the fabric for the certified purpose.

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

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

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

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

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

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

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

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

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

_____
(Authorized signature)

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

Preference Ratings

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

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

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

(4) *Restriction on serving ratings on another producer.* No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing on Form CPA-2842, that his own production is insufficient or unsuitable.

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

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

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

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

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

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

_____
(Signature of export license holder).

Miscellaneous

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

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

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

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

Issued this 4th day of October 1946.

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

COTTON FABRIC DISTRIBUTION TABLES FOR FOURTH QUARTER OF 1946

TABLE I—FINE COTTON GOODS

NOTE: Table amended Oct. 4, 1946.

Ref. No.	Form CPA 658-C (June 18, 1946) item numbers	Fabrics	Minimum percentages for set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b)(3),	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
			par. (c)	par. (d)	par. (f) (1)	par. (f) (1)	par. (f) (2)	par. (g) (1)	par. (g) (2)	par. (j) (2)	par. (e)
1	2	3	4	5	6	7	8	9	10	11	12
1	1, 2	Airplane and balloon fabrics						2½	1½	5	
2	3-6	Broadcloth (combed)			*60			7½	2½	20	
3	7	Dimities			*25	*25		6½	1½	5	
4	11-18	Lawns and organdies (combed and part combed and carded).			*30	*11		8½	2	5	
5	19-22	Marquisettes (combed and part combed and carded).						3	2	5	
6	23	Oxfords, combed and fine carded (average carded yarns finer than 35s).			*60			4	4	5	
7	24	Piques			*30	*30		4	1	5	
8	25	Pongees						4	1	5	
9	26, 27	Poplins (combed)			*50			7	3	5	
10	28	Sateens (combed and part combed)					10	8½	2½	5	
11	29	Sateens, carded (average yarns finer than 35s), narrow (under 42").					10	11	3	5	
12	32	Shirtings, jacquard, gray-dobby and colored			*60			9	5	5	
13	33, 34	Army twills, 6.0 oz. shirting and 8.2 oz. uniform								100	
14	36	Albert twills						5½	1½	93	
15	37	Gabardines (combed)						8	2	5	
16	35, 38	All other combed twills						4	1	5	
17	39	Twills, carded, (average yarns finer than 35s)					30	8	2	5	
18	42	Voiles				*30		6	2	5	
19	43, 45 and 157 on Form CPA 658-B.	Combed and carded cotton-rayon fabrics, chiefly cotton less than 25% rayon and lighter than 3.00 yd.			*60	*12		6½	1½	5	

COTTON FABRIC DISTRIBUTION TABLES FOR FOURTH QUARTER OF 1946—Continued

TABLE I—FINE COTTON GOODS—continued

Ref. No.	Form CPA 658-B (June 16, 1946) item numbers	Fabrics	Minimum percentages for set-asides (see par. (h) (1) of order)								Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b) (3)	Exports				
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports			
			par. (c)	par. (d)	par. (f)(1)	par. (f)(1)	par. (f)(2)	par. (g)(1)	par. (g) (2)		par. (j) (2)	par. (e)
1	2	3	4	5	6	7	8	9	10		11	12
20	44, 46 and 158–159 on Form CPA 658-B.	Combed and carded cotton-rayon fabrics, chiefly cotton—all other less than 51% rayon.						6½	1½		5	
21	47	Dotted swiss, carded, undyed yarn			*30	*25		10	2		5	
22	48	Dotted swiss, all other						10	2		5	
23	49	Seersuckers (combed)						10	2		5	
24	50	Seersuckers, fine carded (average yarns finer than 35s).			*10			10	2		5	
25	51	All other combed, part combed and fine carded fabrics (average carded yarns finer than 35s) except seersuckers and dotted swiss.						10	2		5	
26		All other combed, part combed and fine carded fabrics not elsewhere specified in distribution table 1.									10	

TABLE II—CARDED GRAY GOODS

NOTE: Table revised Oct. 4, 1946.

27	5–12 on Form CPA-658-A.	Flat duck (including enameling duck)	40								5	75
28	20 on Form CPA-658-A.	Hose and belting duck	100									100
29	21 on Form CPA-658-A.	Filter cloth (duck yarns)	100									100
30	23 on Form CPA-658-A.	Chafer fabrics	100									100
31	1–8	Osnaburgs	32	55				1¾	1¼		2	80
32	12	Soft filled sheetings under 42"	40				5	10	3		5	
33	13	Soft filled sheetings, 42" and wider	60						2		5	
34	14–17, 19	Class A sheetings under 42"	14	55	*6		5	4	4		2	75
35	18, 20	Class A sheetings, 42" and wider	40						4		5	25
36	21	Class B sheetings; 40" 48 x 40—3.25 yd	7½	55			10	10½	2		2	50
37	22	Class B sheetings; 40" 48 x 40—3.75 yd	12	55			5	7	3		2	50
38	23	Class B sheetings; 37" 48 x 44—4.00 yd	12	55			5	8	4		2	50
39	24	Class B sheetings; 40" 44 x 40—4.25	10	30			10	15	4		5	50
40	25	Class B sheetings; 31" 48 x 44—5.00 yd	12	55				9	4		2	50
41	26	Class B sheetings; pro rata widths to above, under 42".	7½	55			10	10½	2		2	50
42	27	Class B sheetings pro rata widths to above, 42" and wider.	60					15			5	25
43	28	All other class B sheetings, under 42"	7½	55			10	10½	2		2	50
44	29	All other class B sheetings, 42" and wider	60					15			5	25
45	30–33	Class C sheetings; 36" 64 x 64—3.50 yd.; 36" 60 x 52, 56 x 56—4.00 yd.; 36" 48 x 40, 44 x 40—5.50 yd.; 36" 44 x 40, 40 x 40—6.05 to 6.15 yd.	24	20	*11	*5	10	12	1		2	25
46	34	Class C sheetings; 40" 64 x 64—3.15 yd	45	20			5	15			2	25
47	35	Class C sheetings; 40" 60 x 52, 56 x 56—3.60 yd	45	20			5	15			2	25
48	36	Class C sheetings; 40" 56 x 48—4.30 yd	100									20
49	37, 38	Class C sheetings; 40" 44 x 40—5.50 yd., 40" 36 x 40—5.55 yd	45	20			5	14	1		2	25
50	39	Class C sheetings; 40½" 74 x 86—2.80 to 2.90 yd. (Mead's cloth)	100									
51	40, 42	All other class C sheetings, under 42"	24	20	*11	*5	10	12	1		2	25
52	41, 43	All other class C sheetings, 42" and wider	40					11			5	25
53	44–47	Bed sheetings, 42" and wider						10	2		5	
54	49	Carded poplins (sheeting yarns)			*25			10	1		5	
55	50	Three leaf herringbone twills (except jeans)			*2			10	2½		5	
56	51–54	Drills, under 42"	30		*2			10	2		5	30
57	55	Drills, 42" and wider	80						3		2	40
58	56	Jeans (plain and herringbone)	25		*5			11	1		5	30
59	57	Three leaf pocketing twills (sheeting yarns)					100					
60	58	Three leaf silesia twills (sheeting yarns)					100					
61	59–62	Four leaf twills, under 42"			*4			11	1		5	
62	63, 64, 66	Four leaf twills and sateens, 42" and wider	80								2	30
63	65, 67, 68	Sateens under 42"; gabardines (carded); all other carded twills and sateens N. E. C.						11	2		5	
64	69	Birdseye diaper cloth						2	½		5	
65	71	Plain print cloths: 39" 80 x 80—4.00 yd. and pro rata	***40		*33	*4		5	1		8	
66	72	Plain print cloths: 39" 68 x 64—4.85 yd. and pro rata	15	(**)	*33	*14	10	8	4		5	
67	73	Plain print cloths: 39" 68 x 72—4.75 yd. and pro rata	55		*22	*10			1		2	
68	74	Plain print cloths: 38½" 64 x 56–5.50 yd. and pro rata.	15	(**)	*33	*14	10	10	4		5	50
69	75	Plain print cloths: 38½" 64 x 60–5.35 yd. and pro rata.	55		*22	*10			1		2	20
70	76	Plain print cloths: 38½" 60 x 48–6.25 yd. and pro rata.	15	(**)	*33	*14	10	10	2		6	50
71	77	All other plain print cloth constructions, under 36"	40	(**)			10	13	2		5	25
72A	78	All other plain print cloth constructions, 36" and wider, 80 sley and higher (except Ref. No. 72B below).	15	(**)	*33	*14	8	13	2		5	25
72B	78	Plain print cloths: 40"–80 x 84–3.65 yd., 40" 80 x 92–3.50 yd.	40					13	2		5	20
73	79	All other plain print cloth constructions 36" and wider, under 80 sley.	15	(**)	*33	*14	8	13	2		5	50
74	80	Pajama checks						4	1		50	
75	81	Gauze diaper cloth						1½	1		5	
76	82	All other fancy print cloths					20	12	3		5	
77	83	Bandage cloth 38½"–44 x 36–8.60 yd. and pro rata	***60								10	
78A	84	Bandage cloth 38½"–44 x 36—8.20 yd. and pro rata	***60								10	
78B	84	All other bandage cloth const. (total threads per sq. "99 to 72).									10	
79	88–91	Carded broadcloths			*68			12	2		5	

COTTON FABRIC DISTRIBUTION TABLES FOR FOURTH QUARTER OF 1946—Continued

TABLE II—CARDED GRAY GOODS—continued

Ref. No.	Form CPA 658-B (June 16, 1946) item numbers	Fabrics	Minimum percentages for set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b) (3)	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
			par. (c)	par. (d)	par. (f) (1)	par. (f) (1)	par. (f) (2)	par. (g) (1)	par. (g) (2)	par. (j) (2)	par. (o)
1	2	3	4	5	6	7	8	9	10	11	12
80	92	Carded poplins (print cloth warp yarns)			*68			9	3	5	
81	93–96	Three leaf twills (print cloth yarns)					100				
82	97–101, 103, 104	Denims (except sport denims), pinstripes, pinchecks, hickory stripes, etc.						7	1	5	
83	102	Sport denims						7	1	2	
84	105–109	Cottonades and suiting coverts, whipcords and Bedford cords.						13	2	5	
85	110	Ginghams, checks and plaids (carded)				*60		11	4	2	
86	111, 112	Seersuckers, checks and plaids, stripes			*10			11	4	5	
87	113–117	Colored yarn suitings, all cotton, cotton and rayon						14	1	5	
88	118–121	Shirting coverts, and 36"–3.90 yd. chambrays and colored yarn shirtings.						14	1	5	
89	122	All other chambrays and colored yarn shirtings			*60	*15		13	2	2	
90	123	Bed tickings	75					5	3	2	
91	124	Turkish and terry woven toweling						9	1	10	
92	125	Huck, damask and Jacquard woven toweling						3	1	10	
93	126	Dish toweling and other twill and plain woven toweling.						7	1	10	
94A	128	Outing flannels except Ref. No. 94B below						9½	4½	2	
94B	128	Outing flannels, 4.50 yd. and lighter			*35	*10		9½	4½	2	
95	129, 130	Work shirt flannels						12½	1½	5	
96	131	Canton flannels (glove and mitten)			*85			1		2	
97	133	Interlining flannels					50	7	1	5	
98	134	Moleskin and suedes						8	7	5	
99	135	All other napped fabrics except balnkets						15		5	
100	136	Crib blankets and blanketing						5	1	5	
101	137–139	Blankets and blanketing other than crib, all cotton and cotton and rayon containing less than 25% by weight of wool.						13	2	5	
102	142, 143	Bedspread fabrics, woven style						2½	3½	5	
103	146–148	Drapery, upholstery and tapestry fabrics						1¾	2¼	7	
104	151–153	Corduroys						5½	3½	5	
105	154, 155	Velvets, velveteens, plushes and other pile fabrics						6	1	5	
106	156	Table damask, covers, cloths and napkins						2½	3½	5	
107	161	Carded oxfords			*75			13	2	10	
108	162	All other carded cotton woven fabrics over 12"						14	1	5	
109		All other carded cotton woven fabrics reported on Form CPA-658-A or B not elsewhere specified in Distribution Table II.								10	

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

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

***From the Reference Number 65 set-aside of 40% for industrial and agricultural purposes, each producer shall deliver not less than 12 % (i. e., three-tenths of the 40%) only on orders certified for making medical, surgical or hospital supplies. Moreover, opposite Reference Number 77 and 78A, the whole set-aside for industrial and agricultural purposes must be delivered by the producer only on orders certified for making medical, surgical or hospital supplies.

INTERPRETATION 1: Revoked Oct. 1, 1945.

INTERPRETATION 2: Revoked Apr. 1, 1946.

[F. R. Doc. 46-18149; Filed, Oct. 4, 1946; 11:35 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317C, as Amended Oct. 4, 1946]

COTTON SALE YARN PRODUCTION AND DISTRIBUTION

§ 3290.371 *Supplementary Order M-317C*—(a) *What this order does.* This order states the special rules for production and distribution of cotton sale yarn. The production requirements relate to both the kinds and quantities of cotton sale yarn to be produced, and also controls dyeing and blending operations. The distribution requirements relate to set-asides for specified purposes, the certificates of use which must be filed with purchase orders in order to obtain set-aside cotton sale yarn, and the effect and use of preference ratings. The set-aside percentage figures are shown at the end of this order. Cotton sale yarn was formerly subject to Supplementary Order M-317B, revoked August 20, 1945.

(b) *Definitions.* (1) "Cotton yarn" means yarn containing 50% or more by weight of cotton or cotton waste or any combination of the two, spun on roving, ring, tube twister or converted twister spindles, or produced on the woolen system. The term includes gray, bleached, mercerized, colored, glazed or polished yarn, whether single, ply, twisted or braided, and including thread, sash cord, rope, twine and cordage (for example, tying, sail or seine twine, and cotton tire cords, including cotton tire cord held together loosely or by one or more picks).

(2) "Cotton sale yarn" means cotton yarn offered by the producer for sale to, or produced for the account of, any other person. For example, the term includes cotton yarn sold by one corporation to another corporation, regardless of whether they are under common ownership or control, but does not include cotton yarn delivered by the yarn-producing subdivision of a corporation to another division of the same corporation for use in its manufacturing operations.

(3) "Producer" means any person who operates spindles in the production of cotton sale yarn in the forty-eight States or the District of Columbia, for his own account or for the account of another.

Production Directions

(c) *Kinds of cotton sale yarn to be produced.* (1) Each spindle which on

December 31, 1945 (or the last prior date when the spindle was in operation) produced cotton sale yarn in any of the following groups, may be operated only to produce cotton sale yarn in that same group.

Group No.	Form CPA 658-E 9/16/46 item numbers	Did produce—may produce only
1	1 through 12	Carded yarns, single and ply other than machine knitting, all counts.
2	13 through 16	Carded machine knitting yarns, single and ply, all counts.
3	17	Carded mop yarns.
4	18	Speeder spun or roving yarns other than mop yarns.
5	19	Carded insulating yarns, waste, part waste and tinged.
6	20	Hose cord (tube twist only).
7	21	Carded cordage, rope and twine yarns.
8	22	Carded thread yarns.
9	23	Other carded yarns.
10	24 through 32	Combed yarns, single and ply, other than machine knitting, all counts.
11	33 through 44	Combed machine knitting yarns, single and ply, all counts.
12	45	Combed thread yarns.
13	46	Other combed yarns.
14	54, 55	Cords and rope (braided, solid and hollow): and twisted rope.
15	56	Seine twine, hawser cord and other cabled cord.
16	57 through 60	Tying and wrapping twines, unpolished, polished; sewing twines; all other twines.
17		50% cotton-50% wool mixed or blended yarns.

(2) The above provision applies to all kinds of spindles used in the production of cotton sale yarn, and applies regardless of any change of ownership or control of any spindle after December 31, 1945 (or the last prior date when the spindle was in operation). The above provision continues to apply after the minimum quantities of cotton sale yarn have been produced which are required to be delivered by paragraph (d) of this order.

(d) *Minimum ratio of cotton sale yarn deliveries to cotton yarn production.* (1) Each person in the business of producing cotton yarn shall deliver an amount of cotton sale yarn during each calendar quarter which is not less, relative to his total production of cotton yarn for all purposes during that quarter, than the proportion of his deliveries of cotton sale yarn relative to his production of cotton yarn for all purposes during the 4th calendar quarter of 1945. This refers to total quantities in the aggregate of the yarns specified in paragraph (c) above.

(2) A producer who operates spindles acquired by him on or after October 1, 1945, for the production of any cotton yarn must include production and deliveries by the former operator of cotton sale yarn from these spindles between October 1, 1945 and the date of acquisition (except deliveries by the former operator to the new producer), for the purpose of computing the ratios specified in paragraph (d) (1) above.

(e) *Special provisions regarding production directions*—(1) *Production at a loss.* In any case in which compliance with these directions will result in production at a loss, appeal may be filed under paragraph (q) of this order.

(2) *Interchange of spindle production.* A mill which has some spindles which are subject to paragraph (c), and other spindles which are not, may interchange the production of equal numbers of similar spindles between the two groups in order to facilitate plant operations, *Provided*, That the interchange does not have the effect of reducing production of the required kinds and quantities of cotton sale yarn.

(f) *Dyed yarn restrictions*—(1) *Permanent dyes.* During each calendar quarter no producer shall deliver a greater proportion of dyed cotton sale yarn (not including fugitive dyes or tints) compared to his total deliveries of dyed and natural cotton sale yarn, than the proportion he delivered in 1941.

(2) *Fugitive dyes.* During each calendar quarter no person shall deliver a greater proportion of cotton sale yarn dyed with a "fugitive dye" or "fugitive tint" which can be completely removed by normal commercial washing and scouring, compared to his total deliveries of dyed and natural cotton sale yarn, than the proportion he delivered in 1941.

(3) *Persons who did not deliver dyed yarn in 1941.* Except as specifically authorized in writing by the Civilian Production Administration, a producer shall not deliver permanent-dyed cotton sale yarn if he did not deliver any in 1941, and a producer or other person shall not deliver fugitive-dyed cotton sale yarn if he did not deliver any in 1941. Application for authorization should be made by letter in triplicate addressed to the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref.: M-317C, and should contain the following information: (i) the kind of dyed cotton sale yarn (permanent or fugitive) for which authorization is requested (separate applications should be filed for fugitive and permanent dyed yarns); (ii) the poundage of such dyed yarn which the applicant wishes to deliver during the balance of the current calendar quarter, and how much during the next calendar quarter; (iii) the poundage of all dyed and natural cotton sale yarn which he expects to deliver during the next calendar quarter; (iv) the poundage of dyed yarn (of the kind requested) which he delivered in the peak year from 1942 through 1945, specifying the peak year; (v) the poundage of dyed yarn (of the kind requested) which he was specifically authorized to deliver by the War Production Board while Supplementary Order M-317B was in effect; (vi) the kinds and quantity of dyeing equipment owned by the applicant, when it was acquired, and whether it was acquired to fill war contracts (specify only dyeing equipment suitable for the kind of dyed yarn requested).

Authorizations will be issued as fairly and equitably as possible on the basis of this information, and also considering the national economic stabilization policies and the need for dyed yarns, and may be issued to cover the balance of the quarter in which the application is filed, and each quarter after that. Authorizations issued on appeal from paragraph (f) of this order as in effect before June 3, 1946, remain effective for the purpose of this paragraph.

(g) *Blended yarn spindle limitation.* No person shall operate at any one time a greater number of spindles in the production of blended cotton sale yarn than the maximum number of spindles which he operated in such production at any one time during the fourth calendar quarter of 1945. A "blended" yarn is one which is composed partly (at least 50%) of cotton fibers and partly of other fibers, whether blended or mixed, but does not include combinations of 50% cotton and 50% wool.

Set-Asides

(h) *Set-aside for knit outerwear, underwear and hosiery, except civilian polo and "T" shirts.* Each producer shall set aside from his production of each cotton sale yarn during each calendar quarter an amount not less than the percentage specified in column 4 of the appendix, for delivery only on orders certified for ultimate use in knit outerwear, knit underwear or knit hosiery (except polo or "T" shirts) or on MM rated orders certified for ultimate use in polo or "T" shirts.

(i) *Set-aside for woolen and worsted fabrics.* Each producer shall set aside from his production of each cotton sale yarn during each calendar quarter an amount not less than the percentage specified in column 5 of the appendix, for delivery only on orders certified for ultimate use in woolen and worsted fabrics.

(j) *Set-aside for agricultural and industrial uses and for making certain products.* Each producer shall set aside from his production of each cotton sale yarn during each calendar quarter an amount not less than the percentage specified in column 6 of the appendix, for delivery only on orders certified for any of the following purposes:

(1) To make fabrics listed in Order L-99 "May Produce Only" column of Schedule A and B; or

(2) To make the following broad-woven fabrics (12" or more in width): wind resistant fabric; corduroy; furniture upholstery fabric; or upholstery fabric for transportation equipment; or

(3) To make braided products or narrow woven fabrics (less than 12" in width), except decorative ribbons, decorative tapes or decorative braids; or

(4) For "agricultural or industrial purposes", meaning any of the following purposes for which cotton sale yarn may be used, whether directly or as a component in the manufacture of items required for that purpose (but not including yarn used to make woven fabrics):

(i) Maintenance, repair, and operating supplies or capital equipment for any manufacturing, extractive (including mining and commercial fishing), agricultural, public utility or public transportation operation.

(ii) Production materials to be used in the manufacture of the following: vehicles (including aircraft); building materials; construction machinery; tires; elastic yarn; elastic fabric; rubber hose and belts; footwear, thread; twine; cordage; rope; furniture; dual (pur-

pose) sleeping equipment; and electrical, industrial, agricultural, food processing or transportation equipment.

(k) *Additional set-aside for paragraph (h), (i) and (j) purposes.* (1) Each producer shall set aside from his production of each cotton sale yarn during each calendar quarter an amount not less than the percentage specified in column 7 of the appendix, for delivery only on orders certified for any of the following purposes:

Knit outerwear, knit underwear and knit hosiery, other than polo or "T" shirts; or
Polo or "T" shirts, if the yarn purchase order is rated MM; or
Woolen or worsted fabrics; or
Fabrics listed in Order L-99 "May Produce Only" column of Schedule A or B; or
Wind resistant broad-woven fabric; or
Corduroy broad-woven fabric; or
Furniture upholstery broad-woven fabric; or
Upholstery for transportation equipment broad-woven fabric; or
Braided products or narrow woven fabrics (less than 12" in width), except ribbons, decorative tapes, or decorative braids; or "Agricultural or industrial purposes" as defined in paragraph (j) (4) above.

(2) This set-aside is in addition to the specific set-asides for the same purposes in paragraph (h), (i) and (j) above, and may be distributed among purchase orders certified for those purposes in any proportion, *Provided*, That when rated these orders are accepted and filled in accordance with Priorities Regulation No. 1.

(l) *Set-aside for export.* Each producer shall set aside from his production of each cotton sale yarn during each calendar quarter, an amount not less than the percentage specified in column 8 of the appendix, for delivery only on orders certified for export as yarn in the form ordered from the producer. Exports to Canada are included. Yarn set aside under this paragraph shall not be delivered on orders for eventual export by the United States Army, Navy, Maritime Commission, American Red Cross, or any U. S. military exchange or service department as defined in Priorities Regulation 17.

(m) *General provisions for set-asides*—(1) *Explanation of terms.* The term "each cotton sale yarn" in the above set-aside provisions refers to each group of cotton sale yarns having the same Reference Number in column 1 of the appendix.

(2) *Quantities to be set aside and carry-overs from previous periods.* The undelivered balance of the total quantity required to be set aside for any purpose during any calendar quarter shall be added to the percentage of production during the next quarter which must be set aside for that purpose. The sum of the carry-over plus the required percentage of current production constitutes the total quantity of each set-aside during each quarter. For the purpose of determining set-aside quantities during any quarter, production during that quarter must be estimated as being at least equal to the previous quarter's production.

(3) *How deliveries on certified orders should be charged against set-asides.* Deliveries in excess of the quantity required to be set aside for any purpose may not be credited against the set aside for any other purpose, nor against the next period's set-aside for the same purpose. However, deliveries on orders certified for any set-aside purpose in paragraph (h), (i) or (j) may be credited against the set-aside under the applicable one of those paragraphs, or may be credited against the set-aside under paragraph (k), but may not be credited against both. The set-aside for each purpose is a minimum required quantity, and does not prevent additional quantities being delivered from production which has not been set aside for other purposes.

(4) *Production for another's account.* A producer of cotton sale yarn for the account of another person must treat that yarn as part of his (the producer's) own production for the purpose of the above set-aside provisions, and may not deliver the yarn to anyone, including the person for whose account it was produced, except upon receipt of certificates of ultimate use which meet the terms of the required set-asides.

Certificates

(n) *When purchase order certificate required, and restrictions on use or resale of yarn received on certification.* No producer may deliver cotton sale yarn which he is required to set aside under this order for any ultimate use or uses, except on purchase orders with certificates stating that the yarn ordered will be used or resold for the required use or uses. A person who has obtained cotton sale yarns on certification may use them only as certified, and may resell them only on orders similarly certified. However, he may resell at retail without certification from the buyer unless he knows or has reason to believe that the buyer will not use the yarn for the certified purpose.

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

(o) *Content and form of certificate.* (1) The purchase order certificate must state the ultimate use of the cotton yarn ordered, and must be certified and signed, substantially as follows:

For use or resale for use in knit outerwear, knit underwear or knit hosiery, other than polo or "T" shirts; or

For use or resale for use in polo or "T" shirts (applicable only if the purchase order covered by this certification is rated MM); or

For use or resale for use in making woolen or worsted fabrics, or

For use or resale for use in making the following (specify which ones): Corduroy broad woven fabrics; Wind resistant broad woven fabrics; Furniture upholstery broad woven fabrics; Transportation upholstery broad woven fabrics; CPA Order L-99 "May produce only" fabrics; Braided products or narrow woven fabrics other than decorative ribbons, tapes or braids; or

For use or resale for "industrial or agricultural purposes" under CPA Order M-317C, or

For export as yarn in the form covered by this purchase order (or state that "These cotton yarns will be exported in the form covered by this purchase order, or will replace in inventory similar cotton yarns which have been exported within 90 days"; moreover, except in cases of export of cotton sale yarn of kinds which may be exported on General License, the following information must also be furnished: state the governing export license number and date of validation, or the United States Treasury Procurement Division contract number and date; or if the export is to Canada, so state and add the Canadian Cotton Administrator's Serial Number and date).

The above statements of use must be followed by the standard form of certification of Priorities Regulation 7, which appeared in this order as amended June 3, 1946, or else by the following form of certification:

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

(Authorized signature)

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

Preference Ratings

(p) *Effect of preference ratings*—(1) Rated orders for set-aside yarns. Purchase orders which are duly certified for any set-aside purpose and also bear preference ratings and the statement of source of rating required by Order M-317, must be accepted and filled from the applicable set-aside in accordance with the provisions of Priorities Regulation No. 1 (without limitation under the rating ceiling of column 10 of the appendix, and without being credited against that ceiling). On the other hand, delivery may not be made of any set-aside cotton sale yarn on any order which is not certified as required by paragraphs (n) and (o) above, regardless of ratings.

(2) *Rating ceiling beyond set-asides.* No producer need accept rated orders which would cause him to deliver during any calendar quarter more of any group

of cotton sale yarns not subject to set-asides, than the percentage specified in the appendix, colum 10, of his total production of that group of yarns during that quarter. For the purpose of this provision, the term "group" refers to cotton sale yarns having the same Reference Number in column 1 of the appendix. Deliveries on rated orders, which have been credited against any set-aside may not be credited against the rating ceiling of this paragraph. On the other hand, deliveries on rated orders which are certified for set-aside purposes may be credited against the rating ceiling of this paragraph if the applicable set-asides were exhausted and the deliveries are not credited against any set-asides.

(3) *Kinds of ratings affected.* Paragraphs (p) (1) and (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of conflict with any provisions of this order.

(4) *Restriction on serving ratings on another producer.* No producer of cotton yarn shall use any preference rating to obtain cotton yarn from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing on Form CPA-2842, that his own production is insufficient or unsuitable.

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

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

Miscellaneous

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

(r) *Reports.* Each producer of cotton yarn shall file a report with the Civilian Production Administration on Form CPA 658-E at the time and in the manner prescribed in that form. This reporting requirement has been approved by the Bureau of the Budget under the Federal Reports Acts of 1942.

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

Issued this 4th day of October 1946.

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

APPENDIX TO SUPPLEMENTARY ORDER M-317C—FOURTH QUARTER, 1946, DISTRIBUTION OF COTTON SALE YARN

The columns of this table correspond to the paragraphs of Supplementary Order M-317C shown at the end of each column heading

NOTE: Appendix amended Oct. 4, 1946.

Ref. No.	Form CPA 658-E 9/16/46 Item No.	Cotton sale yarn	Minimum percentages for set-asides						Ceiling on rated orders outside of set-asides (% of total production)
			Knit outer wear, underwear and hosiery, except civilian polo and "T" shirts	Woolen and worsted fabrics	Agricultural and industrial purposes and to make products in par. (j) (1), (2) and (3)	Additional set-aside for purposes in cols. 4, 5, 6 headings	Export (including Canada)	Total percent set-aside	
			(par.(h))	(par. (i))	(par. (j))	(par.(k))	(par. (l))		(par. (p) (2))
1	2	3	4	5	6	7	8	9	10
1	1	Carded single weaving yarns up to 14's.	0	0	46	10	3	59	5
2	2, 3, 4	15's to 30's and finer	0	8	40	12	3	63	5
3	5	2-ply weaving yarns and other ply up to 14/2.	0	6	40	15	3	64	5
4	6, 7, 8, 9, 10.	15/2 to 30/2 and finer, and other ply.	0	10	36	15	3	64	5
5	11, 12	Carded carpet yarns and white stock.	0	0	20	5	3	28	0
6	13, 14	Carded machine knitting yarns, single, up to 20's.	40	0	4	15	5	64	5
7	15	21's and finer	40	0	4	15	5	64	5
8	16	Ply yarns, all counts	40	0	4	15	5	64	5
9	17	Carded mop yarns	0	0	16	10	0	26	5
10	18	Speeder spun or roving other than mop yarns.	0	0	16	10	0	26	0
11	19	Carded insulating yarns, waste, part waste and tinged.	0	0	56	5	0	61	5
12	20	Hose cord	0	0	56	0	0	56	5
13	21	Carded cordage, rope and twine yarns.	0	0	48	0	0	48	5
14	22	Carded thread yarns for sale.	0	0	64	5	0	69	0
15	23	Other carded yarns	0	0	38	15	3	56	5
16	24, 25, 26	Combed single Weaving yarns 20's and coarser; 21's to 30's; 31's to 40's	0	0	36	15	3	54	5
17	27	41's and finer	0	0	56	5	3	64	5
18	28, 29, 30	2 ply weaving yarns 20/2 and coarser; 21/2 to 30/2; 31/2 to 40/2	0	0	36	13	3	52	5
19	31	41/2 and finer	0	0	30	10	3	43	5
20	32	Other ply weaving yarns.	0	0	56	0	3	59	5
21	33, 34, 35, 36.	Combed machine knit yarns, singles 50's and coarser	40	0	4	15	5	64	5
22	37, 38	51's and finer	36	0	16	8	5	65	5
23	39, 40, 41, 42.	Combed machine knit yarns, ply: 50's and coarser	44	0	0	15	5	64	5
24	43, 44	51's and finer	44	0	0	15	5	64	5
25	45	Combed thread yarns for sale.	0	0	64	5	0	69	5
26	46	Other combed cotton yarns for sale.	0	0	64	0	5	69	5
27	54	Cords and rope (braided, solid and hollow).	0	0	44	0	0	44	5
	55	Twisted rope							
28	56	Cotton twine for sale, cabled cord (including seine twine and hawser cord).	0	0	44	10	10	64	5
29	57, 58, 59, 60.	Tying and wrapping twines, unpolished, polished; sewing twines for seam butts; all other twines.	0	0	44	0	0	44	5
30		All other yarns made for sale on cotton system.							
		Cotton-wool mixed or blended yarns (except 50% cotton-50% wool).	16	16	0	30	0	62	5
	61	Cotton-rayon mixed or blended yarns.							
	63	All other mixed fiber yarns (except 50% cotton-50% wool).							
31		50% cotton-50% wool mixed or blended yarns.	56	0	0	5	0	61	5

[F. R. Doc. 46-18150; Filed, Oct. 4, 1946; 11:35 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 128,[1] Amdt. 4]

ADJUSTMENT FOR CERTAIN FOREST PRODUCTS

A statement of the considerations involved in the issuance of this amendment to Supplementary Order 128 has been issued simultaneosly herewith and filed with the Division of the Federal Register.

Section 1 of Supplementary Order 128 is amended by adding Maximum Price Regulation 491, Pressure Preservative Treatment of Forest Products and Pressure Treated Forest Products, to the list of regulations therein and the statement in the same section introducing that list is amended to read as follows:

Applicability. The commodities and services to which this supplementary order is applicable are those covered by the following regulations:

This amendment shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 4 TO SUPPLEMENTARY ORDER NO. 128

This amendment adds a service, pressure preservative treatment of forest products, and commodities, pressure treated forest products, covered by Maximum Price Regulation No. 491, to the commodities to which Supplementary Order 128 applies.

Maximum Price Regulation 491 provides maximum prices for the service of pressure preservatively treating forest products. It also provides a formula method for computing the maximum prices for pressure treated forest products. In accordance with this formula, maximum prices for the treated product are the sum of three components: The maximum prices for the untreated forest products, the maximum prices for the preservative and the maximum prices for the treating service. The geographic applicability of the regulation extends to the entire continental United States.

Maximum prices for the treating service only, or for the treating service as a component of the maximum prices for a treated product, are uniform throughout the United States. Wage adjustments, however, have not been uniform for treating plants in different parts of the United States. Industry-wide price action based on wage adjustments (for which price relief is authorized), therefore is not practicable.

There is now no individual adjustment procedure provided for in Maximum Price Regulation 491. This amendment establishes the individual adjustment procedure required to enable this Office to adjust maximum prices for the treating services and for the treated products provided and produced by individual treating plants to reflect wage adjustments which have been made in their respective geographical areas. The individual adjustment procedure applies only to treating plant operators, and not to intermediary sellers.

The individual adjustment procedure and standards to be applied to the service and the commodities added by this amendment to Supplementary Order 128, are identical with those for other commodities which are subject to Supplementary Order 128.

In view of the foregoing, the provisions of this amendment to Supplementary Order 128 are considered to be in accordance with the purposes of the Emergency Price Control Act of 1942, as amended, and the relevant Executive orders of the President.

[F. R. Doc. 46-18111; Filed, Oct. 4, 1946; 10:46 a. m.]

[1] 10 F. R. 128; 11 F. R. 3863.

PART 1305—ADMINISTRATION

[SO 129, Amdt. 56]

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

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

Supplementary Order 129 is amended in the following respects:

1. The heading of section 10 (b) is amended by inserting after the words "Mechanical Building Equipment" a parenthetical phrase to read as follows: "(including parts and subassemblies as set forth in subparagraph (10) below)".

2. The heading of section 10 (b) (3) is revised to read as follows: "3. Miscellaneous, and cast and sheet, metal building materials covered by MPR 591 or the GMPR, as follows:"

3. Section 10 (b) (4) is amended by adding the following items:

10. Air valves.
11. Ash pits, ash dumps, cleanout doors, etc.
12. Bucket traps.
13. Chimney furnaces.
14. Incinerators, metal.
15. Oil burner pumps for oil burners subject to MPR 591.
16. Vent valves.

4. Section 10 (b) (5) is amended by deleting the following items:

(*e*) Low water cut-off, with or without pressure control and with an operating pressure of 30 lbs. or less.

(*g*) (1) Oil burner fuel units incorporating an oil pressure regulating valve.

(*j*) Relays—electric, of the following types only:

(1) Line or low voltage relays especially designed for temperature control circuits, rated 15 amp. 110 volt AC or less and with 2 PDT switching action or less.

5. Item 6 of section 10 (b) (6) (*a*) is amended to read as follows: "6. All automatic regulating and/or float valves".

6. Section 10 (b) (6) (*b*) is amended by adding under Items 3, 4, and 6, respectively, the following category: "d. All flanged fittings".

7. Section 10 (b) (6) (*b*) 11 is amended to read as follows:

11. All forged or cast steel, carbon steel, steel alloy, and copper alloy fittings, screwed, flanged or welding ends except welding end fittings designated by manufacturer for less than 250# SWP

8. Section 10 (b) (6) (*b*) entitled "Fittings as follows": is amended by adding the following: "14. Eductor (lift) fittings".

9. Section 10 (b) (7) is revised to read as follows:

(7) *Piping accessories covered by MPR 591 and the GMPR—all sales.* (The following list is illustrative of the items suspended under this heading):

Clamps and couplings, except garden hose clamps and couplings.
Escutcheons, except those used or sold with plumbing fixtures.
Floor or ceiling plates, except those used or sold with plumbing fixtures.
Gauges, all types.
Nozzles, except garden hose nozzles.
Perfection oil and molasses gates.
Pipe hangers and rests, regardless of type.
Post indicators and floor stands.
Sleeves.
Spigots, but not including plumbing fixture faucets, cocks or bibbs.
Syphons for steam gauges.
Try cocks.
Valve boxes.
Wood casing for pipe.
Wood lining for pipe.

10. Section 10 (b) (8) is revised to read as follows:

(8) Mechanically operated commercial refrigeration and summer air conditioning equipment and accessories covered by MPR 591 and the GMPR as follows:

1. Air conditioning units, self-contained, over 1 horsepower or 12,000 BTU, and up to but not including 25 horsepower.
2. Beverage cooling-and-dispensing equipment, including accessories.
3. Coils, high and low side, condensers, including shell and tube condensers, unit coolers, and fan coils, when designed for cooling purposes only.
4. Condensing units, over 1 horsepower and up to but not including 25 horsepower.
5. Cabinets of the following commercial types, when sold to commercial users:
   Ice cream makers.
   Ice cube makers.
   Frozen food display cases having visible tops, or display signs.
6. Evaporative condensers.
7. Insulated cold storage doors.
8. Refrigerated coolers, cases, and boxes, including but not limited to the following types: beverage, dairy, display, dough retarders, florist boxes, milk, mortuary, reach-in, salad, utility, vegetable and fruit, walk-in, wall cases, water.
9. Counter and back bar refrigerators and display cases of all types.
10. Refrigerator compressors, over 10 horsepower, or 10 tons, and up to but not including 25 horsepower, or 25 tons.
11. Refrigerators over 16 cu. ft. capacity as follows:
    Commercial.
    Display.
    Reach-in.
    Walk-in.
12. Miscellaneous commercial refrigeration equipment and accessories, including but not limited to the following:
    Air conditioning or refrigeration equipment for automobiles, hoist cabs, trailers.
    Air washers.
    Back pressure switches.
    Dryers.
    Exchangers.
    Filters.

12. Miscellaneous commercial refrigeration equipment and accessories, including but not limited to the following—Con.
Industrial coolers, such as tool and instrument coolers, cutting oil coolers, rivet coolers, etc.
Injectors.
Receivers.
Relief valves.
Strainers.
Water regulator valves.

11. Section 10 (b) (9) is amended by adding the following items:

18. Plumbing drainage staples, except those covered by RPS 100. The following is an illustrative list of the types of items suspended herewith.
Back water valves.
Cesspools and cesspool plates.
Clean out tees.
Closet fixture connections, including closet bands and flanges.
Drive ferrules.
Fresh air inlets.
Fume connections.
F & W fittings, and similar adaptations.
Kafer joints.
Leader shoes.
Manhoff fitting.
Putty cups.
Range boiler stands.
Sink brackets, collars and couplings.
Test plugs.
Test tees.
Trap screw ferrules
Union ferrules.
Vent boxes.
Vent caps.
19. Plumbing drainage specialties, of which the following is an illustrative list:
California specials.
Combination drains.
Combination hinged beel traps.
Combination hydrant, drains and cesspools.
Drains and drain covers.
Revent fittings.
Sisson joints.
Stack base fittings.
Stringer fittings.
Waste tees.
Traps of cast iron only, with or without brass plugs, but not including traps commonly furnished with plumbing fixtures such as sink or lavatory traps.
20. Solder nipples, solder bushings, ferrules, etc.

12. A new section 10 (b) (10) is added to read as follows:

(10) *Parts and subassemblies.* The following parts and subassembles covered by section 25 (a) of MPR 591 also are suspended from price control:

1. Any part or subassembly which is specially designed for incorporation into a commodity listed in this paragraph (b) and is supplied by the manufacturer of such commodity. This applies not only to the sales of the part or subassembly by such manufacturer but also to his resellers.

This amendment shall become effective October 4, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING AMENDMENT NO. 56 TO SUPPLEMENTARY ORDER 129

The accompanying amendment to section 10 (b) of Supplementary Order 129, relating to suspension from price control of commodities administered by the Mechanical Building Equipment Price Branch, consists chiefly of corrections of that paragraph as it was revised by Amendment 37, and clarification of its coverage by added or refined definitions. To a minor extent it also expands the group of commodities suspended from price control.

Corrections and Re-definitions

Section 10 (b) (3). Subparagraph (3) of section 10 (b) previously cited its relation to commodities subject to the General Maximum Price Regulation as well as Maximum Price Regulation 591 but the description "miscellaneous cast and sheet metal building materials . . ." was in fact too narrow, since other than "cast and sheet" metal commodities were intended to be included thereunder, and were actually listed thereunder. The list itself remains unchanged.

Section 10 (b) (4). Under subparagraph (4) "heating and winter air conditioning equipment . . ." the following items were previously suspended, but are repeated for location by the public under this appropriate heading, or are again defined under another name: "12. Bucket traps" are no different from the blast traps already listed as item 1 under the heading: "13. Chimney furnaces" are among the "fume conductor devices" or "stove pipe accessories" listed as item 1 under subparagraph (3); "14. Incinerators, metal" are found by the same name as item 8 under subparagraph (3); "15. Oil burner pumps . . ." is a trade name for a type of regulator valve already suspended under subparagraph (6).

Section 10 (b) (5). The items of control equipment in subparagraph (5) (*e*) and (*g*) (i) had been suspended from price control on December 31, 1945, but were inadvertently restored in the course of revising and restating the previous catalog of suspensions for the purpose of Amendment 37 to Supplementary Order 129. The deletion of the subheading (*j*) (i) in subparagraph (5) corects an incongruous situation whereby, while attempting and intending to suspend from price control an outside thermostat its case was duly suspended, while the electric relay by which it operates was inadvertently retained under price control.

Section 10 (b) (6). The types of automatic regulating and/or float valves which in Admendment 37 were excepted under item 6 of subparagraph (6) (*a*) had been decontrolled on December 31, 1945. It had not been intended to reinstate them under price control.

Section 10 (b) (6) (*b*). The omissions from Amendment 37 of "flanged fittings" was an oversight. It was intended to suspend such fittings from price control together with the suspension of the related "flanged unions." Annual sales of these items amount only to about $50,000 or less.

The amendment of item 11 under subparagraph (6) (b) includes copper alloy fittings together with the steel alloy fittings already suspended. They belong in the generic group of "forged or cast steel, carbon steel, alloy steel . . ." fittings covered in the item.

The eductor, or "lift", fittings here added as item 14 are part of the group of specialized fittings intended to be suspended from price control in Amendment 37, and now listed by specific designation.

Section 10 (b) (7). This revision of subparagraph (7) "Piping accessories . . . " is a more detailed list illustrative of the items previously suspended from price control.

Section 10 (b) (8). The revised subparagraph (8) "Mechanically operated commercial refrigeration . . ." is a more detailed restatement. In this case the list is definitive, and not merely illustrative.

Expansion and Additions

Section 10 (b) (10). By inserting reference thereto in the general heading of section 10 (b) and the addition of a separate subparagraph (10) thereunder, the area of decontrolled items administered by the Mechanical Building Equipment Price Branch is broadened to include certain parts and subassemblies which are designed especially for incorporation into commodities which are suspended from price control. In the opinion of the Administrator it is readily apparent that if a manufacturer's sales of the complete commodity are suspended it is illogical to retain his sales of the parts thereof under control. The reasons justifying release of the commodity almost always apply to the sales of its parts by the manufacturer. The same conclusion is not true as to parts supplied by outside fabricators, such as subcontractors of the commodity manufacturer. In great part such outside parts-fabricators are separately constituted industries, such as the manufacturers of forgings, or of stampings, or of screw-machine products. These groups are governed by other regulations, for example: Maximum Price Regulation 351—"Ferrous Forgings" for the first-named, and Revised Maximum Price Regulation 136—"Machines, Parts and Industrial Equipment" for the latter two. Consideration of these groups, with respect to decontrol, must be made separately since they are set up to serve manufacturers generally and problems of diversion of facilities or manpower must be taken into account.

With respect to the suspension from price control of this group of specially designed parts and subassemblies of commodities which have themselves been so suspended the statements of the considerations involved in the issuance of Amendments 7, 30 and 32 to Supplementary Order 129 with respect to such commodities are equally applicable and are incorporated herein by reference.

Section 10 (b) (4). Radiator air and vent valves are now suspended from price control under subparagraph (4), item "10 Air valves" and "16 Vent valves."

They are items within a commodity, or class of commodities. Without making a determination at this time with respect to the importance of the commodity or class of commodities it is found that these valves are not important within the larger category nor important by themselves to living or business costs. The

Administrator has been informed that the production of these items is rapidly nearing parity with the existing and potential demand for them. In the opinion of the Price Administrator, decontrol of these items will have no dangerous or cumulative unstabilizing effect while continuance of price controls presents an undue administrative burden.

Section 10 (b) (9). Three new categories of suspensions from price control under subparagraph (9) "plumbing equipment and accessories . . .". They are: "18. Plumbing drainage staples except those covered by Revised Price Schedule 100 . . .", "19. Plumbing drainage specialties" and "20. Solder nipples, etc." This is a group comprised of items which are made in small local foundries and shops because of the special requirements of local building codes. Since these requirements will vary from one town to its next neighbor, economical production runs cannot be undertaken. The larger, multiple line manufacturers who would otherwise produce for this market are kept out of the field because of these specialized building codes. Industry wide price adjustment is not feasible. Experience of the producers who have national distribution for such standardized items as are retained in Revised Price Schedule 100 are irrelevant for the small ones. It would be extremely difficult to procure financial and cost data from these small producers, many of whom have no accounting records whatever. In this field also, it is found that many producers move into and out of the market as they may have spare facilities or as competitive opportunities develop. Individual pricing and individual price adjustment have constituted a burden on OPA incommensurate with any useful accomplishment in price control. Although it is anticipated that prices for these items may increase over October 1, 1941 levels as a result of this action, such anticipated increases in all probability would nevertheless be lower than the present cost of using skilled construction labor in the contriving of substitutes on the construction site. Accordingly, it is the considered opinion of the Administrator that the action would in fact result in a reduction of construction costs, and consequently in the costs of living and in the cost of doing business.

[F. R. Doc. 46-18112; Filed, Oct. 4, 1946; 10:46 a. m.]

PART 1305—ADMINISTRATION

[SO 129, Amdt. 57]

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

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

SO 129 is amended in the following respects:

1. Section 5 is amended by adding the following paragraph (b):

(b) Iron and steel and products as follows: Steel castings covered by RPS 41.

2. Section 6 (b) is amended by deleting the headnote "Automobiles" and substituting therefor the phrase "Vehicles as follows".

3. Section 6 (b) is amended by adding the following to the list of vehicles thereunder:

Used trucks with a manufacturer's minimum tonnage rating of three tons or more and used trucks with a manufacturer's minimum gross vehicle weight rating equivalent to a tonnage rating of 2½–3½ tons, 2½–4 tons, 2½–4½ tons, 2½–5½ tons, 2½–6 tons.
Used military self-propelled vehicles as follows:
Amphibian vehicles.
Artillery, automotive, electrical, instrument, machine shop, small arms and welding repair vehicles.
Balloon tender vehicles.
Bomb service vehicles.
Command vehicles.
Earth auger and polesetter vehicles.
Earth and stone hoist vehicles.
Emergency repair, light maintenance and light repair vehicles.
Ordnance maintenance vehicles.
Pigeon loft vehicles.
Radio cars.
Reconnaissance vehicles except jeeps.
Scout cars and chassis.
Searchlight and power plant vehicles.
Surgical van vehicles.
Telephone maintenance and construction vehicles.
Trucks with 6 x 2, 6 x 4, 6 x 6 wheel arrangement.
Weapon carriers.
Used military trailers and semi-trailers without regard to capacity, except cargo van and platform type which are, without modification comparable to civilian vehicles of the same class.

4. Section 8 (a) (2) is amended by adding the following to the list of commodities thereunder: "Sulfur."

5. Section 8 (b) is amended by adding the following to the list of commodities thereunder:

Balloons for radio and weather observation.
Coated fabric tire covers and winter fronts.
Sand blast stencils.
Tube repairing for sizes 12.00 and larger.

6. Section 11 (a) is amended by adding the following to the list of commodities thereunder:

Fence posts, except those of any species commercially known as Southern yellow pine.
Split products and stakes of Western Red Cedar or redwood when used for fencing or related agricultural purposes.

7. The definition of manufacturer in section 14 (b) (2) (i) (*a*) is amended to read as follows:

(*a*) A person is a manufacturer under this regulation with respect to a part if:

(1) He is a producer (as defined in section 21 of MPR 452) or rebuilder of the part; or

(2) He purchased the part but had it made to his own specification and design and resells it under his own trade name, except when the sale is made at retail; or

(3) He purchased the part but his sales of parts described in (1) and (2) above account for more than 50% of his dollar return on sales of automotive parts, and he resells the purchased part under his own trade name.

(4) He purchased the part but resells it under his own trade name and is a subsidiary of a parent corporation which is a manufacturer under this definition for automotive parts accounting for more than 50% of the parent corporations return on sales of automotive parts.

8. Section 14 (b) is amended by adding the following subparagraph (3).

(3) Automotive parts and accessories when sold by a manufacturer, as follows:

Exhaust deflectors.
Fender guides.
Grill guard protectors (not including bumpers and bumper guards).
Outside rear view mirrors.
Vehicle registration certificate holders.

9. Section 16 (b) is amended by adding the following to the list of commodities thereunder:

Elastic braid and cord, and woven elastic webbing when sold to be used in its finished width without further processing.

This amendment shall become effective October 4, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 57 TO SUPPLEMENTARY ORDER 129

This amendment to Supplementary Order 129 exempts from price control various commodities under the jurisdiction of the Rubber, Chemicals and Drugs branch, numerous military vehicles and certain used trucks under the jurisdiction of the Motor Vehicles branch, and steel castings covered by RPS 41 in the Metals branch. It suspends from price control miscellaneous automotive parts and accessories when sold by manufacturers, elastic braid and cord and woven elastic webbing, and all fence posts except those of any species commercially known as Southern yellow pine.

Sulfur is one of the more important commodities exempted in this action, on the ground that the supply and demand situation warrants decontrol. Sulfur has many uses in elemental form, but about three-quarters is converted to sulfuric acid. It is a very effective reagent in the vast majority of industrial processes that require acid.

At no time during the war was there a shortage of sulfur. Although in 1944 the WPB was faced with some serious shortages of sulfuric acid, sulfur itself developed no supply problems beyond a few transportation delays.

Production and large stocks in producer hands have for years been more than adequate in satisfying the demand. Stocks in producer hands on June 30, 1946 totaled substantially more than the total production for the peak year 1945. On the average, for the different grades, sulfur for years has been selling below ceiling levels and there is no reason to believe that decontrol will result in increased domestic prices.

Steel castings covered by RPS 41 are exempted from price control in accordance with the Administrator's opinion that the supply and demand are in approximate balance.

On the basis of all information available to the Civilian Production Administration and the Office of Price Ad-

ministration, purchasers of steel castings of all classes in all geographical areas are experiencing no difficulty in obtaining their requirements of steel castings.

A number of used military vehicles are included in this action because the supply greatly exceeds the demand. Inventories are adequate, and these vehicles are selling well below the ceiling prices and have been for some time.

The supply and demand situation in regard to the used trucks contemplated in this exemption is also such as to warrant decontrol. Here again the Administrator has taken into consideration the fact that prices are well below ceiling. The favorable supply and demand balance pertaining to these trucks does not yet exist for trucks with a lower tonnage rating and they are therefore retained under control.

Among the products now added to the list of suspensions under section 16 (b) are elastic braid and cord, and woven elastic webbing when sold to be used in its finished width without further processing. Elastic webbing is used in the manufacture of underwear, garters, suspenders, girdles, corsets, shoes and surgical supplies. Elastic braid is mostly manufactured in very narrow width and the quantity going into a finished article does not run more than a few inches. It is used in the manufacturing of underwear, hats, sporting goods, house furnishings and garments in general.

The supply situation appears very favorable and while it is expected that prices will rise to reflect increased costs of cotton, it is believed that they will not deviate significantly from the maximum prices that would be allowed as a result of adjustments, were controls retained. On the other hand, price control will be reinstated promptly should it appear that suspension has resulted in movement of prices inconsistent with the policies adopted by the Emergency Price Control Act of 1942, as amended.

This amendment also decontrols a number of products and services. With respect to all this group, the Administrator has found that each by itself is not important to business or living costs and not relatively important within the commodity group or class of commodities to which it belongs. No determination has been made at this time with respect to the importance to business or living costs of the commodities or classes of commodities which are thus partially affected by this action. The service of tube repairing now added to the list of commodities and services exempted under SO 129, is limited to sizes 12.00 and larger. This will therefore, not affect tubes for passenger automobiles and small trucks. The only companies using tube sizes 12.00 and larger are large industrial concerns or trucking companies. Such organizations generally have their own repair departments or have fixed contracts with repair companies doing this type of work.

All fence post except those of any species commercially known as Southern yellow pine, are suspended from price control by this amendment.

These include fence posts made from small sizes of northern white cedar or tamarack, locust, oak, eastern red cedar and a few other miscellaneous woods. With respect to such woods the Administrator finds that there is no likelihood of diversion to use for fence posts that will result from this suspension. Fence posts made of Southern yellow pine, however, have not been included in this suspension because this species in fence post sizes is an important source of pulp wood in the South and decontrol of the species when used in fence posts might result in a diversion of pulp wood from the pulp mills.

Sand blast stencils, balloons for radio and weather observation, coated fabric tire covers and winter fronts, and miscellaneous automobile parts and accessories constitute the remaining products covered in this amendment. Use of scarce materials for these products is so small that the possibility of diversion is slight.

The Administrator is of the opinion that this action will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect and that it will not result in the impairment of effective price control of other commodities which should be continued.

The definition of manufacturer in section 14 (b) (2) (i) (*a*) has been amended to correct an inadvertent omission which excluded from the suspension sales by certain classes of sellers considered by the industry to be manufacturers and therefore now suspends sales by such classes of sellers.

[F. R. Doc. 46-18113; Filed, Oct. 4, 1946; 10:46 a. m.]

PART 1305—ADMINISTRATION

[SO 148, Amdt. 9]

ADJUSTMENT OF MAXIMUM PRICES FOR SALES OF CERTAIN LOW-END CONSUMERS' DURABLE GOODS

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

Supplementary Order No. 148 is amended in the following respect:

The following is added to the list of articles, cut-off prices and maximum percentage adjustments, in Appendix A.

Article	Cut-off price	Maximum percentage adjustment	Profit margin
60-watt soldering iron with ⅜" tip	*Each* $0.65		
60-watt soldering iron with ½" tip or larger	.95	15	4.4
Soldering iron over 60 watts with tip	1.10	15	4.4

This amendment shall become effective on the 9th day of October 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 9 TO SUPPLEMENTARY ORDER NO. 148

The accompanying amendment adds certain types of soldering irons to the articles already listed in Appendix A of Supplementary Order No. 148.

It has been determined that a scarcity of low-priced tools of this type exists which has resulted primarily because of the manufacturers' inability to absorb cost increases on those items since they traditionally carried the shortest margins. In order to encourage production of low priced soldering irons, it is deemed advisable to permit an adjustment of 15% on these irons with appropriate dollar-and-cents cut-off points for the various models of soldering irons.

The considerations involved in the addition of these tools to the list contained in Supplementary Order No. 148 are the same as those involved in the listing of low end articles in Supplementary Order No. 148 as originally issued. The statement of considerations accompanying that order is, therefore, incorporated herein by reference.

[F. R. Doc. 46-18114; Filed, Oct. 4, 1946; 10:47 a. m.]

PART 1306—IRON AND STEEL

[RMPR 159, Amdt. 2]

FABRICATED CONCRETE REINFORCING BARS

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

Appendix A, *Maximum Prices*, of Revised Maximum Price Regulation No. 159 is amended in the following respects:

1. Subparagraphs (1) to (9) of paragraph (a) are amended to read as follows:

(a) *Base prices*—(1) *General.* Except as otherwise provided in this appendix, the maximum base prices at the applicable basing point per one hundred pounds for delivery within the 48 states of the United States and the District of Columbia are:

Reinforcing bars	$2.60
Spirals (with spacers) manufactured from bars, rods or wire smaller than ⅜" round	4.60
Spirals (with spacers) manufactured from bars, rods or wire ⅜" round or larger	4.10

(2) *Gulf Port basing points.* Where the concrete reinforcing bars were obtained by the fabricator at a Gulf Port basing point price, the maximum base prices per one hundred pounds are:

Reinforcing bars	$2.985
Spirals (with spacers) manufactured from bars, rods or wire smaller than ⅜" round	4.985
Spirals (with spacers) manufactured from bars, rods or wire ⅜" round or larger	4.485

"Gulf Port basing point" is any one of the cities of Galveston, Houston, Orange, Port Arthur and Beaumont in the State of Texas.

(3) *Pacific Coast basing points.* Where the concrete reinforcing bars were obtained by the fabricator at a Pacific Coast basing point price the maximum base prices per one hundred pounds are:

Reinforcing bars	$3.035
Spirals (with spacers) manufactured from bars, rods or wire smaller than ⅜" round	5.035
Spirals (with spacers) manufactured from bars, rod or wire ⅜" round or larger	4.535

"Pacific Coast basing point" is anyone of the cities of San Pedro, Wilmington, Long Beach, San Diego, San Francisco, Los Angeles, Oakland, Sacramento or Stockton in the State of California, or Portland in the State of Oregon, or Tacoma or Seattle in the State of Washington.

(4) *Carload in Toledo.* The maximum base prices per one hundred pounds for carload quantities for delivery within the switching limits of the City of Toledo, Ohio, are:

Reinforcing bars	$2.785
Spirals (with spacers) manufactured from bars, rods or wire smaller than ⅜" round	4.785
Spirals (with spacers) manufactured from bars, rods or wire ⅜" round or larger	4.285

(5) *Carload in Detroit.* The maximum base prices per one hundred pounds for carload quantities for delivery within the switching limits of the City of Detroit, Michigan, are:

Reinforcing bars	$2.735
Spirals (with spacers) manufactured from bars, rods or wire smaller than ⅜" round	4.735
Spirals (with spacers) manufactured from bars, rods or wire ⅜" round or larger	4.235

(6) *Less carload in Detroit.* The maximum base prices per one hundred pounds for less carload quantities for delivery within the switching limits of the City of Detroit, Michigan, are:

Reinforcing bars	$2.825
Spirals (with spacers) manufactured from bars, rods or wire smaller than ⅜" round	4.825
Spirals (with spacers) manufactured from bars, rods or wire ⅜" round or larger	4.325

(7) *Spirals without spacers.* If spirals are furnished without spacers $0.25 per one hundred pounds shall be deducted from the applicable maximum base price.

(8) *Spirals made from cold drawn wire.* If spirals are made from cold drawn wire $0.65 per one hundred pounds may be added to the applicable maximum base price.

(9) *Welded stirrups.* The maximum prices per one hundred pounds for welded stirrups for delivery within the forty-eight States and the District of Columbia are:

Welded stirrups made from bars, rods or wire ¼" round	$8.10
Welded stirrups made from bars, rods or wire ⅜" round	6.85
Welded stirrups made from bars, rods or wire ½" round	6.10

No addition for transportation charges may be made except as provided in paragraph (c) (6) of this Appendix A.

2. Subparagraphs (3) and (7) of paragraph (b) are amended to read as follows:

(3) *Bending extras:*

Heavy bending:	
Include bars other than ¼" and ⅜" bent at not more than 6 points; also radius bending and types not otherwise defined as light bending	$0.55
Light bending:	
Includes all ¼" and ⅜" bars and ½" stirrups and column ties, and all bars of any size bent at more than 6 points	1.05

(7) *Engineering extras.* Extras for engineering shall be determined on the basis of the weight of all fabricated concrete reinforcing bars furnished by a single fabricator or reseller to a single purchaser for a specific project, except that if the quantity has been increased from that originally contemplated by a supplemental order or by change in plans or specifications and the fabricator or reseller has not been informed of the change by the purchaser before the engineering has been completed, he may add the engineering extras on the increased quantity as determined by the weight of the increase:

(i) Details and placing plans, including listing, from designs by others:

	Extra, per 100 pounds	Maximum charges
Less than 5 tons	$0.60	$45.00
5 tons to 19.99 tons	.45	160.00
20 tons to 199.99 tons	.40	1,200.00
200 tons to 499.99 tons	.30	2,500.00
500 tons and over	.25	None

In no case need the charge on any single order be less than $10.00.

(ii) Listing where no extras are added pursuant to Appendix A (b) (7) (i): $0.05 per 100 pounds.

(iii) For designing: $0.40 per 100 pounds in addition to above detailing extras.

3. Subparagraphs (1), (2) and (3) of paragraph (c) are amended to read as follows:

(1) *Incoming freight.* (i) Except as otherwise provided in this paragraph (c), where delivery of the concrete reinforcing bars in made to the fabricator outside of the limits of the switching district of the applicable basing point, there may be added the lowest applicable railroad charge for the transportation of an identical quantity of concrete reinforcing bars from the applicable basing point to the railroad siding nearest the plant of the fabricator. (ii) Where delivery of the concrete reinforcing bars is made to the fabricator within the limits of the switching district of the applicable basing point, there may be added the applicable switching charge under Revised Price Schedule No. 6 for an identical quantity: *Provided,* That such switching charge may not exceed $0.025 per hundred pounds for a sale in carload quantities of twenty-five tons or more, or $0.10 per hundred pounds for a sale in less than carload quantities, except that for deliveries of thirty tons or more within the limits of the switching district of Chicago, Illinois, such charge may not exceed $0.03 per hundred pounds; and that in no instance need the switching charge provided for in this subparagraph fall below $2.00 for any single sale.

(2) *Outgoing freight.* Except as otherwise provided in this paragraph (c) there may also be added an amount determined in accordance with the provisions of this subparagraph (2). (i) Where delivery is made entirely by truck there may be added the lowest applicable published trucking charge for the transportation of an identical quantity of fabricated concrete reinforcing bars from the plant of the fabricator to the point of delivery to the consumer. (ii) Where delivery is made by means other than entirely by truck or where there is no published trucking charge for transportation from the fabricator's plant to the point of delivery, there may be added the lowest applicable railroad charge for the transportation of an identical quantity of fabricated concrete reinforcing bars from the plant of the fabricator to the point of delivery to the consumer: *Provided,* That where such delivery is made entirely or in part by truck, 10 cents per hundred pounds may also be added.

(3) *Fabrication in transit.* Except as otherwise provided in this paragraph (c), if the privilege of fabrication in transit at the plant of the fabricator is available between the point of origin of the concrete reinforcing bars and the point of delivery to the consumer, and yields a charge lower than the total railroad transportation charge calculated pursuant to the provisions of paragraphs (c) (1) and (c) (2) for the transportation of an identical quantity from the applicable basing point to the point of delivery to the consumer, the total railroad transportation charge which may be added under paragraph (c) (1) and (c) (2) of this paragraph shall not exceed such lower charge.

4. Paragraph (d) added by Amendment No. 1 is hereby deleted.

This amendment shall become effective October 9th, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 2 TO REVISED MAXIMUM PRICE REGULATION NO. 159

The Office of Price Administration has completed a survey embracing a representative sample of the companies producing fabricated concrete reinforcing bars and has found that an adjustment in the maximum prices established by Revised Maximum Price Regulation No. 159 for such products is appropriate under the provisions of Executive Order 9599 to maintain essential supply during the transition period.

Amendment No. 2 makes a number of changes in Revised Maximum Price Regulation No. 159 in order to accomplish this purpose as well as to make certain clarifications.

In the first place, it adjusts the maximum prices for fabricated concrete reinforcing bars by increasing the permissible extras for both light and heavy bending by 15 cents per 100 pounds and the permissible engineering extras by 10 cents per 100 pounds. The study leading to this action embraced twenty-four companies deemed by the Administrator to be fully representative of the firms producing fabricated concrete reinforcing bars. It disclosed that current operations in connection with this product are being conducted at a loss.

In calculating costs and realization, the experience of the firms covered by the study during the fourth quarter of 1945 was used as a starting point. Operations in that period were at a level which is considered fully representative of that which may be expected in the future. Although volume during the first six months of 1946 was not less than that of the fourth quarter 1945, there were distortions in individual company operations which make the first named period unsuitable as a basis for maximum price action.

It appears from this study that during the fourth quarter of 1945 the firms included sustained an average loss of $1.20 per ton on the sale of fabricated concrete reinforcing bars. Since that time there have been cost increases which have increased such deficit substantially. Firms accounting for about 56 percent of the total tonnage in the sample have granted wage and salary increases which have been approved for pricing purposes by the Wage Stabilization Board. Although other companies have granted wage and salary increases, only those which had been approved by the time our study was

completed have been taken into account in the present action. On this basis, the average increment in labor costs amounted to about $1.00 per ton. Although the present calculations have the effect of averaging the increased costs based upon the wage increases and result in price relief to some firms somewhat lower than that which would be granted if consideration were given only to the companies which have incurred such higher costs, the Administrator has determined that an industry-wide increase in maximum prices based on such calculations is a just and practicable method of affording relief to such companies. In addition, there have been increases in other cost factors amounting to about $0.30 per ton. These include such costs as social security contributions, insurance, supplies, and scrap loss resulting from adjustments in the maximum prices for raw materials purchased from steel mills. Accordingly, it appears that realization at existing maximum prices fails to cover total costs of producing fabricated concrete reinforcing bars by about $2.50 per ton.

The increase now being granted is designed to remove this deficiency. It is deemed appropriate to accomplish this result in part by means of adjustment in extras for bending and engineering because it appears that the rise in labor costs has been the primary cause of the present inadequacy of maximum prices and such extras constitute the major compensation for the difference between fabricated and unfabricated bars. Furthermore, by granting relief in this manner benefits will be distributed proportionately among fabricators on the basis of the extent to which they sell fabricated concrete reinforcing bars as distinguished from unfabricated material.

The further increase needed is being accomplished by permitting fabricators to charge published trucking rates when delivery is made entirely by truck. Heretofore such persons have been limited to the established railroad charge plus 10 cents per 100 pounds if delivery is made in whole or in part by truck. Since trucking charges generally exceed railroad charges for a comparable movement, the change will free fabricators from the absorption of excess costs when truck shipment is made. By this action, furthermore, the movement of less than carload truck shipments will be encouraged since sellers will gain no advantage by holding material until carload quantities have been accumulated, and thus will relieve pressure on rail transportation facilities.

Secondly, Amendment No. 2 permits sellers of concrete reinforcing bars covered by the regulation to pass through, in the appropriate case, the increases in maximum arbitrary delivered prices granted their suppliers by Amendment No. 18 to Revised Price Schedule No. 6. This action will affect only deliveries in certain areas and is deemed necessary to prevent distortion in the distribution of reinforcing bars essential to effective transition to a peacetime economy. Unless this pass through were permitted, sellers would be likely to avoid shipment into the area affected.

Finally, Amendment No. 2 clarifies certain provisions of the regulation. Originally, Maximum Price Regulation No. 159 provided that where bars were obtained by the fabricator at certain basing point prices then the corresponding base price would be the maximum price. In writing Revised Maximum Price Regulation No. 159 the word "price" was inadvertently omitted. This error has been corrected by adding the word "price" after basing point in subparagraphs (a) (2) and (a) (3) of Appendix A. Paragraph (c) of Appendix A contains the provisions which establish the amount of freight which may be added to the base prices. In subparagraph (1) the term "a basing point" was not specific in that it could refer to any basing point. This provision has been clarified by referring to "the applicable basing point," so that regardless of where the bars are delivered to the fabricator, it is clear that he may not add more than the freight or switching charge from the applicable basing point as defined in the regulation. The other change clarifies the provisions in subparagraph (3) which limits the allowable freight charges when the privilege of fabrication in transit is available to the fabricator. Reference was made to the total transportation charges calculated pursuant to subparagraphs (c) (1) and (c) (2). The "total transportation" charges could mean the sum of both the railroad and trucking charges, although the reference was intended to mean the sum of the incoming and outgoing railroad transportation charges. Consequently, the paragraph has been amended by referring to the total railroad transportation charges. The final change revises the prices listed in Appendix A to correspond with the maximum prices as calculated by the addition to the base price authorized by Amendment No. 1 to the regulation.

In view of the foregoing considerations, it has been determined that the accompanying amendment to Revised Maximum Price Regulation No. 159 is consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order 9599, and is in accordance with the Supplementary Wage and Salary Regulation issued by the Director of Economic Stabilization.

[F. R. Doc. 46-18118; Filed, Oct. 4, 1946; 10:48 a. m.]

PART 1306—IRON AND STEEL

[RPS 6,[1] Amdt. 18]

IRON AND STEEL PRODUCTS

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

Revised Price Schedule No. 6 is amended in the following respects:

1. In section 1306.8 (g) (3) a new subdivision (iv) is added to read as follows:

(iv) *Provided further,* That the delivered prices applicable by virtue of this subparagraph (3) at Toledo, Ohio, Detroit and Eastern Michigan, Mahoning Valley, Ohio and the Gulf and Pacific Coast basing points may be increased by the following amounts: in the case of ingots, blooms, billets, slabs, and sheet bar—$.50 per gross ton; in the case of all other iron and steel products—$.035 per hundred pounds. These increases may be applied to both carload and less than carload shipments.

2. Section 1306.10 (h) is amended to read as follows:

(h) All customary or general privileges in effect as of April 16, 1941, including, without limiting the generality of the foregoing, delivery and other services of all kinds, credit or other terms of payment, functional discounts and allowances such as those customarily made to specific classes of purchasers such as manufacturers of roofing materials, chain link fencing, culverts, etc., shall be continued without diminution or extra charge: *Provided,* That this paragraph shall not apply to any reductions in published or quoted base prices arising from specific competitive situations:

Provided further, That this paragraph shall not apply to the discount or allowance which was actually and customarily granted as of April 16, 1941, by producers on sales of low carbon Bessemer or low carbon basic manufacturers' wire to bale tie manufacturers.

This amendment shall become effective the 9th day of October 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 18 TO REVISED PRICE SCHEDULE 6

Amendment No. 18 to Revised Price Schedule No. 6 provides for increases in the delivered prices of iron and steel products at Toledo, Ohio, Detroit and Eastern Michigan, Mahoning Valley, and the Gulf and Pacific Coast points.

The practice in the industry, prior to the issuance of Price Schedule No. 6 was to quote flat delivered prices for shipment into these areas which were less than the aggregate of the price at the nearest governing basing point plus applicable transportation charges from such point. This practice was recognized in Price Schedule No. 6 and delivered prices to those areas were frozen as of April 16, 1941.

On all mill shipments of steel except those to the above named points, Revised Price Schedule No. 6 has always provided in effect for the pricing of shipments on an f. o. b. governing basing point basis. Under such circumstances the increase in freight rates which became effective July 1, 1946, are permitted to be passed on to the consumer, at least with respect to the haul from basing point to consumer which generally constitutes the largest portion of the freight burden. In the case of shipments to the above named territories, however, the increase would not be passed on under the terms of Revised Price Schedule No. 6. Because of this maladjustment, produc-

ers will find it to their advantage to refrain from shipping iron and steel products into these territories. Such action, when considered in the light of the current shortage of these products, would be seriously detrimental to the many important industries located in the areas affected and would interfere with effective transition to a peacetime economy. In order to avoid this danger, the Administrator considers it necessary and proper to adjust the applicable maximum delivered prices by amounts which will restore the balance between the two types of shipments which existed before the recent increase in freight rates. Thus the amounts of the adjustment have been computed as closely as practicable to permit the mill to charge the same proportion of the freight increase to the consumer at the named points as they are already permitted to charge under the basing point system where the consumer bears all freight increases from the basing point to delivery point.

Amendment 18 also makes a minor change in Revised Price Schedule No. 6 in order to clarify the discount provisions insofar as they apply to bale tie wire.

In the opinion of the Administrator, Amendment 18 is in accordance with Executive Order 9599 and the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18115; Filed, Oct. 4, 1946; 10:47 a. m.]

PART 1306—IRON AND STEEL

[RPS 49, Amdt. 43]

RESALE OF IRON OR STEEL PRODUCTS

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

Revised Price Schedule No. 49 is amended in the following respects:

1. In § 1306.159 (v) (1) a new sentence is added to read as follows:

Where the seller pays his source of supply the increases in the maximum arbitrary delivered prices permitted producers by Amendment No. 18 to Revised Price Schedule No. 6, the actual amount of such increase may also be added.

2. In § 1306.159 (v) (6) a new sentence is added to read as follows:

Where the seller pays his source of supply the increase in the maximum arbitrary delivered prices permitted producers by Amendment No. 18 to Revised Price Schedule No. 6, the actual amount of such increase may also be added.

3. In § 1306.164 (d) (2) (i) a new sentence is added to read as follows:

In any instance where the use of the arbitrary mill basing point values at Detroit, Michigan; Pacific Coast Ports; or Gulf Ports is provided for in Zones 12, 13, 14, 15 or or 16, the increase granted producers by Amendment No. 18 to Revised Price Schedule No. 6 may be added.

4. In § 1306.165 (a) (3) a new sentence is added to read as follows:

In any instance where the use of the arbitrary mill basing point values at Detroit, Michigan; Pacific Coast Ports; or Gulf Ports is provided for in Zones 12, 13, 14, 15, or 16, the increase granted producers by Amendment No. 18 to Revised Price Schedule No. 6 may be added.

This amendment shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 43 TO REVISED PRICE SCHEDULE NO. 49

Amendment No. 43 to Revised Price Schedule No. 49 provides for a pass-through of increases in the mill arbitrary basing point values granted by Amendment No. 18 to Revised Price Schedule No. 6, in all instances where those basing point values are a factor in determining maximum delivered prices and also where sellers are frozen to their April 16, 1941, selling prices. The effect of Amendment No. 18 to Revised Price Schedule No. 6 is to increase the mill delivered prices of iron and steel products at Toledo, Ohio; Detroit and Eastern Michigan; Mahoning Valley; and the Gulf and Pacific Coast basing points by amounts which approximate the recent increase in freight rates involved in deliveries into these territories.

The mill increases will not substantially affect the percentage markup of the warehousing industry as a whole. However, an additional burden of absorption required of the limited number of warehouses in the affected area, when considered in the light of the current shortage of steel mill products, might lead to a reduction in the flow of such products from warehouses to important steel-consuming industries located in the affected areas. Since the avoidance of a similar danger at the mill level was the purpose of the amendment to the mill schedule, it is found necessary and proper to provide also a dollar-and-cent pass-through for resellers in the affected areas.

In the opinion of the Administrator, Amendment No. 43 is in accordance with Executive Order 9599 and the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18116; Filed, Oct. 4, 1946; 10:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 585, Corr. to Amdt. 9]

MIXED FEEDS FOR ANIMALS AND POULTRY

Amendment 9 to Maximum Price Regulation 585 is corrected in the following respect:

Item 7 is corrected to read as follows:

7. A new paragraph 7 is added to section 4.9 (a) to read as follows:

(7) If your nearest customer regularly selling your mixed feed at retail is located within 50 miles of your plant or wholesale warehouse, you may, with respect to deliveries to feeders at such plant or warehouse, add such an amount as will make your price equal to his maximum price (this is permitted to protect him from the possibility of underselling).

This correction shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-18129; Filed, Oct. 4, 1946; 10:52 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 591, Amdt. 6]

SPECIFIED MECHANICAL BUILDING EQUIPMENT

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

Section 25 (b) of Maximum Price Regulation 591 is amended by deleting the following item under "II–Screenings . . .":

5. Non-ferrous screen cloth including phosphorus bronze.

This amendment shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING AMENDMENT NO. 6 TO MAXIMUM PRICE REGULATION 591

The accompanying amendment removes non-ferrous screen cloths, not including glass or plastic, from Maximum Price Regulation 591 in order to permit their transfer to the General Maximum Price Regulation and administration by OPA's Metals Branch. The transfer is made because it appears that the same producers, for the most part, manufacture both the ferrous and non-ferrous screen cloths. It will therefore better suit the needs and convenience of the industry and of OPA if these are all treated under a single regulation and administered by just the one branch of OPA. Except for such future actions as may be instituted by the Metals Branch this transfer does not itself affect maximum prices heretofore established under Maximum Price Regulation 591.

It should be noted that glass, plastic and aluminum screen cloths have been suspended from price control pursuant to section 10 (b) of Supplementary Order 129, and will not in any way be affected by this action.

[F. R. Doc. 46-18130; Filed, Oct. 4, 1946; 10:52 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 305, Corr. to Amdt. 18]

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

Amendment 18 to Maximum Price Regulation 305 is corrected by changing

the references to § 1351.1706 in item 1 to § 1351.1760.

This correction shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-18127; Filed, Oct. 4, 1946; 10:51 a. m.]

PART 1367—FERTILIZERS

[RMPR 205, Amdt. 17]

FERTILIZER RAW MATERIALS

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

Revised Maximum Price Regulation 205, is amended in the following respects:

1. Paragraph (a) of section 9 is amended to read as follows:

(a) (1) *California and Arizona.* The maximum price that may be charged for domestic sulphate of ammonia delivered to any destination in California and Arizona shall be $36.50 per ton in bulk and $38.00 per ton in bags: *Provided,* That on any shipments made to destinations in California and Arizona where the freight charges exceed $4.53 per ton from Shell Point, California, to such destination, such excess freight charges may be added to the maximum price.

(2) *Washington, Oregon, California and Arizona.* The maximum price that may be charged for imported sulphate of ammonia delivered to any destination in Washington, Oregon, California and Arizona shall be $40.15 per ton in bulk and $41.80 per ton in bags: *Provided,* That on any shipments made to destinations in Washington and Oregon where the freight charges exceed $7.21 per ton from Ironton, Utah, to such destination, such excess freight charges may be added to the maximum price: *And provided further,* That on any shipments made to destinations in California and Arizona where the freight charges exceed $4.53 per ton from Shell Point, California, to such destination, such excess freight charges may be added to the maximum price.

2. Paragraph (b) of section 9 is amended to read as follows:

(b) *Colorado and New Mexico.* The maximum price that may be charged for sulphate of ammonia shall be: $40.60 per ton in bulk and $43.60 per ton in bags delivered to any destination in Colorado; $42.30 per ton in bulk and $45.30 per ton in bags delivered to any destination in New Mexico.

This amendment shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 17 TO REVISED MAXIMUM PRICE REGULATION 205

This amendment adjusts the maximum price for sales of domestic ammonium sulphate to fertilizer manufacturers in Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming from a delivered price basis to a f. o. b. producing plant maximum price of $30.00 per ton in bulk, the same as established for all except 11 western states by Amendment 11 to Revised Maximum Price Regulation 205 issued July 27, 1946.

The adjustment for sales in the western states was not made at the same time as for all other states due to lack of information, which has now been received, as to the need in those states.

This amendment also adjusts the maximum price for shipments to any destination in Colorado and New Mexico on a customary delivered basis in line with the adjustment for the other states.

This amendment does not change the maximum price for delivery of domestic ammonium sulphate to any destination in California and Arizona as the present maximum price appears to be satisfactory.

The new maximum price established by this amendment in the seven western states affords all purchasers of the same class in those states an equal opportunity to purchase domestic ammonium sulphate from any producer as no freight equalization is now required.

In the opinion of the Administrator, it is deemed that the terms and provisions of this amendment are fair and equitable and in accordance with the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-18123; Filed, Oct. 4, 1946; 10:50 a. m.]

PART 1365—HOUSEHOLD FURNITURE

[3d Rev. MPR 213, Amdt. 6]

NEW COIL AND FLAT BEDSPRINGS AND METAL BEDS

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

Third Revised Maximum Price Regulation No. 213 is amended in the following respects:

1. Section 9 (b) (1) (iii) is amended to read as follows:

(iii) If, prior to April 23, 1946, maximum prices have been established by an individual pricing order, or under the automatic pricing provision of section 9 (b) (1) of this regulation for sales of any article covered by this regulation which is not listed in section 16, the manufacturer shall compute new maximum prices for his sales of that article, as follows:

(a) He shall determine the weight of the wire in the article.

(b) He shall determine the weight of the angles, flats and strips in the article.

(c) He shall add to his maximum price established under that individual pricing order or under the automatic pricing provision of section 9 (b) (1) of this regulation, the increase in his material cost, figured at $9.00 per ton, in the case of wire, and $7.00 per ton, in the case of angles, flats and strips.

(d) He may increase by 6 percent the amount calculated under paragraph (c) above.

(e) He shall calculate the retail maximum price for the article by multiplying the amount computed under paragraph (d) above by 191 percent.

The new maximum prices so computed shall be reported by the manufacturer to the Office of Price Administration, Washington, D. C., before he first offers the article for sale at a price higher than the maximum price previously established for the article by the in-line order, or under the automatic pricing provisions of section 9 (b) (1) of this regulation. If the reported maximum price is incorrectly calculated, the Office of Price Administration will issue an order establishing the correct maximum price for the manufacturers' and retail maximum price for sales of the article.

2. Section 16, Appendix A is amended in the following respects:

(a) The column in paragraph (b) with the heading "Cash retail maximum price for articles which the manufacturer delivers prior to August 19, 1946", is deleted.

(b) The words "on or after August 19, 1946" are deleted from the present last (fourth) column heading in paragraph (b).

(c) The f. o. b. factory l. c. l. maximum prices and the cash retail maximum prices for the classes listed are changed as follows:

Class	F. o. b. factory l. c. l. maximum price, net 30 days	Cash retail maximum price
101	$5.25	$9.95
102	5.85	11.05
103	4.80	9.30
104	6.40	12.00
105	6.85	13.05
106	5.90	10.20
107	6.40	11.35
108	5.80	10.20
109	7.45	13.35
110	7.80	13.90
111	7.30	14.10
112	6.95	13.50
113	3.00	5.80
114	3.85	7.35
115	4.00	7.50
116	4.60	8.80

(d) The column in paragraph (c) (1) with the heading "Cash retail maximum price differential for articles which the manufacturer delivers prior to August 19, 1945", is deleted.

(e) The words "on or after August 19, 1946" are deleted from the present last (fourth) column heading in paragraph (c) (1).

(f) The f. o. b. factory, l. c. l. maximum price differentials and the cash retail

maximum price differentials for the types of extra features listed are as follows:

Type of extra feature	F. o. b. factory, l. c. l. maximum price differential	Cash retail maximum price differential
Angle top border	$0.75	$1.45
Center border wire	.65	1.20
Convolute face coils	.30	.55
Double deck edge coils	.30	.55
Helical center	.65	1.20
Each additional 8 coils on an 88 coil arrangement, or each additional 9 coils on a 90 coil arrangement	.40	.75
1 pair of band stabilizers	.30	.55
1 pair of wire stabilizers	.15	.25
Full platform top "A"	1.15	2.25
Partial platform top "A"	.65	1.20
Full platform top "B"	1.40	2.65
Partial platform top "B"	.85	1.60
Full platform top "C"	1.65	3.15
Partial platform top "C"	1.05	2.00
Copper or bronze finish	.55	1.00
Aluminum finish	(1)	(1)

[1] No extra charge.

2. Section 16, Appendix B is amended in the following respects:

(a) The column in paragraph (e) with the heading "Cash retail maximum prices for articles which the manufacturer delivers prior to August 19, 1946", is deleted.

(b) The words "on or after August 19, 1946" are deleted from the present last (fourth) column heading in paragraph (e).

(c) The maximum f. o. b. factory, l. c. l. prices and the maximum cash retail prices for the classes listed is changed as follows:

Class	Maximum f. o. b. factory, l. c. l. price	Maximum cash retail price
A	$5.90	$10.20
B	6.45	11.35
C	7.55	13.40
D	7.90	14.05
E	5.65	9.90
F	6.25	10.95
G	6.35	11.15
H	7.05	12.30
I	5.85	10.20
J	7.45	13.35
K	7.80	13.90
L	8.10	14.40

(d) Paragraph (f) is amended to read as follows:

(f) *Additions to maximum prices.* There may be added to the maximum f. o. b. factory, l. c. l. and cash retail price of Class A, B, C, and D coil bedsprings as set forth in paragraph (d) above, the following:

	F. o. b. factory, l. c. l. price	Cash retail price
For a full platform top	$1.10	$1.85
For a partial platform top	.65	1.05
For a pair of stabilizers	.15	.25

3. Section 16, Appendix C is amended in the following respects:

(a) The column in paragraph (i) with the heading "Cash retail maximum prices for articles which the manufacturer delivers prior to August 19, 1946" is deleted.

(b) The words "on or after August 19, 1946," are deleted from the present last (fourth) column heading in paragraph (i).

(c) The f. o. b. factory, l. c. l. maximum prices and cash retail maximum prices for the two classes listed are changed as follows:

Class	F. o. b. factory, l. c. l. maximum price	Cash retail maximum price
I	$4.40	$8.45
II	6.90	13.15

(d) Paragraph (j) is amended to read as follows:

(j) *Additions to maximum prices in (i) above.* The following may be added to the F. O. B. factory L. C. L. maximum prices, and the cash retail maximum prices of the metal beds set forth above.

Type of extra feature	F. o. b. factory l. c. l. maximum price differential	Cash retail maximum price differential
Extras—Applicable to class 1 bed:		
Square tubing (over round)	$0.16	$0.30
Grace line or shaped tubing (over round)	.32	.60
Four Grace line or shaped posts, square cross rods	.16	.30
Windsor or oval (semiwindsor) shape	.37	.70
3/8 tubing fillers, per pair (1 head and 1 foot)[1]	.11	.20
1/2 tubing fillers, per pair (1 head and 1 foot)	.14	.25
5/8 tubjng fillers, per pair (1 head and 1 foot)	.18	.30
3/4 tubing fillers, per pair (1 head and 1 foot)	.22	.40
1" tubing fillers, per pair (1 head and 1 foot)	.25	.50
NOTE: Extra for heavier filler includes heavier cross rods.		
Flat beaded fillers per inch width of material, per pair	.09	.16
Rectangular or shaped fillers per inch of perimeter, per pair	.09	.16
Panels, per inch of width, per pair (1 head and 1 foot)	.09	.16
White and pastel shades	.27	.50
Extras—Applicable to class II bed:		
Mitres, per pair	.32	.60
Broken outlines	.32	.60
Aprons, full or 2 legs	.42	.80
Waterfall shape—hollow back	.58	1.10
Exposed waterfall post	.32	.60
Waterfall shape, formed rail type	.80	1.55
Waterfall and enclosed posts	1.60	3.00
Enclosed posts, straight, continuous	1.60	3.00
Enclosed posts, modern oval (including oval frame)	2.10	4.00
Extra height per inch	.16	.30
1 1/2" post	.16	.30
Extras—Applicable to classes I and II beds:		
Plain blended finish (spray grain)	.37	.70
Two-tone blended finish (spray grain)	.48	.90
Plate finish (one-tone)	.95	1.80
Plate finish (two-tone)	1.60	3.00
Hand grain [2] (single tone)	1.85	3.55
Hand grain [2] (two-tone)	2.65	5.05

[1] Extras are over brown enamel finish and include any striping, or stencilling.

[2] Hand grain must be an accurate reproduction of wood grain.

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

This amendment shall be effective on the 7th day of October 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 6 TO THIRD REVISED MAXIMUM PRICE REGULATION NO. 213

The accompanying amendment to Third Revised Maximum Price Regulation No. 213 provides for a further adjustment of maximum prices at both manufacturing and retail levels, for sales of coil and flat bedsprings and metal beds. The manufacturers' prices set forth in this amendment represent a 16.9% increase over October 1941 prices. In view of previous price increases granted to this industry since October 1941, however, the accompanying amendment provides increase at the manufacturing level of 6% over current prices. This increase was determined in accordance with the basis reconversion pricing policy of the Office of Price Administration.

The circumstances under which price increase factors may be authorized for manufacturers of reconversion products are set forth in § 1499.159e of Maximum Price Regulation No. 188 and are explained in the statement of considerations accompanying Amendment 67 to that regulation. The same treatment for industries not subject to Maximum Price Regulation 188 has been approved by Directive 78 of the Office of Economic Stabilization and the accompanying amendment is consistent with the provisions of that directive.

New coil and flat bedsprings are properly regarded as reconversion products under the standards used by the Office of Price Administration. Although earlier maximum prices and subsequent increases were established before the reconversion policy was definitely formulated, and thus determined on a different basis, it has been determined proper to apply the reconversion formula at this time in order to grant price increases to bedspring manufacturers to reflect material and labor cost increases experienced by the industry since October 1941.

To determine the industry's price increase factor, the procedure set forth in § 1499.159e of Maximum Price Regulation No. 188 was followed. Total costs for the last period of normal production, the year 1941, as indicated in a consolidated operating statement, were adjusted by factors which reflected legal changes in the level of material prices and basic wage rate schedules of factory workers. Adjustments were not made on any of the other elements which affect total costs. To these adjusted total costs was added an amount obtained by applying the industry's average percentage profit margin over total costs during 1936–39. The resulting figure was then divided by the unadjusted net sales to determine the increase factor for the period from October 1941 to present. The increases previously granted to the industry amounting to 10.2% over October 1941 prices were applied to the overall increase factor of 16.9% resulting in a 6.079% increase over current prices, which was rounded to 6%.

Twelve manufacturers submitted operating statements, bills of material showing increased material costs, and schedules containing calculations of basic wage rate increases experienced since

October 1941 to the current date. These firms are representative of various geographic areas and of approximately 42% of the industry's volume. The 1936–39 financial statements of 24 firms, representing approximately 61% of the industry's volume, were analyzed to determine the ratio of net profit to sales for that period.

An analysis of the consolidated operating statement reveals that materials represent 48.6% and labor 24.6% of net sales. The average percentage of net operating profits (before taxes) to total costs was 5.48% for the 1936–39 period and 10.8% in 1941. The increase factor for materials is 18.40% and for labor is 47.42%. These factors were applied to the 1941 operating statement as described above, and after consideration was given to the previous increases, the price increase factor is 1.079%. (This was rounded to 6% in computing maximum prices in the accompanying amendment.)

The increase provided by the accompanying amendment adjusts manufacturers' maximum prices by 6% (rounded to the nearest five cents). The increase is set forth in revised dollars-and-cents prices as shown in Appendices A, B, and C. For articles for which maximum prices are established under individual pricing orders or under section 9 (b) (1) of the regulation, a method is prescribed for manufacturers to calculate adjusted prices for their sales and sales at retail, to reflect the increase of 6% granted by the amendment. Resellers' maximum prices are figured on the basis of an average 91% markup. Amendment No. 5 has restored to resellers the markups in effect on March 31, 1946. This amendment maintains those margins, and resellers' margins for sales of the articles covered by this order are in conformity with section 2 (t) of the Emergency Price Control Act, as amended, which provides "* * * in establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

The Administrator has advised and consulted with representative members of the industry and has given consideration to their recommendations.

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 of this amendment or of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18124; Filed, Oct. 4, 1946; 10:50 a. m.]

PART 1377—LUMBER DISTRIBUTION

[2d Rev. MPR 215, Amdt. 24]

DISTRIBUTION YARD SALES OF SOFTWOOD

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.

Second Revised Maximum Price Regulation 215 is amended in the following respects:

1. In section 5 (c) the area markups for hardwood flooring in each area shown therein are amended to read as follows:

OAK, PECAN AND MISCELLANEOUS HARDWOOD FLOORING COVERED BY MAXIMUM PRICE REGULATION 458

	Percent
North Central and North Atlantic Areas (40% on sales of 1,000 feet or less)	20
Great Plains and Texas Areas	25
California Area	20
South Central Area	20
Mountain States Area	30
Louisiana Area	20
Florida Area	20
Southern Area	20
Northwest Area	25

HARDWOOD FLOORING COVERED BY MAXIMUM PRICE REGULATION 432

	Percent
North Central and North Atlantic Areas (50% on sales of 1,000 feet or less)	30
Great Plains and Texas Areas	35
California Area	30
South Central Area	30
Mountain States Area	40
Louisiana Area	30
Florida Area	30
Southern Area	30
Northwest Area	35

2. Section 7 (a) (6) is amended to read as follows:

6. Northern softwoods—RMPR 222, Wausau, Wisconsin (except: for Jack Pine and Eastern Spruce, use Mizpah, Minnesota, as basing point; for imported Western White Spruce use Beaudette, Minnesota, as basing point for lumber shipped from mills in Saskatchewan and Manitoba; and Spokane, Washington, for lumber shipped from mills in British Columbia and Alberta).

This Amendment No. 24 shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING AMENDMENT NO. 24 TO SECOND REVISED MAXIMUM PRICE REGULATION NO. 215

This amendment revises the percentage mark-ups on hardwood flooring so as to make the reduction of 10 percentage points provided in Amendment 22 apply only to hardwood flooring subject at the mill level to Maximum Price Regulation 458. In addition, it changes the freight basing points for Eastern Spruce for which mill ceilings are fixed by 2d Maximum Price Regulation 222 from Wausau, Wisconsin, to Mizpah, Minnesota.

Hardwood flooring mark-ups. When Amendment 22 to this regulation was issued, the percentage portion of the retail mark-up was reduced in all areas by 10 percentage points in respect to all hardwood flooring. This resulted in a substantial reduction of dealers' margins on Maximum Price Regulation 432 Hardwood Flooring, whereas the intent of Amendment 22 was only to adjust the retail mark-ups so as to permit a pass-through of the mill price increase in hardwood flooring subject at the mill level to Maximum Price Regulation 458 ceilings. This amendment revises the margins to apply the 10 percentage point reduction only to flooring covered by Maximum Price Regulation 458.

Basing point on Eastern Spruce subject to Second Revised Maximum Price Regulation 222. Eastern spruce priced at the mill level under Second Revised Maximum Price Regulation 222 includes not only domestic production in the Lake States area, but also imports from Western Ontario, Manitoba and Saskatchewan. The freight basing point originally selected for this species was Wausau, Wisconsin, which was taken as the center of domestic production. In selecting this basing point inadequate consideration was given to Canadian imports, which normally and at the present time greatly exceed domestic production in volume. The mill prices for Canadian imports have been based on freight f. o. b. Rainier, Minnesota. Consequently Wausau, Wisconsin which has substantially lower freight rates to most important centers of consumption than does Rainier, Minnesota, is not a proper basing point for this species, and its use has required retail dealers to absorb considerable freight costs that were not contemplated at the time the basing point was selected. This amendment corrects this error by shifting the basing point to Mizpah, Minnesota, which for convenience was selected rather than Rainier because it has been used in connection with another species, and freight rates from it are substantially the same as from Rainier.

The provisions of this amendment have been discussed with the members of the Retail Distribution Yard Industry Advisory Committee. 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, methods, means or aids 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 of this amendment or of the Emergency Price Control Act of 1942, as amended.

In view of the above considerations, the Administrator finds that this amend-

ment is necessary and proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and with the Executive orders of the President.

[F. R. Doc. 46-18125; Filed, Oct. 4, 1946; 10:50 a. m.]

PART 1382—HARDWOOD LUMBER

[RMPR 97,[1] Amdt. 24]

SOUTHERN HARDWOOD LUMBER

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 Revised Maximum Price Regulation 97, § 1382.112 (b) (1) (iii) is amended by deleting the following company from the list of qualified tough ash specialty establishments: "Midland Valley Lumber Co., Simmesport, La."

This amendment shall become effective as of May 21, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 24 TO REVISED MAXIMUM PRICE REGULATION 97

This amendment revokes the certification of the Midland Valley Lumber Company, Simmesport, Louisiana, as a "tough ash specialty establishment".

Standards upon which certifications may be issued are set forth in § 1382.112 (b) (1) of the regulation. The Midland Valley Lumber Company of Simmesport, Louisiana, represented that its operation met all of those standards, and it was, therefore, by Amendment 23 to RMPR 97, certified as a "tough ash specialty establishment", effective May 21, 1946.

Subsequent thereto, an investigation disclosed that the operation, in fact, does not, and did not on the date of the certification, meet the standards required by the regulation in that the applicant manufactured Southern hardwood lumber from the log and failed to completely segregate its tough ash business from its sawmill operations. The Midland Valley Lumber Company was given an opportunity to disprove the results of the investigation at an oral hearing in the city in which its home office is located. The opportunity was, however, refused by said company. The investigation disclosed sufficient facts to warrant a conclusion that the certification was obtained by failure to state material facts of such importance and under such circumstances as to require the finding that the applicant was either grossly negligent or guilty of bad faith. Therefore, the Administrator is of the opinion that the certification is properly revoked, and that since the basis for certification did not, in fact, exist at the time it was granted, the revocation is properly made to date back to May 21, 1946, the effective date of the certification (Amendment 23 to RMPR 97).

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

[F. R. Doc. 46-18117; Filed, Oct. 4, 1946; 10:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 1 to Supp. Service Reg. 69]

LINEN SUPPLY SERVICE IN LOS ANGELES AREA

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.

Supplemental Service Regulation 69 is amended in the following respect: § 1499.709 (b) is amended by the insertion of the word "Ventura", immediately following the words "San Bernardino", and immediately preceding the words "and the county of Los Angeles".

This amendment shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 1 TO SSR 69 TO RMPR 165

The accompanying amendment extends the geographical area covered by Supplementary Service Regulation No. 69 to include Ventura County, California. Supplementary Service Regulation 69, Linen Supply Services In The Los Angeles Area, established dollar and cents prices for sellers of linen supply services located in the counties of Orange, Riverside, San Bernardino, and the county of Los Angeles, except the corporate limits of the municipalities of North Hollywood and Beverly Hills. The considerations involved in issuing area prices for these counties apply equally to the county of Ventura. Accordingly it is deemed advisable to amend the regulation extending the geographical area to include the county of Ventura.

[F. R. Doc. 46-18121; Filed, Oct. 4, 1946; 10:49 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 222,[1] Amdt. 9]

NORTHERN SOFTWOOD LUMBER

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.

Second Revised Maximum Price Regulation 222 is amended in the following respects:

1. Appendix A—Article V is amended as follows:

(a) Table 1 and footnote 17 thereof are amended to read as follows:

TABLE 1—HEMLOCK BOARDS—ROUGH

Thickness and width (inches)	Length (feet)						
	6	8	10	12	14	16	6 to 16
No. 1 Common:							
1 x 4	$47.50	$52.00	$53.00	$53.00	$53.00	$55.00	$53.00
1 x 6	50.00	54.50	55.50	55.50	55.50	57.00	55.50
1 x 8	50.00	54.50	55.50	55.50	55.50	57.00	55.50
1 x 10	51.50	56.00	57.00	57.00	57.00	58.50	57.00
1 x 12	52.50	57.00	58.00	58.00	58.00	59.50	58.00
Merchantable:							
1 x 4	46.50	51.00	52.00	52.00	52.00	54.00	52.00
1 x 6	48.00	52.50	53.50	53.50	53.50	55.00	53.50
1 x 8	48.50	53.00	54.00	54.00	54.00	55.50	54.00
1 x 10	48.50	53.00	55.00	55.00	55.00	55.50	55.00
1 x 12	49.50	54.00	55.00	55.00	55.00	56.50	55.00
No. 2 Common:							
1 x 4	45.50	50.50	51.00	51.00	51.00	53.00	51.00
1 x 6	46.50	51.00	52.00	52.00	52.00	53.50	52.00
1 x 8	47.00	52.00	53.00	53.00	53.00	54.50	53.00
1 x 10	48.00	52.00	53.00	53.00	53.00	54.50	53.00
1 x 12	48.00	53.00	54.00	54.00	54.00	55.50	54.00
No. 3 Common:							
1 x 4	45.00	48.00	48.00	48.00	48.00	49.00	48.00
1 x 6	45.00	49.50	50.00	50.00	50.00	51.00	50.00
1 x 8	45.50	50.50	51.00	51.00	51.00	52.00	51.00
1 x 10	46.50	50.50	51.00	51.00	51.00	52.00	51.00
1 x 12	46.50	51.00	51.00	51.00	51.00	52.00	51.00
No. 3 Common and better:							
1 x 4 and wider, 4' long							39.50
1 x 4 and wider, 6' long							41.50
No. 4 Common:							
1 x 4	37.00	40.00	40.00	40.00	40.00	41.00	40.00
1 x 6	37.50	40.50	40.50	40.50	40.50	41.50	40.50
1 x 8	38.50	41.50	41.50	41.50	41.50	42.50	41.50
1 x 10	38.50	41.50	41.50	41.50	41.50	42.50	41.50
1 x 12	38.50	41.50	41.50	41.50	41.50	42.50	41.50
1 x 4 and wider, 4' long							33.00
No. 5 Common:							
1 x 4 and wider, 4' and longer							33.00
Grain and coal door boards:							
Grain door boards 6' long							41.50
Grain door boards 7' long							44.50
Coal door boards 6' long							37.50
Coal door boards 7' long							39.50

[17] 5/4 and 6/4, see note 18 of table 2.

[1] 9 F. R. 5223; 10 F. R. 595, 1788, 1789, 2244, 2929, 4658, 6247, 10184, 14187, 14607; 11 F. R. 3886.

[1] 8 F. R. 14126; 9 F. R. 789, 1054, 10498; 10 F. R. 14186, 15215; 11 F. R. 1987, 4240, 5122, 9127.

(b) In Table 2 the following changes are made:

(i) Table 2 is amended to read as follows:

TABLE 2—HEMLOCK DIMENSION: ROUGH

Thickness and width (inches)	Lengths (feet)							
	6	8	10	12	14	16	18 and 20	22 and 24
No. 1 piece stuff								
2 x 3 and 2 x 4	$47.00	$54.50	$53.50	$53.50	$53.50	$54.50	$57.50	$59.50
2 x 6	46.00	52.50	52.50	52.50	52.50	52.50	57.50	59.50
2 x 8	47.00	53.50	53.50	53.50	53.50	53.50	57.50	59.50
2 x 10	48.00	55.50	56.50	56.50	56.50	56.50	59.50	61.50
2 x 12	49.00	56.50	57.50	57.50	57.50	57.50	59.50	61.50
Merchantable piece stuff:								
2 x 3 and 2 x 4	46.00	53.50	52.50	52.50	52.50	53.50	57.00	59.00
2 x 6	45.00	52.00	52.00	52.00	52.00	52.00	56.00	58.00
2 x 8	46.00	52.50	52.50	52.50	52.50	52.50	57.00	59.00
2 x 10	47.00	54.00	55.00	55.00	55.00	55.00	58.00	60.00
2 x 12	47.00	54.00	55.00	55.00	55.00	55.00	58.00	60.00
No. 2 piece stuff:								
2 x 3 and 2 x 4	45.00	52.50	51.50	51.50	51.50	52.50	55.50	57.50
2 x 6	44.50	50.00	50.00	50.00	50.00	50.00	53.50	55.50
2 x 8	45.00	51.00	51.00	51.00	51.00	51.00	54.50	56.50
2 x 10	45.50	52.00	53.00	53.00	53.00	53.00	55.00	57.00
2 x 12	45.50	52.00	53.00	53.00	53.00	53.00	55.00	57.00
No. 3 piece stuff:								
2 x 3 and 2 x 4	42.00	49.50	48.50	48.50	48.50	49.50	51.50	53.50
2 x 6	42.00	47.50	47.50	47.50	47.50	47.50	50.50	52.50
2 x 8	42.00	48.50	48.50	48.50	48.50	48.50	51.50	53.50
2 x 10	42.00	48.50	48.50	48.50	48.50	48.50	52.50	54.50
2 x 12	42.00	48.50	48.50	48.50	48.50	48.50	52.50	54.50
No. 3 and better piece stuff:								
2 x 4 and wider, 4' long								39.50
2 x 4 and wider, 6' long								41.50
No. 4 piece stuff:								
2 x 3 and 2 x 4	38.50	42.50	40.50	40.50	40.50	41.50		
2 x 6	38.00	39.00	39.00	39.00	39.00	40.00		
2 x 8	38.50	40.50	40.50	40.50	40.50	41.50		
2 x 10	38.50	40.50	40.50	40.50	40.50	41.50		
2 x 12	38.50	40.50	40.50	40.50	40.50	41.50		
2 x 4 and wider, 4' long								34.00
No. 5 piece stuff:								
2 x 4 and wider, 4' and longer								33.00

(ii) A new footnote 18 under the footnote heading "Thickness" is added to read as follows:

[18] 5/4 and 6/4, compute footage on actual thickness and price as 8/4.

(iii) Present footnotes 18 and 19 under footnote heading "Grade" are renumbered 19 and 20 respectively.

2. Appendix C—Article VII is amended as follows:

(a) Table 26 is amended to read as follows:

TABLE 26—WESTERN WHITE SPRUCE PLANK AND TIMBERS

ROUGH NO. 1

Thickness and width (inches)	Length (feet)	
	8 to 16	18 to 24
3 x 6 and 8	$31.75	$33.75
3 x 10	32.75	34.75
3 x 12	32.75	34.75
4 x 4 to 8 x 8	31.75	33.75
4 x 10 to 10 x 10	33.75	34.75
4 x 12 to 12 x 12	33.75	36.75
3 x 14 and larger	34.75	37.75

This amendment shall become effective October 4, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 9 TO SECOND REVISED MAXIMUM PRICE REGULATION 222

This amendment realigns the prices of Northern hemlock boards and dimension, by decreasing the prices of 5/4 and 6/4 inch boards and, in offset, increasing the prices of 1 and 2 inch stock. The action also corrects an imbalance in the pricing of Western white spruce planks and timbers, which results in an insignificant increase in overall realization.

Hemlock. Prior to this amendment, maximum prices for 5/4 and 6/4 hemlock boards were computed by adding $4.00 per M'BM to the prices for 4/4 boards of the same grade, size, condition and working. Two-inch dimension was priced, on the average, at about $3.00 per M'BM below the prices for boards.

Normally, a negligible portion of the Northern hemlock cut is manufactured into 5/4 and 6/4 thicknesses. While the $4.00 differential is a historical one, it represented the difference in cost between manufacturing standard sizes and manufacturing small quantities of special sizes. In recent years, the heavy and often indiscriminate demand for lumber enabled mills to dispose of normally undesirable items; and many of the mill operators in the Lake States, attracted by the higher prices, changed their manufacturing practices to the point of cutting as much 6/4 as they could. In some cases, this has meant the entire mill output.

In the absence of lumber cut to the appropriate thicknesses, 6/4 stock is now being used as an inadequate substitute for 2" dimension, or is being resawn to substandard thicknesses for use as sheathing. The Underwriting Section of the Federal Housing Administration, concerned about these practices, has stated that it may be compelled to disapprove loans on veterans' homes constructed in this manner. Aware that 6/4 stock is now constituting about 60 percent of the Northern hemlock output, the Civilian Production Administration has requested this Office to establish revised prices that will bring out a greater supply of hemlock 1" boards and 2" dimension.

The Industry Advisory Commitee has concurred in the desirability of presenting a price schedule that will encourage a return to normal production practices, and has recommended that the price premium for 5/4 and 6/4 over dimension be removed. It has also recommended narrowing the spread between 1" and 2" hemlock, which had been widened during the war to encourage production of 1" boards, which were considered most desirable for military purposes.

In accordance with these recommendations, and ensuring that proper differentials are preserved for individual sizes, the amendment makes the following changes in hemlock prices. In Table 1, the prices for Merchantable 1 x 10" in the 10', 12', 14' and standard lengths are increased by $4.00 per M'BM; and the prices of the remaining 4/4 boards, including grain and coal door boards, are increased by $3.00 per M'BM. In table 2, No. 4 piece stuff, 2 x 4" and wider, 4' long, and No. 5 piece stuff, 2 x 4" and wider, 4' and longer are increased $3.00 per M'BM in price; the remaining dimension prices are increased by $4.50. Five-quarter and 6/4 boards are now priced the same as dimension, resulting in an average decrease of $2.40 per M'BM.

On the basis of the data available, after allowance for the anticipated shift in production, these adjustments will offset each other and will not affect overall mill realization.

Spruce. At the time of the original issuance of the regulation in September 1942, prices for the various thicknesses of Western white spruce lumber were so established as to set proper differentials between the prices of boards, dimension, plank and timbers. In October 1943, the second revision of the regulation raised the prices for boards and dimension by $5.00 per M'BM without raising the plank and timbers prices. This increase had been applied to boards and dimension only in order to discourage the production of the thicker sizes which were relatively less essential for war use. Amendment 5, by providing a $1.75 increase in all sizes of Western white spruce, has left the spread between dimension and plank and timbers unchanged since October 1943.

Since V-J day, the need for Western white spruce in plank and timbers sizes has grown considerably. Two and one-half and three inch thicknesses are used as standard for scaffold plank and floor joists in some metropolitan areas. In long lengths, they are also in demand for cargo battens and hatch covers in the shipping industry. Because of the inordinately low prices, both in absolute level and in comparison with dimension, production of these items has virtually ceased.

This action now restores the earlier proper price differentials between the sizes by increasing the prices in table 26 for Western spruce plank and timbers by $5.00 per M'BM. Reestablishment of the normal spread will not divert un-

necessarily any production from boards and dimension, and will at the same time lead Canadian mills, which normally cut a good percentage of their Western white spruce into plank and timbers, to accept U. S. orders for these sizes instead of confining all of their sales of plank and timbers to more profitable markets.

Since Western spruce plank and timbers normally constitute less than 0.2% of the domestic production covered by the regulation, the effect of the action on overall mill realization will be negligible. To the extent that overall realization will be increased, the Administrator in his discretion under Executive Order 9599 finds this action necessary to correct a maladjustment in prices which impedes the normal transition to a peacetime economy.

In view of the facts presented in this statement, the Price Administrator is of the opinion that the action herein established is in accordance with the Price Control Extension Act of 1946, and the relevant Executive orders of the President.

[F. R. Doc. 46-18126; Filed, Oct. 4, 1946; 10:51 a. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 558[1], Corr. to Amdt. 5]

EASTERN WOODEN MINE MATERIALS AND INDUSTRIAL BLOCKING

In section 14 of Maximum Price Regulation 558, the following note, which was originally added to the regulation by Amendment No. 3 and inadvertently omitted from Amendment No. 5 in the collation issued August 29, 1946, is added to the notes following table 4 to read as follows:

The maximum prices for domestic sales of pit posts and props delivered f. o. b. barges Mobile, Alabama, shall be the maximum prices in Table 3 of this section.

This correction shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-18128; Filed, Oct. 4, 1946; 10:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 12 to Rev. Supp. Service Reg. 50]

LAUNDRY AND DRY CLEANING SERVICES

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

Revised Supplementary Service Regulation 50 is amended in the following respect:

A new subparagraph (13) is added to § 1499.648 (c) to read as follows:

(13) Any Regional Administrator, and any District Director authorized to act by the Regional Administrator having jurisdiction over his district, may issue area price adjustment orders, in lieu of individual adjustments under section 16 (a) of RMPR 165, for laundry and dry cleaning services. Such area orders must be made in accordance with the established criteria under section 16 (a) of RMPR 165, on a weighted sample basis. Orders under this subparagraph 13 (and any change in or revocation of such orders) by Regional Administrators or District Directors must be cleared with the Service Trades Branch, OPA, Washington, D. C., before issuance.

This amendment shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 12 TO RSSR 50 TO RMPR 165

A preliminary study has disclosed that sellers of laundry and dry cleaning services in some trading areas are experiencing substantially uniform cost increases which are subjecting them to substantially the same degree of financial hardship. To avoid the delay and the heavy administrative burden involved in processing individual applications for adjustment under section 16 (a) of RMPR 165, it is deemed advisable to delegate authority to all Regional Administrators, and, through them, to all District Directors to issue area adjustment orders in lieu of individual adjustment orders. Such area adjustments will be made in accordance with the established criteria under section 16 (a) of RMPR 165, on a weighted sample basis, and will be in line with the adjustments that would have been made on an individual basis. Preclearance with the National Office of such area orders is required.

[F. R. Doc. 46-18119; Filed, Oct. 4, 1946; 10:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 13 to Rev. Supp. Service Reg. 50]

FROZEN FOOD STORAGE LOCKERS

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

Revised Supplementary Service Regulation 50 is amended in the following respect:

A new subparagraph (14) is added to § 1499.648 (c) to read as follows:

(14) Any Regional Administrator and any District Director authorized to act by the Regional Administrator having jurisdiction over his district, may issue general area orders establishing maximum prices for the rental of frozen food storage lockers of fifteen cubic feet or less capacity and the services performed in connection with the operation of such lockers. Orders under this subparagraph (14) (and any change in or revocation of such orders) by Regional Administrators or District Directors must be cleared with the Service Trades Branch, OPA, Washington, D. C., before issuance.

This amendment shall become effective October 9, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 13 TO RSSR 50 TO RMPR 165

The increase throughout the nation in the number of establishments offering frozen food storage lockers for rent and performing the food processing services in connection therewith has presented a serious problem of maximum price determination and price adjustment. The rise in wages, rents, and other operating costs has resulted in the receipt of many applications for individual price adjustments under section 16 (a) of RMPR 165. The prices charged for the rental of frozen food lockers and for the services performed in connection with such rental vary from locality to locality depending on local conditions. While it is desirable that dollar and cents prices be established for this service, it is impossible to establish any price standardization on a nation-wide basis because of these diversified conditions. Area pricing orders which can take into consideration local conditions will obviate the administrative difficulties of processing many individual applications for adjustment and will strengthen compliance and enforcement activities in this field. In the opinion of the Administrator, the maximum prices for these services can most expeditiously be determined by the Regional Administrator, upon whom the accompanying amendment confers the authority to issue a general order if one is required in his opinion.

[F. R. Doc. 46-18120; Filed, Oct. 4, 1946; 10:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 89]

MANUFACTURERS' MAXIMUM PRICES FOR CONSUMER GOODS OTHER THAN APPAREL

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

Maximum Price Regulation No. 188 is amended in the following respect:

1. Section 1499.168 (b) (20) is amended by deleting the following item: "Brooms".

This amendment shall become effective on the 4th day of October 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING AMENDMENT NO. 89 TO MAXIMUM PRICE REGULATION NO. 188

The accompanying amendment deletes brooms from Appendix C of Maxi-

[1] 9 F. R. 11643.

mum Price Regulation No. 188. The practical effect of this action is to suspend brooms from price control at all levels of distribution.

The United States Department of Agriculture has not certified that broom corn is in short supply, and as a consequence of this action, broom corn has been freed from price control. The Department further has indicated that broom corn will not be certified as in short supply during the current marketing season.

Although the supply of brooms is not as yet in balance with the demand, it is rapidly approaching a balance, thus it is likely that in a relatively short time it would become mandatory under the terms of the Emergency Price Control Act of 1942 as amended, to decontrol brooms. Meanwhile the decontrol of broom corn imposes an unduly disproportionate administrative burden on the Office of Price Administration compared with the ends that will be achieved if price controls on brooms are continued for a short period.

Therefore, the Price Administrator, in the exercise of the discretion vested in him by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9599, has decided to suspend brooms from price control at the present time.

[F. R. Doc. 46-18122; Filed, Oct. 4, 1946; 10:49 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 14]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

War Assets Administration Regulation 14, August 15, 1946, entitled "Disposal to Nonprofit Institutions and Discounts for Educational or Public-Health Institutions and Instrumentalities" (11 F. R. 8969), is hereby revised and amended as herein set forth. Order 1, June 17, 1946 (11 F. R. 6870), Order 2, June 29, 1946 (11 F. R. 7426), Order 3, June 29, 1946 (11 F. R. 7426), Order 4, July 12, 1946 (11 F. R. 7775), and Order 5, July 19, 1946 (11 F. R. 7970), under this part, shall continue in full force and effect.

Sec.

8314.1 Definitions.
8314.2 Scope.
8314.3 General policy of disposal.
8314.4 Determination of eligibility.
8314.5 [Deleted August 15, 1946]
8314.6 Criteria.
8314.7 Submission of orders.
8314.8 Disposals.
8314.9 Prices.
8314.10 Certificate of need and use.
8314.11 Notices of offering.
8314.12 Regulations by disposal agencies to be filed with the War Assets Administrator.
8314.13 Records and reports.

AUTHORITY: §§ 8314.1 to 8314.13 inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611), Pub. Law 181, 79th Cong., (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265).

§ 8314.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Instrumentality" as used herein refers to any instrumentality of a State, territory, or possession of the United States, the District of Columbia, or any political subdivision thereof, as well as to such States and subdivisions themselves.

(2) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable or eleemosynary institution, organization, or association, or any nonprofit hospital or similar institution, organization, or association, which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(3) "Educational institution or instrumentality" means any school, school system, library, college, university, or other similar institution, organization or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution or instrumentality.

(4) "Public-health institution or instrumentality" means any hospital, board, agency, institution, organization or association, which is organized for the primary purpose of carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution or an instrumentality.

§ 8314.2 *Scope.* This part shall apply only to disposals of surplus personal property made by disposal agencies within the continental United States, its territories and possessions. It shall not apply to any disposals of real property; nor to personal property appurtenant to, or assigned for disposal in connection with, real property and disposed of under Parts 8305,[1] 8310,[2] 8316,[3] or 8320; [4] nor to aeronautical property subject to the provisions of Part 8304.[5] This part grants to nonprofit institutions the opportunity to acquire surplus property and in the case of educational and public-health institutions the right to a discount. Instrumentalities are entitled to acquire surplus property by priority pursuant to the provisions of Part 8302.[6] This part extends to educational and public-health instrumentalities the additional right to acquire such property at a discount. The benefits of this part apply only to those tax-supported institutions which are instrumentalities or which are nonprofit institutions referred to in § 8314.1.

§ 8314.3 *General policy of disposal.* Section 13 (a) of the Surplus Property Act of 1944 provides generally, to the extent feasible, for transfer of surplus property on the basis of need to nonprofit institutions and instrumentalities so that they may have the opportunity to fulfill in the public interest their legitimate needs, and that surplus property that is appropriate for school, classroom, or other educational use, and surplus medical supplies, equipment, and property suitable for use in the protection of public health, including research, may be disposed of at a value which takes into account any benefit which has accrued or may accrue to the United States from the use of such property.

§ 8314.4 *Determination of eligibility.* The War Assets Administration shall determine the eligibility of public-health, educational, and other nonprofit institutions and instrumentalities eligible for the benefits provided under this part. The War Assets Administration shall inform other disposal agencies of the eligible institutions and instrumentalities. Any institution or instrumentality whose eligibility has been disapproved by the War Assets Administration may appeal to the War Assets Administrator.

§ 8314.5 [Deleted August 15, 1946.]

§ 8314.6 *Criteria.* The War Assets Administration shall develop criteria and procedures by which to determine the legitimate needs of nonprofit institutions and instrumentalities which apply for surplus property under this part.

§ 8314.7 *Submission of orders.* The War Assets Administration shall establish procedures under which applications or orders for property by or for nonprofit institutions and instumentalities under this part will be submitted to disposal agencies. Provision may be made by the War Assets Administration for approval by it or its designee of such orders as a condition precedent to obtaining the benefits of this part. Any nonprofit institution or instrumentality may appeal to the War Assets Administrator concerning orders which are disapproved in whole or in part.

§ 8314.8 *Disposals*—(a) *Acquisition at fair value.* Any nonprofit institution whose eligibility has been approved by the War Assets Administration, or on appeal by the War Assets Administrator, and which has submitted an application or order in accordance with the requirements established pursuant to § 8314.7, shall be entitled to acquire from disposal agencies any surplus property available for disposal, at the fair value of such property and in lots not smaller than the smallest lots consistent with commercial practice. Unless the advertising otherwise states, property already advertised for public competitive bids or for sale at auction or for immediate purchase at a fixed time and property specifically selected by a prospective purchaser, shall not be considered available. Orders from nonprofit institutions (as distinguished from instrumentalities) shall not be filled out of property re-

[1] Reg. 5 (11 F. R. 7611, 7969).
[2] Reg. 10 (11 F. R. 7583).
[3] Reg. 16 (11 F. R. 7427, 8361).
[4] SPA Reg. 20 (11 F. R. 182, 561, 3302, 7431).
[5] Reg. 4 (11 F. R. 5868).
[6] Reg. 2 (11 F. R. 10035, 11136).

served for priority claimants under § 8302.6.[6] Nothing herein shall impair the rights of States or their political subdivisions or instrumentalities to acquire property pursuant to Part 8302, nor impair the priority granted to them by section 13 (f) of the Surplus Property Act of 1944.

(b) *Acquisition at competitive sales.* Any nonprofit institution shall be entitled to compete on the same terms and conditions as other classes of purchasers whenever surplus property is offered for sale by a competitive method of offering.

§ 8314.9 *Prices*—(a) *Fair value.* The fair value at which surplus property shall be disposed of to nonprofit institutions hereunder shall be the same value as established for disposals to Government agencies and State and local governments under Part 8302. Such fair value shall not be greater than the lowest price which is offered to any trade level at the time of acquisition by the nonprofit institution.

(b) *Discounts to educational and public-health institutions and instrumentalities.* Disposal agencies shall allow from the fair value of property as set forth in paragraph (a) of this section a discount of forty (40) percent upon orders by or for educational or public health institutions or instrumentalities which are approved as eligible by the War Assets Administration or its designated representative, *Provided,* That such orders meet the requirements established pursuant to § 8314.7, *And provided further,* That no such discounts may be allowed to any nonprofit institutions which are not exempt from taxation under section 101 (6) of the Internal Revenue Code.

§ 8314.10 *Certificate of need and use.* Each nonprofit institution or instrumentality applying for the benefits of this part shall certify through a responsible officer thereof that the property sought by the applicant under such certification is required for its own use to fill an existing need of the applicant and that it will not be resold to others within one (1) year of the date of purchase without the consent in writing of the disposal agency.

§ 8314.11 *Notices of offering.* Disposal agencies shall adopt procedures which will allow nonprofit institutions and instrumentalities to receive notices of what surplus property is available or offered for sale within the area in which the offering is made. Nonprofit institutions and instrumentalities shall have the right upon request to be put on mailing lists in all cases where such lists are used to offer property for disposal, including mailing lists otherwise reserved for special classes of buyers, unless the disposal agency shall find that the giving of such notices to nonprofit institutions and instrumentalities shall for any particular type of property become impracticable, unduly expensive to the Government, or unreasonably burdensome upon the facilities of the disposal agency. When paid advertising is used as the method of offering, no other notice need be given to nonprofit institutions and instrumentalities.

[6] Reg. 2 (11 F. R. 10035, 11136).

§ 8314.12 *Regulations by disposal agencies to be filed with the War Assets Administrator.* Each disposal agency shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which they may issue in furtherance of the provisions, or any of them, of this part.

§ 8314.13 *Records and reports.* Each disposal agency shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by the Administrator by order hereunder subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This part shall become effective October 1, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

OCTOBER 1, 1946.

[F. R. Doc. 46-18147; Filed, Oct. 4, 1946; 11:21 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 25—CONTRACT SETTLEMENT ACT

AMENDMENT OF JOINT TERMINATION REGULATION

CROSS REFERENCE: For amendments and additions to Change 47 (10 F. R. 5171), as amended by Change 57 to the Joint Termination Regulation issued by the Secretary of War and Secretary of the Navy, see Title 10, Chapter VIII, Subchapter C, *supra.*

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Instruction 1, Pub. Law 719, 79th Cong.]

PART 5—ADJUDICATION; DEPENDENTS CLAIMS (APPENDIX)

ACTION TAKEN ON CLAIMS INVOLVING PAYMENT OF SURVIVORS' INSURANCE BY FEDERAL SECURITY AGENCY

1. Title II, section 201, Public No. 719, 79th Congress amends the Social Security Act, as amended, by adding a new section reading, in part, as follows:

BENEFITS IN CASE OF DECEASED WORLD WAR II VETERANS

SEC. 210. (a) Any individual who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to the date of the termination of World War II, and who has been discharged or released therefrom under conditions other than dishonorable after active service of ninety days or more, or by reason of a disability or injury incurred or aggravated in service in line of duty, shall in the event of his death during the period of three years immediately following separation from the active military or naval service, whether his death occurs on, before, or after the date of the enactment of this section, be deemed—

(1) To have died a fully insured individual;

(2) To have an average monthly wage of not less than $160; and

(3) For the purpose of section 209 (e) (2), to have been paid not less than $200 of wages in each calendar year in which he had thirty days or more of active service after September 16, 1940.

This section shall not apply in the case of the death of any individual occurring (either on, before, or after the date of the enactment of this section) while he is in the active military or naval service, or in the case of the death of any individual who has been discharged or released from the active military or naval service of the United States subsequent to the expiration of four years and one day after the date of the termination of World War II.

(b) (1) If any pension or compensation is determined by the Veterans' Administration to be payable on the basis of the death of any individual referred to in subsection (a) of this section, any monthly benefits or lump-sum death payment payable under this title with respect to the wages of such individual shall be determined without regard to such subsection (a).

(2) Upon an application for benefits or a lump-sum death payment with respect to the death of any individual referred to in subsection (a), the Federal Security Administrator shall make a decision without regard to paragraph (1) of this subsection unless he has been notified by the Veterans' Administration that pension or compensation is determined to be payable by the Veterans' Administration by reason of the death of such individual. The Federal Security Administrator shall notify the Veterans' Administration of any decision made by him authorizing payment, pursuant to subsection (a), of monthly benefits or of a lump-sum death payment. If the Veterans' Administration in any such case has made an adjudication or thereafter makes an adjudication that any pension or compensation is payable under any law administered by it, by reason of the death of any such individual, it shall notify the Federal Security Administrator, and the Administrator shall certify no further benefits for payment, or shall recompute the amount of any further benefits payable, as may be required by paragraph (1) of this subsection. Any payments theretofore certified by the Federal Security Administrator pursuant to subsection (a) to any individual, not exceeding the amount of any accrued pension or compensation payable to him by the Veterans' Administration, shall (notwithstanding the provisions of sec. 3 of the Act of August 12, 1935, as amended (U. S. C., 1940 edition, title 38, sec. 454a)) be deemed to have been paid to him by the Veterans' Administration on account of such accrued pension or compensation. No such payment certified by the Federal Security Administrator, and no payment certified by him for any month prior to the first month for which any pension or compensation is paid by the Veterans' Administration, shall be deemed by reason of this subsection to have been an erroneous payment.

2. It will be observed that if the Veterans' Administration pays any compensation or pension to any dependent of a veteran on account of his death, no payment may be made by Federal Security Agency under section 210 of the act to the same or to any other surviving dependent of the veteran.

3. *Requirements of act where survivors' insurance is awarded.* Section 210 of the act requires among other things that:

(a) The Federal Security Agency shall notify the Veterans' Administration of

any decision authorizing payment under section 210 of the act;

(b) In any case in which the Federal Security Agency has notified the Veterans' Administration that an award has been certified, the Veterans' Administration shall, if an adjudication has been made or is thereafter made that any death compensation or pension is payable by the Veterans' Administration to any person in such case, notify the Federal Security Agency;

(c) When the Federal Security Agency has been notified as provided in subparagraph (b) of this paragraph, it shall certify no further benefits for payment under section 210 and shall notify the Veterans' Administration of the payments theretofore certified;

(d) The payments to any person theretofore certified by the Federal Security Agency of which the Veterans' Administration has been notified shall, not exceeding the amount of any accrued death compensation or pension payable to such person, be deemed to have been paid to him by the Veterans' Administration on account of such accrued compensation or pension.

4. *Forms used for exchange of information.* In order to effect the necessary exchange of information between the Federal Security Agency and the Veterans Administration there have been devised three forms, FSA Form OA–C650, Benefits Payable by Veterans Administration on Account of Death of Veteran, FSA Form OA–C651, Notice of Award Under Section 210 of the Social Security Act, as Amended, and VA Form 8–640, Notice of Death Compensation or Pension Payments.

5. *Federal Security Agency procedure on initial claims for survivors' insurance.* In general the Federal Security Agency will conform to a procedure as follows: A claimant will be requested to inform that agency as to whether compensation or pension has been awarded by the Veterans' Administration. If the claimant satisfies that agency that an award has been made, the case will be closed insofar as that agency is concerned and the Veterans' Administration will not be informed. In all other cases, FSA Form OA–C650 will be sent to the Veterans' Administration to ascertain whether death compensation or pension has been awarded. The upper half of the form will be executed by Federal Security Agency and two copies of the form will be sent to the Veterans' Administration, Dependents and Beneficiaries Claims Service, Washington 25, D. C. Action on the claim for survivors' insurance will be deferred for a period of 60 days. If no reply is received from the Veterans' Administration within that period, another FSA Form OA–C650 will be forwarded and action will be deferred for an additional period of 30 days. If the form has not been received at the end of this period, an award of survivors' insurance may be certified for payment.

6. *Veterans' Administration disposition of FSA Form OA–C650.* (a) *Central Office cases.* (1) If a claim for death compensation or pension has not been filed by any person based on the veteran's death, or if it is shown that compensation or pension has been awarded to any dependent of the deceased veteran, or that all claims filed have been disallowed, the appropriate information will be recorded on the lower half of the form, in duplicate. In the event benefits have been awarded, the name, address and relationship of the payee will be entered on the form. It will not be necessary to show that payments have been awarded to more than one person. The form will be signed by an attorney-reviewer for the Director, Dependents and Beneficiaries Claims Service. The original will be forwarded to the Social Security Administration Field Office from which it originated.

(2) In the event death compensation or pension has not been awarded to any person based on the veteran's death, and a claim is pending, FSA Form OA–C650 will be placed in the case file without action pending final adjudication of the claim. At such time as the claim is allowed or disallowed, the lower half of the form will be completed and dispatched as set forth in the preceding subparagraph, unless in the meantime there has been received FSA Form OA–C651 (see paragraph 8 of this instruction).

(b) *Other than Central Office cases.* If upon receipt of FSA Form OA–C650 it is ascertained that the case file is in the custody of a branch office or field station of the Veterans' Administration, the form will be referred to that office for disposition in accordance with the procedure set forth in subparagraph (a) of this paragraph. In cases under the jurisdiction of a branch office the form will be signed for the Chief, Dependents and Beneficiaries Claims Division, and in cases under the jurisdiction of a field station having adjudication activities, for the Manager.

7. *Awards made by Federal Security Agency.* In any case in which an award of benefits under section 210 has been made by the Federal Security Agency, the Veterans' Administration will be promptly notified on FSA OA–C651. If upon receipt of this form it is found that an award of death compensation or pension has been made in favor of anyone, VA Form 8–640, in triplicate, will be executed and the original and one copy forwarded to the office of the Federal Security Agency from which the Form OA–C651 was received. If no award has been made at the time the Form OA–C651 is received, that form will be placed on the left-hand flap of the claims folder for use if any when an award is subsequently made.

8. *Awards of death compensation and pension where survivors' insurance is being paid.* In any case in which notice that an award has been made by the Federal Security Agency (Form OA–C651) has been received and an award of death compensation or pension is subsequently made, the following procedure will be observed:

(a) Where the award of death compensation or pension is in favor of any person other than the person to whom the award by the Federal Security Agency was made, the commencing date of such award will be determined without regard to the provisions of section 210 of the act.

(b) Where the award of death compensation or pension is in favor of the same person to whom the award by the Federal Security Agency was made, the original award of compensation or pension shall be made to commence as of the date of approval of the award. The following statement will be entered under "Remarks" on the award brief face: "Subject to possible adjustment to an earlier commencing date under Title II, Public No. 719, 79th Congress." The commencing date of the award will be left blank by the adjudicator and will be inserted and initialled by the attorney-reviewer at the time the award is approved.

(c) At the time of the approval of an award under either subparagraph (a) or (b) of this paragraph, VA Form 8–640 in triplicate with the upper part fully executed will be forwarded to the office of the Federal Security Agency from which the Form OA–C651 was received. The Federal Security Agency will execute the lower part of the form and return it to the Veterans' Administration. The information furnished by the Federal Security Agency on this form will, of course, not affect in any way any award of death compensation or pension made under subparagraph (a) of this paragraph, but such information will be used as the basis for the amendment of any award made under subparagraph (b) of this paragraph. Where, therefore, an award is made under subparagraph (b) of this paragraph the case will be diaried for a period of 60 days pending the return of VA Form 8–640 from the Federal Security Agency.

9. Further instructions will be issued as to the adjustment of awards which have been made under paragraph 8 (b). Until that time such cases will be diaried.

(Public Law 719, 79th Congress)

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

SEPTEMBER 23, 1946.

[F. R. Doc. 46–18019; Filed, Oct. 4, 1946; 8:49 a. m.]

PART 35—VETERANS REGULATIONS

PROVISIONS FOR INCREASED PENSIONS TO MEMBERS OF THE REGULAR ARMY, NAVY, MARINE CORPS, AND COAST GUARD WHO BECOME DISABLED BY REASON OF THEIR SERVICE THEREIN DURING OTHER THAN A PERIOD OF WAR

Paragraph (b) of § 35.012 is hereby amended to read as follows:

§ 35.012 *Payment of pension for disability or death incurred during peacetime service.* * * *

(b) For the purposes of this section, if the disability results from injury or disease:

(1) If and while the disability is rated 10 per centum the monthly pension shall be $10.35.

(2) If and while the disability is rated 20 per centum the monthly pension shall be $20.70.

(3) If and while the disability is rated 30 per centum the monthly pension shall be $31.05.

(4) If and while the disability is rated 40 per centum the monthly pension shall be $41.40.

(5) If and while the disability is rated 50 per centum the monthly pension shall be $51.75.

(6) If and while the disability is rated 60 per centum the monthly pension shall be $62.10.

(7) If and while the disability is rated 70 per centum the monthly pension shall be $72.45.

(8) If and while the disability is rated 80 per centum the monthly pension shall be $82.80.

(9) If and while the disability is rated 90 per centum the monthly pension shall be $93.15.

(10) If and while the disability is rated as total the monthly pension shall be $103.50.

(11) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of one foot, or one hand, or blindness of one eye, having only light perception, the rate of pension provided in subparagraphs (1) to (10) of this paragraph shall be increased by $31.50 per month; and in the event of anatomical loss or loss of use of one foot, or one hand, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subparagraphs (12) to (14), inclusive, of this paragraph, as herein amended, the rate of pension shall be increased by $31.50 per month for each such loss or loss of use but in no event to exceed $270 per month.

(12) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss, or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly pension shall be $180.

(13) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly pension shall be $211.50.

(14) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly pension shall be $238.50.

(15) If the disabled person, as the result of service-incurred disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more of the subparagraphs (12) to (14), inclusive, of this paragraph, no condition being considered twice in the determination, or has suffered total deafness in combination with total blindness with 5/200 visual acuity or less, the monthly pension shall be $270.

(16) In the event the disabled person's service-incurred disabilities exceed the requirements for any of the rates prescribed herein, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of $270.

SEC. 2. The increased rates provided by this act[1] shall be effective from the first day of the second month following the passage of this act, and shall be deemed to include the 15 per centum increase in the rate of compensation or pension payable for service-incurred disability under Public Law 469, Seventy-eighth Congress, December 7, 1944.

(Pub. Law 659, 79th Cong., approved August 8, 1946)

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

SEPTEMBER 27, 1946.

[F. R. Doc. 46-18018; Filed, Oct. 4, 1946; 8:49 a. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

PROCEDURE FOR DETERMINATIONS OF NET EARNINGS

Sections 36.528 and 36.531 of Regulations under the Servicemen's Readjustment Act of 1944 are hereby canceled and superseded, as follows:

§ 36.528 *Income and expenses reported on cash basis.* A veteran's "net earnings" shall be shown in keeping with sound accounting practices. The records which each self-employed individual are required to maintain (§ 36.514 (d)) may be kept on either a cash or an accrual basis. The method used should be that best calculated to reflect the true "net earnings" of the veteran's enterprise considering the customs, incidents and advantages of the business itself and should be used consistently throughout the duration of the veteran's claiming.

§ 36.531 *Effect of employment relationship upon eligibility for allowances as self-employed.* Labor performed by a self-employed veteran during a month for which he files a claim for allowances will not, in itself, preclude him from receiving an allowance for that month, provided such labor was casual or incidental to his business and did not conflict with, interrupt, or cause the abandonment, either completely or in part, of his activities in the pursuit of his business. Earnings from such labor shall be treated as income for the month during which the labor was performed.

(58 Stat. 284; 38 U. S. C. 693)

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

SEPTEMBER 30, 1946.

[F. R. Doc. 46-18017; Filed, Oct. 4, 1946; 8:50 a. m.]

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[1] Pub. Law 659, 79th Cong., approved August 8, 1946. The increased rates referred to codified as § 35.012 (b), *supra*.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service; Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

HUNTING IN LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

Section 21.573 *Lower Klamath National Wildlife Refuge, California and Oregon; hunting,* approved October 15, 1942, (8 F. R. 2215) and amended August 10, 1943, (8 F. R. 11542) is amended by deleting all of paragraph (a) (3) and inserting in lieu thereof the following:

(a) *Areas open to hunting.* * * *

(3) Impoundment Units 4, 7, 8, and 9, comprising all or parts of the following subdivisions: sections 1 and 2 T. 47 N., R. 2 E., sections 14, 23, 24, 25, 26, 35 and 36 T. 48 N., R. 2 E.; sections 4, 5, 6, 7, 8 and 9 T. 47. N., R. 3 E., and sections 29, 30, 31, and 32 T. 48 N., R. 3 E., Mount Diablo Meridian and designated by suitable posting by the officer in charge of the refuge.

(Regulations, Fish and Wildlife Service dated December 19, 1940, 5 F. R. 5284; 50 CFR, Cum. Supp. Part 12, as amended April 14, 1945, 10 F. R. 4267)

OSCAR H. JOHNSON,
Acting Director.

[F. R. Doc. 46-17894; Filed, Oct. 4, 1946; 8:46 a. m.]

PART 23—SOUTHWESTERN REGION NATIONAL WILDLIFE REFUGES

HUNTING IN HAVASU LAKE NATIONAL WILDLIFE REFUGE, ARIZONA, AND CALIFORNIA

Section 23.409 *Havasu Lake National Wildlife Refuge, Arizona and California; hunting* (7 F. R. 7695, as amended) is further amended by deleting from paragraph (a) (8 F. R. 12573) all of the paragraphs headed "Area No. 1" and "Area No. 2" and inserting in lieu thereof the following:

(a) *Areas open to hunting.* * * *

Area No. 1. That part of the refuge lying south of an east-west line at the approximate location of the Beal railroad station, more particularly described as that portion of land lying south of the section line between 15 and 22, 16 and 21, and 17 and 20, T. 16 N., R. 21 W., 6 and S. R. Meridian; and the section line between sections 24 and 25, 23 and 26, and 22 and 27, T. 8 N., R. 23 E., S. B. Meridian; and lying north of a line east and west from Devil's Elbow, more particularly described as the eastward extension of the section line between sections 28 and 33, and 27 and 34, T. 7 N., R. 24 E., S. B. Meridian.

Area No. 2. That part of the refuge lying south of an east-west line at the approximate location of the Blankenship Bend, more particularly described as the westward extension of the township line between Townships 15 N., and 14 N., R. 20 W., G&SR Meridian; and lying north of an east-west line starting approximately at the Black Meadow Wash, more particularly described as the westward exten-

sion of the township line between Townships 12 N., and 11 N., R. 18 W., G&SR Meridian.

(Regulations, Fish and Wildlife Service dated December 19, 1940, 5 F. R. 5284; 50 CFR, Cum. Supp. Part 12, as amended April 14, 1945, 10 F. R. 4267)

OSCAR H. JOHNSON,
Acting Director.

[F. R. Doc. 46-17893; Filed, Oct. 4, 1946; 8:46 a. m.]

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

DEER HUNTING IN TREMPEALEAU NATIONAL WILDLIFE REFUGE, WISCONSIN

§ 26.909 *Trempealeau National Wildlife Refuge, Wisconsin; deer hunting.* Deer may be taken, during the open season prescribed by the Wisconsin State Conservation Department, on all lands designated by suitable posting within the Trempealeau National Wildlife Refuge, Wisconsin, except on the following described lands:

That portion of the refuge situated in the SE¼ of Section 11, and that portion of the NW¼SW¼ of section 12 lying north and west of the main entrance road, all in T. 18 N., R. 10 W., 4th P. M. Trempealeau County, Wisconsin.

Entry on and use of the refuge for any purpose is covered by the regulations for the Administration of National Wildlife Refuges dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses may be required by such laws and regulations, which license shall serve as a federal permit.

(Regulations, Fish and Wildlife Service dated December 19, 1940, 5 F. R. 5284; 50 CFR, Cum. Supp. Part 12, as amended April 14, 1945, 10 F. R. 4267)

OSCAR H. JOHNSON,
Acting Director.

[F. R. Doc. 46-17896; Filed, Oct. 4, 1946; 8:46 a. m.]

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

COMMERCIAL AND NONCOMMERCIAL FISHING IN BLACKWATER NATIONAL WILDLIFE REFUGE, MARYLAND

§ 27.80a *Blackwater National Wildlife Refuge, Maryland; commercial fishing.* Commercial fishing in accordance with the State Laws of Maryland is permitted on all waters within the Blackwater National Wildlife Refuge in accordance with the following provisions:

Entry on and use of this refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations. In addition thereto each person fishing commercially on the refuge must possess a permit issued by the officer in charge prior to exercising the commercial fishing privileges permitted hereunder.

During periods of waterfowl concentrations or other wildlife concentrations, fishing may be closed on such areas of the refuge as, in the judgment of the officer in charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting.

§ 27.80b *Blackwater National Wildlife Refuge, Maryland; non-commercial fishing.* Non-commercial fishing in accordance with the State laws of Maryland is permitted during the daylight hours on all waters within the Blackwater National Wildlife Refuge in accordance with the following provisions:

Entry on and use of this refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing in the waters of the Refuge.

During periods of waterfowl concentrations or other wildlife concentrations, fishing may be closed on such areas of the refuge as, in the judgment of the officer in charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting.

(Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284; 50 CFR, Cum. Supp., Part 12, as amended Apr. 14, 1945, 10 F. R. 4267)

OSCAR H. JOHNSON,
Acting Director.

[F. R. Doc. 46-17895; Filed, Oct. 4, 1946; 8:46 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF REPORT AND OPPORTUNLTY TO FILE WRITTEN EXCEPTIONS IN RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDED ORDER REGULATING HANDLING

Pursuant to § 132.12 (c) of the rules of practice and procedure (9 C. F. R. Cum. Supp. 132.1 et seq.), Bureau of Animal Industry, notice is hereby given of the filing with the hearing clerk of this report of the Chief of the Bureau of Animal Industry with respect to a marketing agreement and amended order regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file exceptions to the report with the Hearing Clerk, Room 0306, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The proceedings in this case were inaugurated by the Bureau of Animal Industry following the receipt of a proposal dated January 29, 1946, from Fidelity Laboratories, Inc., Chicago, Illinois, Grain Belt Supply Company, Omaha, Nebraska, American Cooperative Serum Association, Sioux City, Iowa, and Gregory Laboratory, White Hall, Illinois, to amend the Marketing Agreement and Order by striking out paragraph 10 to section 1 of Article I (9 C. F. R. 131.1 (j)), reading as follows:

10. "Volume contract purchaser" means that class or classes of buyers comprising persons or agencies who regularly purchase, or delivery within a definite period of time, serum and virus in specified amounts, adequate, in the opinion of the control agency, to justify such special classification.

Pursuant to a notice of public hearing dated March 28, 1946 (11 F. R. 3368) a public hearing was held in Washington, D. C., on April 29–30, 1946. In this hearing it was claimed by the proponents of the proposed amendment that a special classification for volume contract purchaser impedes the proper functioning of the marketing agreement and order. This view was subscribed to by a large majority of the witnesses, although several interested parties opposed the proposed change in the marketing agreement and order. Several briefs were submitted subsequent to the hearing.

It is concluded from the evidence presented at the hearing that the present provision of the marketing agreement and order which establishes a special classification for volume contract purchasers should be deleted, but that the group of handlers now so classified should, instead, be classified as wholesalers so that economies in distribution provided by this group may be continued and given proper consideration without allowing the group the undue advantage of special price posting.

The following proposed amendments to the marketing agreement are recommended as the detailed means by which these conclusions may be carried out:

1. Delete paragraph numbered 10 of Article I, section 1.

2. Amend paragraph 8 of Article I, section 1, to read as follows:

8. "Wholesaler" means that class of buyers comprising (a) persons or agencies who do not administer serum and virus but are regularly engaged in purchasing and maintaining stocks of serum and virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the control agency on submitted evi-

dence acceptable to said control agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the absorbing of all expenses incidental to the advertising, transportation, and selling of serum and virus, after receipt of them, to other trade groups, together with the furnishing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) persons or agencies who regularly purchase, for delivery within a definite period of time, serum and virus in specified quantities, adequate, in the opinion of the control agency, to justify such classification.

This report filed at Washington, D. C., this 12th day of September 1946.

B. T. SIMMS,
Chief, Bureau of Animal Industry.

[F. R. Doc. 46-17937; Filed, Oct. 4, 1946; 9:06 a. m.]

Production and Marketing Administration.

BURLEY TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for Burley tobacco for the marketing year beginning October 1, 1947. A referendum of farmers who were engaged in the production of the 1946 crop of Burley tobacco will be held on October 25, 1946, pursuant to the provisions of the Act and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to Burley tobacco marketing quotas for the 3-year period beginning October 1, 1947.

REGISTRATION

The operator on each farm on which Burley tobacco was produced in 1946 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

ELIGIBILITY TO VOTE

1. All persons engaged in the production of the 1946 crop of Burley tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1946 crop of Burley tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1946.

2. If several members of the same family participate in the production of the 1946 crop of Burley tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1946 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Burley tobacco in 1946.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Burley tobacco in 1946 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the office of the county committee in which he engaged in the production of tobacco in 1946 not later than the date of the referendum.

4. There shall be no voting by mail (except as provided in par. 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1946 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1946 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1946.

7. In the event two or more persons were engaged in producing tobacco in 1946 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

PLACE FOR BALLOTING

The place for voting in the referendum in the _____ community will be _____

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be OPENED promptly at _____ o'clock a. m. and CLOSED promptly at _____ o'clock p. m. on October 25, 1946, local time.

_____
_____
_____
(County Agricultural Conservation Committee)

Issued _____, 1946.

Done at Washington, D. C., this 1st day of October 1946. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-17933; Filed, Oct. 4, 1946; 9:03 a. m.]

Rural Electrification Administration.

[Administrative Order 1116]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 15, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Louisiana 15G Pointe Coupee	$49,000
Minnesota 25K McLeod	285,000
Missouri 46M Taney	266,000
Ohio 1S Miami	155,000
Ohio 93M Washington	440,000
Texas 69R Erath	373,000
Texas 72F Lamar	249,000
Texas 80L Collingsworth	285,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-17998; Filed, Oct. 4, 1946; 8:48 a. m.]

[Administrative Order 1117]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 15, 1946.

Inasmuch as Nehalem Valley Cooperative Electric Association has transferred all its assets and liabilities to West Oregon Electric Cooperative, Incorporated, and West Oregon Electric Cooperative, Incorporated has assumed the entire indebtedness to United States of America, of Nehalem Valley Cooperative Electric Association, arising out of the loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 41, dated December 11, 1936, by changing the project designation appearing therein as "Oregon 5 Clatsop", in the amount of $65,000, to read "Oregon 32C Columbia";

(b) Administrative Order No. 267, dated July 7, 1938, by changing the project designation appearing therein as "Oregon 9005A2 Clatsop", in the amount of $17,000, to read "Oregon 32D Columbia";

(c) Administrative Order No. 385, dated August 23, 1939, by changing the project designation appearing therein as "Oregon 0005A3 Clatsop", in the amount of $7,000, to read "Oregon 32E Columbia":

(d) Administrative Order No. 626, dated October 8, 1941, by changing the project designation appearing therein as "Oregon 2005B1 Clatsop", in the amount of $10,000, to read "Oregon 32F Columbia":

(e) Administrative Order No. 715, dated June 19, 1942, by changing the project designation appearing therein as "Oregon 2005B2 Clatsop", in the amount of $20,000, to read "Oregon 32G Columbia."

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-17999; Filed, Oct. 4, 1946; 8:48 a. m.]

[Administrative Order 1118]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1946.

I hereby amend:

(a) Administrative Order No. 1111, dated July 29, 1946, by changing the project designation appearing therein as "Kentucky 49E Clark", in the amount of $295,000, to read "Kentucky 49F Clark."

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-18000; Filed, Oct. 4, 1946; 8:48 a. m.]

[Administrative Order 1119]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Mississippi 49C Lee	$775,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-18001; Filed, Oct. 4, 1946; 8:48 a. m.]

[Administrative Order 1121]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 22, 1946.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 34M Carroll	$50,000
South Carolina 24M Marion	25,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 46-18003; Filed, Oct. 4, 1946; 8:48 a. m.]

[Administrative Order 1122]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 22, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 99F McIntosh	$50,000
Indiana 89K Harrison	45,000
Minnesota 56M Crow Wing	400,000
Texas 55M Floyd	334,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 46-18004; Filed, Oct. 4, 1946; 8:47 a. m.]

[Administrative Order 1120]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1946.

I hereby amend:

(a) Administrative Order No. 949, dated August 21, 1945, by rescinding the allocation of $5,000 therein made for "Iowa 46018A3 Wright":

(b) Administrative Order No. 37, dated November 16, 1936, by reducing the allocation of $40,000 therein made for "Minnesota 4 Lake" by $6.56 so that the reduced allocation shall be $39,933.44:

(c) Administrative Order No. 455, dated April 30, 1940, by reducing the allocation of $18,000 therein made for "Oregon O-9019A1 Jordan Valley" by $2,416.47 so that the reduced allocation shall be $15,583.53:

Effective as of June 30, 1946.

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-18002; Filed, Oct. 2, 1946; 8:48 a. m.]

[Administrative Order 1123]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 12G Miller	$274,000
Georgia 86M Seminole	69,000
Illinois 26P Iroquois	325,000
Indiana 55G Tippecanoe	175,000
Kansas 29E Republic	535,000
Kentucky 50L Graves	495,000
Minnesota 80G Lincoln	490,000
Missouri 28P Barton	358,000
Nebraska 80A Boyd	520,000
Oklahoma 6T Caddo	402,000
Oklahoma 15P Tillman	250,000
Oklahoma 26M Harmon	303,000
Texas 84H Hall	175,000
Vermont 8S Washington	640,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 46-18005; Filed, Oct. 4, 1946; 8:47 a. m.]

[Administrative Order 1128]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 28, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 20L Troup	$307,000
Minnesota 85H Todd	485,000
Ohio 88L Gallia	225,000
Texas 87M Karnes	228,000
Virginia 34P Lee	887,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-18010; Filed, Oct. 4, 1946; 8:46 a. m.]

[Administrative Order 1124]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1946.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 14N Humboldt	$51,000
Iowa 19H Adams	125,000
Iowa 27K Buena Vista	235,000
Iowa 67F Sac	50,000
Minnesota 37L Jackson	300,000
Tennessee 16L Madison	1,050,000
Tennessee 45C LaFollette Public	250,000
Texas 23M McCulloch	51,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 46-18006; Filed, Oct. 4, 1946; 8:47 a. m.]

[Administrative Order 1125]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 28, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 26K Fulton	$404,000
Georgia 34N Carroll	45,000
Idaho 19F Butte	45,000
Illinois 45F Clinton	135,000
Michigan 28T Presque Isle	485,000
Missouri 42M Caldwell	760,000
South Dakota 12G Minnehaha	195,000
Virginia 27U Nottoway	1,080,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-18007; Filed, Oct. 4, 1946; 8:47 a. m.]

[Administrative Order 1127]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 28, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 21M Lincoln	$363,000
Florida 22F Escambia	287,000
Indiana 40F Knox	775,000
Kansas 18F Sedgwick	306,000
Michigan 33M Charlevoix	130,000
Minnesota 53P Waseca	350,000
Mississippi 23S Copiah	830,000
North Dakota 8N Benson	500,000
Texas 50K Grayson	555,000
Wisconsin 40P Barron	265,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-18009; Filed, Oct. 4, 1946; 8:47 a. m.]

[Administrative Order 1126]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 28, 1946.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Florida 30E Walton	$15,000
Georgia 22P Colquitt	50,000
Idaho 19G Butte	15,000
Texas 143B Lometa	11,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-18008; Filed, Oct. 4, 1946; 8:47 a. m.]

[Administrative Order 1129]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 28, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 29F Clark*	$63,000
Colorado 16N Jefferson	843,000
Iowa 62H Ida	60,000
Minnesota 83K Hubbard	425,000
North Dakota 21E Sargent*	600,000
Texas 11K Kaufman	440,000
Texas 83M Fisher	395,000
Wisconsin 48K Waupaca	110,000
Wisconsin 54K Polk-Burnett	105,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-18011; Filed, Oct. 4, 1946; 8:46 a. m.]

[Administrative Order 1130]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 30, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Washington 48A Mason District Public	$63,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-18012; Filed, Oct. 4, 1946; 8:46 a. m.]

[Administrative Order 1131]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 3, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
California 32B San Bernardino	$225,000
Indiana 99G Spencer	56,000
Louisiana 12R Franklin	350,000
Minnesota 71K Blue Earth	150,000
Missouri 34K Macon	466,000
Montana 19G Stillwater	70,000
Wisconsin 21E Taylor	90,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-18013; Filed, Oct. 4, 1946; 8:46 a. m.]

[Administrative Order 1132]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 3, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 18R Cullman	$765,000
Arkansas 9R Craighead	436,000
Iowa 61H Cherokee	86,000
Montana 32B Hill	515,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-18014; Filed, Oct. 4, 1946; 8:46 a. m.]

[Administrative Order 1133]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 6, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 27L Morris	$465,000
Kentucky 34L Barren	459,000
Oklahoma 16M Pontotoc	573,000
Oklahoma 29H Hughes	388,000
Texas 62F Bailey	416,000
Texas 108H Swisher	183,000
Wisconsin 46K Lafayette	140,000
Wisconsin 47N Jackson	67,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-18015; Filed, Oct. 4, 1946; 8:46 a. m.]

[Administrative Order 1134]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 10, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Alabama 42D Montgomery	$3,350,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 46-18016; Filed, Oct. 4, 1946; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6108, 6193, 6648, 6649, 6669, 6789]

NASHVILLE RADIO CORP. ET AL.

ORDER DENYING PETITION

In re applications of Nashville Radio Corporation, Nashville, Tennessee, Docket No. 6108, File No. B3-P-3034; Tennessee Radio Corporation, Nashville, Tennessee, Docket No. 6193, File No. B3-P-3219; E. E. Murrey, Harben Daniel & J. B. Fuqua, doing business as Tennessee Broadcasters, Nashville, Tennessee, Docket No. 6648, File No. B3-P-3621; J. W. Birdwell, Nashville, Tennessee, Docket No. 6649, File No. B3-P-3651; A. G. Beaman & T. B. Baker, Jr., doing business as Capitol Broadcasting Company, Nashville, Tennessee, Docket No. 6669, File No. B3-P-3673; and Cecil N. Elrod, Cecil N. Elrod, Jr., and S. D. Wooten, Jr., a partnership, doing business as Murfreesboro Broadcasting Service, Murfreesboro, Tennessee, Docket No. 6789, File No. B3-P-3802, for construction permits.

The Commission has before it a petition filed August 23, 1946, by J. W. Birdwell of Nashville, Tennessee, requesting that the Commission dismiss without prejudice his application for construction permit (File No. B3-P-3651), which was heard in December of 1945, in a consolidated proceeding with the above-entitled four Nashville and one Murfreesboro, Tennessee, applications.

Petitioner states in support of his petition that a dismissal of his application under these circumstances "contributes to the prompt dispatch of business by the Commission".

The Commission is, of course, desirous of completing its business with dispatch. But a grant of the petition herein would not, in the opinion of the Commission, conduce to a fair and equitable handling of applications or to the orderly and proper dispatch of the Commission's business for this reason:

In its order of August 9, 1946, in the matter of the petition of Piedmont Broadcasting Corporation (WBTM), Danville, Virginia, for leave to amend its application for construction permit (File No. B2-P-4137; Docket No. 6938), the Commission, in denying that petition, established the policy of not permitting amendment of an application after a hearing thereon, and the issuance of a proposed decision looking to denial thereof, where the application, if amended, could not be granted without a hearing because of mutually exclusive interference to a pending application. A grant of this petition would be inconsistent with that policy, since dismissal without prejudice would permit, at any time thereafter, the filing, as a matter of right, of a new application, and such new application may request a frequency which could not be granted without a hearing because mutually exclusive with a pending application.

The Commission is of the opinion that public interest requires, and it has decided, that hereafter, after a hearing and the issuance of proposed findings, no application will be dismissed without prejudice. Applicants, whose applications have been dismissed under

these circumstances, and who within twelve months after such dismissal find a frequency for which they desire to make application, may do so and request waiver of § 1.363 of the Commission's revised rules of practice and procedure[1] and the Commission will examine each such request on its merits.

Accordingly, *It is ordered*, This 12th day of September, 1946, that the petition of J. W. Birdwell, Nashville, Tennessee, for dismissal of its above-entitled application without prejudice, be, and it is hereby, denied.

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

[F. R. Doc. 46-17976; Filed, Oct. 4, 1946; 9:03 a. m.]

[Docket No. 7372, 7429, 7857]

BALTIMORE BROADCASTING CORP. (WCBM) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Baltimore Broadcasting Corporation (WCBM), Baltimore, Maryland, Docket No. 7372, file No. B1-P-3969; Tower Realty Company, Baltimore, Maryland, Docket No. 7429, File No. B1-P-4490; and Mark A. Braymes and Frank Z. Temerson, d/b as Lomar Broadcasting Company, Lancaster, Pennsylvania, Docket No. 7875, File No. B2-P-5225, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application of Mark A. Braymes and Frank Z. Temerson, a partnership, d/b as Lomar Broadcasting Company (File No. B2-P-5225) requesting a construction permit for a new standard broadcast station to operate on 680 kc, with 5 kw power days and 1 kw power nights, unlimited time, using a directional antenna at night, at Lancaster, Pennsylvania, and also having under consideration said applicant's petition that its application be designated for hearing in a consolidated proceeding with the applications of Baltimore Broadcasting Corporation (WCBM) (File No. B1-P-3969; Docket No. 7372) and Tower Realty Company (File No. B1-P-4490; Docket No. 7429;

It appearing, that the Commission on May 2, 1946, designated for hearing in a consolidated proceeding the applications of Baltimore Broadcasting Corporation (File No. B1-P-3969; Docket No. 7372) requesting a construction permit to change frequency of Station WCBM at Baltimore, Maryland, from 1400 kc to 680 kc. to increase power from 250 w to 10 kw days and 5 kw nights, and to install new transmitter and directional antenna, and Tower Realty Company (File No. B1-P-4490; Docket No. 7429) requesting a construction permit for a new standard broadcast station to operate on 680 kc, with 10 kw power, unlimited time, using a directional antenna nighttime, at Baltimore, Maryland, the latter application having been theretofore on March 13, 1946, designated for hearing; and

It further appearing, that WPTF Radio Company (WPTF), Raleigh, North Carolina, and Hildreth and Rogers Company (WLAW), Lawrence, Massachusetts, had been permitted to intervene in said consolidated proceeding; and

It further appearing, that said consolidated proceeding has been designated for hearing on October 7, 1946, at Washington, D. C.;

It is ordered, That the above petition of Mark A. Braymes and Frank Z. Temerson, d/b as Lomar Broadcasting Company, be, and it is hereby, granted, and

It is further ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application of Mark A. Braymes and Frank Z. Temerson, d/b as Lomar Broadcasting Company, be, and it is hereby, designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the two other applications in this consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated March 13, 1946, and May 2, 1946, designating for hearing the said applications of Tower Realty Company and Baltimore Broadcasting Corporation, respectively, be, and they are hereby, amended to include the said application of Mark A. Braymes and Frank Z. Temerson, d/b as Lomar Broadcasting Company.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46—17914; Filed, Oct. 4, 1946; 8:48 a. m.]

[Docket No. 7670]

ALAMANCE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alamance Broadcasting Company, Incorporated (WBBB), Burlington, North Carolina, for construction permit; Docket No. 7670, File No. B3-P-4534.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 11th day of July, 1946;

The Commission having under consideration the above-entitled application requesting a construction permit in order to change operation from 920 kc, 1 kw, daytime only, to 940 kc, 1 kw, D. A.-N., unlimited time, at Burlington, North Carolina;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Capitol Broadcasting Corporation (WISH), Indianapolis, Indiana File No. B4-P-4979, Docket No. 7671), requesting a construction permit for authority to operate on 940 kc with 5 kw, D. A., unlimited time, at a time and place to be designated by a subsequent order of the Commission upon the following issues:

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

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBBB and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the proposed operation of Station WBBB would involve objectionable interference with any other existing broadcast stations and, if

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[1] Section 1.363 of the Commission's revised rules of practice and procedure provides:

Repetitious applications. (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new station, or for an extension or enlargement of service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this rule. * * *

so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operation of Station WBBB would involve objectionable interference with the services proposed in the application of Capitol Broadcasting Corporation (WISH), Indianapolis, Indiana (File No. B4–P–4979; Docket No. 7671), or any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installation and operation of Station WBBB would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17916; Filed, Oct. 4, 1946; 8:50 a. m.]

[Docket No. 7671]

CAPITOL BROADCASTING CORP. (WISH)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Capitol Broadcasting Corporation (WISH), Indianapolis, Indiana, for construction permit; Docket No. 7671, File No. B4–P–4979.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1946;

The Commission having under consideration the above-entitled application requesting a construction permit in order to change operations from 1310 kc, 1 kw night, 5 kw day, to 940 kc, 5 kw, D. A., unlimited time;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Alamance Broadcasting Company, Inc. (WBBB), Burlington, North Carolina (File No. B3–P–4534, Docket No. 7670), requesting a construction permit for authority to operate on 940 kc, 1 kw, D. A., unlimited time, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WISH and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the proposed operation of Station WISH would involve objectionable interference with any existing station, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operation of Station WISH would involve objectionable interference with the services proposed in the application of Alamance Broadcasting Company, Incorporated, Burlington, North Carolina (File No. B3–P–4534, Docket No. 7670), or any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installation and operation of Station WISH would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17917; Filed, Oct. 4, 1946; 8:50 a. m.]

[Docket No. 7796]

FOUR STATES BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Four States Broadcasting Corporation, Texarkana, Arkansas, for construction permit; Docket No. 7796, File No. B3–P–4938.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc., with 250 w. power, unlimited time, at Texarkana, Arkansas;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Magnolia Broadcasting Company (File No. B3–P–5088) requesting a construction permit for a new standard broadcast station to operate on 1490 kc., with 250 w. power, unlimited time, at Magnolia, Arkansas, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Magnolia Broadcasting Company (File No. B3–P–5088) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17918; Filed, Oct. 4, 1946; 8:50 a. m.]

[Docket No. 7797]

MAGNOLIA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Magnolia Broadcasting Company, Magnolia, Arkansas, for construction permit; Docket No. 7797, File No. B3–P–5088.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1946.

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Magnolia, Arkansas;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Four States Broadcasting Corporation (File No. B3–P–4938) requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Texarkana, Arkansas, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Four States Broadcasting Corporation (File No. B3–P–4938) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine the overlap, if any, which will exist between the service areas of the proposed station and Station KAMB, Camden, Arkansas, the nature and extent thereof, and whether such overlap is in contravention of § 3.35 of the Commission's rules and regulations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17919; Filed, Oct. 4, 1946; 8:50 a. m.]

[Docket No. 7819 et al.]

WLIB, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WLIB, Inc. (WLIB), Brooklyn, New York, Docket No. 7819, File No. B1–P–4681; Richard E. Adams, James H. Shoemaker, and Albert A. Anderson, d/b as Suburban Broadcast Company, Framingham, Massachusetts, Docket No. 7821, File No. B1–P–4950; Scenic City Broadcast Co., Inc., Middletown, Rhode Island, Docket No. 7820, File No. B1–P–4902; Indianapolis Broadcasting, Inc. (WIRE), Indianapolis, Indiana, Docket No. 7675, File No. B4–P–4646; and Westinghouse Radio Stations, Inc. (WOWO), Fort Wayne, Indiana, Docket No. 7674, File No. B4–P–4019, for construction permits.

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

The Commission having under consideration a petition filed by WLIB, Inc. (WLIB), Brooklyn, New York, requesting that its above-entitled application for a construction permit to increase power from 1 kw power to 10 kw power on the frequency 1190 kc, to change time of operation from daytime only to unlimited time, to install a new transmitter and directional antenna, and to change transmitter location, be designated for hearing in a consolidated proceeding with the above-entitled applications of

a. Richard E. Adams, James H. Shoemaker, and Albert A. Anderson, d/b as Suburban Broadcast Company, requesting a construction permit for a new standard broadcast station to operate on 1190 kc, with 1 kw power, daytime only, at Framingham, Massachusetts;

b. Indianapolis Broadcasting, Inc. (WIRE), requesting a construction permit to change frequency from 1430 kc to 1190 kc, to increase power from 5 kw to 50 kw, to install a new transmitter and directional antenna, and to change transmitter location, at Indianapolis, Indiana; and

c. Westinghouse Radio Stations, Inc. (WOWO), requesting a construction permit to increase power from 10 kw. to 50 kw. on the frequency 1190 kc., to install a new transmitter and directional antenna, and to change transmitter location, at Fort Wayne, Indiana;

and the Commission also having under consideration the above-entitled application of Scenic City Broadcast Co., Inc., requesting a construction permit for a new standard broadcast station to operate on 1200 kc., with 250 w. power, limited time, at Middletown, Rhode Island; and

It appearing, that the Commission, on July 18, 1946, designated for hearing in a consolidated proceeding the foregoing applications of Indianapolis Broadcasting, Inc. (WIRE), and Westinghouse Radio Stations, Inc. (WOWO);

It is ordered, That the said petition be, and it is hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of WLIB, Inc. (WLIB), Richard E. Adams, James H. Shoemaker, and Albert A. Anderson, d/b as Suburban Broadcasting Company, and Scenic City Broadcast Co., Inc., be, and they are hereby, designated for hearing in the above-consolidated proceeding to be held at Washington, D. C., on November 12, 1946, all upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners, and of the two applicant corporations, their officers, directors and stockholders, to effectuate and carry out the purposes of their respective applications.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

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

4. To determine whether any of the proposed operations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether any one of the proposed operations would involve objectionable interference with the services proposed in any or all of the other applications in this consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the two new proposed stations and of Station WLIB as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcasting Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated July 18, 1946, designating for hearing in a consolidated proceeding the said applications of Indianapolis Broadcasting, Inc. (WIRE) and Westinghouse Radio Stations, Inc. (WOWO) be, and they are hereby, amended to include the above-entitled applications of WLIB, Inc. (WLIB), Richard E. Adams, James H. Shoemaker, and Albert A. Anderson, d/b as Suburban Broadcasting Company, and Scenic City Broadcast Co., Inc.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17925; Filed, Oct. 4, 1946; 8:52 a. m.]

[Docket No. 7823]

THE BLUEFIELD BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of G. Lester Hash, N. Joe Rahall and Fred William Simon tr/as The Bluefield Broadcasting Company, a partnership, Bluefield, West Virginia, for construction permit; Docket No. 7823, File No. B2–P–4990.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Bluefield, West Virginia;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Odes E. Robinson (File No. B2–P–5160) requesting a construc-

tion permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Bluefield, West Virginia, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Odes E. Robinson (File No. B2–P–5160) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17920; Filed, Oct. 4, 1946; 8:50 a. m.]

[Docket 7824]

ODES E. ROBINSON

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Odes E. Robinson, Bluefield, West Virginia, for construction permit; Docket No. 7824, File No. B2–P–5160.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Bluefield, West Virginia;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of G. Lester Hash, N. Joe Rahall, and Fred William Simon tr/as The Bluefield Broadcasting Company, a partnership (File No. B2–P–4990) requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Bluefield, West Virginia, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of G. Lester Hash, N. Joe Rahall, and Fred William Simon tr/as The Bluefield Broadcasting Company, a partnership (File No. B2–P–4990) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17921; Filed, Oct. 4, 1946; 8:51 a. m.]

[Docket 7825]

BEN K. WEATHERWAX

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Ben K. Weatherwax, Aberdeen, Washington, for construction permit; Docket No. 7825, File No. B5–P–5098.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at Aberdeen, Washington;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Fred G. Goddard (File No. B5–P–5180) requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at Hoquiam, Washington, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Fred G. Goddard (File No. B5–P–5180) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46—17923; Filed, Oct. 4, 1946; 8:51 a. m.]

[Docket No. 7826]

FRED G. GODDARD

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Fred G. Goddard, Hoquiam, Washington, for construction permit; Docket No. 7826; File No. B5–P–5180.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to oper-

ate on 1450 kc, with 250 w power, unlimited time, at Hoquiam, Washington;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Ben K. Weatherwax (File No. B5–P–5098) requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at Aberdeen, Washington, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Ben K. Weatherwax (File No. B5–P–5098) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17924; Filed, Oct. 4, 1946; 8:52 a. m.]

[Docket No. 7840]

MIAMI COUNTY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Miami County Broadcasting Company, Inc., Piqua, Ohio, for construction permit; Docket No. 7840, File No. B2–P–4954.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 860 kc, with 250 w power, daytime only, at Piqua, Ohio;

It is ordered, pursuant to section 309 (a) of the Communications Act, as amended, That the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with stations WRFD at Worthington, Ohio, WHAS at Louisville, Kentucky, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station CFRB at Toronto, Canada, or with any other existing foreign broadcasting station, within the meaning of the North American Regional Broadcasting Agreement.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–17915; Filed, Oct. 4, 1946; 8:49 a. m.]

[Docket 7843]

METROPOLITAN BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Metropolitan Broadcasting Corporation, Belleville, Illinois, for construction permit; Docket No. 7843, File No. B4–P–5034.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Belleville, Illinois;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat (File No. B4–P–5176) requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Belleville, Illinois, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat (File No. B4–P–5176) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17927; Filed, Oct. 4, 1946; 8:52 a. m.]

[Docket No. 7844]

BELLEVILLE NEWS-DEMOCRAT

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, Belleville, Illinois, for construction permit; Docket No. 7844, File No. B4–P–5176.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application

requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Belleville, Illinois;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Metropolitan Broadcasting Corporation (File No. B4–P–5034) requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Belleville, Illinois, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Metropolitan Broadcasting Corporation (File No. B4–P–5034) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17926; Filed, Oct. 4, 1946; 8:52 a. m.]

[Docket No. 7845]

WAYNE M. NELSON, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Wayne M. Nelson, Inc., Fayetteville, North Carolina, for construction permit; Docket No. 7845, File No. B3–P–4951.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Fayetteville, North Carolina;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Scotland Broadcasting Company (File No. B3–P–5068) requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Laurinburg, North Carolina, contingent upon the grant of the application of Florence Broadcasting Company, Inc. (File No. B3–P–4538; Docket No. 7606) requesting a construction permit to change the assignment of Station WOLS at Florence, South Carolina, from 1230 kc, with 250 w power, unlimited time, to 930 kc, with one kw power, unlimited time, using a directional antenna at night, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WFTC at Kinston, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Scotland Broadcasting Company (File No. B3–P–5068) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine the overlap, if any, that will exist between the service areas of the proposed station and the newly authorized Station WAYN at Rockingham, North Carolina, the nature and extent thereof, and whether such overlap is in contravention of § 3.35 of the Commission's rules.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17928; Filed, Oct. 4, 1946; 8:52 a. m.]

[Docket No. 7846]

SCOTLAND BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Scotland Broadcasting Company, Laurinburg, North Carolina, for construction permit; Docket No. 7846, File No. B3–P–5068.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Laurinburg, North Carolina, contingent upon the grant of the application of Florence Broadcasting Company, Inc. (File No. B3–P–4538; Docket No. 7606) requesting a construction permit to change the assignment of WOLS at Florence, South Carolina, from 1230 kc, with 250 w power, unlimited time, to 930 kc, kith 1 kw power, unlimited time, using a directional antenna at night;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Wayne M. Nelson, Inc. (File No. B3–P–4951) requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Fayetteville, North Carolina, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with station WOLS at Florence, South Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Wayne M. Nelson, Inc. (File No. B3–P–4951); Peter B. Thornell (File No. B3–P–4921); Eugene E. Stone (File No. B3–P–4948); or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

It is further ordered, That Florence Broadcasting Company, Inc., Florence, South Carolina, licensee of Station WOLS, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17929; Filed, Oct. 4, 1946; 8:53 a. m.]

[Docket No. 7847]

GREATER DALLAS BROADCASTING SERVICE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Charles E. Dillon, James F. Thompson and Philip L. Kelton d/b as Greater Dallas Broadcasting Service, Dallas, Texas, for construction permit; Docket No. 7847, File No. B3–P–5100.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Dallas, Texas;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Community Broadcasting Company (File No. B3–P–5182) requesting a construction permit for a new standard broadcast station to operate on 1490 kc. with 250 w power, unlimited time, at Fort Worth, Texas, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Community Broadcasting Company (File No. B3–P–5182) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17905; Filed, Oct. 4, 1946; 8:46 a. m.]

[Docket No. 7848]

COMMUNITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In reapplication of Community Broadcasting Company, Fort Worth, Texas, for construction permit; Docket No. 7848, File No. B3–P–5182.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc with 250 w power, unlimited time, at Fort Worth, Texas;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Charles E. Dillon, James F. Thompson and Philip L. Kelton, d/b as Greater Dallas Broadcasting Service (File No. B3–P–5100) requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Dallas, Texas, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Charles E. Dillon, James F. Thompson, and Philip L. Kelton, d/b as Greater Dallas Broadcasting Service (File No. B3–P–5100) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–17906; Filed, Oct. 4, 1946; 8:46 a. m.]

[Docket No. 7849]

JOSEPH M. RIPLEY

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Joseph M. Ripley, Leesburg, Florida, for construction permit; Docket No. 7849, File No. B3–P–4936.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Leesburg, Florida, contingent upon the grant of the application (File No. B3–P–3973; Docket No. 6864) of Hazelwood, Inc., licensee of Station WLOF at Orlando, Florida, requesting a change in frequency for Station WLOF from 1230 kc to 950 kc;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Lake Broadcasting Company (File No. B3–P–5198) requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Leesburg, Florida, upon the folowing issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Lake Broadcasting Company (File No. B3–P–5198) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17907; Filed, Oct. 4, 1946; 8:46 a. m.]

[Docket No. 7850]

LAKE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Lake Broadcasting Company, Leesburg, Florida, for construction permit; Docket No. 7850, File No. B3–P–5198.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Leesburg, Florida;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Joseph M. Ripley (File No. B3–P–4936) requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Leesburg, Florida, contingent upon the grant of the application (File No. B3–P–3973; Docket No. 6864) of Hazlewood, Inc., licensee of Station WLOF at Orlando, Florida, requesting a change in frequency for Station WLOF from 1230 kc, to 950 kc, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17908; Filed, Oct. 4, 1946; 8:47 a. m.]

[Docket No. 7851]

UNION BROADCASTING CO. (WARM)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Union Broadcasting Company (WARM), Scranton, Pennsylvania, for construction permit; Docket No. 7851, File No. B1–P–5186.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit to change the frequency of station WARM at Scranton, Pennsylvania, from 1400 kc. to 590 kc., increase power from 250 w. to 5 kw., install new transmitter and directional antenna for day and night use, and change transmitter location;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of John H. Stenger, Jr. (File No. B2–P–5212), requesting a construction permit to change the frequency of station WBAX at Wilkes-Barre, Pennsylvania, from 1240 kc. to 590 kc., increase power from 250 w. to 1 kw., install new transmitter and directional antenna for day and night use, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WARM as proposed and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of station WARM as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations effected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WARM as proposed would involve objectionable interference with the services proposed in the pending application of John H. Stenger, Jr., (File No. B2–P–5212) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WARM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17909; Filed, Oct. 4, 1946; 8:47 a. m.]

[Docket No. 7852]

JOHN H. STENGER, JR. (WBAX)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, for construction permit; Docket No. 7852, File No. B2–P–5212.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit to change the frequency of station WBAX at Wilkes-Barre, Pennsylvania, from 1240 kc to 590 kc, increase power from 250 w to 1 kw, install new transmitter and directional antenna for day and night use;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Union Broadcasting Company (File No. B1–P–5186) requesting a construction permit to change the frequency of station WARM at Scranton, Pennsylvania, from 1400 kc to 590 kc, increase power from 250 w to 5 kw, install new transmitter and directional antenna for day and night use, and change transmitter location, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate station WBAX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WBAX as proposed and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of station WBAX as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WBAX as proposed would involve objectionable interference with the services proposed in the pending application of Union Broadcasting Company (File No. B1–P–5186) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WBAX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17910; Filed, Oct. 4, 1946; 8:47 a. m.]

[Docket No. 7853]

ASHBACKER RADIO CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Ashbacker Radio Corporation, Holland, Michigan, for construction permit; Docket No. 7853, File No. B2–P–5190.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a new construction permit for a new standard broadcast station to operate on 1450 kc, with 100 w power, unlimited time, at Holland, Michigan;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Roy C. Kelley, Ray M. Veenstra and George S. Norcross, a partnership d/b as KVN Company (File No. B2–P–5194) requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at Holland, Michigan, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Roy C. Kelley, Ray M. Veenstra and George S. Norcross, a partnership d/b as KVN Company (File No. B2–P–5194) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine the overlap, if any, that will exist between the service areas of the proposed station and Station WKBZ at Muskegon, Michigan, the nature and extent thereof, and whether such overlap is in contravention of § 3.35 of the Commission's rules.

7. To determine whether the installation and operation of the proprosed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17911; Filed, Oct. 4, 1946; 8:48 a. m.]

[Docket No. 7854]

KVN CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Roy C. Kelley, Ray M. Veenstra and George S. Norcross, a partnership, d/b as KVN Company, Holland, Michigan, for construction permit; Docket No. 7854, File No. B2–P–5194.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at Holland, Michigan;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Ashbacker Radio Corporation (File No. B2–P–5190) requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 100 w power, unlimited time, at Holland, Michigan, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would in-

volve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Ashbacker Radio Corporation (File No. B2–P–5190) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine the overlap, if any, that will exist between the service areas of the proposed station and Station WOOD at Grand Rapids, Michigan, or a proposed station at Muskegon, Michigan (File No. B2–P–4914), the nature and extent thereof, and whether such overlap is in contravention of § 3.35 of the Commission's rules.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17912; Filed, Oct. 4, 1946; 8:48 a. m.]

[Docket No. 7855]

DONZE CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Norbert Bernard Donze and Elmer Lawrence Donze, a partnership d/b as The Donze Company, Ste. Genevieve, Missouri, for construction permit; Docket No. 7855, File No. B4–P–5155.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at Ste. Genevieve, Missouri:

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Oscar C. Hirsch (File No. B4–P–5192) requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at Flat River, Missouri, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Oscar C. Hirsch (File No. B4–P–5192) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17913; Filed, Oct. 4, 1946; 8:48 a. m.]

[Docket No. 7856]

OSCAR C. HIRSCH

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Oscar C. Hirsch, Flat River, Missouri, for construction permit; Docket No. 7856, File No. B4–P–5192.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of September 1946.

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at Flat River, Missouri;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, in a consolidated proceeding with the application of Norbert Bernard Donze and Elmer Lawrence Donze, d/b as The Donze Company (File No. B4–P–5155) requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, as Ste. Genevieve, Missouri, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Norbert Bernard Donze and Elmer Lawrence Donze, d/b as The Donze Company (File No. B4–P–5155) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Station.

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

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–17922; Filed, Oct. 4, 1946; 8:51 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5840]

MONTANA POWER CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 24, 1946.

It appearing to the Commission that:

(a) By order adopted July 27, 1943, as amended by order dated October 5, 1943, the Commission directed The Montana Power Company to show cause why it should not apply for and secure from the Commission authorization for the operation and maintenance of seven hydroelectric power projects owned, operated, and maintained by it in and along the Missouri River, three in Lewis and Clark County near Helena, and four in Cascade

County near Great Falls, all in the State of Montana, and all related to the Hebgen and Madison storage reservoirs located on the Madison River in Montana, application for license for such reservoirs having been filed with the Commission on June 12, 1934;

(b) By its answer to said order to show cause, filed September 27, 1943, as amended by answer filed December 14, 1943, respondent denies that any of said power projects are located in a section of the Missouri River which is subject to the jurisdiction of Congress, but claims that each of said power projects is lawfully operated and maintained and denies that there is any necessity for a license from the Commission for any of said power projects, and alleges that since the Hebgen storage reservoir, located on the Madison River, is not subject to the licensing authority of the Commission, there is no relationship between such reservoir and the seven projects on the Missouri River, but that an application for license will be filed for the Madison development;

(c) On December 13, 1943, respondent filed a request to withdraw its application for license for Project No. 1274, which project embraces the Hebgen and Madison storage reservoirs, but no action has been taken on such request;

The Commission finds that:

It will be in the public interest to hold a public hearing to determine the issues presented by the order adopted July 27, 1943, as amended by order dated October 5, 1943, and the answer thereto filed on September 27, 1943, as amended by answer filed December 14, 1943;

The Commission orders that:

A public hearing to determine the issues presented by the aforesaid orders of July 27 and October 5, 1943 and the answers thereto filed September 27, and December 14, 1943, be held, beginning at 10:00 a. m. on Monday, November 18, 1946, in the Placer Hotel, Helena, Montana.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-17897; Filed, Oct. 4, 1946; 8:47 a. m.]

[Docket No. G-764]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 1, 1946.

Upon consideration of the application filed on August 12, 1946, by Arkansas Louisiana Gas Company (Applicant) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

Approximately 1,535 feet of 2⅜-inch O. D. pipe line, to be designated as Line BM-13, to extend from Station 120.05 on Applicant's Line BM-9, approximately 2 miles north of Dardanelle, Arkansas, to the Dardanelle Dehydration Plant, located in section 29, Township 7 North, Range 20 West, Pope County, Arkansas, including metering and regulating facilities and including taps necessary for service to residential and commercial consumers which may be connected in the future.

The Commission orders that:

(A) A public hearing be held commencing on October 14, 1946, at 10 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding; provided, however, that if no protest or petition to intervene has been filed or allowed prior to the date herein fixed for hearing, or if a protest or a petition to intervene, in the judgment of the Commission raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested State commissions may participate as provided in the Commission's rules of practice and procedure.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-17972; Filed, Oct. 4, 1946; 9:02 a. m.]

[Docket No. G-768]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 1, 1946.

Upon consideration of the application filed on August 26, 1946, by Arkansas Louisiana Gas Company (Applicant) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

Approximately 7,000 feet of 4½-inch O. D. pipe line and 3,300 feet of 3½-inch O. D. pipe line to be designated as Line AM-111, to extend from Station 2135.99 on Applicant's Line A, approximately 1 mile southeast of Garland City, Arkansas, in an easterly direction to the Spirit Lake oil field, centering about Section 14, Township 16 South, Range 25 West, Lafayette County, Arkansas, including metering and regulating facilities,

The Commission orders that:

(A) A public hearing be held commencing on October 14, 1946, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding: *Provided, however,* That if no protest or petition to intervene has been filed or allowed prior to the date herein fixed for hearing, or if a protest or a petition to intervene, in the judgment of the Commission raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested state commissions may participate as provided in the Commission's rules of practice and procedure.

Date of issuance: October 2, 1946.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-17973; Filed, Oct. 4, 1946; 9:02 a. m.]

[Docket No. G-783]

CENTRAL NEW YORK POWER CORP.

NOTICE OF APPLICATION

OCTOBER 1, 1946.

Notice is hereby given that on September 18, 1946, an application was filed with the Federal Power Commission by Central New York Power Corporation (hereinafter referred to as "Applicant"), a New York corporation with its principal place of business at Syracuse, New York, and authorized to do business in the State of New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to operate approximately 14.5 miles of 18-inch pipeline which was constructed in 1932 extending from Therm City to Syracuse, and approximately 4.93 miles of various diameter pipe which was constructed prior to 1932 and includes sections of 24-, 20-, 16-, 12-, and 6-inch diameters extending from Applicant's mixing plant within the City of Syracuse to the point of delivery where gas is sold at wholesale to the Syracuse Suburban Gas Company, located just outside the city limits of Syracuse, all within the State of New York.

Applicant states that it seeks authority to continue the above-described operations pursuant to the decision of the Federal Power Commission that Applicant is a natural gas pipeline company subject to the terms and provisions of the Natural Gas Act, as amended. All of the facilities for which a certificate is sought have been operated by Applicant or its predecessor in the same manner since 1932. No service additional to that presently rendered is contemplated by the facilities described in the application.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the general rules of practice and procedure of the Commission, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, creation of a board, or a joint or concurrent hearing together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Central New York Power Corporation should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's general rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-17970; Filed, Oct. 4, 1946; 9:01 a. m.]

[Docket No. G–749]

TRENTON ROCK OIL AND GAS CORP.

ORDER FIXING DATE OF HEARING

OCTOBER 1, 1946.

Upon consideration of the application filed on July 8, 1946, by Trenton Rock Oil and Gas Corporation (Applicant) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(a) A 4-inch natural-gas transmission pipe line approximately 8,800 feet in length extending in an easterly direction from the so-called Jacob Zimmerman gas well, located in eastern Jay County, Indiana, across the Indiana-Ohio state boundary line to a point near the western corporate limits of Fort Recovery, Mercer County, Ohio.

(b) Field lines of 2-inch diameter totaling approximately 10,000 feet in length to be located in a natural-gas field situated in Jay County, Indiana.

(c) A regulating and metering station located at the west corporate limits of the Village of Fort Recovery, Ohio.

(d) Meters and regulators on the gas wells to be installed by Applicant.

The Commission orders that:

(A) A public hearing be held commencing on October 16, 1946, at 10 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding; *Provided, however,* That if no protest or petition to intervene has been filed or allowed prior to the date hereinbefore fixed for hearing or if a protest or petition to intervene, in the judgment of the Commission, raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested State commissions may participate in this hearing as provided in the Commission's rules of practice and procedure.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46–17971; Filed, Oct. 4, 1946; 9:01 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6995]

GORO KODERA

In re: Stock owned by Goro Kodera. F–39–2764–A–1, F–39–3764–C–1, F–39–2764–D–1, F–39–2764–D–2.

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 Goro Kodera, whose last known address is % Masa Toda, 13 Tonoyana, Nakanoku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Fifty (50) shares of Class A capital stock of Radio-Keith-Orpheum Corporation, 1270 Sixth Avenue, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificate number B50084, dated February 2, 1931, and registered in the name of Goro Kodera, together with all declared and unpaid dividends thereon,

b. Twenty-five (25) shares of no par value capital stock of Phillips Petroleum Company, 80 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 0207075, dated February 2, 1931, and registered in the name of Goro Kodera, together with all declared and unpaid dividends thereon, and

c. Ten (10) shares of no par value common capital stock of The Goodyear Tire & Rubber Company, 1144 East Market Street, Akron, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number J069721, dated February 3, 1931, and registered in the name of Goro Kodera, together with all declared and unpaid dividends thereon,

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

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

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

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

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

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

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

Executed at Washington, D. C., on July 9, 1946.

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

[F. R. Doc. 46–17977; Filed, Oct. 4, 1946; 8:46 a. m.]

[Vesting Order 7518]

FRIDA AUGUSTA LOUISE NIEMEYER

In re: Estate of Frida Augusta Louise Niemeyer, also known as Louise Niemeyer, deceased. File D–28–4352; E. T. sec. 7446.

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 Theodore Prey in and to the Estate of Frida Augusta Louise Niemeyer, also known as Louise Niemeyer, deceased,

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

National and Last Known Address

Theodore Prey, Germany.

That such property is in the process of administration by Lew C. Church, as administrator, acting under the judicial supervision of the Probate Court of Hennepin County, Minnesota,

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 4, 1946.

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

[F. R. Doc. 46-17978; Filed, Oct. 4, 1946; 8:46 a. m.]

[Vesting Order 7522]

JOHN JACOB THEODORE RIEPER

In re: Estate of John Jacob Theodore Rieper, deceased. File No. D-28-10270; E. T. sec. 14627.

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 the heirs-at-law, distributees, executors, administrators and personal representatives, names unknown of Jacob Lawrence Rieper, deceased, the heirs-at-law, distributees, executors, administrators and personal representatives, names unknown of Henry Peter Edward Rieper, deceased, the heirs-at-law, distributees, executors, administrators and personal representatives, names unknown of Geschea Katie Rebecca Vollmer, deceased and the heirs-at-law, distributees, executors, administrators and personal representatives, names unknown of Jacob Peter Rieper, deceased, and each of them, in and to the estate of John Jacob Theodore Rieper, deceased.

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

Nationals and Last Known Address

The heirs-at-law, distributees, executors, administrators and personal representatives, names unknown of Jacob Lawrence Rieper, deceased; Germany.

The heirs-at-law, distributees, executors, administrators and personal representatives, names unknown of Henry Peter Edward Rieper, deceased; Germany.

The heirs-at-law, distributees, executors, administrators and personal representatives, names unknown of Geschea Katie Rebecca Vollmer, deceased; Germany.

The heirs-at-law, distributees, executors, administrators and personal representatives, names unknown of Jacob Peter Rieper, deceased; Germany.

That such property is in the process of administration by Edith Geilich, as Administratrix, 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.

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 September 4, 1946.

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

[F. R. Doc. 46-17979; Filed, Oct. 4, 1946; 8:46 a. m.]

[Vesting Order 7525]

GEORGE SCHNEIDER

In re: Estate of George Schneider, deceased. File No. D-66-787; E. T. sec. 4951.

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 Maria Schneider Schmidt, also known as Marie Schnider Schmidt, Franz Schmidt, Helene Schmidt, Irene Schmidt, Issue, names unknown, of Maria Schneider Schmidt, also known as Marie Schnider Schmidt, Josef Walentin, Eugen Vass and Franz Vass, and each of them, in and to the estate of George Schneider, deceased,

is property payable or deliverable to, or claimed by, nationals of designated enemy countries, Hungary and Germany, namely,

Nationals and Last Known Address

Maria Schneider Schmidt also known as Marie Schnider Schmidt, Hungary.
Franz Schmidt, Hungary.
Helene Schmidt, Hungary.
Irene Schmidt, Hungary.
Issue, names unknown of Maria Schneider Schmidt, also known as Marie Schnider Schmidt, Hungary.
Josef Walentin, Germany.
Eugen Vass, Hungary.
Franz Vass, Hungary.

That such property is in the process of administration by the County Treasurer of Putnam County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Putnam 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 designated enemy countries, (Hungary and Germany);

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

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

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

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

Executed at Washington, D. C. on September 4, 1946.

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

[F. R. Doc. 46—17980; Filed, Oct. 4, 1946; 8:47 a. m.]

[Vesting Order 7526]

ERNST SCHULZ

In re: Estate of Ernst Schulz, deceased. File No. D-28-4346; E. T. sec. No. 7441.

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 Therese Schmidt, and her issue, names unknown, and Else Reese, and her issue, names unknown, and each of them, in and to the estate of Ernst Schulz, deceased,

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

Nationals and Last Known Address

Therese Schmidt, and her issue, names unknown, Germany.

Else Reese, and her issue, names unknown, Germany.

That such property is in the process of administration by Mathilda Schulz, as administratrix of the Estate of Ernst Schulz, deceased, acting under the judicial supervision of the Surrogate's Court, Nassau 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 therof, if and when it should be determined to take any one or all of such actions.

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

Executed at Washington, D. C. on September 4, 1946.

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

[F. R. Doc. 46-17981; Filed, Oct. 4, 1946; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-43]

GREAT LAKES UTILITIES CO.

ORDER PERMITTING WITHDRAWAL OF AMENDED PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of September, A. D., 1946.

Great Lakes Utilities Company ("Great Lakes"), a registered holding company, having heretofore filed an amended plan dated as of October 1, 1944 pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 providing, among other things, for the distribution of cash and a portion of Great Lakes' investments in its subsidiaries to Great Lakes' bondholders in complete satisfaction of their claims, and for the distribution of the balance of Great Lakes' investments in its subsidiaries to the holders of common stock of Great Lakes (and Voting Trust Certificates therefor);

Great Lakes having subsequently disposed of its investment in one of its subsidiaries, Ohio Gas, Light & Coke Company, for cash pursuant to the approval of the Commission (Holding Company Act Release No. 6336) and the District Court of the United States for the Eastern District of Pennsylvania (order dated December 28, 1945), and having used a portion of the proceeds of such sale to satisfy in full the claim of its bondholders for principal and interest;

A request having been filed by Great Lakes for permission to withdraw the amended plan dated as of October 1, 1944; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to permit the withdrawal requested:

It is ordered, That the request of Great Lakes be, and it hereby is granted, and that the said amended plan dated as of October 1, 1944 be, and it hereby is, deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-17902; Filed, Oct. 4, 1946; 9:00 a. m.]

[File No. 70-1365]

MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of September, A. D. 1946.

Notice is hereby given that an application-declaration was filed on September 6, 1946 with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Michigan Consolidated Gas Company ("Michigan Consolidated"), a subsidiary of American Light & Traction Company, a registered holding company and a subsidiary of the United Light and Railways Company, also a registered holding company. All interested parties are referred to said document which is on file at the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Michigan Consolidated proposes to purchase from the various stockholders of West Michigan Consumers Company ("West Michigan") all of the outstanding capital stock of West Michigan consisting of 4,182 shares of common stock, without par value, for the cash price of $358.68 per share, or an aggregate of $1,500,000.[1] Following the acquisition of all of the capital stock of West Michigan or substantially all of such stock, Michigan Consolidated will acquire the assets and assume the liabilities of West Michigan, and West Michigan will be dissolved.

The properties of West Michigan which will be acquired by Michigan Consolidated consist principally of (a) a gas distribution system located in the Cities of Muskegon and Muskegon Heights and in the Township of Muskegon and Morton, Muskegon County, Michigan; (b) a casinghead gas processing plant located in Lincoln Township, Osceola County, Michigan, which is connected with the distribution system of West Michigan by an 8⅝-inch O. D. welded pipe line 61 miles long; (c) an underground storage field approximately 2 miles north of the City of Muskegon, comprising approximately 640 acres with a total reservoir capacity estimated at 2,500,000,000 cubic feet and in which there is presently stored about 600,000,000 cubic feet of gas; (d) a transmission line extending from Walker Township, Kent County, Michigan (which adjoins the City of Grand Rapids, Michigan), to the City of Muskegon, of which 12 miles are 6 inch pipe and 21 miles are 8 inch pipe; and (e) gas rights under oil and gas leases on lands in various townships within the State of Michigan, four gas wells, and gas reserves estimated at 1,500,000,000 cubic feet of dry natural gas.

The application-declaration states that West Michigan is presently selling 2,000,000 cubic feet of processed casinghead gas daily to its customers on an interruptible dumpload basis for power plant purposes and that, following the acquisition by Michigan Consolidated of the capital stock of West Michigan, no more gas will be sold to these customers for power plant purposes.

The applicant-declarant has designed sections 9 (a), 10, 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration, under the applicable provisions of said act and the rules of the Commission promulgated thereunder, be held at 10 a. m., e. s. t. on the 11th day of October 1946, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held. All persons desiring to be heard or otherwise wishing to participate in these proceedings should notify the Commission in the manner prescribed by Rule XVII of the rules of practice, on or before October 8, 1946.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated for the purpose shall preside at such hearing. The officer so designated to preside at such

[1] The application-declaration states that Michigan Consolidated has not contracted for the purchase of all of the 4,182 shares of the outstanding capital stock of West Michigan, but that as of September 5, 1946 Michigan Consolidated has entered into agreements with 44 stockholders of West Michigan for the purchase of 3,994 shares of the capital stock of West Michigan at the price of $358.68 per share, or an aggregate of $1,432,567.92.

hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues involved in these proceedings, particular attention will be directed at the hearing to a consideration of the following matters and questions:

1. Whether competitive conditions have been maintained in the negotiation of the proposed acquisition of the capital stock of West Michigan and whether the proposed consideration to be paid for such stock is reasonable.

2. Whether the proposed acquisition by Michigan Consolidated of the capital stock and properties and assets of West Michigan will serve the public interest by tending toward the economical and efficient development of an integrated public utility system or will be detrimental to the carrying out of the provisions of Section 11 of the Act.

3. Whether the fees, commissions or other remuneration to be paid in connection with the proposed acquisitions are for necessary services and are reasonable in amount.

4. Whether the proposed acquisition by Michigan Consolidated of the assets of West Michigan will result in the creation on the books of Michigan Consolidated of any excess of cost or carrying value of the properties to be acquired over the original cost thereof, and, if so, whether such items should be eliminated or appropriately provided for, and whether the proposed accounting entries on the books of Michigan Consolidated are appropriate and in conformity with the Act.

5. Whether the proposed acquisition of assets by Michigan Consolidated and the acquisition and retirement by West Michigan of its capital stock in connection with the liquidation of West Michigan are in conformity with the requirements of sections 12 (c) and 12 (f) of the Act and Rules U–42 and U–43 thereunder.

6. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the interest of investors or consumers.

7. Generally, whether in any respect, the proposed transactions are detrimental to the public interest or the interest of investors or consumers or will tend to contravene or circumvent any provisions of the Act or the rules, regulations or orders promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Michigan Consolidated Gas Company, West Michigan Consumers Company, Public Service Commission of Michigan, Federal Power Commission, and to the Mayors of the Cities of Muskegon and Muskegon Heights, Michigan; and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for release under the act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46—17901; Filed, Oct. 4, 1946; 9:00 a. m.]

[File No. 70–1370]

UNITED CORP.

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, Pennsylvania, on the 27th day of September 1946.

The United Corporation ("United"), a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U–46 of the rules and regulations promulgated thereunder regarding the following proposed transactions:

United proposes to declare and pay the quarterly dividend of 75 cents per share which will accrue on its $3 Cumulative Preference Stock on October 1, 1946.

As of September 11, 1946, United had outstanding 1,180,799 shares of $3 Preference Stock. However, the number of shares of such stock which may be outstanding on the record date of the proposed dividend cannot be determined at this time, since the company is proceeding with the purchase of a limited number of the shares of such stock as authorized by the Commission's Order of August 9, 1946 (Holding Company Act Release No. 6936). Based on the number of shares outstanding as of September 11, 1946, the proposed dividend would amount to $885,600. United's entire balance in earned surplus, estimated at $690,000 as of October 1, 1946, will be utilized for the payment of such dividends, and the remaining part of the aggregate amount of such dividend will be charged to unrestricted capital surplus which as of July 31, 1946 amounted to $29,403,150. United proposes to notify each holder of its $3 Cumulative Preference Stock of the extent to which the dividend is paid out of capital surplus.

The proposed transaction is described as a facilitating step in a program contemplated by United to effectuate further partial compliance with the Commission's Order of August 14, 1943, directing United to change its capitalization to one class of stock, namely, common stock, and to take such action as will cause it to cease to be a holding company. As part of such program, United pursuant to authorization contained in the Commission's Order of July 17, 1946 (Holding Company Act Release No. 6787) has paid in full all dividends on its $3 Preference Stock accumulated up to and including July 1, 1946, and contemplates the filing of plans, which are not before us for approval at this time, providing for the disposition of the bulk of United's holdings of the common stock of Niagara Hudson Power Corporation by offering to United's common stockholders the right to purchase such securities and providing for the elimination of United's $3 Cumulative Preference Stock.

The company states that the plan for disposing of its holdings of the common stock of Niagara Hudson Power Company will be legally simplified, if in advance of such an offering, all dividends on the $3 Preference Stock are declared and paid as they accrue.

The declaration having been filed on September 13, 1946, and notice of filing having been duly given in the manner and form prescribed by Rule U–23 under said act and the Commission not having received a request for hearing with respect thereto within the period specified in such notice or otherwise and the Commission not having ordered a hearing thereon; and

United having requested that the Commission's order permitting the declaration to become effective be issued on or before October 1, 1946, and become effective forthwith in order to permit the declaration and payment of dividends accruing on that date; and the Commission deeming it appropriate to grant such request; and

The Commission finding that the requirements of section 12 (c) of the Act and Rule U-46 thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and the interests of investors and consumers to permit said declaration to become effective;

It is hereby ordered, effective forthwith, pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the said declaration, as amended, be, and the same hereby is, permitted to become effective: *Provided, however*, That the Commission's action in permitting the declaration to become effective shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46–17899; Filed, Oct. 4, 1946; 8:53 a. m.]

[File No. 70–1367]

AUBURN WATER CO. AND ALABAMA 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 27th day of September A. D. 1946.

Alabama Power Company ("Alabama"), a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company, and Auburn Water Company ("Auburn"), a wholly-owned subsidiary of

Alabama, having filed a joint declaration pursuant to the provisions of sections 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-46 promulgated thereunder regarding the liquidation and dissolution of Auburn; and

Such declaration having been filed on September 12, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit the said declaration pursuant to Rules U-43 and U-46 to become effective, and finding that the requirements of sections 12 (c) and 12 (f) are satisfied; and

The declarants having requested that the Commission's order be issued herein on or before September 27, 1946 and become effective forthwith so that Alabama may utilize the cash to be paid in liquidation by Auburn, and Auburn may dissolve prior to October 1, 1946 and thereby avoid liability for taxes of approximately $6,000 for the ensuing year, and the Commission deeming it appropriate to grant such request;

It is hereby ordered, effective forthwith, pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be, and hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-17900; Filed, Oct. 4, 1946; 8:54 a. m.]

[File No. 70-1373]

EL PASO ELECTRIC CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of September 1946.

Notice is hereby given that El Paso Electric Company ("El Paso"), an electric utility subsidiary of Engineers Public Service Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Declarant has designated section 7 of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

El Paso proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $6,000,000 principal amount of First Mortgage Bonds —% Series, due 1976. Each bid for the bonds shall specify the interest rate, which shall be a multiple of ⅛% but not greater than 3% and the price (exclusive of accrued interest) to be paid to the company which shall not be less than 100% nor more than 102¾% of the principal amount thereof.

El Paso proposes to use the proceeds from the sale of such First Mortgage Bonds, together with general funds of the company, to redeem its presently outstanding First Mortgage Bonds, Series A, 3¼% due November 1, 1970, in the principal amount of $6,500,000 at the present redemption price of 108 plus accrued interest. Declarant considers that this transaction is exempt from section 12 (c) of the act by virtue of Rule-42 (b) (2).

Declarant states that approval of the New Mexico Public Service Commission will be obtained with regard to the issuance of the new First Mortgage Bonds and that no other state commission has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing held with respect to said declaration and that said declaration shall not be permitted to become effective except pursunt to further order of the Commission.

It is ordered, Pursuant to section 7 and 18 of the act, that a hearing on said declaration be held on October 14, 1946, at 11:00 a. m., e. s. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration, and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether or not the financing by the issue and sale of the proposed First Mortgage Bonds is necessary and appropriate to the economical and efficient operation of the business in which El Paso is engaged.

(2) Whether or not the fees, commissions, or other remunerations to be paid in connection with the issue, sale or distribution of the First Mortgage Bonds are reasonable.

(3) Whether or not the terms and conditions of the issue or sale of the First Mortgage Bonds are detrimental to the public interest or the interests of investors or consumers.

(4) Whether or not the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles.

(5) Whether or not there will have been compliance with Rule U-50 promulgated under the act.

(6) Whether or not the indenture securing the proposed First Mortgage Bonds contains adequate protective provisions for the benefit of security holders with respect to: (a) a restriction on payment of dividends on common stock and (b) the basis upon which additional bonds may be issued.

(7) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before October 11, 1946, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to El Paso Electric Company, New Mexico Public Service Commission and the City of El Paso, Texas, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R .Doc. 46-17898; Filed, Oct. 4, 1946; 8:53 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Order 324]

NOMA ELECTRIC 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 section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This order establishes maximum prices for sales of the Model No. 4681 magazine radiant coal heater manufactured by Estate Heatrola Division of Noma Electric Corporation, Hamilton, Ohio.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices are those set forth below:

Model	Maximum prices for sales to retail dealers				
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
	Each	*Each*	*Each*	*Each*	*Each*
4681	$31.64	$32.96	$34.28	$35.59	$36.58

These prices are f. o. b. wholesale distributor's city, and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Maximum prices for sales to ultimate consumers				
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
	Each	*Each*	*Each*	*Each*	*Each*
4681	$49.25	$51.25	$53.25	$55.25	$56.75

These prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(3) These ceiling prices include the increase allowed by sections 11a and 11b of Maximum Price Regulation No. 64 and may not, therefore, be increased under those sections.

(b) For the purposes of this order Zones 1, 2, 3, 4, and 5 comprise the following states:

Zone 1. Ohio, Indiana, Kentucky.

Zone 2. New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, Tennessee, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, District of Columbia, and Connecticut.

Zone 3. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Kansas, Nebraska, South Dakota, North Dakota.

Zone 4. Texas, Oklahoma, Montana, Wyoming, Colorado.

Zone 5. Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, New Mexico.

(c) The manufacturer shall, before delivering any heater covered by this order, after the effective date thereof, attach securely to the inside door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the heater to ultimate consumers in each zone and the states included in each zone.

(d) All the provisions of Maximum Price Regulation No. 64 continue to apply to sales of articles covered by this order except to the extent that those provisions are modified by this order.

(e) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 64 shall apply to the terms used herein.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 4, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 324 UNDER MAXIMUM PRICE REGULATION NO. 64

Section 11b (c) of Maximum Price Regulation No. 64 required manufacturers of stoves subject to pretricketing by the manufacturer to compute their ceiling prices so as to insure the return to retailers of a percentage mark-up over their current invoice cost equal to the average percentage mark-up which they received on sales of the same or similar stoves on March 31, 1946. To achieve this result, the manufacturer was required to determine a mark-up factor for each stove applicable to his current ceiling price to distributors, or if he did not sell to distributors, to his largest buying class of purchaser by dividing his March 31, 1946 ceiling price to that class by his March 31, 1946 retail ceiling price for his most comparable stove in Zone 1.

The Estate Heatrola Division of Noma Electric Corporation, Hamilton, Ohio, hereinafter referred to as the applicant, has established under Maximum Price Regulation No. 64 both its ceiling prices for sales to wholesale distributors and to retail dealers of the Model No. 4681 magazine radiant coal heater it is now manufacturing. The applicant had no models in its line on March 31, 1946 which it could use to determine a mark-up factor to be applied to its current ceiling prices for sales to distributors to enable it to compute the retail ceiling prices of its heater in accordance with section 11b (c) of Maximum Price Regulation No. 64. It is, therefore, necessary to issue an order establishing retail ceiling prices for the heater under section 11 of the same regulation which provides that orders may be issued establishing retail ceiling prices whenever a manufacturer's ceiling prices have been determined under the regulation.

The retail ceiling prices established by the accompanying order were determined by dividing the retail ceiling price in Zone 1 which would have been established under Maximum Price Regulation No. 64 for the same heater on March 31, 1946 by the applicant's ceiling price to distributors as it would have been set under the same regulation on the same date, and applying the resulting mark-up factor to the applicant's current ceiling price under Maximum Price Regulation No. 64 to the same class of purchaser. The resulting retail ceiling prices return to retailers a percentage mark-up equal to the average percentage mark-up they would have received on March 31, 1946 in connection with sales of the same heater. Similarly, the resale ceiling prices for sales by wholesale distributors to retail dealers were determined by allotting to wholesale distributors the same proportion of the gross dollar margin between the applicant's ceiling price to them and the retail ceiling price as they would have received on March 31, 1946 of the spread between the corresponding ceiling prices as they would have been set on that date under Maximum Price Regulation No. 64. The resale ceiling prices established are, therefore, in accordance with the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended, and in line with the level of ceiling prices fixed under Maximum Price Regulation No. 64.

In order to avoid confusion the accompanying order requires compliance with the notification, pretricketing, terms-of-sale and other general provisions of Maximum Price Regulation No. 64.

[F. R. Doc. 46-17982; Filed, Oct. 4, 1946; 9:00 a. m.]

[Rev. SO 119 Corr. to Amdt. 3 to Order 1 Under Order 192]

AMERICAN IRONING MACHINE COMPANY

ADJUSTMENT OF CEILING PRICES

Amendment 3 to Order 1 under Order 192 under Revised Supplementary Order 119, issued September 13, 1946, was incorrectly numbered. It is hereby corrected to read "Amendment No. 1".

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-17967; Filed, Oct. 4, 1946; 9:04 a. m.]

[MPR 120, Order 1752]

BISCO COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation, No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coal by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

BISCO COAL CO., P. O. BOX 830, BUTLER, PA., METZ MINE, UPPER FREEPORT SEAM, MINE INDEX NO. 4599, ALLEGHENY COUNTY, PA., SUBDISTRICT 8, RAIL SHIPPING POINT: TERENTUM, PA., STRIP MINE, R. R. FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	E	E	D	D	D	D	D	D	D	------	------
Rail shipment	319	319	309	309	309	299	279	279	254	------	------
Railroad fuel	319	319	309	309	309	299	279	279	254	254	------
Truck shipment	434	434	434	399	369	369	369	334	294	294	279

D. & D. COAL CO., BOX 586, IMPERIAL, PA., D. & D. NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4617, WASHINGTON COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: BURGETTSTOWN, PA., STRIP MINE, R. R. FUEL PRICE GROUP B. MAXIMUM TRUCK PRICE GROUP NO. 6

Price classification	J	J	H	H	H	H	J	J	J	------	------
Rail shipment	294	294	279	279	279	269	244	244	234	------	------
Railroad fuel	299	229	299	299	299	284	254	254	254	254	------
Truck shipment	434	434	434	394	384	384	384	334	299	299	264

THE DEER FIELD COAL CO., SHIELDS BLDG., WILKINSBURG, PA., CLEMENTS NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4620, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: MCKEES ROCKS, PA., STRIP MINE, R. R. FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	A	A	C	C	F	D	E	E	E	------	------
Rail shipment [1]	339	339	319	319	284	299	259	259	244	------	------
Railroad fuel [1]	339	339	319	319	299	299	259	259	254	254	------
Truck shipment [1]	434	434	434	399	369	369	369	334	294	294	279

[1] Subject to the provisions of Order 1716 under MPR 120.

DONOVAN BROTHERS COAL CO., 305 EVANS ST., UNIONTOWN, PA., RODERICK MINE, PITTSBURGH SEAM, MINE INDEX NO. 4603, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: NEW GENEVA, PA., DEEP MINE R. R. FUEL PRICE GROUP E. MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	F	F	E	E	E	E	E	E	E	------	------
Rail shipment	381	381	376	376	376	366	346	346	331	------	------
Railroad fuel	381	381	376	376	376	366	346	346	336	336	------
Truck shipment	486	486	486	456	446	446	446	381	361	361	336

FORT MASON COAL MINING CO., 309 SOUTH MAIN ST., MASONTOWN, PA., FORT MASON MINE, SEWICKLEY SEAM, MINE INDEX NO. 4611, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: MASONTOWN, PA., STRIP MINE, R. R. FUEL PRICE GROUP "G." MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	J	J	H	H	H	H	H	H	H	------	------
Rail or river shipment	294	294	279	279	279	269	244	244	234	------	------
Railroad fuel	294	294	279	279	279	269	244	244	239	239	------
Truck shipment	424	424	424	394	384	384	384	319	299	299	274

FORT PITT COAL CO., 400 STANDARD LIFE BLDG., PITTSBURGH, PA., FORT PITT NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4607, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: MCKEES ROCKS, PA., STRIP MINE, R. R. FUEL PRICE GROUP A. MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	A	A	C	C	F	D	E	E	E	------	------
Rail shipment	339	339	319	319	284	299	259	259	244	------	------
Railroad fuel	339	339	319	319	299	299	259	259	254	254	------
Truck shipment	434	434	434	399	369	369	369	334	294	294	279

FORT PITT COAL CO., 400 STANDARD LIFE BLDG., PITTSBURGH, PA., FORT PITT NO. 3 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4608, WASHINGTON COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: BULGER, PA., STRIP MINE, R. R. FUEL PRICE GROUP 8 MAXIMUM TRUCK PRICE GROUP NO. 6

Price classification	A	A	C	C	F	F	H	H	H	------	------
Rail shipment	339	339	319	319	284	274	244	244	234	------	------
Railroad fuel	339	339	319	319	284	274	244	244	244	244	------
Truck shipment	434	434	434	394	384	384	384	334	299	299	264

PAUL E. GARBART, BOX 497, UNIONTOWN, PA., POLAND NO. 4 MINE, SEWICKLEY SEAM, MINE INDEX NO. 4619, GREENE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: POLAND, PA., STRIP MINE, R. R. FUEL PRICE GROUP "G" MAXIMUM TRUCK PRICE GROUP NO. 11

Price classification	J	J	H	H	H	H	H	H	H	------	------
Rail and river shipment	294	294	279	279	279	269	244	244	234	------	------
Railroad fuel	294	294	279	279	279	269	244	244	239	239	------
Truck shipment	389	389	389	369	349	349	349	289	269	269	239

This order shall become effective October 5, 1946.

Issued this 4th day of October 1946.

GEOFFREY BAKER,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 1752 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. 2 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. 2. 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. 46–17966; Filed, Oct. 4, 1946; 9:04 a. m.]

[MPR 188, Amdt. 1 to Order 5 Under Order 7]

NATIONAL SEWING MACHINE CO.

ADJUSTMENT OF MAXIMUM PRICES

Correction

In the table of Federal Register Document 46–14799 appearing at page 9300 of the issue for Saturday, August 24, 1946, under column "Model C Two-Spool" the fifth number should read "1433"; under column "R–40" the twentieth and twenty-fifth models should read: "1500 Maple" and "1510 Maple" respectively; under model "R. B." in Zone II, the price opposite 1510 Walnut should read, "113.37" and under model "A. V. C." in Zone III, the price opposite "717 Walnut" should read, "81.15".

Regional and District Office Orders.

[Region II Order G–44 Under RMPR 122, Amdt. 3]

PENNSYLVANIA ANTHRACITE IN WESTCHESTER COUNTY, EXCEPT YONKERS, N. Y.

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 122, Order G–44 is amended in the following respects:

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

(d) Schedule I. * * *

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified.

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ¼ ton	Per 50-lb. paper bag
Broken, egg, stove, nut	$17.49	$9.15	$4.75	$1.04	$0.57
Pea	15.64	8.20	4.30	.93	.51
Buckwheat	12.64	6.70	3.55	.81	------
Rice	11.54	6.15	3.30	.75	------
Barley	10.19	5.50	2.95	------	------
Screenings "A"	7.94	------	------	------	------
Screenings "B"	6.44	------	------	------	------

(Discounts and service charges remain unchanged.)

2. Paragraph (d) (2) (i), (ii) and (iii) are amended as follows:

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified to dealers and to consum-

ers within Coal Area X, except the city of Mt. Vernon and the Village of Mamaroneck in the town of Mamaroneck.

Size	Per net ton for sales of ½ ton or more to—		Per 100 lbs. for 100 lbs. or more but less than ½ ton	Per 50-lb. paper bag
	Dealers for resale	Consumers		
Broken, egg, stove, nut	$15.19	$16.49	$0.94	$0.52
Pea	13.34	14.64	.83	.46
Buckwheat	10.34	11.64	.71	
Rice	9.24	10.54	.65	
Barley	7.89	9.19		
Screenings "A"	5.64	5.95		
Screenings "B"	4.64	4.94		

(Discounts remain unchanged.)

(ii) For sales of anthracite of the sizes and in the quantities specified to dealers and to consumers in the City of Mt. Vernon.

Size	Per net ton for sales of ½ ton or more to—		Per 100 lbs. for 100 lbs. or more but less than ½ ton	Per 50-lb. paper bag
	Dealers for resale	Consumers		
Broken, egg, stove, nut	$14.94	$16.49	$0.94	$0.52
Pea	13.09	14.64	.83	.46
Buckwheat	10.34	11.64	.71	
Rice	9.24	10.54	.65	
Barley	7.89	9.19		
Screenings "A"	5.64	5.94		
Screenings "B"	4.64	4.94		

(Discounts remain unchanged.)

(iii) For sales of anthracite of the sizes and in the quantities specified to dealers and to consumers within Coal Area X in Mamaroneck Village, in the Town of Mamaroneck.

Size	Per net ton for sales of ½ ton or more to—		Per 100 lbs. for 100 lbs. or more but less than ½ ton	Per 50-lb. paper bag
	Dealers for resale	Consumers		
Broken, egg, stove, nut	$14.09	$16.49	$0.94	$0.52
Pea	12.24	14.64	.83	.46
Buckwheat	9.89	11.64	.71	
Rice	8.74	9.19	.65	
Barley	7.09	5.94		
Screenings "A"	5.64	4.94		
Screenings "B"	4.64	4.94		

(Discounts remain unchanged.)

This Amendment No. 3 to Order No. G–44 shall become effective September 16, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong.; E. O. 9599, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681)

Issued September 9, 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46–17127; Filed, Sept. 23, 1946; 8:45 a. m.]

[Region II Order G–8 Under MPR 592]

NORTH SHORE SAND AND GRAVEL CORP. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Maximum prices for sand, grit and gravel produced in Nassau and Suffolk Counties, New York, and sold in the New York Metropolitan Area including Hudson River and New York harbor points and points in the State of New Jersey along Newark Bay, the Passaic River, the Hackensack River, the Rahway River and the Raritan River.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator, Region II of the Office of Price Administration by the Emergency Price Control Act of 1942 as amended, by section 17 of MPR 592 as amended and by Revised Procedural Regulation No. 1, *It is ordered,* That:

(a) The application of North Shore Sand & Gravel Corporation, Great Eastern Gravel Corporation, Steers Sand & Gravel Corporation, and Metropolitan Sand & Gravel Corporation, for an amendment to Order No. G–1, under section 17 of MPR 592, consisting of an increase in the price fixed by that order for sand, grit, and gravel, is in all respects denied.

(b) Order for adjustable pricing issued August 7, 1946, upon the application of the producers listed in paragraph (a), is revoked.

(c) North Shore Sand & Gravel Corporation, Great Eastern Gravel Corporation, Steers Sand & Gravel Corporation, and Metropolitan Sand & Gravel Corporation, may, within 60 days after the date on which a copy of this order is mailed to them, file with this office a request for review by the Administrator of the denial of their application.

This order shall become effective immediately.

Issued this 27th day of September 1946.

JAMES L. MEADER,
Regional Administrator.

OPINION ACCOMPANYING ORDER NO. G–8 UNDER SECTION 17 OF MAXIMUM PRICE REGULATION 592

On April 29, 1946, Order No. G–1 under section 17 of MPR 592, was issued, fixing maximum prices for sand, grit and gravel, produced in Nassau and Suffolk, Counties, New York, and sold in the New York Metropolitan area. This order was amended by amendments 1 and 2, which amendments made no change in the prices fixed under said order. The order was originally made as a result of applications for adjustment filed by 5 producers of sand, grit and gravel.

Four of these producers applied for an amendment of the order, requesting an increase in the prices fixed by the order, on the ground that increased costs had been incurred for labor, and transportation, and submitted financial data on which the application has been considered. It appears from the data submitted, however, that none of the producers who applied, would be entitled to an individual adjustment under the criteria of section 16 of MPR 592, and, therefore, under the provisions of section 17 (c) of MPR 592, no change in the prices fixed by the order is proper, and the application is accordingly denied by the accompanying order.

[F. R. Doc. 46–17989; Filed, Oct. 4, 1946; 8:53 a. m.]

[Region II 2d Rev. Order G–18 Under RMPR 122]

SOLID FUELS IN THE CITY OF ROCHESTER AND DESIGNATED PORTIONS OF MONROE COUNTY, N. Y.

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, Second Revised Order No. G–18 is amended in the following respects:

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

(a) * * *

(1) *Dealers' maximum prices: area covered.* If you are a dealer in solid fuels, this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite", and for certain kinds and sizes of "Coke", and for certain sizes, quantities and kinds of bituminous coal delivered to or at any point in the State of New York—Coal Area IV. That area consists of the following portions of Monroe County in the State of New York:

The City of Rochester: The towns of Irondequoit, Brighton, Chili, Gates and Greece: The following portions of the Towns of Pittsford, Perinton and Henrietta: bounded on the north by Penfield Road to and including the hamlet of Penfield; on the east by the Five-Mile Line Road, the easterly village line of the village of East Rochester, the Lincoln Marsh Road to and including the hamlet of Bushnell's Basin; on the south by Ballantyne Bridge-Pittsford-Jefferson Avenue and the South Pittsford-Victor Road, to the point where the Brighton-Henrietta town line runs into the Genesee River on the west. This area shall include the abutting property on each side of all boundary highways.

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

(a) * * *

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated kinds, sizes and quantities of coal and coke delivered within Coal Area IV are set forth in Schedules I and II hereafter. Schedule I relates to sales of Pennsylvania anthracite (hereinafter called simply "anthracite"), and Coke.

Schedule II relates to sales of bituminous coal.

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

(c) * * *

(1) *Use the schedule which covers your sale.* (Schedule I contains a separate table of prices for "Direct-Delivery" sales, "Yard Sales" and "Bagged Coal", sales of anthracite and Coke. You will find Schedule I in paragraph (d) Schedule II contains a table of prices for "Direct-Delivery" sales and "Yard Sales" of bituminous coal. You will find Schedule II in paragraph (e)).

4. Paragraphs (d) (1), (d) (2) and (d) (3) are amended by revising the schedule of prices for Pennsylvania Anthracite and adding prices and discounts for certain kinds and sizes of coke to read as follows:

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain kinds and sizes of Pennsylvania anthracite and Coke in certain specific quantities, delivered to or at any point within Coal Area IV. There is a separate table of prices for "direct-delivery" sales, "yard sales", and "sales of bagged coal".

(1) *Sales on a "direct-delivery" basis.*

[For sales of Pennsylvania anthracite and coke of the kinds, sizes, and in the quantities specified]

	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:			
Broken, egg, stove, nut	$17.48	$9.04	$0.99
Pea	15.13	7.89	.88
Buckwheat	11.88	6.24	.77
Rice	10.43	5.54	----------
Barley	9.38	4.99	----------
Screenings	6.08	3.04	----------
By-product or retort gas Coke: stove, nut	15.68	---------	----------
Ernest coke: stove, nut	14.93	---------	----------

REQUIRED DISCOUNTS

You shall deduct from the prices set forth in Table (1) of this schedule, on sales and deliveries of broken, egg, stove, nut and pea sizes of Pennsylvania anthracite, a discount of 75¢ per net ton and 40¢ per net ½ ton, where payment is made within ten days after delivery. For sales of buckwheat, rice, and barley sizes, you shall deduct a discount of 25¢ per net ton where payment is made within ten days after delivery. For sales of by-product or retort gas coke, you shall deduct 70¢ per net ton where payment is made on delivery and 50¢ per net ton where payment is made within ten days after delivery. For sales of Ernest coke, you shall deduct 70¢ per net ton where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser	
"Carry" or "wheel" (except for sales amounting to less than ¼ ton).	75¢ per net ton. 45¢ per net ½ ton. 30¢ per net ¼ ton.

MAXIMUM AUTHORIZED SERVICE CHARGES—con.

Special service rendered at the request of the purchaser	
"Carrying upstairs or downstairs," for each floor above or below the ground floor (except for sales amounting to less than ¼ ton). The charge shall be in addition to any charge for "carry" or "wheel."	75¢ per net ton. 45¢ per net ½ ton. 30¢ per net ¼ ton.

(2) *"Yard sales."*

[For sales of Pennsylvania anthracite and coke of the kinds, sizes and in the quantities specified to dealers and to consumers]

	Per net ton, for sales of ½ ton or more to—		Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton
	Dealers for resale	Consumers	
Pennsylvania anthracite:			
Broken, egg, stove, nut	$14.08	$15.88	$0.89
Pea	11.78	13.53	.78
Buck	9.38	10.73	.67
Rice	8.28	9.63	----------
Barley	6.93	---------	----------
Screenings	3.78	---------	----------
Byproduct or retort gas coke: Stove, nut	12.98	---------	----------
Ernest coke: Stove, nut	11.83	---------	----------

REQUIRED DISCOUNTS

You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of Pennsylvania anthracite to dealers, on quantities of ½ ton or more, the amount of the discounts set forth below. Those discounts are required, if payment is made by the 22d day of the month on purchases made from the 1st to the 15th day of that month, and if payment is made by the 7th day of the following month on purchases made from the 16th to the 31st day of the previous month. Nothing herein requires you to sell on other than a cash basis.

Size:	*Discount (per net ton)*
Broken, egg, stove, nut	$0.15
Pea and buckwheat	.10
Rice and barley	.05

You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of by-product and retort gas coke to dealers, a discount of 5% where payment is made within 10 days after delivery. Nothing herein requires you to sell on other than a cash basis.

(3) *"Sales of bagged Pennsylvania anthracite"—(maximum prices per bag).*

Size	Maximum prices per 50 lb. paper bags		
	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumers
Nut	$0.53	$0.58	$0.64
Pea	.47	.52	.58

Size	Maximum prices per 17 lb. paper bags			
	Delivered at dealers' yards		Delivered to retail stores	Sales to ultimate consumers
	To dealers	To consumers		
Nut	$0.183	$0.205	$0.203	$0.225

5. Paragraphs (e) (1) and (e) (2) are amended by revising the schedule of prices for bituminous to read as follows:

(e) *Schedule II.*

(1) *Sales on a "Direct-Delivery" basis.*

[For sales of underground mine bituminous coal of the kinds, sizes and quantities specified]

Kind and size of bituminous coal	*Per net ton*
High volatile bituminous coal from District No. 2:	
Lump, egg, nut and stoker (except "Castle Shannon" coal) mine index No. 224	$8.37
Nut and slack (except "Castle Shannon" coal) mine index No. 224	8.27
Slack	8.07
"Castle Shannon" coal, mine index No. 224:	
Lump, egg, nut and stoker	8.62
Nut and slack	8.52
High volatile bituminous coal from District Nos. 1, 3, or 4:	
Lump, egg, nut, and stoker	8.32
Nut and slack	8.22
Slack	8.02
Low volatile bituminous coal from District No. 1, Pennsylvania—All lump, all double-screened coal with top sizes over 2" and coal customarily sold as run-of-mine:	
1. Coal in price classification "A"	9.83
2. Coal in price classification "B" through "E", inclusive	9.03

Where deliveries are requested in quantities of less than two tons, the foregoing prices, for the kinds and sizes of coal included in such deliveries, may be increased by 50¢ per net ton.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser	*Cents per net ton*
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	75
"Carrying upstairs or downstairs" for each floor above or below the ground floor (except for sales amounting to less than ½ ton). The charge shall be in addition to any charge for "carry" or "wheel"	75

(2) *"Yard sales".*

FOR SALES OF UNDERGROUND MINE BITUMINOUS COAL OF THE KINDS, SIZES AND QUANTITIES SPECIFIED TO DEALERS AND TO CONSUMERS

[Per net ton, for sales of ½ ton or more]

Kind and size of bituminous coal sold	Sales to—	
	Dealers	Consumers
High volatile bituminous coal from District No. 2:		
Lump, egg, nut, and stoker (except "Castle Shannon" coal, mine index No. 224	$7.18	$7.67
Nut and slack (except "Castle Shannon" coal, mine index No. 224)	7.08	7.57
Slack	6.88	7.37
"Castle Shannon" coal, Mine Index No. 224:		
Lump, egg, nut and stoker	7.43	7.92
Nut and slack	7.33	7.82
High volatile bituminous coal from Districts Nos. 1, 3, or 4:		
Lump, egg, nut, and stoker	7.13	7.62
Nut and slack	7.03	7.52
Slack	6.83	7.32
Low volatile bituminous coal from District No. 1, Pennsylvania—All lump, all double-screened coal with top sizes over 2" and coal customarily sold as run-of-mine:		
1. Coal in price classification "A"	8.64	9.13
2. Coal in price classification "B" through "E" inclusive	7.84	8.33

6. Paragraph (q) is amended by adding subparagraphs (18) and (19) immediately after subparagraph (17), to read as follows:

(q) * * *

(18) "By-product coke" or "retort gas coke" means all coke made in by-product ovens or gas retort plants.

(19) "Ernest" coke is a beehive oven coke prepared to size by the Rochester and Pittsburgh Coal Company at their plant located in Ernest, Pa.

This Amendment No. 4 to Second Revised Order No. G–18 shall become effective September 24, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong.; E. O. 9599, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681)

Issued September 24, 1946.

JAMES L. MEADER,
Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 4 TO SECOND REVISED ORDER NO. G–18 UNDER §§ 1340.260 AND 1340.259 (a) (1) OF REVISED MAXIMUM PRICE REGULATION NO. 122

The accompanying amendment effects increases of 5¢ per net ton in the maximum prices of yard sales of anthracite and coke to dealers for resale only without an increase in yard sales to consumers or sales on a direct delivery basis.

This increase of 5¢ per net ton in the margin of yard operators and resultant decrease in margins of unequipped dealers was requested by representatives of both equipped dealers operating yards and unequipped dealers who handle a substantial portion of tonnage in the area. The financial data submitted by the applicants indicated that yards selling to dealers for resale were conducting such operations at net losses.

Second Revised Order No. G–18 by the accompanying amendment will now incorporate schedules of prices for the sales of defined coke. Formerly, the maximum prices were only determined under Rule 1 of § 1340.254 (b) of RMPR 122 and the inclusion of such prices in the area order is necessary to simplify the transfer of the 5¢ in margin from the unequipped dealers.

The price schedules in the accompanying amendment also reflect the permitted increases under Amendments No. 46 and 48 to RMPR 122.

[F. R. Doc. 46–17990; Filed, Oct. 4, 1946; 8:53 a. m.]

[Region II Adopting Order 60 Under Basic Order 1 Under Gen. Order 68]

SAND, GRIT AND GRAVEL IN WASHINGTON, D. C., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as amended, by General Order No. 68, as amended, and by Revised Procedural Regulation No. 1, it is hereby ordered:

SECTION 1. *What this order covers.* This adopting order under Basic Order No. 1, as amended, under General Order 68, as amended, covers sales by all persons to ultimate users or to purchasers for resale on an installed basis of sand, grit and gravel of the types set forth in Schedule A hereto annexed. All provisions of Basic Order No. 1, as amended under General Order No. 68 as amended are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 1, as amended, is further amended in any respect the provisions of said order, as amended, shall likewise without further action become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1, as amended, under General Order 68 as amended and should be familiar with the provisions of said order.

SEC. 2. *Territory covered by this order.* The geographical area covered by this order is the Washington, D. C. area consisting of the District of Columbia, Fairfax and Arlington Counties, and the City of Alexandria in the State of Virginia, and Prince Georges and Montgomery Counties in the State of Maryland.

SEC. 3. *Maximum prices.* The maximum prices for sand, grit and gravel covered by this order are set forth in Schedule A and made a part of this order.

SEC. 4. *Discounts, allowances, and terms of sale.* The delivery conditions, terms of sale, discounts and differentials are set forth in Schedule A hereto annexed. All cash, quantity, and other discounts and other terms and conditions of sale must be at least as favorable as the seller extended to purchasers of the same class during March 1942.

SEC. 5. *Relationship of this order to Basic Order No. 1, as amended, under General Order No. 68, as amended, and to general maximum price regulation and other maximum price regulations.* As previously stated all provisions of Basic Order No. 1, as amended are adopted by this order. The maximum prices fixed by this order supersede any maximum price or pricing method previously established by Maximum Price Regulation 592, the general maximum price regulation or by any other applicable regulation or order. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of Maximum Price Regulation 592, the general maximum price regulation or any other applicable regulation or order shall remain applicable to sales covered by this order.

SEC. 6. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of the applicable list of maximum prices fixed by this order in each of his places of business within the territory covered by this order.

SEC. 7. *Records and sales slips*—(a) *Required information.* The provisions of section (e) of Basic Order No. 1, as amended, covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein; and also, on any sale of $25.00 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 the price charged, specifying the commodity and the specific type of commodity sold.

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slips upon a sale of sand, grit and gravel in the area covered by this order do not contain a sufficiently complete description to identify the commodity and the type of commodity sold, and thus determine the maximum price fixed by Schedule A of this order, the maximum price applicable to such sale shall be the maximum price of the lowest priced commodity and type of commodity listed in said schedule to which the incomplete description could apply. In the absence of any description the maximum price shall be the lowest price of any item in Schedule A of this order.

SEC. 8. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Regional Administrator or the Price Administrator.

This order shall become effective immediately.

Issued this 27th day of September 1946.

JOHN D. HILL,
Acting Regional Administrator.

SCHEDULE A

MAXIMUM PRICE PER TON OF 2,000 POUNDS

Product	F. o. b. customer's trucks	F. o. b. cars	F. o. b. scows
Concrete sand	$1.15	$1.15	$1.05
Building sand	1.15	1.15	1.05
Gravel	1.60	1.60	1.60
Asphalt sand	1.45	1.45	1.35
Torpedo sand	1.60	-------	-------
Grit	1.80	-------	-------
Bank gravel	.50	.50	-------

MAXIMUM PRICE PER BAG CONTAINING 80 TO 100 POUNDS F. O. B. CUSTOMER'S TRUCKS

	Bag furnished	Bag not furnished
Sand	$0.35	$0.20
Gravel	.35	.20

The maximum prices established above shall be subject to cash, quantity, and other discounts and other terms and conditions of sale at least as favorable as the seller extended or rendered to purchasers of the same class during March 1942.

OPINION ACCOMPANYING ADOPTING ORDER NO. 60 UNDER BASIC ORDER NO. 1, AS AMENDED, UNDER GENERAL ORDER NO. 68, AS AMENDED

Pursuant to the provisions of General Order No. 68, as amended, Regional Administrators and District Directors authorized to do so may issue and put into effect orders establishing maximum prices applicable to particular communities or defined areas for sales by all persons to ultimate users or to purchasers for resale on an installed basis of commodities under the jurisdiction of the Building Materials and Price Branch.

In accordance with this authority the Regional Administrator of Region II has issued Basic Order No. 1, as amended, under General Order 68, as amended setting forth the general provisions which are to be common to all future area orders to be known as "Adopting Orders." The provisions of the basic order are expressly adopted by all such adopting orders.

By Amendment 5 to General Order 68, effective August 6, 1946, Regional Administrators are authorized to fix maximum prices in an area which lies within the jurisdiction of more than one regional office where the majority of the sellers to be covered by the order is located in the region issuing the order. The accompanying order fixes prices for sand, grit and gravel in the Washington, D. C. trading area which includes a portion of Virginia. A majority of the sellers whose prices will be fixed by this order are located in Region II and this order is therefore authorized by the provisions of Amendment 5 as stated above.

The prices fixed by the accompanying order are in dollars-and-cents and do not exceed the general level of prices as fixed by the regulation which would otherwise be applicable. The provisions of the accompanying order preserve customary discounts, delivery conditions and differentials and no provision which might have the effect of requiring a change in the methods or practices of the industry affected has been included except to the extent that such change is affirmatively found to be necessary to prevent circumvention or evasion of the order or Basic Order No. 1, as amended.

[F. R. Doc. 46-17996; Filed, Oct. 4, 1946; 8:50 a. m.]

[Memphis Order G-1 Under Rev. Supp. Service Reg. 50 Under RMPR 165]

AUTOMOBILE PARKING SERVICES IN MEMPHIS, TENN.

Pursuant to the authority vested in the District Director of the Memphis District Office by § 1499.648 of Revised Supplementary Service Regulation 50 to Revised Maximum Price Regulation 165, and Order of Delegation from the Regional Administrator of Region IV, and for the reasons set forth in the opinion issued simultaneously herewith, it is ordered:

SECTION I. *What this order does.* This order requires such establishment which supplies automobile parking services and which is located within the city limits of Memphis, Tennessee to post their legal charges which they are authorized to make for supplying parking services in the manner and to the extent specifically set forth in this order.

SEC. II. *Posting requirements.* All persons who are subject to this order and who sell automobile parking services must post at each establishment or lot where such service is sold a placard or sign in the manner hereinafter specified containing the information required by this section.

A. Minimum specifications for construction, painting and location of the sign or placard:

1. It shall contain letters not less than 1½ inches in height and not less than 1 inch in width, and numbers not less than 3 inches in height and not less than 2 inches in width.

2. It shall be so constructed, painted and located that it is plainly visible to and readable by persons driving automobiles into the lot or establishment.

3. If parking services are supplied during hours of darkness, it shall be so illuminated during those hours that it may be easily read by customers.

B. Information which must appear on the sign or placard:

1. It must bear the notation "our ceiling prices" and the name of the establishment.

2. It must list and describe the rates applicable to the establishment for each hour or combination of hours of parking services supplied during each 24-hour period. For example, if an establishment's ceiling prices are 2 hours, 15 cents: 2 to 4 hours, 20 cents: and all day, 25 cents, it is a violation of this order for an establishment to fail to list and describe all three rates. This is true even though a seller does not solicit all-day parkers or less than all day parkers.

3. The rates listed must not exceed the legal rates which each establishment is authorized to charge under provisions of RMPR 165.

SEC. III. *Enforcement.* It shall be a violation of this order for any person subject to its terms to supply parking services without first complying with the posting provisions herein contained.

All persons violating this order are subject to penalties, both criminal and civil, prescribed by the Emergency Price Control Act, as amended.

SEC. IV. This order may be changed, revoked, or amended at any time.

This order shall be effective as of the 25th day of September 1946.

Issued at Memphis, Tennessee, this 5th day of September 1946.

M. B. STEWART,
District Director.

OPINION ACCOMPANYING ORDER NO. G-1 UNDER REVISED SUPPLEMENTARY SERVICE REGULATION 50

The accompanying order is issued pursuant to the authority contained in § 1499.648 (a) (2) of Revised Supplementary Service Regulation 50 to Revised Maximum Price Regulation 165 and delegated to the District Director of the Memphis District Office, Region IV, Office of Price Administration by Regional Delegation Order No. 101.

The order requires parking lot operators who sell automobile parking lot services within the city limits of Memphis, Tennessee, after the effective date of the order, to post their legal charges which they are authorized to make for such parking lot services and prescribes the constructions, painting and location of the sign or placard and the information which must appear thereon.

It has been the practice of parking lot operators supplying automobile parking services in Memphis, Tennessee to post prices for such services in prominent places on their premises. Some sellers of these services have recently removed their price lists. Others have removed prices for certain periods of time and have posted only their higher daily or hourly charge.

For these reasons and in order to remove difficulties with respect to compliance and enforcement under Revised Maximum Price Regulation 165, the accompanying order is issued.

[F. R. Doc. 46-17991; Filed, Oct. 4, 1946; 8:51 a. m.]

[Philadelphia Adopting Order 9, Under Basic Order 1, Under Rev. Gen. Order 65]

SOUTHERN SHORTLEAF YELLOW PINE LUMBER IN PHILADELPHIA DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II, by the Emergency Price Control Act of 1942 as amended, by Revised General Order No. 65, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director of the Philadelphia District Office, it is hereby ordered:

SECTION 1. *What this order Covers.* This adopting order under Basic Order No. 1 as amended, under Revised General Order No. 65, covers retail type sales of Southern Shortleaf Yellow Pine lumber out of distribution yard stock by lumber distribution yards located in the Philadelphia District area. All provisions of Basic Order No. 1 as amended, under Revised General Order No. 65, are adopted in this order as if specifically set forth herein. If said Basic Order No. 1 as amended, is further amended in any respect, the provisions of said order, as amended, shall likewise without any further action, become a part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1 as amended, under Revised General Order No. 65, and should be familiar with the provisions of said order.

SEC. 2. *Territory covered by this order.* The geographical area covered by this order is the entire Philadelphia District area as follows: The Counties Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lancaster, Lebanon, Lehigh, Mifflin, Montgomery, Northampton, Perry, Philadelphia and York, all in the State of Pennsylvania.

SEC. 3. *Maximum prices.* The maximum prices for Southern Shortleaf Yellow Pine lumber in the area covered by this order are set forth in Schedules A-5, A-6 and A-7, hereto annexed and made a part of this order. Schedule A-5 fixes maximum prices for sales by lumber distribution yards located in the Counties of Adams, Berks, Chester, Cumberland, Dauphin; less the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper

Paxton, Washington, Wayne, Wiconisco, and Williams; Delaware, Franklin, Lancaster, Lebanon, Montgomery; less the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover, Philadelphia, and York; all in the State of Pennsylvania. Schedule A–5 fixes maximum prices for sales by lumber distribution yards located in the Counties of Bucks, Lehigh; and the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover in Montgomery County; all in the State of Pennsylvania. Schedule A–7 fixes maximum prices for sales by lumber distribution yards located in the Counties of Juniata, Mifflin, Northampton, Perry, and the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wisconisco, and Williams, in Dauphin County; all in the State of Pennsylvania.

SEC. 4. *Relationship of this order to Basic Order No. 1 as amended, under Revised General Order No. 65, Second Revised Maximum Price Regulation No. 215 and other maximum price regulations.* As previously stated, all provisions of Basic Order No. 1, as amended, are adopted by this order. The maximum prices fixed by this order supersede any maximum price or pricing method previously established by Second Revised Maximum Price Regulation No. 215, or any other applicable regulation or order. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of Second Revised Maximum Price Regulation No. 215 or any other applicable regulation or order, shall remain applicable to sales covered by this order.

SEC. 5. *Posting of prices, records, and sales slips.* The provisions of sections (d), (e), (f) and (g) of Basic Order No. 1 as amended, covering posting, invoicing, records, and sales slips, are adopted in and applicable to this order as if specifically set forth herein.

SEC. 6. *Amendment.* This order may be revised, amended, revoked, or modified at any time by the Office of Price Administration.

This order shall become effective October 10, 1946.

Issued this 1st day of October 1946.

FRANK J. LOFTUS,
District Director.

SCHEDULE A–5

These prices apply to all retail type sales and deliveries by yards located in the Counties of Adams; Berks; Chester; Cumberland; Dauphin, less the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams; Delaware; Franklin; Lancaster; Lebanon; Montgomery, less the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover; Philadelphia; and York; all in the State of Pennsylvania; regardless of the place to which delivery is made.

Price table

[Per 1,000 board feet]

Applies to air-dried or kiln-dried boards, 4 to 20 feet long, surfaced on 1, 2, 3, or 4 sides to thickness shown, or surfaced on 2 sides and tongue-and-grooved or shiplapped. No additions to these prices may be made for grade-marking, anti-stain treatment or sale of specific lengths.

Nominal size	Thickness surfaced	Sales totaling over 1,000 feet				Sales totaling 1,000 feet or less			
		Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4	Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4
1 x 2" and 1 x 3"	25/32" or 3/4"	$79	$75	$65	$53	$90	$86	$76	$64
1 x 4"		75	70	62	51	86	81	73	62
1 x 6" and 1 x 7"		76	74	65	53	87	85	76	64
1 x 8" and 1 x 9"		78	74	65	53	89	85	76	64
1 x 5" and 1 x 10"		80	76	67	55	91	87	78	66
1 x 11"		84	80	67	55	95	91	78	66
1 x 12"		91	82	68	56	102	93	79	67

Additions and deductions per 1,000 board feet

1. *Green, worked as above.*—From dry price for size and grade deduct $5.00.
2. *Rough.*—From *dry* price above for grade and size for rough dry deduct $2.00; for rough green deduct $7.00.
3. *Boards under 3/4" thickness, surfaced 1 side, any edge working, graded after complete working and sold "on grade."*—From the 25/32" surfaced *dry* price for width and grade.

	Deduct	
	If dry	If green
1 1/16"	$4.00	$9.00
5/8"	8.00	13.00
9/16"	11.00	16.00
1/2"	15.00	20.00
7/16"	19.00	24.00

4. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
5. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.
6. *Other boards.*—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine boards not priced above.

Size of sale is based on the total of softwood lumber and hardwood flooring sold in one sale.

SCHEDULE A–5

These prices apply to all retail type sales and deliveries by yards located in the Counties of Adams; Berks; Chester; Cumberland; Dauphin, less the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams; Delaware; Franklin; Lancaster; Lebanon; Montgomery, less the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover; Philadelphia; and York; all in the State of Pennsylvania; regardless of the place to which delivery is made.

DIMENSION SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to air-dried and kiln-dried lumber, 4 to 20 feet long, surfaced on 1, 2, 3, or 4 sides to 1⅝" thickness. No additions to these prices may be made for grade marking, anti-stain treatment, or because lumber is medium grain or dense.

Nominal size	Sales totaling over 1,000 feet—lengths					Sales totaling 1,000 feet or less—lengths				
	4′ or 6′	8′, 10′ or 12′	9′ or 14′	16′	18′ or 20′	4′ or 6′	8′, 10′ or 12′	9′ or 14′	16′	18′ or 20′
	No. 1 grade, including medium grain or dense									
2 x 3″ or 4″	$60	$73	$74	$76	$78	$71	$84	$85	$87	$89
2 x 5″	63	79	79	81	87	74	90	90	92	98
2 x 6″	60	74	75	76	79	71	85	86	87	90
2 x 8″	60	74	75	76	79	71	85	86	87	90
2 x 10″	64	82	82	84	90	75	93	93	95	101
2 x 12″	67	85	85	86	92	78	96	96	97	103
	No. 2 grade, including medium grain or dense									
2 x 3″ or 4″	$59	$70	$72	$73	$76	$70	$81	$83	$84	$87
2 x 5″	56	72	71	71	77	67	83	82	82	88
2 x 6″	56	70	71	72	75	67	81	82	83	86
2 x 8″	58	71	73	73	77	69	82	84	84	88
2 x 10″	60	76	76	76	81	71	87	87	87	92
2 x 12″	61	77	77	79	84	72	88	88	90	95

Additions and deductions per 1,000 board feet

1. *No. 3 grade.*—From No. 2 grade price for size deduct $16.00.
2. *Green, worked as above.*—To dry price for size and grade add $1.00.
3. *Rough.*—From dry surfaced price for size and grade for rough dry deduct $2.00; for rough green deduct $1.00.
4. *Sales less than $7.50.*—When the total sale is less than $7.50 the price as determined above may be increased 10 percent.
5. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.
6. *Other dimension items.*—Continue to compute maximum prices under 2nd RMPR 215 on short-leaf yellow pine dimension not priced above.

Size of sale is based on the total of softwood lumber and hardwood flooring sold in one sale.

SCHEDULE A–5

These prices apply to all retail type sales and deliveries by yards located in the Counties of Adams; Berks; Chester; Cumberland; Dauphin, less the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams; Delaware; Franklin; Lancaster; Lebanon; Montgomery, less the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover; Philadelphia; and York; all in the State of Pennsylvania; regardless of the place to which delivery is made.

FINISH SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to kiln-dried lumber, 8 to 20 feet long surfaced on 4 sides to thickness indicated. Prices apply whether or not lumber is grade marked or sold in specified or random lenths.

Size	Thickness surfaced	Sales totaling over 1,000 feet		Sales totaling 1,000 feet or less	
		Grade B and better	Grade C	Grade B and better	Grade C
1 x 2″ or 3″	25/32″	$106	$100	$114	$108
1 x 4″		104	97	112	105
1 x 6″ or 8″		109	101	117	109
1 x 7″ or 9″		115	108	123	116
1 x 5″ or 10″		122	111	130	119
1 x 11″		127	115	135	123
1 x 12″		145	129	153	137
5/4 or 6/4 x 2 or 3″	1 1/16″ or 1 5/16″	$128	$113	$136	$121
5/4 or 6/4 x 4″		125	110	133	118
5/4 or 6/4 x 6 or 8″		126	111	134	119
5/4 or 6/4 x 7 or 9″		132	118	140	126
5/4 or 6/4 x 5 or 10″		139	121	147	129
5/4 or 6/4 x 11″		143	125	151	133
5/4 or 6/4 x 12″		162	140	170	148

Additions and deductions per 1,000 board feet

1. *Air dried, may be stained.*—From kiln-dried price for size and grade deduct $8.
2. *Air dried, no stain permitted.*—From kiln-dried price for size and grade deduct $6.
3. *Rough.*—To surfaced price for size, grade, and condition add $1.
4. *4 and 5 ft. lengths.*—From 8–20 ft. price for size, grade, and condition:
   For 1″ thickness in widths of 6″ or less deduct $20.
   For 1″ thickness when wider than 6″, and all 5/4″ and 6/4″ thickness deduct $11.
5. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10%.
6. *Workings and deliver .*—For permitted additions for workings to customer's order, and for delivery, see 2d RMPR 215.
7. *Other finish.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine finish not priced above.

Size of sale is based on total of all softwood lumber and hardwood flooring sold in one sale.

SCHEDULE A–5

These prices apply to all retail type sales and deliveries by yards located in the Counties of Adams; Berks; Chester; Cumberland; Dauphin, less the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams; Delaware; Franklin; Lancaster; Lebanon; Montgomery, less the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover; Philadelphia; and York; all in the State of Pennsylvania; regardless of the place to which delivery is made.

PLANKS AND SMALL TIMBERS, SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to rough green lumber with no heart specification. No addition to these prices may be made for grade marking or anti-stain treatment.

Size	No. 2 dense; No. 2 medium grain; No. 2 common—lengths			No. 1 dense, square edge and sound medium grain; No. 1 medium grain, square edge and sound; No. 1 common—lengths			Dense structural; dense structural square edge and sound; dense No. 1 structural; dense square edge and sound—lengths			Dense select structural—lengths		
	8–20′	22′	24′	8–20′	22′	24′	8–20′	22′	24′	8–20′	22′	24′
	Sales totaling over 1,000 board feet											
3 x 3″ to 6 x 8″	$74	$86	$93	$77	$89	$96	$85	$97	$105	$92	$104	$112
	Sales totaling 1,000 board feet or less											
3 x 3″ to 6 x 8″	$86	$98	$105	$89	$101	$108	$97	$109	$117	$104	$116	$124

Additions and deductions per 1,000 board feet

1. *Rough dry.*—To rough green price above for grade and length:
   For air dried add $3.
   For kiln dried add $6.
2. *Workings.*—To rough price for grade, length and condition, when:
   Surfaced on 1, 2, 3, or 4 sides, tongue-and-grooved or shiplapped, add $3.
   Grooved on 2 edges, add $5.
3. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10%
4. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2d RMPR 215.
5. *Other plank and timber items.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine planks and timbers not priced above.

Size of sale is based on the total of softwood lumber and hardwood flooring sold in one sale.

SCHEDULE A–5

These prices apply to all retail type sales and deliveries by yards located in the Counties of Adams; Berks; Chester; Cumberland; Dauphin, less the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams; Delaware; Franklin; Lancaster; Lebanon; Montgomery, less the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover; Philadelphia; and York; regardless of the place to which delivery is made.

DROP SIDING, CEILING, AND PARTITION—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to kiln-dried lumber worked to pattern, with plain ends, when sold in random lengths of 4 to 20 feet with standard grading rule restrictions on short lengths, or when sold in specific lengths of 7 to 20 feet. No addition to these prices may be made for grade marking.

Nominal thickness and nominal width	Pattern	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less		
		Grade B and Better	Grade C	Grade D or No. 2	Grade B and Better	Grade C	Grade D or No. 2
		Drop siding					
1″ x 6″	115, 117, 118, 119	$85	$84	$75	$92	$91	$87
1″ x 6″	All other	101	97	76	108	104	88
1″ x 8″	All	102	97	76	109	104	88
1″ x 10″	All	114	104	80	121	111	92
		Ceiling, standard bead or V, surfaced 1 or 2 sides					
5/16″ and 7/16″ x 3″ and 4″		$69	$65	$53	$75	$71	$63
5/16″ and 7/16″ x 6″		72	68	56	78	74	66
9/16″ x 3″ and 4″		75	72	60	81	78	70
9/16″ x 5″ and 6″		78	75	63	84	81	73
11/16″ to 25/32″ x 3″ and 4″		92	88	70	98	94	80
11/16″ to 25/32″ x 5″ and 6″		93	89	72	99	95	82
		Partition					
11/16″ x 4″		$91	$87	$69	$98	$4	$80
3/4″ x 4″		100	95	73	107	102	84
11/16″ x 6″		94	90	72	101	97	83
3/4″ x 6″		103	98	75	110	105	86

Additions and deductions per 1,000 board feet

1. *Air dried.*—From the kiln-dried price for size, grade, and pattern, deduct $1.
2. *4, 5, and 6 ft. lengths sold on specific length.*—From the random length price for the size, grade, pattern, and condition: For B and better and C deduct $12; for D and No. 2 deduct $8.
3. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
4. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.
5. *Other drop siding, ceiling, and partition.*—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine drop siding, ceiling, and partition not priced above.

Size of sale is based on the total of softwood lumber and hardwood flooring sold in one sale.

These prices apply to all retail type sales and deliveries by yards located in the Counties of Adams; Berks; Chester; Cumberland; Dauphin, less the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams; Delaware; Franklin; Lancaster; Lebanon; Montgomery, less the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover; Philadelphia; York; all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on the total of softwood lumber and hardwood flooring sold in one sale.

FLOORING—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to kiln-dried lumber, worked to 1" x 3" or 1" x 4" flooring, with plain ends, when sold in random lengths of 4 to 20 feet with standard grading rule restrictions on short lengths, or when sold in specific lengths of 7 to 20 feet. No addition to these prices may be made for grade marking.

Heart and grain specifications	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less			Heart and grain specifications	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less		
	Grade B and Better	Grade C	Grade D or No. 2	Grade B and Better	Grade C	Grade D or No. 2		Grade B and Better	Grade C	Grade D or No. 2	Grade B and Better	Grade C	Grade D or No. 2
Heart face:							No heart specification:						
Edge grain	$138	$118	$94	$146	$126	$106	Edge grain	$121	$109	$84	$129	$117	$96
Near-edge grain	128	108	88	136	116	100	Near-edge grain	111	99	78	119	107	90
Flat grain	117	104	82	125	112	94	Flat grain	105	09	76	113	107	88

Additions and deductions per 1,000 board feet

1. *Air dried.*—From the kiln-dried price for the grade and other specifications, deduct $1.
2. *4, 5, and 6 ft. lengths sold on specific length.*—From the random length price for the grade and other specifications and conditions: For B and better and C, deduct $21; for D or No. 2, deduct $14.
3. *End matched.*—To plain end price for grade and other specifications, condition and length, add $3.
4. *Bark back.*—From price above for flooring free of bark back, deduct $7.
5. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
6. *Workings and delivery.*—For permitted additions for workings to customer's order and for delivery, see 2d RMPR 215.
7. *Other flooring.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine flooring not priced above.

SCHEDULE A–6

These prices apply to all retail type sales and deliveries by yards located in the Counties of Bucks; Lehigh; and the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover in Montgomery County; all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on the total of all softwood lumber and hardwood flooring sold in one sale.

BOARDS—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to air-dried or kiln-dried boards, 4 to 20 feet long, surfaced on 1, 2, 3, or 4 sides to thickness shown, or surfaced on 2 sides and tongue-and-grooved or shiplapped. No additions to these prices may be made for grade-marking, anti-stain treatment, or sale of specific lengths.

Nominal size	Thickness surfaced	Sales totaling over 1,000 feet				Sales totaling 1,000 feet or less			
		Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4	Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4
1 x 2" and 1 x 3"	25/32" or ¾	$80	$76	$66	$54	$91	$87	$77	$65
1 x 4"		76	71	63	52	87	82	74	63
1 x 6" and 1 x 7"		77	75	66	54	88	86	77	65
1 x 8" and 1 x 9"		79	75	66	54	90	86	77	65
1 x 5" and 1 x 10"		81	77	68	56	92	88	79	67
1 x 11"		85	81	68	56	96	92	79	67
1 x 12"		92	83	69	57	103	94	80	68

Additions and deductions per 1,000 board feet.

1. *Green, worked as above.*—From dry price for size and grade deduct $5.00.
2. *Rough.*—From *dry* price above for grade and size for rough dry deduct $2.00; for rough green deduct $7.00.
3. *Boards under ¾" thickness, surfaced 1 side, any edge working, graded after complete working and sold "on grade".*—From the 25/32" surfaced *dry* price for width and grade:

	Deduct	
	If dry	If green
1 1/16"	$4.00	$9.00
5/8"	8.00	13.00
9/16"	12.00	16.00
1/2"	16.00	20.00
7/16"	19.00	24.00

4. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
5. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2d RMPR 215.
6. *Other boards.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine boards not priced above.

SCHEDULE A–6

These prices apply to all retail type sales and deliveries by yards located in the Counties of Bucks; Lehigh; and the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover in Montgomery County; all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on the total of all softwood lumber and hardwood flooring sold in one sale.

DIMENSION—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to air-dried and kiln-dried lumber, 4 to 20 feet long, surfaced on 1, 2, 3, or 4 sides to 1⅝" thickness. No additions to these prices may be made for grade marking, anti-stain treatment, or because lumber is medium grain or dense.

Nominal size	Sales totaling over 1,000 feet—lengths					Sales totaling 1,000 feet or less—lengths				
	4′ or 6′	8′, 10′ or 12′	9′ or 14′	16′	18′ or 20′	4′ or 6′	8′, 10′ or 12′	9′ or 14′	16′	18′ or 20′
	No. 1 grade, including medium grain or dense									
2 x 3″ or 4″	$62	$74	$75	$77	$79	$73	$85	$86	$88	$90
2 x 5″	64	80	80	82	88	75	91	91	93	99
2 x 6″	61	75	76	77	80	72	86	87	88	91
2 x 8″	61	75	76	77	80	72	86	87	88	91
2 x 10″	65	83	83	85	91	76	94	94	96	102
2 x 12″	68	86	86	87	93	79	97	97	98	104
	No. 2 grade, including medium grain or dense									
2 x 3″ or 4″	$60	$71	$73	$74	$77	$71	$82	$84	$85	$88
2 x 5″	57	73	72	72	78	68	84	83	83	89
2 x 6″	57	71	72	73	76	68	82	83	84	87
2 x 8″	59	72	74	74	78	70	83	85	85	89
2 x 10″	61	77	77	77	82	72	88	88	88	93
2 x 12″	62	78	78	80	85	73	89	89	91	96

Additions and deductions per 1,000 board feet

1. *No. 3 grade.*—From No. 2 grade price for size, deduct $15.
2. *Green, worked as above.*—To dry price for size and grade, add $2.
3. *Rough.*—From dry surfaced price for size and grade: for rough dry, deduct $2; for rough green, deduct $1.
4. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
5. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2d RMPR 215.
6. *Other dimension items.*—Continue to compute maximum prices under 2d RMPR on shortleaf yellow pine dimension not priced above.

SCHEDULE A–6

These prices apply to all retail type sales and deliveries by yards located in the Counties of Bucks; Lehigh; and the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover in Montgomery County; all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on the total of all softwood lumber and hardwood flooring sold in one sale.

FINISH SHORTLEAD YELLOW PINE

[Price table per 1,000 board feet]

Applies to kiln-dried lumber, 8 to 20 feet long surfaced on 4 sides to thickness indicated. Prices apply whether or not lumber is grade marked or sold in specified or random lengths.

Size	Thickness surfaced	Sales totaling over 1,000 feet		Sales totaling 1,000 feet or less	
		Grade B and better	Grade C	Grade B and better	Grade C
1 x 2″ or 3″	25/32″	$107	$101	$115	$109
1 x 4″		105	98	113	106
1 x 6″ or 8″		110	102	118	110
1 x 7″ or 9″		116	109	124	117
1 x 5″ or 10″		123	112	131	120
1 x 11″		128	116	136	124
1 x 12″		146	131	154	139
5/4 or 6/4 x 2 or 3″	1 1/16″ or 1 5/16″	$129	$114	$137	$122
5/4 or 6/4 x 4″		126	112	134	120
5/4 or 6/4 x 6 or 8″		127	112	135	120
5/4 or 6/4 x 7 or 9″		133	119	141	127
5/4 or 6/4 x 5 or 10″		140	122	148	130
5/4 or 6/4 x 11″		144	126	152	134
5/4 or 6/4 x 12″		163	141	171	149

Additions and deductions per 1,000 board feet

1. *Air dried, may be stained.*—From kiln-dried price for size and grade, deduct $8.
2. *Air dried, no stain permitted.*—From kiln-dried price for size and grade, deduct $6.
3. *Rough.*—To surfaced price for size, grade, and condition, add $1.
4. *4 and 6 ft. lengths.*—From 8–20 ft. price for size, grade, and condition: For 1″ thickness in widths of 6″ or less, deduct $20; For 1″ thickness when wider than 6″, and all 5/4″ and 6/4″ thickness deduct $11.
5. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
6. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.
7. *Other finish.*—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine finish not priced above.

SCHEDULE A–6

These prices apply to all retail type sales and deliveries by yards located in the Counties of Bucks; Lehigh; and the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover in Montgomery County; all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on the total of all softwood lumber and hardwood flooring sold in one sale.

PLANKS AND SMALL TIMBERS—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to rough green lumber with no heart specification. No addition to these prices may be made for grade marking or anti-stain treatment.

Size	No. 2 dense; No. 2 medium grain; No. 2 common—lengths			No. 1 dense, square edge and sound medium grain; No. 1 medium grain, square edge and sound; No. 1 common—lengths			Dense structural; dense structural square edge and sound; dense No. 1 structural; dense square edge and sound—lengths			Dense select structural—lengths		
	8–20′	22′	24′	8–20′	22′	24′	8–20′	22′	24′	8–20′	22′	24′
	Sales totaling over 1,000 board feet											
8 x 3″ to 6 x 8″	$76	$88	$95	$79	$91	$98	$87	$99	$107	$94	$106	$114
	Sales totaling 1,000 board feet or less											
8 x 3″ to 6 x 8″	$88	$100	$107	$91	$103	$110	$99	$111	$119	$106	$118	$126

Additions and deductions per 1,000 board feet

1. *Rough dry.*—To rough green price above for grade and length: For air dried add $3; for kiln dried add $6.

2. *Workings.*—To rough price for grade, length, and condition, when: Surfaced on 1, 2, 3, or 4 sides, tongue-and-grooved or shiplapped add $2; grooved on 2 edges add $5.

3. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.

4. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.

5. *Other plank and timber items.*—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine planks and timbers not priced above.

SCHEDULE A–6

These prices apply to all retail type sales and deliveries by yards located in the Counties of Bucks; Lehigh; and the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover in Montgomery County; all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on the total of all softwood lumber and hardwood flooring sold in one sale.

DROP SIDING, CEILING, AND PARTITION—SHORTLEAF YELLOW PINE

Price table per 1,000 board feet

Applies to kiln-dried lumber worked to pattern, with plain ends, when sold in random lengths of 4 to 20 feet with standard grading rule restrictions on short lengths, or when sold in specific lengths of 7 to 20 feet. No addition to these prices may be made for grade marking.

Nominal thickness and nominal width	Pattern	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less		
		Grade B and better	Grade C	Grade D or No. 2	Grade B and better	Grade C	Grade D or No. 2
		Drop siding					
1″ x 6″	115, 117, 118, 119	$86	$85	$76	$93	$92	$88
1″ x 6″	All other	102	98	77	109	105	89
1″ x 8″	All	102	98	77	109	105	89
1″ x 10″	All	114	104	81	121	111	93
		Ceiling-standard bead or V, surfaced 1 or 2 sides					
5/16″ & 7/16″ x 3″ & 4″		$69	$65	$54	$75	$71	$64
5/16″ & 7/16″ x 6″		72	68	56	78	74	66
9/16″ x 3″ & 4″		76	73	61	82	79	71
9/16″ x 5″ & 6″		79	76	63	85	82	73
1 1/16″ to 2 5/32″ x 3″ & 4″		93	88	71	99	94	81
1 1/16″ to 2 5/32″ x 5″ & 6″		94	90	72	100	96	82
		Partition					
1 1/16″ x 4″		$92	$88	$70	$99	$95	$81
3/4″ x 4″		100	96	73	107	103	84
1 1/16″ x 6″		95	91	73	102	98	84
3/4″ x 6″		103	99	76	110	106	87

Additions and deductions per 1,000 board feet

1. *Air dried.*—From the kiln-dried price for size, grade and pattern deduct $1.

2. *4, 5, and foot lengths sold on specific length.*—From the random length price for the size, grade, pattern, and condition:
For B and better and C deduct $12.
For D and No. 2 deduct $8.

3. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.

4. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2d RMPR 215.

5. *Other drop siding, ceiling, and partition.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine drop siding, ceiling, and partition not priced above.

SCHEDULE A–6

These prices apply to all retail type sales and deliveries by yards located in the Counties of Bucks; Lehigh; and the Towns of Franconia, Hatfield, Marlboro, Montgomery, Salford, and Upper Hanover in Montgomery County; all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on the total of all softwood lumber and hardwood flooring sold in one sale.

FLOORING—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to kiln-dried lumber, worked to 1" x 3" or 1" x 4" flooring, with plain ends, when sold in random lengths of 4 to 20 feet with standard grading rule restrictions on short lengths, or when sold in specific lengths of 7 to 20 feet. No addition to these prices may be made for grade marking.

Heart and grain specifications	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less		
	Grade B and better	Grade C	Grade D or No. 2	Grade B and better	Grade C	Grade D or No. 2
Heart face:						
Edge grain	$139	$119	$94	$147	$127	$106
Near-edge grain	129	109	88	137	117	100
Flat grain	118	105	83	126	113	95
No heart specification:						
Edge grain	$122	$110	$84	$130	$118	$96
Near-edge grain	112	100	79	120	108	----
Flat grain	106	100	76	114	108	88

Additions and deductions per 1,000 board feet

1. *Air dried.*—From the kiln-dried price for the grade and other specifications, deduct $1.
2. *4, 5, and 6 feet lengths sold on specific length.*—From the random length price for the grade and other specifications and condition:
   For "B" and better and "C" deduct $21.
   For "D" or No. 2 deduct $14.
3. *End matched.*—To plain-end price for grade and other specifications, condition and length add $3.
4. *Bark back.*—From price above for flooring free of bark back deduct $7.
5. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10%.
6. *Workings and delivery.*—For permitted additions for workings to customer's order and for delivery, see 2d RMPR 215.
7. *Other flooring.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine flooring not priced above.

SCHEDULE A–7

These prices apply to all retail type sales and deliveries by yards located in the Counties of Juniata; Mifflin; Northampton; Perry; and the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams, in Dauphin County, all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on total of all softwood lumber and hardwood flooring sold in one sale.

BOARDS—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to air-dried or kiln-dried boards, 4 to 20 feet long, surfaced on 1, 2, 3, or 4 sides to thickness shown, or surfaced on 2 sides and tongue-and-grooved or shiplapped. No additions to these prices may be made for grade-marking, antistain treatment, or sale of specific lengths.

Nominal size	Thickness surfaced	Sales totaling over 1,000 feet				Sales totaling 1,000 feet or less			
		Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4	Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4
1 x 2" and 1 x 3"	25/32" or 3/4"	$81	$77	$66	$55	$93	$89	$78	$67
1 x 4"		77	72	64	53	89	84	76	65
1 x 6" and 1 x 7"		78	76	66	55	90	88	78	67
1 x 8" and 1 x 9"		80	76	66	55	92	88	78	67
1 x 5" and 1 x 10"		82	78	68	57	94	90	80	69
1 x 11"		86	82	68	57	98	94	80	69
1 x 12"		93	84	70	58	105	96	82	70

Additions and deductions per 1,000 board feet

1. *Green, worked as above.*—From dry price for size and grade deduct $5.00.
2. *Rough.*—From *dry* price above for grade and size for rough dry deduct $2.00; for rough green deduct $6.00.
3. *Boards under 3/4" thickness, surfaced 1 side, any edge working, graded after complete working and sold "on grade".*—From the 25/32" surfaced *dry* price for width and grade:

	Deduct	
	If dry	If green
11/16"	$4.00	$9.00
5/8"	8.00	13.00
9/16"	12.00	17.00
1/2"	16.00	21.00
7/16"	20.00	24.00

4. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
5. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.
6. *Other boards.*—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine boards not priced above.

SCHEDULE A–7

These prices apply to all retail type sales and deliveries by yards located in the Counties of Juniata; Mifflin; Northampton; Perry; and the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams, in Dauphin County, all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on total of all softwood lumber and hardwood flooring sold in one sale.

DIMENSION—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to air-dried and kiln-dried lumber, 4 to 20 feet long, surfaced on 1, 2, 3, or 4 sides to 1⅝" thickness. No additions to these prices may be made for grade marking, anti-stain treatment, or because lumber is medium grain or dense.

Nominal size	Sales totaling over 1,000 feet—lengths					Sales totaling 1,000 feet or less—lengths				
	4′ or 6′	8′, 10′ or 12′	9′ or 14′	16′	18′ or 20′	4′ or 6′	8′, 10′ or 12′	9′ or 14′	16′	18′ or 20′
	No. 1 grade, including medium grain or dense									
2 x 3″ or 4″	$63	$75	$76	$78	$80	$74	$86	$87	$89	$91
2 x 5″	65	81	81	83	89	76	92	92	94	100
2 x 6″	62	76	77	78	81	73	87	88	89	92
2 x 8″	62	76	77	78	81	73	87	88	89	92
2 x 10″	66	84	84	86	92	77	95	95	97	103
2 x 12″	69	87	87	88	94	80	98	98	99	105

Nominal size	Sales totaling over 1,000 feet—lengths					Sales totaling 1,000 feet or less—lengths				
	4′ or 6′	8′, 10′ or 12′	9′ or 14′	16′	18′ or 20′	4′ or 6′	8′, 10′ or 12′	9′ or 14′	16′	18′ or 20′
	No. 2 grade, including medium grain or dense									
2 x 3″ or 4″	$61	$72	$74	$75	$78	$72	$83	$85	$86	$89
2 x 5″	58	74	73	73	79	69	85	84	84	90
2 x 6″	58	72	73	74	77	69	83	84	85	88
2 x 8″	60	73	75	75	79	71	84	86	86	90
2 x 10″	62	78	78	78	83	73	89	89	89	94
2 x 12″	63	79	79	81	86	74	90	90	92	97

Additions and deductions per 1,000 board feet

1. *No. 3 grade.*—From No. 2 grade price for size deduct $15.00.
2. *Green, worked as above.*—To dry price for size and grade add $2.00.
3. *Rough.*—From dry surfaced price for size and grade for rough dry deduct $2.00; for rough green deduct $0.
4. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
5. *Workings and delivery.*—For permitted additions for workings to customer's order and for delivery, see 2nd RMPR 215.
6. *Other dimension items.*—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine dimension not priced above.

SCHEDULE A–7

These prices apply to all retail type sales and deliveries by yards located in the Counties of Juniata; Mifflin; Northampton; Perry; and the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams, in Dauphin County, all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on total of all softwood lumber and hardwood flooring sold in one sale.

FINISH—SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to kiln-dried lumber, 8 to 20 feet long surfaced on 4 sides to thickness indicated. Prices apply whether or not lumber is grade marked or sold in specified or random lengths.

Size	Thickness surfaced	Sales totaling over 1,000 feet		Sales totaling 1,000 feet or less	
		Grade B and better	Grade C	Grade B and better	Grade C
1 x 2″ or 3″	25/32″	$108	$102	$116	$110
1 x 4″		106	99	114	107
1 x 6″ or 8″		111	103	119	111
1 x 7″ or 9″		117	110	125	118
1 x 5″ or 10″		124	113	132	121
1 x 11″		129	117	137	125
1 x 12″		147	132	155	140

Size	Thickness surfaced	Sales totaling over 1,000 feet		Sales totaling 1,000 feet or less	
		Grade B and better	Grade C	Grade B and better	Grade C
5/4 or 6/4 x 2″ or 3″	1 1/16″ or 1 5/16″	$131	$115	$139	$123
5/4 or 6/4 x 4″		128	113	136	121
5/4 or 6/4 x 6″ or 8″		128	113	136	121
5/4 or 6/4 x 7″ or 9″		134	120	142	128
5/4 or 6/4 x 5 ″or 10″		141	123	149	131
5/4 or 6/4 x 11″		146	128	154	136
5/4 or 6/4 x 12″		164	142	172	150

Additions and deductions per 1,000 board feet

1. *Air dried, may be stained.*—From kiln-dried price for size and grade, deduct $8.
2. *Air dried, no stain permitted.*—From kiln-dried price for size and grade, deduct $6.
3. *Rough.*—To surfaced price for size, grade, and condition, add $1.
4. *4 and 6 ft. lengths.*—From 8–20 ft. price for size, grade, and condition: For 1″ thickness in widths of 6″ or less, deduct $20; for 1″ thickness when wider than 6″, and all 5/4 and 6/4 thickness, deduct $11.
5. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
6. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.
7. *Other finish.*—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine finish not priced above.

SCHEDULE A–7

These prices apply to all retail type sales and deliveries by yards located in the Counties of Juniata; Mifflin; Northampton; Perry; and the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams, in Dauphin County, all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on total of all softwood lumber and hardwood flooring sold in one sale.

PLANKS AND SMALL TIMBERS—SHORTLEAF YELLOW PINE

[Price table (per 1,000 board feet)]

Applies to rough green lumber with no heart specification. No addition to these prices may be made for grade marking or anti-stain treatment.

Size	No. 2 dense; No. 2 medium grain; No. 2 common—lengths			No. 1 dense, square edge and sound medium grain; No. 1 medium grain, square edge and sound; No. 1 common—lengths			Dense structural; dense structural square edge and sound; dense No. 1 structural; dense square edge and sound—lengths			Dense select structural—lengths		
	8–20′	22′	24′	8–20′	22′	24′	8–20′	22′	24′	8–20′	22′	24′
	Sales totaling over 1,000 board feet											
3 x 3″ to 6 x 8″	$78	$90	$97	$81	$93	$99	$89	$101	$108	$95	$107	$116
	Sales totaling 1,000 board feet or less											
3 x 3″ to 6 x 8″	$91	$103	$110	$94	$106	$112	$102	$114	$121	$108	$120	$129

Additions and deductions per 1,000 board feet

1. *Rough dry.*—To rough green price above for grade and length: For air dried add $3; for kiln dried add $6.
2. *Workings.*—To rough price for grade, length, and condition, when—surfaced on 1, 2, 3, or 4 sides, tongue-and-grooved or shiplapped add $2; grooved on 2 edges add $5.
3. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
4. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2d RMPR 215.
5. *Other plank and timber items.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine planks and timbers not priced above.

SCHEDULE A–7

These prices apply to all retail type sales and deliveries by yards located in the Counties of Juniata; Mifflin; Northampton; Perry; and the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams, in Dauphin County, all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on total of all softwood lumber and hardwood flooring sold in one sale.

DROP SIDING, CEILING, AND PARTITION, SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to kiln-dried lumber worked to pattern, with plain ends, when sold in random lengths of 4 to 20 feet with standard grading rule restrictions on short lengths, or when sold in specific lengths of 7 to 20 feet. No addition to these prices may be made for grade marking.

Nominal thickness and nominal width	Pattern	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less		
		Grade "B" and better	Grade "C"	Grade "D" or No. 2	Grade "B" and better	Grade "C"	Grade "D" or better
		Drop siding					
1″ x 6″	115, 117, 118, 119	$87	$86	$77	$94	$95	$89
1″ x 6″	All other	103	98	77	110	105	89
1″ x 8″	All	103	99	78	110	106	90
1″ x 10″	All	115	105	81	122	112	93
		Ceiling standard bead or "V", surfaced 1 or 2 sides					
5/16″ and 7/16″ x 3″ and 4″		$70	$66	$54	$76	$72	$64
5/16″ and 7/16″ x 6″		73	69	57	79	75	67
9/16″ x 3″ and 4″		76	73	61	82	79	71
9/16″ x 5″ and 6″		79	76	64	85	82	74
1 1/16″ to 2 5/32″ x 3″ and 4″		93	89	72	99	95	82
1 1/16″ to 2 5/32″ x 5″ and 6″		95	91	73	101	97	83
		Partition					
1 1/16″ x 4″		$93	$88	$71	$100	$95	$82
3/4″ x 4″		101	97	74	108	104	85
1 1/16″ x 6″		96	91	74	103	98	85
3/4″ x 6″		104	100	77	111	107	88

Additions and deductions per 1,000 board feet

1. *Air dried.*—From the kiln-dried price for size, grade, and pattern: deduct $1.00.
2. *4, 5, and 6 foot lengths sold on specific length.*—From the random length price for the size, grade, pattern, and condition for "B" and better and "C": deduct $12.00; for "D" and No. 2: deduct $8.00.
3. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
4. *Workings and delivery.*—For permitted additions for workings to customers' order, and for delivery, see 2d RMPR 215.
5. *Other drop siding, ceiling, and partition.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine drop siding, ceiling, and partition not priced above.

SCHEDULE A–7

These prices apply to all retail type sales and deliveries by yards located in the Counties of Juniata; Mifflin; Northampton; Perry; and the Towns of Halifax, Jackson, Jefferson, Lykens, Mifflin, Upper Paxton, Washington, Wayne, Wiconisco, and Williams, in Dauphin County, all in the State of Pennsylvania, regardless of the place to which delivery is made. Size of sale is based on total of all softwood lumber and hardwood flooring sold in one sale.

FLOORING, SHORTLEAF YELLOW PINE

[Price table per 1,000 board feet]

Applies to kiln-dried lumber, worked to 1" x 3" or 1" x 4" flooring, with plain ends, when sold in random lengths of 4 to 20 feet with standard grading rule restrictions on short lengths, or when sold in specific lengths of 7 to 20 feet. No addition to these prices may be made for grade marking.

Heart and grain specifications	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less			Heart and grain specifications	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less		
	Grade "B" and better	Grade "C"	Grade "D" or No. 2	Grade "B" and better	Grade "C"	Grade "D" or No. 2		Grade "B" and better	Grade "C"	Grade "D" or No. 2	Grade "B" and better	Grade "C"	Grade "D" or No. 2
Heart face:							No heart specification:						
Edge grain	$140	$120	$95	$148	$128	$108	Edge grain	$122	$111	$85	$130	$119	$98
Near-edge grain	130	110	89	138	118	102	Near-edge grain	112	101	80	120	109	93
Flat grain	119	106	84	127	114	97	Flat grain	107	101	77	115	109	90

Additions and deductions per 1,000 board feet

1. *Air dried.*—From the kiln-dried price for the grade and other specifications: deduct $1.00.
2. *4, 5, and 6 ft. lengths sold on specific length.*—From the random length price for the grade and other specifications and condition for "B" and better and "C" deduct $21.00 for "D" or No. 2 deduct $14.00.
3. *End matched.*—To plain-end price for grade and other specifications, condition and length add $3.00.
4. *Bark back.*—From price above for flooring free of bark back deduct $7.00.
5. *Sales less than $7.50.*—When the total sale is less than $7.50 the prices as determined above may be increased 10 percent.
6. *Workings and delivery.*—For permitted additions for workings to customer's order and for delivery, see 2d RMPR 215.
7. *Other flooring.*—Continue to compute maximum prices under 2d RMPR 215 on shortleaf yellow pine flooring not priced above.

OPINION ACCOMPANYING ADOPTING ORDER NO. 9, UNDER BASIC ORDER NO. 1 AS AMENDED, UNDER REVISED GENERAL ORDER NO. 65

Pursuant to the provisions of Revised General Order No. 65 as amended, Regional Administrators and District Directors authorized to do so may issue and put into effect orders establishing maximum prices applicable to particular communities or defined areas for sales of lumber products for which maximum prices are established under Second Revised Maximum Price Regulation 215 out of distribution yard stock by any lumber distribution yard located in such area.

In accordance with this authority, the Regional Administrator of Region II has issued Basic Order No. 1 as amended, under Revised General Order 65, setting forth the general provisions which are to be common to all future area orders, such orders to be known as adopting orders. The provisions of the basic order are expressly adopted by such adopting orders.

The accompanying adopting order covers prices of Southern Shortleaf Yellow Pine lumber on retail type sales out of distribution yard stock by lumber distribution yards located in the Philadelphia District area. This order supersedes maximum prices or pricing methods previously established by Second Revised Maximum Price Regulation 215, or any other applicable regulation.

The prices fixed by the accompanying order are a translation into dollars and cents of existing maximum prices and are in line with the level of prices in effect under Second Revised Maximum Price Regulation 215. The variation in prices fixed by the three schedules attached to the accompanying order is due to differences in freight rates. The provisions of this order are in conformance with Section 2 (t) of the Emergency Price Control Act of 1942, as amended.

The record-keeping, posting and invoicing provisions of Basic Order No. 1, as amended, which are adopted by the accompanying adopting order are specifically authorized by Section 1 (c) of Revised General Order 65 and are affirmatively found to be necessary to prevent evasion of this order.

[F. R. Doc. 46–17997; Filed, Oct. 4, 1946; 8:45 a. m.]

[Region III Order G–61 Under MPR 592]

U. S. CONCRETE PIPE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G–61 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of maximum prices for the sale of concrete pipe produced by the U. S. Concrete Pipe Company of Cleveland, Ohio, hereinafter referred to as the manufacturer. The maximum prices of the manufacturer and the maximum prices of the resellers of such commodity are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* The adjusted maximum prices for sales by the manufacturer of concrete pipe produced by it shall be its maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, increased by 5%.

(c) *Resellers' adjusted maximum prices.* Any seller of the commodity for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increases granted the manufacturer by this order. 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) *Discounts, allowances and special charges.* All sellers of the subject commodity must continue to maintain discounts, allowances and other price differentials, to each class of purchaser, at least as favorable as those which were in effect immediately prior to the effective date of this order, and are permitted to add to their maximum prices, as adjusted herein, such charges for extras as were customarily added immediately prior to the effective date of this order.

(e) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodity covered by this order, a notice of the price increases authorized by this order. Such notice shall contain substantially the following:

Order No. G–61 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of maximum prices for the sale of concrete pipe produced by the U. S. Concrete Pipe Company. Resellers may add to their maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the percentage amount of increase in their net invoiced costs resulting from the increases granted to the manufacturer by this order. However, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(f) *Revocation and amendment.* This order may be revoked or amended at any time by the Office of Price Administration.

This order shall become effective September 20, 1946.

Issued: September 20, 1946.

J. F. KESSEL,
Regional Administrator.

OPINION ACCOMPANYING ORDER NO. G–61 UNDER SECTION 16 OF MAXIMUM PRICE REGULATION NO. 592

The accompanying Order No. G–61 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of the maximum prices of concrete pipe produced by the U. S. Concrete Pipe Company, of Cleveland, Ohio (therein referred to as the manufacturer), and further provides for an adjustment of the maximum prices of resellers of such commodity.

Maximum Price Regulation No. 592 authorizes the Regional Administrator, upon application, to adjust the maximum prices of certain commodities, including concrete pipe, which are produced by a supplier whose supply of the commodities could not be replaced if the supplier discontinued production. Investigation has shown that the manufacturer is such a supplier.

The adjustment requested by the manufacturer is an overall adjustment of its maximum prices of concrete pipe, by which, under the provisions of section 16 of Maximum Price Regulation No. 592, the Regional Administrator may authorize increases in the maximum prices of the manufacturer's commodity in an amount sufficient to permit the recovery of total costs plus a reasonable margin of profit.

Analysis of the financial data submitted by the manufacturer discloses that it is not realizing total costs plus a reasonable margin of profit. It is, therefore, concluded that an adjustment should be granted. It is considered that the adjustment granted, while constituting the minimum required, is sufficient to enable the manufacturer to maintain a continued supply of the subject commodity.

It has been determined that resellers of the subject commodity would be unable to absorb the increase granted to the manufacturer and, accordingly, it is provided in the order that any reseller may add to his maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increases granted the manufacturer by such order. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established under dollar-and-cents area pricing orders.

The price increases established in the accompanying order are considered generally fair and equitable in accordance with the provisions of Maximum Price Regulation No. 592 and consistent with the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46–17986; Filed, Oct. 4, 1946; 8:45 a. m.]

[Region III Order G–62 Under MPR 592]

CONCRETE PIPE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G–62 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of maximum prices for the sale of concrete pipe produced by The Concrete Pipe Company of Ohio, Inc., Cleveland, Ohio, hereinafter referred to as the manufacturer. The maximum prices of the manufacturer and the maximum prices of the resellers of such commodity are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* The adjusted maximum prices for sales by the manufacturer of concrete pipe produced by it shall be its maximum prices in effect on August 26, 1946, to each class of purchaser, increased by 7.5%.

(c) *Resellers' adjusted maximum prices.* Any reseller of the commodity for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect on August 26, 1946, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increase granted the manufacturer by this order. 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) *Discounts, allowances and special charges.* All sellers of the subject commodity must continue to maintain discounts, allowances and other price differentials, to each class of purchaser, at least as favorable as those which were in effect on August 26, 1946, and are permitted to add to their maximum prices, as adjusted herein, such charges for extras as were customarily added on August 26, 1946.

(e) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodity covered by this order, a notice of the price increases authorized by this order. Such notice shall contain substantially the following:

Order No. G–62 under Section 16 of Maximum Price Regulation No. 592 provides for an adjustment of maximum prices for the sale of concrete pipe produced by The Concrete Pipe Company of Ohio, Inc. Resellers may add to their maximum prices in effect on August 26, 1946, to each class of purchaser the percentage amount of increase in their net invoiced cost resulting from the increase granted to the manufacturer by this order. However, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(f) *Revocation and amendment.* This order may be revoked or amended at any time by the Office of Price Administration.

This order shall become effective September 20, 1946.

Issued: September 20, 1946.

JOHN F. KESSEL,
Regional Administrator.

OPINION ACCOMPANYING ORDER NO. G–62 UNDER SECTION 16 OF MAXIMUM PRICE REGULATION NO. 592

The accompanying Order No. G–62 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of the maximum prices of concrete pipe produced by The Concrete Pipe Company of Ohio, Inc. of Cleveland, Ohio (therein referred to as the manufacturer) and further provides for an adjustment of the maximum prices of resellers of such commodity.

Maximum Price Regulation No. 592 authorizes the Regional Administrator, upon application, to adjust the maximum prices of certain commodities, including concrete pipe, which are produced by a supplier whose supply of the commodities could not be replaced if the supplier discontinued production. Investigation has shown that the manufacturer is such a supplier.

The adjustment requested by the manufacturer is an overall adjustment of its maximum prices of concrete pipe, by which, under the provisions of section 16 of Maximum Price Regulation No. 592, the Regional Administrator may authorize increases in the maximum prices of the manufacturer's commodity in an amount sufficient to permit the recovery of total costs plus a reasonable margin of profit.

Analysis of the financial data submitted by the manufacturer discloses that it is not realizing total costs plus a reasonable margin of profit. It is therefore, concluded that an adjustment should be granted. It is considered that the adjustment granted, while constituting the minimum required, is sufficient to enable the manufacturer to maintain a continued supply of the subject commodity.

It has been determined that resellers of the subject commodity would be unable to absorb the increase granted to the manufacturer and, accordingly, it is provided in the order that any reseller may add to his maximum prices in effect on August 26, 1946, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increases granted the manufacturer by such order.

The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established under dollar-and-cents area pricing orders.

The price increases established in the accompanying order are considered generally fair and equitable in accordance with provisions of Maximum Price Regulation No. 592 and consistent with the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46–17987; Filed, Oct. 4, 1946; 8:56 a. m.]

[Region III Order G–63 Under MPR 592]

CINCINNATI CONCRETE PIPE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pur-

suant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This order No. G–63 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of maximum prices for the sale of concrete pipe and drain tile produced by the Cincinnati Concrete Pipe Company of Reading, Ohio, hereinafter referred to as the manufacturer. The maximum prices of the manufacturer and the maximum prices of the resellers of such commodity are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* The adjusted maximum prices for sales by the manufacturer of plain and reinforced concrete pipe and drain tile produced by it shall be its maximum prices in effect on May 16, 1946, to each class of purchaser, increased by 9%.

(c) *Resellers' adjusted maximum prices.* Any reseller of the commodities for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect on May 16, 1946, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increases granted the manufacturer by this order. 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) *Discounts, allowances and special charges.* All sellers of the subject commodities must continue to maintain discounts, allowances and other price differentials, to each class of purchaser, at least as favorable as those which were in effect on May 16, 1946, and are permitted to add to their maximum prices, as adjusted herein, such charges for extras as were customarily added on May 16, 1946.

(e) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodities covered by this order, a notice of the price increases authorized by this order. Such notice shall contain substantially the following:

> Order No. G–63 under Section 16 of Maximum Price Regulation No. 592 provides for an adjustment of maximum prices for the sale of plain and reinforced concrete pipe and drain tile produced by the Cincinnati Concrete Pipe Company. Resellers may add to their maximum prices in effect on May 16, 1946, to each class of purchaser, the percentage amount of increase in their net invoiced costs resulting from the increases granted to the manufacturer by this order. However, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(f) *Revocation and amendment.* This order may be revoked or amended at any time by the Office of Price Administration.

This order shall become effective September 20, 1946.

Issued: September 20, 1946.

JOHN F. KESSEL,
Regional Administrator.

OPINION ACCOMPANYING ORDER NO. G–63 UNDER SECTION 16 OF MAXIMUM PRICE REGULATION NO. 592

The accompanying Order No. G–63 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of the maximum prices of plain and reinforced concrete pipe and drain tile produced by the Cincinnati Concrete Pipe Company of Reading, Ohio (therein referred to as the manufacturer) and further provides for an adjustment of the maximum prices of resellers of such commodities.

Maximum Price Regulation No. 592 authorizes the Regional Administrator, upon application, to adjust the maximum prices of certain commodities, including concrete pipe and drain tile, which are produced by a supplier whose supply of the commodities could not be replaced if the supplier discontinued production. Investigation has shown that the manufacturer is such a supplier.

The adjustment requested by the manufacturer is an over-all adjustment of its maximum prices of concrete pipe and drain tile, by which, under the provisions of section 16 of Maximum Price Regulation No. 592, the Regional Administrator may authorize increases in the maximum prices of the manufacturer's commodities in an amount sufficient to permit the recovery of total costs plus a reasonable margin of profit.

Analysis of the financial data submitted by the manufacturer discloses that it is not realizing total costs plus a reasonable margin of profit. It is, therefore, concluded that an adjustment should be granted. It is considered that the adjustment granted, while constituting the minimum required, is sufficient to enable the manufacturer to maintain a continued supply of the subject commodities.

It has been determined that resellers of the subject commodities would be unable to absorb the increase granted to the manufacturer and, accordingly, it is provided in the order that any reseller may add to his maximum prices in effect on May 16, 1946, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increases granted the manufacturer by such order. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established under dollar-and-cents area pricing orders.

The price increases established in the accompanying order are considered generally fair and equitable in accordance with the provisions of Maximum Price Regulation No. 592 and consistent with the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46–17988; Filed, Oct. 4, 1946; 8:53 a. m.]

[Region VIII Order G–8 Under MPR 592, Amdt. 1]

COMMON BRICK IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

Paragraph (a) of Order No. G–6 under Maximum Price Regulation No. 592 is amended to read as follows:

(a) *Maximum prices.* (1) The maximum price at which any manufacturer may sell or deliver common brick manufactured by him in Region VIII shall be his maximum price therefor as of December 31, 1945, plus $2.00 per thousand, or his maximum price as determined under any other applicable regulation or order, whichever is the higher.

(2) The maximum price for modular size clay building bricks shall be determined by multiplying the price for common brick by the percentage figure appearing in the following table opposite the modular size to be priced.

Modular nominal size face dimensions:	*Percentage factor*
2⅔" x 8"	100
3" x 8"	115
4" x 8"	155
5⅓" x 8"	210
8" x 8"	325
4" x 12"	235
5⅓" x 12"	320
6" x 12"	365
8" x 12"	490
4" x 16"	315
8" x 16"	660

This amendment shall become effective upon issuance.

Issued this 20th day of September 1946.

BEN C. DUNIWAY,
Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G–6 UNDER MAXIMUM PRICE REGULATION NO. 592

This amendment adjusts maximum prices for modular size clay building bricks. The adjusted maximum price will be calculated by multiplying the maximum price for common brick by the appropriate percentage factor for the modular size brick being priced, as established by this amendment.

This amendment is in conformity with the provisions of Order No. 1 under Maximum Price Regulation No. 592, as amended.

In view of the foregoing, the Regional Administrator is of the opinion that this amendment is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and with the Executive orders supplementary thereto.

[F. R. Doc. 46–17995; Filed, Oct. 4, 1946; 8:50 a. m.]

[Region VIII Order G–8 Under Gen. Order 68, Amdt. 2]

BUILDING MATERIALS IN NEVADA DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G–8 under General Order No. 68 is amended in the following respects:

1. The title is amended to read as follows: "Order No. G–8 Under General Order No. 68, Building Materials (Nevada District)."

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

(a) *What this order does.* This order establishes maximum prices for retail

sales of items listed in the appendices to this order when sold or delivered by a seller having a selling establishment located in the area to which an appendix relates. The appendices to this order, and the areas to which each relates, are as follows:

Appendix A—State of Nevada, except Clark and Lincoln Counties.

Appendix B—Clark and Lincoln Counties in the State of Nevada.

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

(b) *Maximum prices.* The maximum price for a retail sale of any item listed in Appendix A or Appendix B shall be the price therein stated.

4. Appendix B is inserted immediately after Appendix A to read as set forth in Appendix B attached hereto.

This amendment shall become effective October 5, 1946.

Issued this 25th day of September 1946.

GUY R. KINSLEY,
Acting Regional Administrator.

APPENDIX B—ORDER NO. G–8

Date: October 5, 1946.

Nevada (including only Clark and Lincoln Counties). The following are maximum prices for retail sales by sellers located in Clark and Lincoln Counties, State of Nevada, of the building materials named below. These maximum prices are subject to discount and delivery allowances as follows:

Discount. On all sales to contractors, a discount of not less than 10% shall apply to the prices set forth below.

Deliveries. No charge may be made for a delivery to a point within five miles of a seller's nearest place of business. For deliveries to more distant points, a seller may charge the actual cost of delivery not exceeding the lowest applicable common carrier rate for a similar type of delivery.

Commodity	Unit	Maximum price
Masonry, cement, and plaster:		
Plaster:		
Hard wall	100-pound sack	$1.00
Gauging	do	1.25
Moulding or casting	do	1.50
Cement:		
Keene	94-pound sack	2.25
Portland:		
Regular	do	.90
Waterproof	do	.95
Early strength	do	1.17
Atlas	do	2.89
Calvaras—white	do	2.95
White cement	do	2.78
Stucco:		
Interior	100-pound sack	2.00
Exterior	do	2.25
Lime:		
Quicklime	90-pound sack	1.80
Processed	60-pound sack	1.00
Hydrate	50-pound sack	.90
Lime mortar	90-pound sack	1.80
Metal items:		
Metal corner bead—Copper bearing.	Linear foot	.037
Metal corner bead—Copper bearing expanded.	do	.053
Metal lath:		
2.5" Diamond painted—Copper bearing.	Square yard	.352
3.4" Diamond painted—Copper bearing.	do	.41
Wallboard:		
Gypsum wall board:		
¼"	1000 square feet	40.00
⅜"	do	42.69
½"	do	48.44
Gypsum sheating:		
½" plain	do	45.00
Gypsum lath:		
⅜"	Square yard	.24½
5/16"	do	.22½
Wallboard—Continued.		
Fiber insulating board:		
½"	1,000 square feet	$53.25
⅜"	do	42.60
Hard density fiber board, tempered—⅛".	do	95.85
Roofing items: (Fixtures Included):		
Roll roofing:		
45-pound roll	Roll	1.89
55-pound roll	do	2.27
65-pound roll	do	2.80
90-pound roll	do	3.00
Asbestos roll roofing: 55-pound roll.	do	6.325
Aluminum shield roofing: 65-pound roll.	do	3.95
Asphalt shingles:		
210-pound thick butt.	Square	7.75
150-pound interlocking.	do	5.75
130-pound Dutch lap.	do	4.84
Sheathing:		
Asphalt sheathing #8	Roll	1.85
Resin sized sheathing:		
20-pound roll	do	1.37
30-pound roll	do	2.00
Kraft sheathing	do	2.25
Gypsum sheathing—triple seal.	1,000 square feet	50.00
Brick siding	100-pound	7.25
Saturated felt:		
15-pound—(459 sq. ft.)	Roll	3.00
15-pound—(339 sq. ft.)	do	2.25
30-pound—(259 sq. ft.)	do	3.00
Asbestos felt: 15-pound roll.	do	3.765
Pipe and drain tile:		
Clay drain tile:		
3"	Linear feet	.10
4"	do	.15
6"	do	.22
Vitrified sewer pipe:		
4"	do	.34
6"	do	.42
Flue lining:		
9" x 9"	2-foot lengths	1.23
9" x 13"	do	1.65
13" x 13"	do	2.50
Terra cotta chimney pipe:		
5"—bell	Linear feet	.85
5"—straight	do	.85
5"—"T"	Each	1.60
5"—"TT"	do	2.50
6"—bell	Linear feet	1.15
6"—straight	do	1.15
6"—"T"	Each	2.00
6"—"TT"	do	3.00
Insulating material:		
Thermal insulation blankets:		
Medium	1,000 square feet	57.50
Thick	do	80.00
Thermal insulation batts:		
2"	do	55.00
4"	do	80.00
Kimsul—full thick	do	55.00

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G–8 UNDER GENERAL ORDER NO. 68

This amendment brings into the coverage of Order No. G–8 those sellers located in Clark and Lincoln Counties in the State of Nevada, previously excluded from the scope of the order. The maximum prices for such sellers are now established in Appendix B of the order.

The maximum prices established by this amendment were arrived at after a survey was made of, and trade meetings held with the sellers affected by this amendment. These prices represent substantially the existing maximum prices.

Discount and delivery provisions representing those common to the trade have been set out in the amendment and will not represent a change in selling practices for the majority of sellers.

This order does not compel changes in established business practices, cost practices or means or aids to distribution, except to the extent that the Regional Administrator has found it necessary to prevent circumvention or evasion of this amendment and the Emergency Price Control Act of 1942, as amended.

In the opinion of the Regional Administrator, the maximum prices established by this amendment are generally fair and equitable and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and Executive Orders supplementary thereto.

The considerations that prompted the issuance of Order No. G–8 are equally applicable here.

[F. R. Doc. 46–17992; Filed, Oct. 4, 1946; 8:51 a. m.]

[Region VIII Rev. Order G–9 Under MPR 592]

HEAVYWEIGHT CONCRETE BUILDING BLOCKS IN SOUTHERN CALIFORNIA AREA

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 sections 17 and 23 of Maximum Price Regulation No. 592, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for all sales of heavyweight building blocks produced in those counties in the State of California lying south of the counties of Monterey, Kings, and Tulare and south and east of the county of Mono. The maximum prices for sales per thousand building blocks at retail, by producers, f. o. b. the producer's plant, are the prices set forth in Appendix A of this order. The maximum prices for all other sales, per thousand building blocks, are the prices set forth in the General Notes to Appendix A.

(b) *Exemptions.* This order does not apply to the following products:

(1) Products not listed in Appendix A.

(2) Patented building blocks and bricks of the mortarless interlocking type.

(3) Lightweight building blocks or bricks produced from burned clay, cinders, processed slag, and pumice aggregates, the maximum oven dry weight of which is 100 pounds or less per cubic foot of concrete.

(c) *Prohibitions against sales at higher than maximum prices.* No person shall sell, offer to sell, or deliver, and no person shall buy, offer to buy, or receive, in the course of trade or business, any of the commodities covered by this order at prices greater than the maximum prices established hereby. Prices lower than the maximum prices may, of course, be charged, demanded, offered or paid.

(d) *Records and invoices.* Every person making sales subject to this order shall, for each such sale, furnish the customer with an invoice or sales slip, and shall keep records. Such invoice or sales slip and such records shall contain the following:

(1) A certification that the price charged does not exceed the price permitted by this Revised Order No. G–9.

(2) The names and addresses of the buyer and seller.

(3) Itemized information sufficient to establish the maximum price of the product or products being sold.

(4) The price actually charged and received by the seller.

(5) The date of the sale.

(6) If the sale is on a delivered basis, the invoice or sales slip and the records shall separately state the delivery charge and the place of delivery.

Duplicate copies of invoices or sales slips may be used in place of the records required by this section, but only if they contain all the information required to be in such records. These records and any other records required by this order shall be kept by the seller at his place of business for so long as the Emergency Price Control Act of 1942, as amended, may remain in effect, and shall be available at all times for inspection by the Office of Price Administration.

No charge may be made for the sale of any item covered by this order for which the seller has failed to issue an invoice or sales slip or to keep the records as required by this order.

(e) *Posting.* (1) Every seller making sales covered by this order shall post a copy of this order at his place of business in a manner plainly visible to all purchasers.

(2) Every seller shall write on the copy of this order posted at his place or places of business, in the appropriate space provided in Appendix A, the weight of each size heavyweight block sold by him.

(f) *Relation to other regulations.* This order shall supersede Maximum Price Regulation No. 592, Maximum Price Regulation No. 188, General Order No. 68, and The General Maximum Price Regulation, insofar as those regulations or any orders issued thereunder heretofore established maximum prices for sales covered by this Revised Order No. G–9. *Provided, however,* That except to the extent indicated in this paragraph, all sections of Maximum Price Regulation No. 592, as heretofore or hereafter amended, shall apply to sales covered by this order, including specifically the following sections of that regulation:

Section 2—Prohibition against dealing at prices above the maximum.
Section 4—Evasion.
Section 21 (a)—Records.
Section 22—Licensing.
Section 24—Enforcement.
Section 27—Federal and State taxes.

(g) *Definitions.* (1) "Building block" is a block produced from cement and sand, gravel, slag, pebbles, crushed stone, or similar aggregates, the maximum oven dry weight of which exceeds 100 pounds per cubic foot of concrete, and is either a hollow concrete block with a compressive strength of 1,000 pounds per square inch gross, in accordance with American Society for Testing Materials Standard Specifications for hollow load bearing concrete masonry units C 90–44, or a solid concrete brick with a compressive strength of 1,800 pounds per square inch gross, in accordance with American Society for Testing Materials Standard Specifications for solid load bearing concrete masonry units C–145–40.

(2) "Producer" means any person who engages in the manufacture and sale of concrete blocks.

(3) "Dealer" means any person who buys concrete blocks for resale, other than on an installed basis.

(4) A "sale at retail" means a sale to a contractor or other user. Any sale in which the purchaser buys for resale, except on an installed basis, is not a sale at retail.

(h) This order may be corrected, amended or revoked at any time.

This order shall become effective September 30, 1946.

Issued this 20th day of September 1946.

BEN C. DUNIWAY,
Regional Administrator.

APPENDIX A—HEAVYWEIGHT CONCRETE BUILDING BLOCKS (SOUTHERN CALIFORNIA)

Size[1] in inches, W, H, L	Minimum price per M blocks	Weight per block
4 x 2 x 6	$16.00	
4 x 2 x 8	12.00	
4 x 2 x 12	28.00	
4 x 4 x 12	37.50	
4 x 6 x 12	51.00	
4 x 8 x 12	60.00	
6 x 4 x 12	56.00	
6 x 6 x 12	75.00	
6 x 8 x 12	89.00	
8 x 4 x 12	65.00	
8 x 6 x 12	88.00	
8 x 8 x 12	105.00	
4 x 4 x 16	45.00	
4 x 6 x 16	60.00	
4 x 8 x 16	72.00	
6 x 4 x 16	64.00	
6 x 6 x 16	82.00	
6 x 8 x 16	98.00	
8 x 4 x 16	75.00	
8 x 6 x 16	93.00	
8 x 8 x 16	113.00	
12 x 8 x 16	170.00	
12 x 8 x 24	217.00	

[1] *Tolerance.* A tolerance of 3% is allowable in the dimensions listed.

Additional charges:
Jambs, bull nose, steel sash, round corners, bond beams, pilaster ..... Add 10%
Double beam units ..... Add 20%
Sales under 1,000 units ..... Add 10%
Half blocks ..... 53% of price listed above

General Notes

1. *Discounts.* The maximum prices for sales of building blocks and miscellaneous concrete units, by a producer to a dealer, f. o. b. the producer's plant, shall be the price established by Appendix A, minus a reseller's discount of not less than 5%.

2. *Delivery and handling charges.* To the maximum prices established by Appendix A and General Note 1, may be added the following:

(i) Delivery: $0.05 per ton mile or fraction thereof. Actual amount of bridge and ferry tolls may be added.

(ii) Handling $0.75 per ton, pro-rated for fractions thereof. This includes all loading and unloading of the seller's conveyance; it does not apply to loading the purchaser's conveyance or public carrier for sales f. o. b. plant or yard.

(iii) Minimum charge: $1.00 per ton to include all handling and delivery charges.

3. *Dealers' maximum prices.* The maximum prices for sales of building blocks by dealers shall be as follows:

(i) For sales f. o. b. the dealer's place of business, the same as the maximum prices of the producer thereof, delivered to the dealer's place of business.

(ii) For sales made and delivered to a place or site, the same as the maximum prices of the producer thereof, delivered to that same place or site.

OPINION ACCOMPANYING REVISED ORDER NO. G–9 UNDER MAXIMUM PRICE REGULATION NO. 592

This revision of Order No. G–9 under Maximum Price Regulation No. 592, has been made to effectuate certain adjustments and changes. These adjustments and changes are as follows:

1. Based on a line differential formula developed in a study of the heavyweight building block industry in Northern California, the prices formerly established by Order No. G–9 have been recalculated, and in the main, increased.

2. The coverage of the order has been developed in a study of the heavyweight building blocks located in Southern California, as delimited in paragraph (a) of this revised order. In accordance with this action, Order No. G–7, under Maximum Price Regulation No. 592, establishing prices for Blythe, California, has been revoked simultaneously herewith.

3. Dealers' prices have been established in the provisions of the General Notes to this revised order. This has been done by setting up in Appendix A, producers' prices for sales at retail, f. o. b. the producer's plant. Then, a discount of not less than 5% has been established for sales by producers to dealers. Thus, the price paid by a user or consumer of building blocks, whether purchased from a producer or a dealer, will be the same.

4. Delivery and handling charges have been provided for in the General Notes.

5. The types of building blocks covered by this order have been expressly defined in paragraph (g) of this revised order.

The considerations that prompted the issuance of Order No. G–9 apply equally to the issuance of this Revised Order No. G–9.

In view of the foregoing, the Regional Administrator is of the opinion that this order is proper and consistent with the purposes and standards of the Emergency Price Control Act, as amended, and with the Executive orders supplementary thereto.

[F. R. Doc. 46–17994; Filed, Oct. 4, 1946; 8:50 a. m.]

[Region VIII Order G–47, Under 3 (e), Amdt. 1]

DWYER PRODUCTS CORP.

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G–47 under § 1499.3 (e) of the General Maximum Price Regulation is amended in the following respects:

(1) Appendix A is amended to include the following items:

Implement cabinets:	
IC 1523, 15" x 87" x 23" (RH or LH)	$42.20
IC 2123, 21" x 87" x 23"	54.86
Utility cabinets:	
UC 1523, 15" x 87" x 23" (RH or LH)	47.90
UC 2123, 21" x 87" x 23"	61.95

(2) This amendment shall become effective October 5, 1946.

Issued this 25th day of September 1946.

GUY R. KINSLEY,
Acting Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G–47 UNDER § 1499.3 (e) OF THE GENERAL MAXIMUM PRICE REGULATION

The accompanying amendment to Order No. G–47 under § 1499.3 (e) of the General Maximum Price Regulation adds to Appendix A, thereof, certain implement and utility cabinets. In this manner maximum prices are established for those items, which have only recently become available. They are new articles not offered for sale during the base period; hence, the reasons applying to the issuance of Order No. G–47 are similarly applicable to the issuance of this amendment.

In the opinion of the Regional Administrator, the action taken herein is generally fair and equitable and consistent with the Emergency Price Control Act of 1942, as amended, and Executive orders supplementary thereto.

[F. R. Doc. 46–17993; Filed, Oct. 4, 1946; 8:51 a. m.]

[Dallas Order 1 Under Gen. Order 68, Amdt. 4]

BUILDING MATERIALS IN DALLAS COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to General Order No. 68, maximum prices for the following commodities set forth in Appendix A are amended to read as follows:

Name of item	Basic unit	When sold in quantities of—	Carload f. o. b. car	F. o. b. plant, yard or store or delivered in free delivery zone
Plaster, hard wall	100-pound sack	Less than ton		$1.10
	do	Ton or more LCL		1.00
	Ton	CL, 40,000#	$17.40	18.20
	do	CL, 60,000#	16.60	17.40
Plaster, gauging or moulding.	100-pound sack	Less than ton		1.35
	do	Ton or more LCL		1.15
	Ton	CL 40,000#	19.00	19.80
	do	CL 60,000#	18.20	19.00
Keene's Cement	100-pound sack	Less than ton		1.95
	do	Ton or more LCL		1.75
	Ton	CL 40,000#	28.25	29.65
	do	CL 60,000#	27.50	28.30
Finishing lime—Ohio	50-pound sack	Less than ton		.73
	Ton	Ton or more		28.00
Portland cement, standard	94-pound paper sack.	1 to 9		.81½
	do	10 or more LCL		.72¾
	Barrel	Car load	2.48	2.63
Portland cement, standard	94-pound cloth bag	1 to 9		[1] 1.01½
	do	10 or more LCL		[1] .95
	Barrel	Car load	3.33	[1] 3.48
Waterproof cement, white	100-pound sack	Less than CL		2.60
	Barrel	Car load	8.35	8.50
Face brick, rough text red 1,000.		do	26.25	31.25
Face brick, rough text, buff 1,000.		do	28.25	33.25
Face brick, smooth text, red, 1,000.		do	26.25	31.25
Face brick, smooth text, gray, 1,000.		do	28.25	33.25
Fire clay	100-pound bag	Any		1.25
Gypsum lath—⅜"	100 square feet	do		2.50
Metal lath, 2.5 lb. painted diamond mesh, copper bearing.	Square yard	do		.26
Metal lath, 3.4 lb. painted diamond mesh, copper bearing.	Square yard	Any		$0.31½
Metal lath, 3.4 lb. ⅜" rib copper bearing.	do	do		.33
Metal lath, 4#, ⅜" rib copper bearing.	do	do		.36
Metal corner bead, narrow flange.	100 linear ft	do		3.30
Metal corner bead, expanded type, wide flange.	do	do		4.37
Masonry mortar	67-pound paper sack	do		.60
Hydrated lime	10-pound paper sack.	do		.28
Hydrated lime	50-pound paper sack.	do		.62
Common brick (dry press)	1,000	do		17.25
Clay drain tile, 4"	Linear feet	do		.08
Clay drain tile, 6"	do	do		.14
Vitrified clay sewer pipe 1-pound SS, 4".	do	do		.21
Vitrified clay sewer pipe 1-pound SS, 6".	do	do		.32
Flue lining, 9" x 9"	do	do		.42
Flue lining, 9" x 13"	do	do		.63
Flue lining, 13" x 13"	do	do		.80
Gypsum wallboard, ⅜"	100 square feet	do		3.50
Gypsum wallboard, ½"	do	do		3.85
Gypsum sheathing, ½"	do	do		4.00
Glass brick or block, 6" x 6"	100	do		46.00
Glass brick or block, 8" x 8"	100	do		81.00
Concrete block, 5" x 8" x 12" delivered.	1,000	do		85.00
FOB plant, yard, store, or siding.	1,000	do		70.00

The Prices set forth for the following items of Building Materials are the Maximum Prices which Lumber Dealers may Charge. All other persons subject to this Order other than Lumber Dealers Must Establish their Maximum Prices for the Items hereinafter listed in the following manner:

1. Their Present Legal Ceiling Prices, or
2. The Prices hereinafter Listed, whichever are lower.

MAXIMUM PRICES IN DOLLARS PER BASIC UNIT

Name of item	Basic unit	When sold in quantities of—	Carload f. o. b. car	F. o. b. plant, yard or store or delivered in free delivery zone
Asphalt roofing, 90-pound mineral surface.	Roll 108 square feet	Any		$2.65
Asphalt roofing, 65-pound smooth surface, 1st qual.	do	do		2.43
Asphalt roofing, 65-pound smooth surface 2d qual.	do	do		2.21
Asphalt roofing, 55-pound smooth surface, 1st qual.	Roll 108 square feet	Any		$2.26
Asphalt roofing, 55-pound smooth surface, 2d qual.	do	do		2.00
Asphalt roofing, 55-pound smooth surface, 3d qual.	do	do		1.63
Asphalt roofing, 45-pound smooth surface, 1st qual.	do	do		2.00
Asphalt roofing, 45-pound smooth surface, 2nd qual.	do	do		1.73
Asphalt roofing, 45-pound smooth surface, 3rd qual.	do	do		1.40
Asphalt or tarred felt, 15-pound.	Roll 432 square feet.	do		2.55
Asphalt or tarred felt, 30-pound.	Roll 216 square feet.	do		2.55
Asphalt shingles, 165-pound 2-tab hexagon, 11⅓".	100 square feet	do		4.98
Fibre insulation board, ½" standard lath and board.	100 square feet	Any		$5.23
Fibre insulation board, 25/32", asphalt sheathing.	do	do		6.05
Standard density synthetic fibre board, (standard hardboard) ⅛", 4 x 8.	do	do		6.25
Standard density synthetic fibre board (standard hardboard) 3/16", 4 x 8.	do	do		7.75
Standard density synthetic fibre board (standard hardboard) ¼", 4 x 8.	do	do		10.65
Hard density synthetic fibre board (tempered hardboard) ⅛", 4 x 8.	do	do		7.90
Hard density synthetic fibre board (tempered hardboard) 3/16", 4 x 8.	do	do		9.40
Hard density synthetic fibre board (tempered hardboard) ¼", 4 x 8.	do	do		12.25

The maximum prices established by this amendment shall not be charged until the seller's net invoiced cost has been increased by its supplier.

Issued August 22, 1946.

Effective August 24, 1946.

GUS W. THOMASSON,
District Director.

OPINION ACCOMPANYING AMENDMENT 4 TO ORDER NO. 1 UNDER GENERAL ORDER 68

Since the issuance of Order No. 1 under General Order No. 68 manufacturers of some of the items covered by such order have been permitted to increase their maximum prices. These increases may be passed through to resellers and it is therefore necessary that Order No. 1 be amended to reflect increased costs. This is accomplished by Amendment No. 4.

[F. R. Doc. 46-17754; Filed, Oct. 2, 1946; 8:46 a. m.]

[St. Louis Order 4 Under Gen. Order 68, Amdt. 2]

CERTAIN BUILDING MATERIALS IN MISSOURI

In Appendix A of Order No. 4 under General Order No. 68, the following corrections are made:

1. The price per square for "Asphalt Shingles, 165# 2 Tab. Hex." sold in quantities of 1–19 squares, f. o. b. Yard, Store or Plant (f. o. b. RR Car in cases of carload sales), of "$5.41", should read "$5.51".

2. The price per 50# bag for "Lime Mason's Hydrated (paper bags)", sold in quantities of 1–39 bags, delivered in free delivery zone, should read "$0.60".

This Amendment No. 2 to Order No. 4 under General Order No. 68 shall become effective September 24, 1946.

Issued this 17th day of September, 1946.

WILLIAM H. BRYAN,
District Director.

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. 4 UNDER GENERAL ORDER NO. 68

The accompanying Amendment No. 2 to Order No. 4 under General Order No. 68 corrects errors appearing in Appendix "A" of the order.

The price per square for "Asphalt Shingles, 165# 2 Tab. Hex.", when sold in quantities of 1–19 squares, f. o. b. yard, store or plant (f. o. b. railroad car in cases of carload sales), appearing in Amendment No. 1 to Order No. 4, was incorrectly listed at $5.41. This Amendment No. 2 corrects this error, by stating such price should be $5.51.

Order No .4, as originally issued and filed with the Federal Register, listed a price of 60 cents per 50# bag for "Lime, Mason's Hydrated (paper bags)", sold in quantities of 1–39 bags, delivered in free delivery zone. Mimeographed copies of the order that were circulated to the trade, however, erroneously listed the price at 80 cents per 50# bag. This Amendment No. 2 clarifies the situation by reiterating the fact that the correct price for the item is $0.60 per 50# bag.

[F. R. Doc. 46-17985; Filed, Oct. 4, 1946; 8:56 a. m.]

[Chicago Order G-1 Under MPR 426, Amdt. 3]

FRESH FRUITS AND VEGETABLES IN CHICAGO METROPOLITAN AREA

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith.

Order No. G-1 under Maximum Price Regulation 426, as amended, issued on August 30, 1944, by the District Director of the Chicago Metropolitan District Office, effective September 5, 1944, is further amended in the following respects:

1. The commodity, "Oranges, standard container, $1.05", is changed to read as follows:

Commodity	Unit	Purveyor mark-up
Oranges	Standard container	$1.19

This Amendment No. 3 to Order No. G-1 under Maximum Price Regulation 426, as amended, of the Chicago Metropolitan District Office shall become effective September 16, 1946.

JAMES F. RILEY,
Director.

Approved:

R. E. KELLER,
U. S. Department of Agriculture, Purchasing and Marketing Administration Regional Supervisor.

OPINION ACCOMPANYING AMENDMENT NO. 3 TO ORDER G-1 UNDER MAXIMUM PRICE REGULATION 426 AS AMENDED

Order No. G-1 under Maximum Price Regulation No. 426, as amended, issued

by the Chicago Metropolitan District Office effective September 5, 1944, establishes maximum markups for purveyors of certain items of fresh fruits and vegetables then covered by Appendices H & I of the Regulation.

Inasmuch as the markups are expressed in dollars-and-cents rather than percentages, Amendment No. 190 to MPR 426, which increased wholesale markups on fruits and vegetables for table use automatically necessitated an amendment to this Order G–1. Amendment No. 190 was issued and effective August 23, 1946. Under Order G–1 the purveyors' markup of $1.05 for a standard container of oranges was based upon a wholesale markup of 75¢. Amendment 190 increased the wholesale markup to 85¢ and, applying the percentage increase represented by this increase to the purveyors' markup, a markup of $1.19 is obtained.

Since all other commodities now listed under Order G–1 are no longer under price control, the change in purveyors' markups is necessary only with regard to oranges. This action is in accordance with section 2 (t) of the Price Control Extension Act of 1946, which requires the Office of Price Administration to adjust re-sellers' markups to those prevailing on March 31, 1946.

It is the opinion of the District Director that the prices established by Order G–1 as amended by Amendment No. 3 thereto, are generally fair and equitable and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of October 2, 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599 and 9697.

[F. R. Doc. 46–17984; Filed, Oct. 4, 1946; 8:56 a. m.]

[Region VIII Rev. Order G–2 Under RMPR 122, Amdt. 5]

Solid Fuels in Seattle, Wash., Area

Correction

In Federal Register Document 46–16819, appearing at page 10638 of the issue for Friday, September 20, 1946, the last price under column "5 ton" in Table IX should read "$10.85".