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**Regulations**

**TITLE 24—HOUSING CREDIT**

**Chapter VII—National Housing Agency**  
[NHA General Order 21-33B<sup>1</sup>]

**PART 705—DELEGATIONS OF AUTHORITY**  
**PRIORITIES ASSISTANCE AND AUTHORIZATION FOR CONSTRUCTION UNDER VETERANS' EMERGENCY HOUSING PROGRAM**

- Sec.
- 705.7 Purpose.
- 705.8 Delegations.
- 705.9 Issuances and reports.

**AUTHORITY:** §§ 705.7 to 705.9, inclusive, issued under 55 Stat. 838, 50 U. S. C. App., Sup., 601; E.O. 9070, 3 CFR, Cum. Supp.; E.O. 9638, 10 F.R. 12591; 54 Stat. 676 as amended, 50 U.S.C. App., Sup., 1152; Veterans' Housing Program Order 1, 11 F.R. 3596; CPA Priorities Regulation 33 as amended, 11 F.R. 3596; CPA Directive 42 as amended, 11 F.R. 5906.

§ 705.7 *Purpose.* (a) Section 903.155, Chapter IX, Title 32 (Directive 42 of the Civilian Production Administration (11 F.R. 5906)) authorizes the National Housing Agency to approve applications for priorities assistance and authorization for certain housing construction and to exercise certain other functions under § 944.54, Chapter IX, Title 32 (Priorities Regulation 33 of the Civilian Production Administration (11 F.R. 4085)). It is the purpose of §§ 705.7 to 705.9, inclusive, to make appropriate delegations of those functions within the National Housing Agency and to the Department of Agriculture in accordance with and subject to § 903.155, Chapter IX, Title 32 (Directive 42).

§ 705.8 *Delegations.* (a) The Federal Housing Administration (through the Federal Housing Commissioner or his designated representatives) is hereby authorized to exercise all of the powers and duties delegated to the National Housing Agency by § 903.155 (Directive 42) of the Civilian Production Administration with respect to applications and appeals authorized under § 944.54 (Priorities Regulation 33) to be filed with

appropriate State and District Offices of the Federal Housing Administration.

(b) The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is hereby authorized to exercise all the powers and duties delegated to the National Housing Agency by § 903.155 (Directive 42) of the Civilian Production Administration with respect to applications and appeals authorized under § 944.54 (Priorities Regulation 33) to be filed with appropriate Regional Offices of the Federal Public Housing Authority.

(c) The Department of Agriculture (through the Director of the Materials and Equipment Branch, Production and Marketing Administration, or his designated representatives) is hereby authorized to exercise all the powers and duties delegated to the National Housing Agency by § 903.155 (Directive 42) of the Civilian Production Administration with respect to applications and appeals authorized under § 944.54 (Priorities Regulation 33) to be filed with appropriate County Agricultural Conservation Committees.

(d) The Director and Associate Director of the Prefabrication Production Branch of the Office of the Administrator are hereby authorized to exercise all the powers and duties delegated to the National Housing Agency by § 903.155 (Directive 42) of the Civilian Production Administration with respect to applications and appeals authorized under § 944.54 (Direction 8 to Priorities Regulation 33) to be filed with, or mailed to, the National Housing Agency, except applications under paragraph (g) of § 944.54 (Direction 8 to Priorities Regulation 33).

§ 705.9 *Issuances and reports.* (a) The Federal Housing Administration, the Federal Public Housing Authority and the Department of Agriculture shall furnish the Office of the Administrator of the National Housing Agency with copies of approved applications and with such reports and other information as may be requested. All general instructions and operating procedures to be issued under the delegations provided in §§ 705.7 to 705.9, inclusive, shall be sub-

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<sup>1</sup>NHA General Order 21-33B is a revision of NHA General Order 21-33A; 11 F.R. 4082.



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mitted to the Office of the Administrator of the National Housing Agency for prior approval.

This General Order shall be effective immediately.

WILSON W. WYATT,  
Administrator.

[F. R. Doc. 46-9401; Filed, June 3, 1946;  
2:20 p. m.]

[NHA Reg. 80-3]

PART 707—VETERANS' EMERGENCY HOUSING PROGRAM

MINIMUM PROPERTY REQUIREMENTS FOR NEW DWELLINGS APPROVED BY FEDERAL HOUSING ADMINISTRATION FOR SALE OR RENT TO VETERANS UNDER CPA PRIORITIES REGULATION 33

Sec.	
707.15	Purpose.
707.16	Minimum property requirements.
707.17	Plans and specifications.
707.18	Inspections.
707.19	Definition of veteran.

AUTHORITY: §§ 707.15 to 707.19, inclusive, issued under 55 Stat. 838, 50 U.S.C. App., Sup., 601; E.O. 9070, 3 CFR, Cum. Supp.; E.O. 9638, 10 F.R. 12591; 54 Stat. 676 as amended, 50 U.S.C. App., Sup., 1152; Veterans' Housing Program Order 1, 11 F.R. 3596; CPA Priorities Regulation 33 as amended, 11 F.R. 4085; CPA Directive 42 as amended, 11 F.R. 5906; NHA General Order 21-33B (Infra).

§ 707.15 *Purpose.* (a) Sections 707.15 to 707.19, inclusive establish minimum property requirements for new dwellings hereafter approved by the Federal Housing Administration for sale or rent to veterans under § 944.54, chapter IX, Title 32 (CPA Priorities Regulation 33). These §§ 707.15 to 707.19 also require that applications for such approval shall include plans and outline specifications of the proposed construction, and provide for the inspection of such construction. The provisions of these §§ 707.15 to 707.19, inclusive, are deemed necessary to assure the fullest utilization of critical building materials under the Veterans' Emergency Housing Program and the establishment of maximum sales prices and rents which are reasonably related to the proposed accommodations.

§ 707.16 *Minimum property requirements.* (a) Minimum property requirements, to be known as "HH Minimum Property Requirements," are hereby established for new dwellings approved by the Federal Housing Administration under § 944.54 (CPA Priorities Regulation 33) where the applicant applies for authorization or priorities assistance to build for sale or rent with preference to veterans. The "HH Minimum Property Requirements" shall be the same as the "Property Standards," "Minimum Construction Requirements," and "Minimum Requirements for Rental Housing," as established for the area and amended from time to time by the Federal Housing Administration under the National Housing Act insofar as they apply to the structure itself and its water supply and sewage disposal systems, or as modified by rulings or standards issued by the National Housing Agency on special methods of construction or substitute

materials. The "HH Minimum Property Requirements" shall be available in all State and District Offices of the Federal Housing Administration.

(b) Nothing contained in these §§ 707.15 to 707.19, inclusive, shall be construed as authorizing any construction not approved on the application for authorization or priorities assistance.

§ 707.17 *Plans and specifications.* (a) Where application is made to the Federal Housing Administration under § 944.54 (CPA Priorities Regulation 33) for authorization or priorities assistance to build a new dwelling or dwellings for sale or rent with preference to veterans, plans and outline specifications and other exhibits as specified in HH Form 1015, for each type of dwelling to be built, shall be attached to and made a part of the application on Form CPA-4386. Such application may not be approved unless the plans, outline specifications, and other exhibits meet or exceed the "HH Minimum Property Requirements" and the application otherwise qualifies. The construction of the dwelling or dwellings must be done in accordance with the description given in the application and such attachments, except where the applicant has obtained written approval for a change from the Federal Housing Administration.

(b) Where such plans, outline specifications, and other exhibits are attached to Form CPA-4386, there shall be inserted in section V of the Form, prior to the signature of the applicant, the following:

I have examined and will comply with NHA Regulation 80-3. The attached plans, outline specifications, and other exhibits are hereby made a part of this application.

(c) A person who applies to the Federal Housing Administration under § 944.54 (CPA Priorities Regulation 33) for authorization or priorities assistance to build a dwelling for his own occupancy need not submit such plans, outline specifications, and exhibits, but may elect to submit them as part of the application, as provided in this section, in which event such applicant and the dwelling or dwellings proposed in the application shall be subject to the provisions of these §§ 707.15 to 707.19, inclusive. If the applicant does not make such election, he shall file with his application one copy of his contract with a contractor who has agreed to do all or part of the construction involved, unless the applicant represents that all of the construction work will be done by him.

§ 707.18 *Inspections.* (a) When the Federal Housing Administration approves an application for authorization or priorities assistance for a dwelling for which the "HH Minimum Property Requirements" are established by these §§ 707.15 to 707.19, it shall transmit to the applicant three postal cards (HH Form No. 1010) for use by him in reporting construction progress. The applicant shall properly fill out each card and mail it, at the stage of construction indicated on the card by the applicant, to the State or District Office of the Federal Housing Administration where his application was approved. The first card shall be mailed

when construction has begun. The second card shall be mailed when the dwelling has been enclosed and roofed, structural framing completed and exposed, and roughing-in of heating, plumbing, and electrical work installed and visible for inspection. The third card shall be mailed when the dwelling has been substantially completed.

(b) The Federal Housing Administration shall make an inspection of the dwelling upon receipt of the second postal card referred to above and a second inspection upon receipt of the third postal card, for the purpose of determining whether the construction conforms to the plans, outline specifications, and other exhibits made a part of the application. Inspections under the National Housing Act, where applicable, may be made in place of the inspections provided in this paragraph.

§ 707.19 *Definition of veteran.* (a) As used in these §§ 707.15 to 707.19, the word "veteran" means "veterans of World War II and members of the Armed Forces" as defined in § 944.54 (CPA Priorities Regulation 33).

This regulation shall be effective June 10, 1946.

WILSON W. WYATT,  
Administrator.

[F. R. Doc. 46-9435; Filed, June 4, 1946;  
10:31 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter III—The Tax Court of the United States

PART 701—RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

These amendments are issued pursuant to the authority contained in section 1111, Internal Revenue Code of 1939.

In § 701.6 *Initiation of a proceeding; petition*, to correct an error in printing in the release of May 13, 1946, subparagraph (c) as it now stands is herewith reprinted in its entirety:

(c) A statement of the amount of the deficiency (or liability, as the case may be), determined by the Commissioner, the nature of the tax, the period for which determined, and the collection district in which the return was filed.

In § 701.14 *Answer*, change the fifth sentence of the first paragraph to read "An original and three copies \* \* \*".

In § 701.63 *Proceedings based upon disallowance of claims for refund or relief*, add the following sentence: "In cases where no appeal lies from the decision of the Tax Court a copy of the claim or application need be attached only to the original and first copy of the petition."

Dated: June 4, 1946.

By the Court.

[SEAL] BOLON B. TURNER,  
Presiding Judge,  
The Tax Court of the United States.

[F. R. Doc. 46-9444; Filed, June 4, 1946;  
11:21 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 333]

PART 603—SELECTIVE SERVICE OFFICERS

COMPOSITION AND APPOINTMENT

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 603.52 to read as follows:

§ 603.52 *Composition and appointment.* For each local board area, a local board of three or more members shall be appointed by the President, upon recommendation of the Governor. The members shall be male citizens of the United States who are not members of the land or naval forces; they preferably should be residents of the area for which their board is appointed, and in any event, shall be residents of the county in which their local board has jurisdiction; and they should be at least 30 years old.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

MAY 23, 1946.

LEWIS B. HERSHEY,  
Director.

[F. R. Doc. 46-9402; Filed, June 3, 1946; 3:09 p. 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 Pub. Law 270, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317C, as Amended June 3, 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 person not under common ownership or control with the producer.

(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, beginning May 1, 1946.

NOTE: Item 17 added June 3, 1946.

Group No.	Form CPA 658-E 4/6/46 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 thinged.
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 (effective on and after July 1, 1946 for the purpose of paragraphs (e) and (d) of this order)

(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).

(d) *Minimum quantity of cotton sale yarn to be produced and delivered.* (1) Each person in the business of producing cotton yarn after May 1, 1946, shall produce and deliver the following quantities

of the cotton sale yarns specified in paragraph (c) above:

(i) During the period May 1 through June 30, 1946, not less than the smaller of the following: 80% (i. e.,  $\frac{2}{3}$  of 120%) of the poundage of cotton sale yarn which he delivered in the fourth calendar quarter of 1945; or two-thirds of the poundage of cotton sale yarn which he delivered in the calendar quarter between January 1, 1944 and December 31, 1945, inclusive, in which he delivered the most cotton sale yarn.

(ii) During any calendar quarter after June 30, 1946, not less than the smaller of the following: 120% of the poundage of cotton sale yarn which he delivered in the fourth calendar quarter of 1945; or 100% of the poundage of cotton sale yarn which he delivered in the calendar quarter between January 1, 1944 and December 31, 1945, inclusive, in which he delivered the most cotton sale yarn.

(2) A producer who operates spindles acquired by him on or after January 1, 1944, for the production of any cotton yarn must include deliveries by the former operator of cotton sale yarn produced on these spindles between January 1, 1944 and December 31, 1945, inclusive (except deliveries by the former operator to the new producer), for the purpose of computing poundages to be delivered after May 1, 1946.

(e) *Special provisions regarding production directions—(1) Production at a loss.* In cases of appeal for suspension of the requirements of paragraph (c) or (d) on the ground that compliance will result in production at a loss, an application for price relief on that ground, must first be filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy filed with the CPA appeal. If the CPA appeal is granted, the requirement of these paragraphs for changes in production or for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

(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 the period June 3 through June 30, 1946, inclusive, and during each calendar quarter after that, 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 the period June 3 through June 30, 1946, inclusive,

and during each calendar quarter after that, 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. On and after May 1, 1946, 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. Each producer shall set aside from his production of each cotton sale yarn during the period May 1 through June 30, 1946, inclusive, and during each calendar quarter after that, 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.

(i) Set-aside for woolen and worsted fabrics. Each producer shall set aside from his production of each cotton sale yarn during the period May 1 through June 30, 1946, inclusive, and during each calendar quarter after that, 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 the period May 1 through June 30, 1946, inclusive, and during each calendar quarter after that, 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 (purpose) 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 the period May 1 through June 30, 1946, inclusive, and during each quarter after that, 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; 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 the period May 1 through June 30, 1946, inclusive, and during each calendar quarter after that an amount not less than the percentage specified in column 8 of the appendix, for delivery only on orders certified for export as yarn (including export to Canada). Yarn 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.

(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. The "periods" referred to in the following subparagraph (2) and (3) are the initial set-aside period May 1 through June 30, 1946, and each calendar quarterly set-aside period after that.

(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 an purpose during any period shall be added to the percentage of production during the next period 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 period. For the purpose of determining set-aside quantities during any period, production during that period must be estimated as

being at least equal to two-thirds of production in the first quarter of 1946, for the purpose of the May 1 through June 30, 1946, set asides, or as being at least equal to the previous quarter's production, in the case of quarterly set-asides after June 30, 1946.

(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; 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 (or state that, "These cotton yarns will be exported, 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 following standard form of certification, signed manually or as provided in Priorities Regulation 7:

The undersigned purchaser certifies, subject to the penalties of section 35 (a) of the United States Criminal Code, to the seller and to the Civilian Production Administration that, to the best of his knowledge and belief, the undersigned is authorized under applicable Civilian Production Administration regulations and orders to place this delivery order, to receive the item(s) ordered for the purpose and to use any preference rating which the undersigned has placed on this order.

(Authorized signature) (Date)

(2) In addition to the above statement of ultimate use, the applicable rating (if any) and the statement of the source of the rating (required by paragraph (c) of Order M-317) may be inserted in the above certificate instead of being certified separately.

#### 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. 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 period more of any group of cotton sale yarns not subject to set-asides, than the percentage specified in the appendix, column 10, of his total production of that group of yarns during that period. For the purpose of this provision, the term

"period" refers to the initial set-aside period May 1 through June 30, 1946, and to each calendar quarterly set-aside period after that, and 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-aside.

(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 War Shipping 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 3d day of June 1946.

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

COTTON SALE YARN DISTRIBUTION—APPENDIX TO SUPPLEMENTARY ORDER M-317C—Continued  
 The columns of this table correspond to the paragraphs of Supplementary Order M-317C shown at the end of each column heading.  
 NOTE: The headings of columns 4 and 10 are changed, the entries opposite Reference Numbers 5 and 30 are revised in part, and Reference Number 31 is added, by the June 3, 1946, amendment.  
 NOTE: Appendix amended June 3, 1946.

Ref. No.	Form CPA 658-F 4/6/46 Item No.	Cotton sale yarn	Minimum percentages for set-asides					Ceiling on rated orders outside of set-asides (% of total production) (par. (p) (2))	
			Knit outer wear, knit underwear and knit hosiery (par. (h))	Woolen and worsted fabrics (par. (i))	Agricultural and industrial purposes and to make products in par. (j) and (k) (par. (j))	Additional set-aside purposes in cols. 4, 5, 6 headings (par. (k))	Export (including Canada) (par. (L))		Total percent set-aside
1	2	3	4	5	6	7	8	9	10
25	45	Combed thread yarns for sale.	0	0	80	5	0	85	5
26	46	Other combed cotton yarns for sale.	0	0	80	0	5	85	5
27	54	Cords and rope (braided, solid and hollow).	0	0	55	10	0	70	5
28	55	Twisted rope.	0	0	55	10	10	75	5
29	57, 58, 59, 60.	Cotton twine for sale, cotton twine (including some twine and hawser cord), tying and wrapping twines, unpolished, polished; sewing twines for seam butts; all other twines.	0	0	55	10	0	70	5
30		All other yarns made for sale on cotton system.	20	0	0	0	0	70	5
31		Cotton-wool mixed or blended yarns except 50% cotton-50% wool, Cotton-rayon mixed or blended yarns, All other mixed fiber yarns (except 50% cotton-50% wool, 50% cotton-50% wool mixed or blended yarns.	70	0	0	5	0	75	5

\*The set-aside percentages opposite Reference Numbers 30 and 31 (in column 1) apply initially to the period June 3 through June 30, 1946, inclusive, for the purpose of the set-aside paragraphs of Order M-317C, instead of the initial period May 1 through June 30 specified in those paragraphs.  
 [F. R. Doc. 46-9361; Filed, June 3, 1946; 11:22 a. m.]

COTTON SALE YARN DISTRIBUTION—APPENDIX TO SUPPLEMENTARY ORDER M-317C  
 The columns of this table correspond to the paragraphs of Supplementary Order M-317C shown at the end of each column heading.  
 NOTE: The headings of columns 4 and 10 are changed, the entries opposite Reference Numbers 5 and 30 are revised in part, and Reference Number 31 is added, by the June 3, 1946, amendment.  
 NOTE: Appendix amended June 3, 1946.

Ref. No.	Form CPA 658-F 4/6/46 Item No.	Cotton sale yarn	Minimum percentages for set-asides					Ceiling on rated orders outside of set-asides (% of total production) (par. (p) (2))	
			Knit outer wear, knit underwear and knit hosiery (par. (h))	Woolen and worsted fabrics (par. (i))	Agricultural and industrial purposes and to make products in par. (j) and (k) (par. (j))	Additional set-aside purposes in cols. 4, 5, 6 headings (par. (k))	Export (including Canada) (par. (L))		Total percent set-aside
1	2	3	4	5	6	7	8	9	10
1	1	Carded single weaving yarns up to 14's.	0	0	57	10	3	70	5
2	2, 3, 4	15's to 20's.	0	15	50	7	3	75	5
3	5	30's and finer.	0	10	50	12	3	75	5
4	6, 7, 8, 9, 10	2-ply weaving yarns and other ply up to 14/2.	0	20	45	7	3	75	5
5	11, 12	15/2 to 30/2.	0	0	25	5	3	33	0
6	13, 14	Carded carpet yarns and white stock.	60	0	5	5	5	75	5
7	15	Carded machine knitting yarns, single, up to 20's.	0	0	0	0	0	0	0
8	16	Carded carpet yarns up to 20's.	0	0	0	0	0	0	0
9	17	Ply yarns, all combs.	0	0	0	0	0	0	0
10	18	Carded mop yarns.	0	0	20	10	0	30	0
11	19	Speeder spun or roving other than mop yarns.	0	0	20	10	0	30	0
12	20	Carded insulating yarns, waste, part waste and tinged.	0	0	70	5	0	75	5
13	21	Hose cord.	0	0	70	5	5	80	5
14	22	Carded cordage, rope and twine yarns.	0	0	60	5	5	70	5
15	23	Carded thread yarns for sale.	0	0	80	5	0	85	0
16	24, 25, 26	Other carded yarns—(Combed single, Weaving yarns, 20's and coarser.	0	0	47	15	3	65	5
17	27	21's to 30's.	0	0	45	15	3	63	5
18	28, 29, 30	31's to 40's.	0	0	70	5	3	78	5
19	31	41's and finer.	0	0	45	13	3	61	5
20	32	2-ply weaving yarns.	0	0	45	13	3	61	5
21	33, 34, 35, 36	31/2 to 40/2.	0	0	38	10	3	51	5
22	37, 38	41/2 and finer.	0	0	70	0	3	73	5
23	39, 40, 41, 42	Other ply weaving yarns.	60	0	0	5	5	75	5
24	43, 44	(Combed machine knit, Yarns, single, 20's and coarser.	0	0	0	0	0	0	0
		21's to 30's.	0	0	20	3	5	28	5
		31's to 40's.	0	0	0	0	0	0	0
		41's to 50's.	0	0	0	0	0	0	0
		51's to 60's.	0	0	0	0	0	0	0
		61's and finer.	0	0	0	0	0	0	0
		2-ply weaving yarns.	65	0	0	0	0	75	5
		30's and coarser.	0	0	0	0	0	0	0
		31's to 40's.	0	0	0	0	0	0	0
		41's to 50's.	0	0	0	0	0	0	0
		51's to 60's.	0	0	0	0	0	0	0
		61's & finer.	0	0	0	0	0	0	0

Chapter XI—Office of Price Administration  
 PART 1305—ADMINISTRATION  
 [50 163 (§ 1305.199) ]  
 ADDING PROVISIONS TO CERTAIN PRICE REGULATIONS PERMITTING INCREASES IN MAXIMUM PRICES OF FLUID MILK AND CREAM IN CERTAIN FEDERAL MILK MARKETING AREAS  
 A statement of the considerations involved in the issuance of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.  
 SECTION 1. Purpose of this order. This order permits increases in the sellers' maximum prices for "fluid milk", "cream" and "half and half" sold at wholesale and retail to compensate such sellers for the increases in the maximum prices payable to producers authorized pursuant to amendments to the applicable Federal Milk Marketing Orders is-

sued pursuant to an order, agreement or license under the Agricultural Marketing Act of 1937 as amended.

**Sec. 2. Definitions.** (a) "Whole milk" means milk sold at wholesale or retail for ultimate human consumption in the fluid state. It includes, but is not limited to standard milk, grade A milk, grade B milk, homogenized milk, Vitamin D milk, homogenized-Vitamin D milk, certified milk, Guernsey milk, and may be raw or pasteurized.

(b) "Fluid milk products" includes, but is not limited to such products as skim milk, buttermilk, chocolate milk, chocolate milk drink, and other flavored milk drinks sold at wholesale or retail for ultimate human consumption in the fluid state.

(c) "Fluid milk" hereafter used in this order means both "whole milk" and "fluid milk products."

(d) "Cream" means fluid cream sold at wholesale and retail for ultimate human consumption in the fluid state. It must contain at least 16 per cent butterfat.

(e) "Half and half" means that mixture of milk and cream sold at wholesale and retail for ultimate human consumption which contains at least 8 per cent butterfat and not more than 15 per cent butterfat.

(f) "Seller" means any person who sells "fluid milk", "cream" and "half and half" at wholesale and retail, except those persons who determine their maximum prices for such "fluid milk", "cream" or "half and half" pursuant to the provisions of Restaurant Maximum Price Regulation No. 2.

(g) "Minimum producers' prices" as used in sections 6 and 7 of this supplementary order shall include the maximum prices which purchasers may pay to producers of milk pursuant to an applicable order of a Regional Office of the Office of Price Administration where such order fixes a maximum price payable to a producer for milk in relation to the minimum producers' price fixed by an applicable order, agreement or license issued under the Agricultural Marketing Agreement Act of 1937, as amended.

**Sec. 3. Maximum price regulations affected by this supplementary order.** (a) The increases permitted in sections 6 and 7 below apply to all maximum prices now established for "fluid milk", "cream" and "half and half" pursuant to the following regulations and regional orders:

- (1) The General Maximum Price Regulation.
- (2) Supplementary Regulation 14A to the General Maximum Price Regulation.
- (3) Maximum Price Regulation 280, and
- (4) All regional orders establishing or adjusting maximum prices for "fluid milk", "cream" and "half and half" pursuant to the authority contained in the above-mentioned regulations and pursuant to the authority contained in Supplementary Regulation 15 to the General Maximum Price Regulation.

(b) The increase permitted in the sellers' maximum price of "fluid milk", "cream" and "half and half" shall not apply to sellers whose maximum prices

for such "fluid milk", "cream" and "half and half" are determined pursuant to the provisions of Restaurant Maximum Price Regulation No. 2.

**Sec. 4. Geographical applicability of this order.** (a) This order shall apply to the following areas in the forty-eight states and the District of Columbia:

(1) All Federal Milk Marketing Areas as defined in the applicable order, agreement or license issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended.

(2) All areas where the maximum prices payable to producers pursuant to an applicable order of a Regional Office of the Office of Price Administration which fixes such maximum price payable to a producer in relation to minimum producers' prices for milk fixed by an applicable order, agreement or license issued under the Agricultural Marketing Agreement Act of 1937, as amended.

**Sec. 5. Sellers who may increase their maximum prices pursuant to this order.**

(a) The increases permitted in the maximum prices of "fluid milk" set forth in section 6 below shall apply to sellers of such "fluid milk" in all marketing areas specified in section 4 above.

(b) The increases permitted in the maximum prices of "cream" and "half and half" set forth in section 7 below, shall apply to sellers of such "cream" and "half and half" in all marketing areas specified in section 4 above.

**Sec. 6. Permitted increases in the maximum prices of "fluid milk".** (a) Any seller of "fluid milk" in the areas defined in section 5 (a) above may increase his maximum prices for "fluid milk" in effect immediately prior to the issuance of this supplementary order by the following amounts:

(1) For "whole milk", one-half cent per quart and proportionate amounts for other size containers as soon as the minimum producers' price for "milk" as defined in Maximum Price Regulation 329 is increased at least fifteen cents, but not more than thirty-five cents per hundredweight above the minimum producers' price in effect on May 30, 1946; and an additional one-half cent per quart and proportionate amounts for other size containers as soon as the minimum producers' price for "milk" as defined in Maximum Price Regulation 329 is increased more than thirty-five cents per hundredweight above the minimum producers' price in effect on May 30, 1946.

(2) For "fluid milk products" one-quarter cent per quart and proportionate amounts for other size containers as soon as the minimum producers' price for "milk" as defined in Maximum Price Regulation 329 is increased at least fifteen cents, but not more than thirty-five cents per hundredweight above the minimum producers' price in effect on May 30, 1946; and an additional one-quarter cent per quart and proportionate amounts for other size containers as soon as the minimum producers' price for "milk" as defined in Maximum Price Regulation 329 is increased more than thirty-five cents per hundredweight above the minimum producers' price in effect on May 30, 1946.

**Sec. 7. Permitted increases in the maximum price of "cream" and "half and half".** (a) Any seller of "cream" and "half and half" in the areas defined in Section 5 (b) above may increase his maximum prices for "cream" and "half and half" in effect immediately prior to the issuance of this Supplementary Order.

(1) For "cream" one-half cent per half pint and proportionate amounts for other size containers as soon as the minimum producers' price for milk in the particular marketing area which is used for the production of "cream" for ultimate consumption by human beings as "cream" in the fluid state is increased at least fifteen cents but not more than thirty-five cents per hundredweight above the minimum producers' price for such milk in effect May 30, 1946; and an additional one-half cent per half pint and proportionate amounts for other size containers as soon as the minimum producers' price for such milk is increased more than thirty-five cents per hundredweight above the minimum producers' price for such milk in effect on May 30, 1946.

(2) For "half and half", one-quarter cent per half pint and proportionate amounts for other size containers as soon as the minimum producers' price for milk which, in the particular marketing area, is used for the production of "half and half" and ultimate consumption by human beings as "half and half" in the fluid state is increased at least fifteen cents but not more than thirty-five cents per hundredweight above the minimum producers' price for such milk in effect on May 30, 1946; and an additional one-quarter cent per half pint and proportionate amounts for other size containers as soon as the minimum producers' price for such milk is increased more than thirty-five cents per hundredweight above the minimum producers' price for such milk in effect on May 30, 1946.

This Supplementary Order No. 163 shall become effective June 1, 1946.

Issued this 31st day of May 1946.

PAUL A. PORTER,  
Administrator.

Approved: May 31, 1946.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 46-9391; Filed, June 3, 1946;  
11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[SR 14G, Amdt. 12]

COPPER BASE HARDENERS AND DEOXIDIZERS

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

Supplementary Regulation 14G is amended by adding thereto a new section to read as follows:

**Sec. 14. Maximum prices for copper base hardeners and deoxidizers.** Regardless of the provisions of the General Maximum Price Regulation, any per-



son may sell and deliver any copper base hardener or deoxidizer suitable for use only with other materials in the production of castings at a price not to exceed the maximum price otherwise established by the General Maximum Price Regulation plus 2.375 cents per pound of copper contained in such hardener and deoxidizer.

This amendment shall become effective June 3, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9409; Filed, June 3, 1946; 4:31 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421, Incl. Amdts. 1-31]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

This compilation of Maximum Price Regulation 421 includes Amendment 31, effective June 9, 1946. Additions and deletions by Amendment 31 are indicated by underscoring or notes.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 421 has been issued simultaneously herewith and filed with the Division of the Federal Register.<sup>1</sup>

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Executive Order 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.360 *Ceiling prices of certain foods sold at wholesale.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Executive Order 9328, Maximum Price Regulation No. 421, which is annexed hereto and made a part hereof, is hereby issued.

ARTICLE I—GENERAL PROVISIONS

- Sec.
1. What this regulation does.
  2. How you determine to which class your business belongs.
  3. How and when you figure ceiling prices.
  4. Directions for applying the rule.
  5. How you figure your ceiling prices for "new items".
  - 5a. New wholesalers.
  6. When you may change a ceiling price.
  7. Indirect price increases prohibited.
  8. Invoices and receipts.
  9. Records.
  10. Licensing.
  11. Prohibitions.
  12. Dollars-and-cents ceiling prices.
  13. Further provisions supplementing or explaining this regulation.

<sup>1</sup> 10 F.R. 1496.

<sup>2</sup> Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

ARTICLE II—SPECIAL PRICING PROVISIONS

- Sec.
14. Additions for packaging.
  - 14a. Gift and holiday packages assembled by you.
  15. Purchases and sales between wholesalers.
  - 15a. Items which you import.
  16. How you figure your ceiling prices for foods you "manufacture or otherwise process".
  17. How a retailer-owned cooperative wholesaler figures ceiling prices for sales to non-members.

ARTICLE II—SPECIAL PRICING PROVISIONS

18. How a service wholesaler figures ceiling prices for cash-and-carry sales.
19. How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.
20. How an institutional wholesaler figures ceiling prices for sales to retailers.
21. Addition allowed for deliveries by Class 1 and Class 2 wholesalers.
22. Addition allowed for deliveries outside of a base zone.
- 22a. Special limitations in figuring your net cost in certain cases.
- 22b. Special rules for figuring ceiling prices for "sugar" after February 9, 1946.
23. Special pricing provisions for manufacturers selling some commodities at wholesale.

ARTICLE III—ADJUSTMENT PROVISIONS

24. How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.
- 24a. How certain wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for service wholesalers.
25. How service wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for institutional wholesalers.

ARTICLE IV—MISCELLANEOUS PROVISIONS

26. Transfer of business and stock in trade.
27. Taxes.
28. Export sales.
29. Relation to other regulations.
30. Definitions.
31. Geographical applicability.

ARTICLE V—TABLE AND COMMODITY DEFINITIONS

32. Table of mark-up figures. (Table A).

AUTHORITY: § 1351.360, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487; E.O. 9697, 11 F.R. 1691.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the foods listed in Table A for wholesalers selling these food products. These new ceiling prices are to be used on and after August 5, 1943, instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA), except as otherwise provided in any order fixing dollars and cents ceiling prices, which has been or which may be, issued by the OPA pursuant to General Order No. 51.<sup>3</sup>

SEC. 2. *How you determine to which class your business belongs—(a) What wholesalers are covered.* Your business is classified under this regulation, if, prior to the effective date of the regulation you were and still are a wholesaler,

<sup>3</sup> Revised: 9 F.R. 408, 11982.

the larger part of whose food sales are of food products which you purchase for resale and distribute from your warehouse without materially changing their form, to independent retail stores, or to commercial, industrial or institutional users. This regulation does not apply, however, to "wagon wholesalers", "flour jobbers", "Great Lakes marine suppliers," or to sales of "cookies, crackers, toast and crumbs" by "cookie and cracker wholesalers."

[Paragraph (a) amended by Am. 7, 9 F.R. 2562, effective 3-13-44; Am. 11, 9 F.R. 9719, effective 8-14-44 and Am. 27, 10 F.R. 13073, effective 10-25-45]

(b) *Classes of wholesalers.* Wholesalers covered by this regulation are defined as follows:

(1) *Class 1; retailer-owned cooperative wholesaler.* You are a retailer-owned cooperative wholesaler if you are either a non-profit organization or a corporation 51 percent of the stock of which is owned by your independent retailer customers.

(2) *Class 2; cash-and-carry wholesaler.* You are a cash-and-carry wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, made without delivery, to independent retail stores, or if they were made with delivery you made a charge for delivery to all customers.

(3) *Class 3; service wholesaler.* You are a service wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made, to independent retail stores, with delivery to all customers in a base zone without charge.

(4) *Class 4; institutional wholesaler.* You are an institutional wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made to commercial, industrial or institutional users. For the purposes of this regulation "marine provisioners" shall be considered institutional wholesalers. (If you do business in more than one of the ways outlined above, see sections 17, 18, 19, and 20.)

[Subparagraph (4) amended by Am. 7, 9 F.R. 2562, effective 3-13-44]

[Section 2 amended by Am. 6, 8 F.R. 17368, effective 1-8-44, and as otherwise noted]

SEC. 3. *How and when you figure ceiling prices—(a) General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container type and container size) of food listed in Table A shall be the result of (1) the "net cost" you had to pay for the most recent delivery of the item to you before August 5, 1943, multiplied by (2) the mark-up figure given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of food covered by this regulation which you have in stock at that time. Between July 26, 1943, and August 5, 1943, you may put into effect the new ceiling price on any item as soon as you figure it; you

must put the new ceiling prices into effect on all items not later than August 5, 1943. If you do not put the new price for an item into effect before August 5, 1943, you must continue to use your existing ceiling for that item until August 5. If you receive delivery of any item between July 26, and August 5, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

**SEC. 4. Directions for applying the rule—(a) Net cost.** To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before August 5, 1943. Your "net cost" will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container size and container type.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost of the unit in which you receive delivery (i. e. per dozen, per case, per bag, etc.) to the nearest cent.

(3) For items you "manufacture or otherwise process" use the special rules in section 16.

(b) *Mark-up.* Turn to Table A to find the mark-up figure for the item given your class of wholesaler. Table A lists all the items covered by this regulation by commodity groups.

(c) *Ceiling price.* Next multiply your "net cost" by the mark-up figure in Table A for your class of wholesaler for the item being priced. The resulting amount will be your ceiling price. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you may be allowed to change it.)

(d) *Fractions.* All calculations of ceiling prices resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent, and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

If you sell an amount less than the unit in which you receive delivery, you must reduce your ceiling price proportionately, rounding any fraction to the next higher cent.

(e) *Invoices.* You must write your net cost per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record.

You must keep separate, or mark or tag plainly, all invoices or records showing the "net cost" of the unit in which you received delivery and which you used in figuring your ceiling prices. The invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

**SEC. 5. How you figure your ceiling prices for "new items."** (a) A "new item" is any item which you did not have in stock at the opening of business on August 5, 1943. You must figure your ceiling price for a "new item" before selling it, following the rules in section 4, basing your "net cost", however, on the first delivery of the item to you on or after August 5, 1943.

In pricing new items it is a violation to use the "net cost" of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use, in figuring your ceiling price, what the "net cost" would be of a purchase from a type of supplier usually used for a similar item and of an amount in which a similar item is usually purchased.

**SEC. 5a. New wholesalers.** If, on or after August 5, 1943, you begin to operate as a wholesaler as defined in section 2, you are subject to this regulation, and as such a new wholesaler you must figure all your ceiling prices for all sales of food items covered by this regulation in accordance with the following provisions:

(a) If you are a retailer-owned cooperative wholesaler, you must figure all of your ceiling prices for sales to members as a retailer-owned cooperative (Class 1) wholesaler and are subject to all of the provisions applicable to such a wholesaler.

(b) If you are not a retailer-owned cooperative wholesaler you must figure your ceiling prices in the following way:

(1) For sales to independent retail stores made without delivery, you shall use the mark-ups applicable to a cash-and-carry (Class 2) wholesaler.

(2) For sales to independent retail stores made with delivery, you shall use the mark-ups applicable to a service (Class 3) wholesaler.

(3) For sales to commercial, industrial or institutional users, you shall use the mark-ups applicable to an institutional (Class 4) wholesaler.

(c) You must figure your ceiling price for an item before selling it, in accordance with section 4, basing your "net cost", however, on the first delivery of an item to you on or after the date you open your place of business subject to all of the provisions covering the sales of "new items" in section 5.

(d) For sales to retail stores which are not independent retail stores, and for sales to other wholesalers and all other sellers, your ceiling price for any item shall be your supplier's ceiling price for such item plus transportation charges to your usual receiving point.

[Paragraph (d) amended by Am. 25, 10 F.R. 12348, effective 10-20-45]

(e) Within 10 days after you become a new wholesaler under this section, you must notify your nearest District OPA office that you are operating under the provisions of this section.

(f) The provisions of this section may not be used by any person, who, at the opening of business on August 5, 1943, was subject to this regulation, or by any

person owned or controlled by any wholesaler who at the opening of business on August 5 was subject to this regulation.

[Sec. 5a added by Am. 6, 8 F.R. 17368, effective 1-8-44]

**SEC. 6. When you may change a ceiling price—(a) Official notification.** If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct wholesalers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. If that delivery is from another wholesaler covered by this regulation, you must use the "net cost" of the other wholesaler. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you receive later shipments with the same notice you must not change your ceiling price again.

When you make a sale to a retail store at this new ceiling price, you must send with your invoice a copy of the notice received by you from your supplier if the notice is not attached to the item you are selling.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 6, 8 F.R. 17368, effective as to paragraph (a) 1-8-44, and as to paragraph (b) 12-29-43]

**SEC. 7. Indirect price increases prohibited.** You must not evade any of the provisions of this regulation or any order issued pursuant to it, by any stratagem, scheme, or device. You must not, as a condition of selling any particular food item, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost, as used in section 4, would be and use that net cost to figure your ceiling price.

**Sec. 8. Invoices and receipts.** You must give each of your customers an invoice, receipt or other evidence of purchase in connection with every sale, retaining a copy for your files. Each such record you prepare and give your customer must show the date of sale, the name and address of your customer, your name and address, each food item sold, and the price you charged for it. Be sure that your description of each item shows the kind, brand, variety, container-size and container-type.

[Paragraph deleted by Am. 31, effective 6-9-46]

If you sell more than one grade of any canned fruit or canned vegetable under the same brand name, you must show, on each invoice, the grade of each such item.

[Sec. 8 amended by Am. 6, 8 F.R. 17368, effective 1-8-44; and Am. 8, 9 F.R. 3647, effective 4-8-44]

**Sec. 9. Records.** After July 26, 1943, you must keep for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all your invoices, freight bills, and other records showing the price you paid for each item and the date you received delivery of each item covered by this regulation. You are required to show all your invoices and records on request of any OPA representative. You are also required to keep available for inspection by any OPA representative the records you used in determining your class. In addition, you are required, on request of any OPA representative, to furnish a written record of your ceiling price for any or all of the items covered by this regulation.

**Sec. 10. Licensing.** The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 10 amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

**Sec. 11. Prohibitions.** On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person who, in the course of trade or business, buys from you at a price higher than

your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

**Sec. 12. Dollars-and-cents ceiling prices.** From time to time the OPA may, by order issued pursuant to General Order 51, fix dollars-and-cents ceiling prices for wholesalers for some or all of the food items covered by this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices and these orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price for the item under this regulation.

**Sec. 13. Further provisions supplementing or explaining this regulation.** From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your class of wholesalers, you must, by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. In doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

[Paragraphs (a) and (b) added by Am. 4, 8 F.R. 15250, effective 11-9-43]

(c) On and after March 13, 1944, "marine provisioners" are made subject to this regulation. If you are a "marine provisioner", you must, by the opening of business on March 13, 1944, have figured your ceiling price in accordance with sections 3 and 4 for items which you have in stock at that time. For items which you do not have in stock at that time, you must figure your ceiling price in accordance with section 5. However, in doing so, you must substitute the date March 13, 1944, for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

[Paragraph (c) added by Am. 7, 9 F.R. 2562, effective 3-13-44]

(d) 1944 pack of "canned" and frozen fruits and vegetables. Each item of the

1944 pack of "canned" fruits and vegetables and frozen fruits and vegetables shall be considered a different item from the 1943 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you before the date on which maximum prices are established by the OPA for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

The receipt of any of the above items of the 1944 pack, at a price to be adjusted after delivery in accordance with action to be taken by the OPA shall not be deemed a delivery, for the purpose of this section, until the receipt of an invoice or other written notice from your supplier showing the price after adjustment. Until the receipt of such an invoice or notice, you may not sell or deliver or offer to sell or deliver the item at a price higher than your ceiling price for the same item of the 1943 pack.

[Paragraph (d) added by Am. 16, 9 F.R. 11901, effective 9-27-44]

(e) 1945 pack of "canned" fruits and vegetables, frozen fruits and vegetables and dried fruits. Each item of the 1945 pack of "canned" fruits and vegetables, frozen fruits and vegetables and dried fruits, shall be considered a different item from the 1944 and earlier packs and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

[Paragraph (e) added by Am. 24, 10 F.R. 11302, effective 9-10-45; amended by Am. 28, 10 F.R. 12992, effective 10-23-45 and Am. 29, 11 F.R. 842, effective 1-28-46]

(f) From time to time, an item you sell may go back under price control after a period of suspension or exemption. When that happens, you must not sell the item until you have figured your ceiling price. Your ceiling price, in such a case, must be figured in the following way (whichever is applicable):

(1) If the item is a "dry grocery" item for which you have previously figured a ceiling price under this regulation, your ceiling price shall be the same as it was when the item was removed from price control.

(2) If the item is a "dry grocery" item, for which you have not previously been

required to figure a ceiling price under this regulation, and which you have in stock on the day price control is resumed, you must figure your ceiling price in accordance with the rules in sections 3 and 4, basing your "net cost", however, on the last delivery of the item received by you before price control is resumed. However, your "net cost" in such case may not exceed what it would have been if that delivery had been subject to price control and the purchase had been made at your supplier's ceiling price.

[Paragraph (f) added by Am. 31, effective 6-9-46]

#### ARTICLE II—SPECIAL PRICING PROVISIONS

**SEC. 14. Additions for packaging.** (a) If you buy in bulk any item covered by this regulation (except spices, tea and gelatin) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags on which the name, weight and ingredients of the commodity, and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

- (1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.
- (2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.
- (3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more, but not to exceed a total of 3 cents.

[Sec. 14 amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 6, 8 F.R. 17368, effective 1-8-44 and Am. 22, 10 F.R. 5369, effective 5-17-45]

**SEC. 14a. Gift and holiday packages assembled by you.** If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, your ceiling price for each such package will be the sum of the following multiplied by 1.05:

- (a) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable maximum price regulation. If you have no ceiling price for any item (or article), use your direct cost for that item.
- (b) Your direct cost of the packaging materials used for the package, including the container.

[Sec. 14a added by Am. 14, 9 F.R. 11537, effective 9-16-44]

**SEC. 15. Purchases and sales between wholesalers.** (a) If you purchase from another wholesaler covered by this regulation, an item for which you have not previously been required to establish a ceiling price under this regulation, you must secure a written record of that wholesaler's "net cost". To get your "net cost" for the item, you will add to that wholesaler's "net cost" the transportation charges you paid (not including local trucking or local unloading) to your usual receiving point. You will multiply

the resulting figure by the mark-up figure for your class of wholesaler to get your ceiling price. However, your "net cost" for an item under this section may not exceed the net cost for that item had you purchased it from the manufacturer or processor. When you sell to another wholesaler an item covered by this regulation, you must furnish him with a written record of your "net cost" for the item.

(b) This section shall not apply to any imported food item which you purchase from a wholesaler who has imported that item with the exception of the items of packed pineapple and pineapple juice subject to Section 22a.

[Paragraph (b) amended by Am. 25, 10 F.R. 12848, effective 10-20-45]

(c) This section shall not apply with respect to ceiling prices figured for your sales to boat and steamship companies and ship operators for the provisioning of boats and ships, if you are a marine provisioner, the larger part of whose purchases of "dry groceries" were, prior to March 1942, and still are, made from other wholesalers: *Provided*, That before this exemption shall apply to you, you must receive a written order from the Regional Office of the OPA that covers the area in which you are located. You must file with such Office a written request, which shall include a statement showing the total amount of "dry groceries" you purchased from all sources during 1941, 1942, 1943 and 1944, and the total amount you purchased from wholesalers during each of those years. If such permission is granted, you shall figure your ceiling prices for such sales of items purchased from other wholesalers in accordance with the provisions of sections 3, 4 and 5. For each item for which you have figured a ceiling price before such permission is granted, you must refigure your "net cost", basing it, however, on the same purchase you used in figuring your existing ceiling price for the item.

Each Regional Administrator of the OPA may, by order, act on all requests for exemption filed under the provisions of this paragraph (c) by sellers located in his region.

[Sec. 15 amended by Am. 10, 9 F.R. 5648, effective 5-25-44; Am. 13, 9 F.R. 10982, effective 9-11-44; and Am. 17, 9 F.R. 13974, effective 11-28-44]

**SEC. 15a. Items which you import.** On and after September 11, 1944, this regulation shall not apply to you for sales of any item purchased by you directly from a foreign seller or his agent (except as provided in Section 22a), for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 issued under the Maximum Import Price Regulation or the General Maximum Price Regulation or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by

\* 9 F.R. 2350, 7504, 8062, 10925, 12270.

\* 9 F.R. 10938, 14318; 10 F.R. 1985, 4554.

the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

[Sec. 15a added by Am. 13, 9 F.R. 10982, effective 9-11-44]

**SEC. 16. How you figure your ceiling prices for foods you "manufacture or otherwise process."** If you "manufacture or otherwise process" and sell at wholesale any item covered by this regulation you will determine your "net cost" or ceiling price for such an item under whichever of the following provisions applies:

(a) If the item is one for which OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling to retailers, the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost".

(b) If the item is one for which OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling to retailers, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(c) If the item is one for which OPA has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturing regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed, you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you "manufacture or otherwise process" directly, or which is manufactured for you by a person to whom you supply the raw material.

**SEC. 17. How a retailer-owned cooperative wholesaler figures ceiling prices for sales to non-members.** If you are a retailer-owned cooperative wholesaler and you sell to non-members (those retailers who have no share or interest in

your ownership) your ceiling prices for your sales to non-members without delivery may be figured as a Class 2 wholesaler. If you sell and deliver to non-members, your ceiling prices for such sales may be figured as a Class 3 wholesaler, in which event you may not add to such ceiling prices the additions for delivery allowed in section 21 of this regulation.

**SEC. 18. How a service wholesaler figures ceiling prices for cash-and-carry sales.** If you are a service wholesaler but you also make cash-and-carry sales, you must use for such sales the mark-up figures of a cash-and-carry wholesaler if, during March 1942,

(a) You had a separate department for such sales, or

(b) You had a price list for such sales different from the price list which you used in making other sales.

**SEC. 19. How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.** If you are a service wholesaler and you make sales to commercial, industrial or institutional users, you may use for such sales the mark-up figures of an institutional wholesaler.

[Sec. 19 amended by Am. 6, 8 F.R. 17368, effective 1-8-44]

**SEC. 20. How an institutional wholesaler figures ceiling prices for sales to retailers.** If you are an institutional wholesaler but you also make sales to retail stores, your ceiling prices for such sales made without delivery must be figured as a Class 2 (cash-and-carry) wholesaler and your ceiling prices for such sales made with delivery must be figured as a Class 3 (service) wholesaler.

**SEC. 21. Addition allowed for deliveries by Class 1 and Class 2 wholesalers.**

(a) If you are a retailer-owned cooperative wholesaler, or a cash-and-carry wholesaler, and you have customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add to your ceiling price such set amount or percentage. The resulting figure will be your ceiling price for the item when delivered by you.

(b) If you are a retailer-owned cooperative wholesaler or a cash-and-carry wholesaler and you have not customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add .01 to your mark-up figure (example: If your mark-up figure is 1.06, you change it to 1.07).

**SEC. 22. Addition allowed for deliveries outside of a base zone—(a) Addition allowed to retailer-owned cooperative wholesalers, service wholesalers and institutional wholesalers.** (1) If you are a retailer-owned cooperative wholesaler, a service wholesaler or an institutional wholesaler, who, during March 1942, customarily sold goods on a delivered basis in different zones at established price differentials between zones, you may, in figuring your ceiling prices for items de-

livered by you to such other zones, add to your "base zone" ceiling prices, the same zone differentials which you added in March 1942. The resulting figures will be your ceiling prices for items delivered by you to such other zones. (Your base zone shall be the area surrounding your warehouse in which you customarily made free deliveries.)

(2) If you are a retailer-owned cooperative wholesaler, you may not, in figuring your ceiling prices under this section, include any addition allowed in section 21.

(3) Before using different delivered prices for different zones under this section, you must report, in writing, to the Distribution Branch, Food Price Division, OPA, Washington, D. C., the amount of such differentials and a description of your base zone and delivery zones.

(b) **Additions by certain wholesalers making f. o. b. sales.** If you are a service wholesaler or an institutional wholesaler who, during March, 1942, customarily sold f. o. b. your warehouse for delivery to zones or delivery points outside of your base zones, and

(1) If you added a freight charge when making such sales or included a freight charge in figuring your selling price, you may add to your ceiling price for each item the same charge or the same freight rate, apportioning the charge or freight rate to each item, in which case the resulting figure will be your ceiling price for the item when sold to such other zones or delivery points, or

(2) If your customer paid the freight bill, you may make such sales at your ceiling prices, the freight bill to be paid by the purchaser.

(c) **Additions by certain wholesalers who did not use a zone delivery system or make f. o. b. sales.** If you are a service wholesaler or an institutional wholesaler, who, during March 1942, customarily sold all customers on a delivered basis at the same price regardless of distance from your warehouse, you may, in figuring your ceiling price for an item delivered by you to a customer located at a distance of 125 miles or more from your warehouse, add to your mark-up figure whichever of the following amounts applies:

(1) If your customer is located at a distance of from 125 through 199 miles from your warehouse, you may add .01 to your mark-up figure (example: If your mark-up on mayonnaise in Table A is 1.16, you change it to 1.17).

(2) If your customer is located at a distance of from 200 miles through 299 miles from your warehouse, you may add .02 to your mark-up figure.

(3) If your customer is located at a distance of from 300 miles through 399 miles from your warehouse, you may add .03 to your mark-up figure.

(4) If your customer is located at a distance of 400 miles or more from your warehouse, you may add .04 to your mark-up figure.

(5) If your method of figuring ceiling prices for items delivered to zones outside of a base zone falls within either paragraph (a) or paragraph (b) of this section, you may not use this paragraph

(c) in figuring your ceiling prices for items delivered to such other zones.

**SEC. 22a. Special limitations in figuring your net cost in certain cases—(a) Pineapple which you import—(1) "Net cost".** If you import any item of packed pineapple, or packed pineapple juice, (other than pineapple and pineapple juice packed in the Territory of Hawaii or in Puerto Rico), your "net cost" for any such item may not in any case exceed the maximum price fixed in Supplementary Regulation No. 14C<sup>1</sup> to the General Maximum Price Regulation for the item ex dock, any United States port of entry, duty paid, or ex railroad car or other type of carrier, any point of entry on the United States-Mexico border, duty paid, plus any allowable charges actually incurred in putting the items in the warehouse at port or point of entry, plus actual transportation charges from the port or point of entry to your usual receiving point.

If, prior to May 25, 1944, you had figured a ceiling price under this regulation for any of the above items of packed pineapple or packed pineapple juice which you imported, you must refigure your ceiling price for that item in accordance with the provisions of sections 3 and 4, basing your "net cost", however, on the first delivery to you of the item on or after May 25, 1944.

(2) **Notification of changes in ceiling price.** With the first delivery to retailers of any of the above items of packed pineapple or packed pineapple juice after you have figured or refigured your ceiling price for the item under the provisions of this section, you shall supply each retailer who purchases from you, with the written notice set forth below:

(Insert date)

#### NOTICE TO RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade, brand, container type and container size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a retailer pricing this item under Maximum Price Regulation Nos. 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you, from your customary type of supplier, containing this notification on and after (insert effective date of change in ceiling price). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 422 or 423, whichever is applicable to you.

For a period of 60 days after figuring such ceiling price and with each shipment after the 60 day period to each person who has not made a purchase within that period, you must place on or attach to each invoice the written notice set forth above.

(3) This section shall not apply to sales by you under the following conditions:

(i) If, prior to April 29, 1944, you figured a ceiling price for canned Cuban pineapple or canned Cuban pineapple juice for sales to industrial, institutional or commercial users under § 1341.155 (a)

<sup>1</sup> 10 F.R. 1165, 1704, 2618, 5458, 6308, 8020, 9010, 9882, 10124, 10231, 11364, 11906, 13369, 13370, 14395, 14318; 11 F.R. 1469, 3895.

of Maximum Price Regulation No. 197<sup>\*</sup> or under this regulation for other packed pineapple or pineapple juice (other than pineapple or pineapple juice packed in the Territory of Hawaii or in Puerto Rico); and

(ii) If you have entered into contracts with a foreign seller prior to April 29, 1944, at prices not in excess of such ceiling price for the item; and

(iii) If you file a copy of each such contract with the Distribution Branch, Food Price Division, OPA, Washington, D. C., on or before September 9, 1944, together with a statement showing your cost for each item under such contract and your cost and ceiling prices for each item under Maximum Price Regulation No. 197 or this regulation.

In such cases, if your contracts are approved, the OPA will send you written notice permitting you to carry out such contracts at the contract price and setting forth the method you must use in figuring your ceiling prices for items delivered to you under the above contracts.

[Subparagraph (3) added by Am. 12, 9 F.R. 10257, effective 8-26-44]

(b) *Frozen fruits, berries and vegetables.* After you have figured a ceiling price under this regulation for an item of frozen fruits, berries, fruit or berry juices, vegetables or vegetable juices which is covered by the applicable Supplement to Food Products Regulation No. 1, you must, on the fifth day of each month, add 1/6 cent per pound to your existing ceiling price.

[Paragraph (b) added by Am. 12, 9 F.R. 10257, effective 8-26-44; amended by Am. 18, 9 F.R. 15047, effective 1-2-45; Am. 23, 10 F.R. 7251, effective 6-20-45 and Am. 31, effective 6-9-46]

[Sec. 22a added by Am. 10, 9 F.R. 5648, effective 5-25-44]

SEC. 22b. *Special rules for figuring ceiling prices for "sugar" after February 9, 1946.* At the close of business on February 9, 1946, you must determine the number of pounds of each item of "sugar" that you own at that time. You must make and keep a record of that inventory at your place of business. Do not include "sugar" which you obtained as an industrial user under Third Revised Ration Order 3<sup>9</sup> issued by the Office of Price Administration. After that date you must continue to sell each item of "sugar" at no more than the ceiling price you had in effect on February 9, 1946 until you have sold an amount equal to your February 9, 1946 inventory of the item. When you have sold that amount, you shall refigure your ceiling price for the item in accordance with the rules in section 6. However, if you receive a notification from your supplier to refigure your ceiling price for an item of "sugar", do not refigure your ceiling price or send notice to retailers until you have sold an amount equal to your February 9, 1946 inventory at no more than the ceiling price you had in effect on February 9, 1946.

If, at the close of business on February 9, 1946, you have an inventory of more

than 10,000 pounds of all items of "sugar", you must, on or before February 25, 1946, file with the Wholesale-Retail and Fruit and Vegetable Branch of the Office of Price Administration, Washington, D. C. by registered mail, an affidavit showing the number of pounds of each item of "sugar" you own for resale at that time. You must keep a copy of that affidavit at your place of business.

[Sec. 22b added by Am. 30, 11 F.R. 1467, effective 2-10-46]

SEC. 23. *Special pricing provisions for manufacturers selling some commodities at wholesale.* Any person the larger part of whose business consists of the manufacturing or processing of foods but (a) his entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form and (b) the larger part of his sales of such commodity are made to independent retail stores or to commercial, industrial or institutional users (c) may figure his ceiling price under this regulation for sales of such commodity to retailers and commercial, industrial or institutional users, if the particular goods sold have been warehoused and are being sold in less-than-carload lots. However, this section shall not be applicable to sales of any "canned meat" covered by Revised Maximum Price Regulation 156.<sup>10</sup>

[Sec. 23 amended by Am. 11, 9 F.R. 9719, effective 5-14-44, and Am. 20, 10 F.R. 1496, effective 2-8-45]

#### ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 24. *How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.* If you are a retailer-owned cooperative wholesaler, you may file an application for permission to use the mark-up figures designated for another class of wholesaler if you can establish:

(a) That you have customarily operated in the same manner as the other class of wholesaler, and

(b) That in 1941 you had an overall gross margin at least as high as the overall gross margin you would realize by using the mark-up figures specified in this regulation for such other class of wholesaler.

(c) Your application must set forth the following:

(1) A statement as to whether your members received dividends or other proceeds from your organization; the basis for determining the amount of such payments; the amount of such payments for the years 1941, 1942, and, if available, so far in 1943;

(2) The amount and conditions of fees, if any, paid by your members in addition to the invoice price of commodities;

(3) Your profit and loss statement for your fiscal years 1941 and 1942, and so much of 1943 as is available, and balance sheets as of the end of each such accounting period;

(4) Your percentage mark-ups over invoice cost for sales during 1941 to your members for each commodity group listed in this regulation, and if sales were made to non-members, the same information with respect to such sales;

(5) Any evidence you may be able to furnish showing the difference between your operations and functions and those of the usual retailer-owned cooperative wholesaler, including a statement of any special service performed by you, any additional compensation received for such special services, and a reasonable basis for distinction or classification, if any, between you and other retailer-owned cooperative wholesalers.

(d) Such application must be filed in duplicate by July 20, 1943, with your nearest District OPA office. You may not use these requested mark-up figures until you have received specific authorization from your proper OPA office.

(e) If you file an application under section 29 of Revised Maximum Price Regulation No. 237,<sup>11</sup> and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-up figures for the class of wholesaler to which you have been adjusted and you are subject to all of the provisions of this regulation applicable to such other class of wholesaler.

(f) *Applications for adjustment.* Any regional office of the OPA or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this section. Applications for adjustment are governed by Revised Procedural Regulation No. 1.<sup>12</sup>

[NOTE: Procedural Regulation No. 6 (Revised: 9 F.R. 10628) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

SEC. 24a. *How certain wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for service wholesalers.* (a) If, prior to August 5, 1943, the larger part of your dollar food sales were made with delivery, to independent retail stores, but you are a Class 2 wholesaler because you did not deliver to all customers in a base zone without charge, you may file an application for permission to use the mark-up figures designated for service wholesalers, if you can establish that:

(1) Most of your sales prior to August 5, 1943 were, and still are made with delivery;

(2) Most of your sales prior to August 5, 1943 were, and still are made through the services of outside salesmen or fieldmen;

(3) Most of your sales prior to August 5, 1943 were, and still are made with credit; and that

<sup>\*</sup> Revoked; 9 F.R. 5802.

<sup>9</sup> 11 F.R. 134, 177, 532, 1293, 1212, 1784, 2276, 2512, 2824, 3153, 3365.

<sup>10</sup> 9 F.R. 7938, 10048, 10876; 10 F.R. 2724, 5457, 8129, 8658, 11303, 12770, 13075, 15006; 11 F.R. 1987, 2711, 4239.

<sup>11</sup> 8 F.R. 6120, 6424, 7384, 7661, 8681, 9019, 9331.

<sup>12</sup> 9 F.R. 10476; 13715; 10 F.R. 11295.

(4) Your total gross margin was at least twelve percent on gross sales in your fiscal year 1941.

(b) Your application must set forth the following for the calendar or fiscal year 1943 and for either your most recent fiscal year or the first six months of 1945:

- (1) Total dollar amount of sales;
- (2) Total dollar amount of sales made with delivery;
- (3) Total dollar amount of sales made through outside salesmen or fieldmen;
- (4) Total dollar amount of credit sales; and
- (5) Profit and loss statements.

Your application must also set forth a profit and loss statement for the year 1941 (calendar or fiscal), showing total dollar amount of sales, delivery charges if any, and cost of goods sold.

(c) Such application must be filed in duplicate on or before November 15, 1945 with your Regional OPA office. If your application is approved, you will be authorized to figure your ceiling prices as a service wholesaler, subject to all of the provisions applicable to such wholesalers and you will be authorized to make charges for delivery only in accordance with the provisions of section 22 (c). You may not use these requested mark-up figures until you have received specific authorization from this OPA office.

(d) Any Regional office of the OPA may act on all applications submitted under the provisions of this section by persons located within the area under its jurisdiction. Applications are governed by Revised Procedural Regulation No. 1.

[Sec. 24a added by Am. 25, 10 F.R. 12848, effective 10-20-45]

**SEC. 25. How service wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for institutional wholesalers.** If you are a service wholesaler (you must consider each warehouse as a separate wholesaler), you may file an application for permission to use the mark-up figures designated for institutional wholesalers if you can establish:

(a) The total gross margin on all sales made by you in your fiscal year 1941 was at least 20 percent; and

(b) During the years 1941 and 1944, your operations and functions differed substantially from those of the usual service wholesaler; for example, you regularly distributed grocery products over a much wider area and you offered for sale a substantially greater number of items of food than the usual service wholesaler.

(c) Your application must set forth the following for each warehouse for which the application for adjustment is filed:

(1) Profit and loss statements for the fiscal years 1941, 1942, 1943 and so much of 1944 as is available, and balance sheets as of the end of each such accounting period;

(2) Any evidence you may be able to furnish concerning the difference between your operations and functions and those of the usual service wholesaler, and a reasonable basis for distinction or

classification between you and other service wholesalers;

(3) A list of the states to which you regularly distributed grocery products in 1941 and 1944, and an approximation of the volume of sales made by you in each of the states during 1941 and 1944; and

(4) The number of food items that you offered for sale in 1941.

(d) Such application must be filed in duplicate by February 22, 1945, with the Wholesale-Retail Branch, Food Price Division, OPA, Washington, D. C. You may not use these requested mark-up figures until you have received specific authorization from such OPA office. Applications for adjustment are governed by Revised Procedural Regulation No. 1.

If, prior to February 8, 1945, you filed an application under this section and your application has been allowed, you do not have to file another application, but shall continue to be subject to the order issued hereunder.

[Sec. 25 amended by Am. 10, 9 F.R. 5648, effective 5-25-44, and Am. 20, 10 F.R. 1489, effective 2-8-45]

[NOTE: Supplementary Order 106 (10 F.R. 2015) permits, under certain conditions, the addition of extra packing expenses to maximum prices on sales to procurement agencies of the United States.]

#### ARTICLE IV—MISCELLANEOUS PROVISIONS

**SEC. 26. Transfer of business and stock in trade.** If, after August 5, 1943, you acquire in any way the business, assets and stock in trade of any wholesaler covered by this regulation and you carry on the business, or continue to deal in the same type of food products in the same establishment, and you render the same service and sell to the same class of purchaser, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you or give you all the records of his transactions before you acquired the establishment which you need to comply with the record provisions of this regulation.

If, after the transfer, you fall into a class of wholesaler different from the former owner's, your ceiling prices shall be those for the class of wholesaler in which you fall. (For example: If you acquire the business, assets, and stock in trade of a service wholesaler and you decide to discontinue making deliveries, your ceiling prices must be figured as a cash-and-carry wholesaler, using as your "net cost" the same "net cost" the former owner used in fixing his ceiling prices.)

**SEC. 27. Taxes.** You may collect, in addition to your ceiling price, any tax upon or incident to a sale at wholesale of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

**SEC. 28. Export sales.** The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price

Regulation,<sup>18</sup> as amended, issued by the OPA.

**SEC. 29. Relation to other regulations.** The provisions of this Maximum Price Regulation No. 421, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 237, Maximum Price Regulation No. 249,<sup>19</sup> Maximum Price Regulation No. 255,<sup>20</sup> the General Maximum Price Regulation, and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order No. 51, with respect to sales and deliveries for which ceiling prices are established by this regulation.

**SEC. 30. Definitions—(a) Delivery.** Delivery of any item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(b) *Usual receiving point.* Your usual receiving point will be the warehouse at which you generally receive the particular item you are pricing under this regulation and from which you generally supply your customers.

(c) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations, and packaging of spices, tea and gelatin in the manner described in section 14. Packaging as used in section 14 (except for spices, tea and gelatin) shall not be considered manufacturing or processing under this regulation.

[Paragraph (c) amended by Am. 22, 10 F.R. 5369, effective 5-17-45]

(d) *Independent retail store.* Independent retail store shall mean one that is not one of four or more stores under one ownership whose combined "annual gross sales" are \$500,000 or more.

(e) *Wagon wholesaler.* A "wagon wholesaler" is a wholesaler who distributes food products to retail stores or to commercial, industrial, or institutional users from an inventory stocked in trucks or other conveyances under the supervision of driver-salesmen who make deliveries at the time and point of sale. A wholesaler is a wagon wholesaler only of the food products he sells in this way.

(f) *Marine provisioners.* A "marine provisioner" is a person, the larger part of whose food sales are of food products which he purchases for resale and distributes from a warehouse, without materially changing their form, to boat and steamship companies and ship operators for the provisioning of boats and ships, with delivery from shore locations by the use of truck or launch facilities.

[Paragraph (f) amended by Am. 7, 9 F.R. 2562, effective 3-13-44]

<sup>18</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12919, 14436; 10 F.R. 863, 923, 2432, 6590, 8746, 8611, 9586, 10029, 15348; 11 F.R. 1297.

<sup>19</sup> 7 F.R. 8702, 9898, 10014, 10993; 8 F.R. 2673, 10599.

<sup>20</sup> 8 F.R. 2988, 3946, 5146, 7821.

(g) *Flour jobber.* "Flour jobber" shall mean a "primary distributor" as defined in Maximum Price Regulation No. 296,<sup>10</sup> and also a person the larger part of whose business is the purchase and resale of flour made from wheat, semolina and farina without additional processing and in the original containers, to bakers and commercial, institutional or Governmental users. For sales to retail stores, "flour jobbers" other than "primary distributors" must figure their ceiling prices for flour under this regulation.

[Paragraph (g) amended by Am. 6, 8 F.R. 17368, effective 1-8-44]

(h) *Cookie and cracker wholesaler.* A "cookie and cracker wholesaler" is a wholesaler the larger part of whose food sales were, prior to the effective date of the regulation, and still are of "cookies, crackers, toast and crumbs" which he purchases for resale and distributes from a warehouse, to independent retail stores, or to commercial, industrial or institutional users.

[Paragraph (h) added by Am. 11, 9 F.R. 9719, effective 8-14-44]

(i) *Great Lakes marine supplier.* "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats, engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels. Excluded from this definition are hotel supply houses as defined in Second Revised Maximum Price Regulation No. 269,<sup>11</sup> hotel and restaurant supply houses as defined in Maximum Price Regulation No. 271,<sup>12</sup> and purveyors as defined in Maximum Price Regulation No. 426.

[Paragraph (i) added by Am. 27, 10 F.R. 13073, effective 10-25-45]

SEC. 31. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia.

#### ARTICLE V—TABLE AND COMMODITY DEFINITIONS

SEC. 32. *Table of mark-up figures—(Table A.)—(a) Instructions.* Table A (printed below) lists the commodities and the mark-up figures for the four classes of wholesalers covered by this regulation. For a detailed list of the items included in each category of commodities, see "Commodity definitions", printed immediately after Table A. This regulation must not be used to determine ceiling prices for the commodities listed in paragraph (c) of this section.

The commodities covered by this regulation are listed in the column at the

extreme left of Table A and the four classes of wholesalers are listed across the top of Table A. To find your proper mark-up figure for any item, first determine the class of wholesaler to which you belong; then find the commodity listed at the left of Table A which includes the item you are pricing. Directly opposite, in the column for your class of wholesaler, you will find the proper mark-up figure for the item. This is the figure by which you should multiply your "net cost" in order to determine your ceiling price. Drop any fraction of a cent which is less than  $\frac{1}{2}$  cent; take the next higher cent if the fraction is  $\frac{1}{2}$  cent, or more.

For example, you are a Service (Class 3) Wholesaler, and you want to figure your ceiling price for a case of 9-oz. packages of X Brand Spaghetti which you had in stock at the opening of business on August 5, 1943. The amount you

paid your customary type of supplier for your last purchase of a customary quantity of this item prior to August 5, 1943, was \$1.75 per case after deducting all discounts except the discount for prompt payment and swell and label allowances. In addition, you paid incoming freight, excluding local trucking charges, amounting to 9 cents per case. Your net cost is therefore \$1.84 per case. Now refer to Table A. Check the list of commodities and you will find "Macaroni and spaghetti products." This category includes the item you are pricing. Directly opposite "Macaroni and spaghetti products", in the column headed "Class 3 Wholesaler", you will find the figure 1.15. Multiply your net cost by this mark-up figure; the resulting amount is \$2.116. By rounding up the fraction of a cent, which is more than  $\frac{1}{2}$  cent, you will get your ceiling price of \$2.12 per case.

TABLE A  
MARK UP FIGURES TO BE USED BY WHOLESALERS IN FIGURING CEILING PRICES FOR ITEMS COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Figures to be multiplied by net cost			
	Class 1 Retailer-owned cooperatives	Class 2 Cash and carry	Class 3 Service and delivery	Class 4 Institutional
1. Baby foods.....	1.06	1.085	1.135	1.155
2. Cereals, breakfast.....	1.035	1.06	1.08	1.13
3. Cocoa, chocolate and cereal drink preparations.....	1.07	1.085	1.125	1.175
4. Coffee.....	1.055	1.065	1.09	1.14
5. Cookies, crackers, toast and crumbs.....	1.11	1.15	1.20	1.25
6. Corn meal and hominy.....	1.055	1.085	1.12	1.185
7. Dog and cat foods.....	1.06	1.09	1.105	1.15
8. Fish, processed.....	1.095	1.13	1.19	1.24
9. Flour and flour mixes.....	1.07	1.075	1.10	1.15
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears.....	1.105	1.155	1.18	1.23
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices.....	1.06	1.085	1.135	1.185
12. Fruits, dried and dehydrated.....	1.055	1.125	1.165	1.215
13. Frozen foods.....	1.24	1.24	1.24	1.29
14. Gelatin and pudding mixtures.....	1.06	1.07	1.105	1.155
15. Jams, jellies, preserves, honey and peanut butter.....	1.115	1.14	1.19	1.24
16. Lard, pure.....	1.035	1.035	1.075	1.125
17. Macaroni and spaghetti products.....	1.09	1.115	1.15	1.20
18. Mayonnaise and salad dressing.....	1.08	1.12	1.16	1.21
19. Meat, canned.....	1.055	1.08	1.10	1.15
20. Milk, canned.....	1.035	1.035	1.045	1.095
21. Oils, cooking and salad.....	1.07	1.075	1.10	1.15
22. Oleomargarine.....	1.045	1.085	1.14	1.19
23. Pickles and relishes.....	1.115	1.14	1.19	1.24
24. Rice.....	1.075	1.095	1.13	1.18
25. Shortening, hydrogenated.....	1.045	1.045	1.06	1.06
26. Shortening, other.....	1.045	1.045	1.06	1.06
27. Soups, canned.....	1.045	1.07	1.09	1.14
28. Soups, dehydrated.....	1.06	1.105	1.13	1.18
29. Spices.....	1.15	1.27	1.28	1.33
30. Sugar.....	1.02	1.02	1.04	1.04
31. Syrups.....	1.07	1.10	1.115	1.165
32. Tea.....	1.06	1.09	1.115	1.165
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice.....	1.07	1.14	1.20	1.25
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned).....	1.06	1.085	1.135	1.185
35. Vegetables, dried and dehydrated.....	1.08	1.09	1.12	1.17
36. Vinegar.....	1.12	1.16	1.23	1.28
37. Miscellaneous foods.....	1.11	1.15	1.20	1.25

[Table A amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 4, 8 F.R. 15250, effective 11-24-43; and Am. 9, 9 F.R. 4016, effective 5-1-44]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina,

popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 10, 9 F.R. 5648, effective 5-25-44]

(3) "Cocoa, chocolate and cereal drink preparations" includes, but is not limited

<sup>10</sup> 11 F.R. 881.

<sup>11</sup> 9 F.R. 15095; 10 F.R. 521, 1827.

<sup>12</sup> 11 F.R. 3864.



to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, cooking chocolate and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 4, 8 F.R. 15250, effective 11-24-43; and Am. 20, 10 F.R. 1496, effective 2-8-45]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zweiback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture.

[Subparagraph (5) amended by Am. 6, 8 F.R. 17368, effective 1-8-44]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned."

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

[Subparagraph (7) amended by Am. 4, 8 F.R. 15250, effective 11-24-43]

(8) "Fish, processed" includes, but is not limited to, canned fish, canned seafood, salted, pickled, dried or otherwise processed fish, such as fish cakes, roe, clam juice, oyster puree, and smoked fish (except mild-cured salmon, kippered salmon, whitefish and sablefish). Excluded are "Iceland headless herring", "Matjes herring", "Matjes herring of the 1944-45 pack (all as defined in Maximum Regulation No. 512)",<sup>19</sup> fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraph (8) amended by Am. 4, 8 F.R. 15250, effective 11-24-43; Am. 19, 10 F.R. 457, effective 1-11-45; and Am. 21, 10 F.R. 5037, effective 5-9-45]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices,

concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider and pineapple juice. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, coconut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears, and frozen fruits.

[Subparagraph (10) amended by Am. 10, 9 F.R. 5648, effective 5-25-44; and Am. 12, 9 F.R. 10257, effective 8-26-44]

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraph (11) amended by Am. 10, 9 F.R. 5648, effective 5-25-44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and macerated dates. Excluded are fruit confections, candied or glazed fruits and peels, fresh dates and date products.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits, and you must figure separate ceiling prices for each item of the 1943 pack. The 1944 pack shall also be considered a different item from the 1943 and earlier packs, and you must figure separate ceiling prices for each item of the 1944 pack.

[Subparagraph (12) amended by Am. 5, 8 F.R. 15607, effective 11-20-43; Am. 8, 9 F.R. 3647, effective 4-8-44; Am. 16, 9 F.R. 11901, effective 9-27-44; and Am. 22, 10 F.R. 5369, effective 5-17-45]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods, including but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, apple sauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 4, 8 F.R. 15250, effective 11-24-43; corrected 8 F.R. 17367, effective 12-23-43; Am. 12, 9 F.R. 10257, effective 8-26-44; Am. 15, 9 F.R. 11711, effective 9-21-44; and Am. 18, 9 F.R. 15047, effective 1-2-45]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 8, 9 F.R. 3647, effective 4-8-44]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) amended by Am. 4, 8 F.R. 15250, effective 11-24-43]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glassed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 4, 8 F.R. 15250, effective 11-24-43 and Am. 8, 9 F.R. 3647, effective 4-8-44]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, cooking fats other than shortening, and pure olive oil. Excluded, however, are prepared dressings, pure olive oil packaged in containers of less than one-half gallon or in containers of more than one gallon, rendered poultry fat, oil in tank cars and oil packaged in drums of 300 pounds or more that is not of a brand listed in Article X of Maximum Price Regulation 53.<sup>20</sup>

[Subparagraph (21) amended by Am. 20, 10 F.R. 1496, effective 2-8-45; Am. 22, 10 F.R. 5369, effective 5-17-45; and Am. 28, 11 F.R. 713, effective 1-22-46]

(22) "Oleomargarine" means any product labelled "oleomargarine".

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to, chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled

<sup>20</sup> 10 F.R. 12902, 13867, 14690, 15171; 11 F.R. 244, 1620, 2504.

<sup>19</sup> 9 F.R. 1883; 10 F.R. 411.

rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means rice (including second heads) of the grade defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective May 15, 1942). Excluded are rice flour, rice flakes, popped rice, wild rice, and screenings and brewers rice graded as Class XIII and Class XIV, respectively, by the above mentioned bulletin.

[Subparagraph (24) amended by Am. 6, 8 F.R. 17368, effective 1-8-44; Am. 12, 9 F.R. 10257, effective 8-26-44 and Am. 22, 10 F.R. 5369, effective 5-17-45]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 4, 8 F.R. 15250, effective 11-24-43 and corrected, 8 F.R. 17367, effective 12-23-43]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture containing sets of assorted spices.

[Subparagraph (29) amended by Am. 12, 9 F.R. 20257, effective 8-26-44]

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar, but does not include direct consumption raw cane sugar.

[Subparagraph (30) amended by Am. 28, 11 F.R. 713, effective 1-22-46]

(31) "Syrups" means all malt, molasses, cane, maple, and table corn syrups, and imitations and blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

[Subparagraph (31) amended by Am. 6, 8 F.R. 17368, effective 1-8-44; and Am. 11, 9 F.R. 9719, effective 8-14-44]

(32) "Tea" includes bulk or packaged tea, tea bags and matte. Excluded are sales of tea in containers of the custom-

ary unit and weight in which they are imported into the United States.

[Subparagraph (32) amended by Am. 22, 10 F.R. 5369, effective 5-17-45]

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

[Subparagraph (33) amended by Am. 12, 9 F.R. 10257, effective 8-26-44]

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream, and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraphs (33) and (34) amended by Am. 5, 8 F.R. 15607, effective 11-20-43]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

[Above paragraph amended by Am. 8, 9 F.R. 3647, effective 4-8-44]

Baking powder.

Baking soda.

Barley (pearl).

Caviar.

Cocoonut, shredded, desiccated, or moist.

Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).

Date products.

Egg nog (non-alcoholic), bottled.

Extracts.

Flavorings.

Food colorings.

Fruit pectins.

Fruit syrups for making beverages. (Excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for making alcoholic mixed drinks.)

Gift or holiday packages bought assembled, and containing one or more items covered by this regulation.

Glaced or candied fruits and peels.

Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger.

Meat flavorings.

Meat sauces, except catsup, cocktail sauce, and chili sauce.

Mince meat.

Mustard, prepared.

Olives.

Olive oil, pure (packaged in containers of less than one-half gallon).

Pie filling.

Popcorn, not popped.

Potatoes, Julienne, packed in hermetically sealed containers.

Potatoes, shoestring, packed in hermetically sealed containers.

Pudding, date.

Pudding, fig.

Pudding, plum.

Spice oils.

Table salt packaged in cartons, bags or packets containing 100 pounds or less, Kosher salt in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt, and meat-curing or smoked salt).

Tom and Jerry batter, bottled.

Yeast.

[Subparagraph (37) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 4, 8 F.R. 15250, effective 11-24-43; Am. 6, 8 F.R. 17368, effective 1-8-44; Am. 8, 9 F.R. 3647, effective 4-8-44; Am. 10, 9 F.R. 5648, effective 5-25-44; Am. 11, 9 F.R. 9719, effective 8-14-44; Am. 14, 9 F.R. 11537, effective 9-16-44; Am. 20, 10 F.R. 1496, effective 2-8-45, and Am. 22, 10 F.R. 5369, effective 5-17-45]

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked goods, fresh (except "cookies, crackers, toast and crumbs").

Beer.

Bird seed and gravel.

Bread.

Butter (except peanut butter, fruit butters, and smooth or crunch type nut butters).

Buttermilk, fresh.

Candied ginger.

Candy.

Cereals mixed or coated with a confection in the proportions of  $\frac{2}{3}$  or more confection to  $\frac{1}{3}$  cereal by weight.

Cheese, cheese spreads and cheese foods.

Comb honey.

Corn starch, edible or gloss (packaged in containers of more than ten pounds).

Corn sugar.

Corn syrup, unmixed.

Cream.

Dry baby cereals.

Eggs.

Feed, animal or poultry (other than pet food).

Fresh fruits and vegetables.

Frozen fruits, berries, fruit or berry juices and mixtures, in containers of a capacity of more than 50 pounds.

Fruit cake.

Fruit and vegetable powders for making beverages.

Goat milk, canned.

Green coffee in containers of the customary unit and weight in which they are imported into the United States.

Ice cream cones.

Ice cream, sherbets, and frozen confections. "Iceland headless herring", "Matjes herring", and "Matjes herring of the 1944-45 pack", all as defined in Maximum Price Regulation No. 512.

Laundry starching compounds, powdered prepared.

Liquors.

Malted milk and any preparation containing 35% or more malted milk.

Maple sugar.

Meat and fish (except "fish, processed" and "meat, canned").

Milk, fresh.

Mineral oil.  
 Molasses sold for feeding purposes.  
 Nuts.  
 Oil, cooking and salad, in tank cars and oil packaged in drums of 300 pounds or more that is not of a brand listed in Article X of Maximum Price Regulation 53.  
 Olive oil, pure (packaged in containers of a capacity of more than one gallon).  
 Passover matzo, Passover matzo meal, and related Passover matzo products.  
 Peanuts.  
 Pet foods (except cat and dog foods or any frozen cat or dog foods.)  
 Popped popcorn.  
 Potato chips.  
 Poultry.  
 Powdered skim milk, bulk.  
 Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States.  
 Rendered poultry fat.  
 Salt not covered by section 32 (b) (37).  
 Smoked mild-cured salmon, smoked kippered salmon, smoked whitefish and smoked sablefish.  
 Soft drinks.  
 Sorghum syrup.  
 Spices in assorted sets contained in wooden or other type trays designed as permanent kitchen furniture.  
 Sugar, direct consumption raw cane sugar.  
 Tamales, bulk.  
 Tea in containers of the customary unit and weight in which they are imported into the United States.  
 Tortillas.  
 Vitamin concentrates.  
 Wheat germ.  
 Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.  
 Wild rice and screenings and brewers rice.  
 Wine.

[Effective dates of amendments are shown in notes following parts affected.]

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

Issued this 4th day of June 1946.

PAUL A. PORTER,  
 Administrator.

[F. R. Doc. 46-9452; Filed, June 4, 1946; 11:37 a. m.]

PART 1306—IRON AND STEEL

[MPR 350, Amdt. 5]

PACKERS' TIN CANS AND CONDENSED MILK CANS

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. 350 is amended by adding a new Appendix C thereto to read as follows:

Appendix C. Additions to maximum prices. Regardless of any other provisions of this regulation, there may be added to the applicable maximum price determined in accordance with Appendix A or B a sum not to exceed 9% of such price.

This amendment shall become effective June 4, 1946.

Issued this 4th day of June 1946.

PAUL A. PORTER,  
 Administrator.

[F. R. Doc. 46-9451; Filed, June 4, 1946; 11:37 a. m.]

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

[MPR 477, Amdt. 18]

SALES OF RUBBER HEELS AND SOLES IN THE SHOE FACTORY AND HOME REPLACEMENT TRADES

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

Maximum Price Regulation 477 is amended in the following respects:

1. Section 6 is amended to read as follows:

SEC. 6. Maximum prices for sales in the shoe factory trade of heels and soles listed in Appendix A. This section is applicable to all sales in the shoe factory trade of heels and soles listed in Appendix A. The maximum price for a sale in the shoe factory trade of a heel or sole listed in Appendix A shall be 110.5% of the price for the heel or sole listed in Appendix A rounded out to the nearest 1/2¢ for soles and to the nearest 5¢ for heels less all discounts, allowances and other deductions from the list price that the seller had in effect to a purchaser of the same class during March 1942.

2. The last sentence of the introductory paragraph of section 7 (a) is amended to read as follows: "The maximum prices for a heel or sole covered by this paragraph shall be the first applicable of the prices set forth in (1) to (4) below, less the deduction required by subparagraph (6) below wherever applicable, plus 10.5%."

3. The following paragraph is added at the end of section 7 (b) (2) (iii).

Adjustments of certain maximum prices. Notwithstanding any other provision of this regulation or any order issued thereunder the maximum prices for a sale in the shoe factory trade of a heel or sole whose maximum price was established under this section 7 prior to June 4, 1946, shall be 110.5% of the maximum prices in effect for sales of such heels or soles on June 3, 1946.

4. The following paragraph is added at the end of section 9 (b).

Adjustments of certain maximum prices. Notwithstanding any other provision of this regulation or any order issued thereunder the maximum prices for a sale in the shoe factory trade of a heel or sole whose maximum price was established under this section 9 prior to June 4, 1946, shall be 110.5% of the maximum prices in effect for sales of such heels or soles on June 3, 1946.

5. In Appendix B, Table I is amended to read as follows:

TABLE I—MAXIMUM PRICES<sup>1</sup>

Type and grade	Manufacturers' prices, <sup>2</sup> per dozen pairs		Wholesalers' prices, <sup>3</sup> per dozen pairs		Retailers' prices, per pair		Type and grade	Manufacturers' prices, <sup>2</sup> per dozen pairs		Wholesalers' prices, <sup>3</sup> per dozen pairs		Retailers' prices, per pair	
	Black	Brown	Black	Brown	Black	Brown		Black	Brown	Black	Brown	Black	Brown
Men's half heel:							Junior heel:						
Q-2 or standard grade.....	\$1.54	\$1.88	\$2.05	\$2.50	\$0.25	\$0.30	Q-2 or standard grade.....	\$1.16	\$1.46	\$1.55	\$1.95	\$0.20	\$0.25
Q-3 or competitive grade.....	1.28	1.61	1.70	2.15	.20	.25	Q-3 or competitive grade.....	1.01	1.28	1.35	1.70	.15	.20
Q-4 or special competitive grade.....	.94	1.24	1.25	1.65	.15	.20	Q-4 or special competitive grade.....	.75	1.01	1.00	1.35	.10	.15
Men's whole heel:							Junior wedge heel:						
Q-2 or standard grade.....	1.84	-----	2.45	-----	.30	-----	Q-2 or standard grade.....	1.16	1.46	1.55	1.95	.20	.25
Q-3 or competitive grade.....	1.58	-----	2.10	-----	.25	-----	Q-3 or competitive grade.....	1.01	1.28	1.35	1.70	.15	.20
Q-4 or special competitive grade.....	1.13	-----	1.50	-----	.15	-----	Q-4 or special competitive grade.....	.71	.90	.95	1.20	.10	.15
Boys' whole heel:							Women's Cuban heel:						
Q-2 or standard grade.....	1.54	1.88	2.05	2.50	.25	.30	Q-2 or standard grade.....	1.16	1.46	1.55	1.95	.20	.25
Q-3 or competitive grade.....	1.28	1.61	1.70	2.15	.20	.25	Q-3 or competitive grade.....	1.01	1.28	1.35	1.70	.15	.20
Q-4 or special competitive grade.....	.94	1.24	1.25	1.65	.15	.20	Q-4 or special competitive grade.....	.63	.71	.70	.95	.10	.10
Women's scoop heel:							Toplift and French heel:						
Q-2 or standard grade.....	1.16	1.46	1.55	1.95	.20	.25	Q-4 or special competitive grade.....	.49	.64	.65	.85	.10	.10
Q-3 or competitive grade.....	1.01	1.28	1.35	1.70	.15	.20							
Q-4 or special competitive grade.....	.68	.83	.90	1.10	.10	.15							

<sup>1</sup> Prices for Q-2 and Q-3 grades apply to heels with nails, individually boxed or in bulk, Q-4 prices apply to bulk and boxed heels.  
<sup>2</sup> Maximum manufacturers' prices are subject to a 2-percent cash discount and the manufacturer shall not reduce any transportation allowance he had in effect to a purchaser of the same class during March 1942.  
<sup>3</sup> Maximum wholesalers' prices are subject to any cash discount and transportation allowance the wholesaler had in effect to a purchaser of the same class during March 1942.

6. In Appendix C, Table I is amended to read as follows:

TABLE I--MAXIMUM PRICES  
STICK-ON (CEMENT-ON) SOLES<sup>1</sup>

Item	Manufacturers' prices (per dozen pair)	Wholesalers' prices (per dozen pair)	Retailers' prices (per pair)
Stick-on (cement-on) soles which meet specifications in table II of Appendix C:			
Regular sizes	\$1.65	\$2.20	\$0.25
Boot size	1.84	2.45	.25
Stick-on (cement-on) soles which do not meet specifications in table II of Appendix C:			
Regular sizes	.97	1.29	.15
Boot size	1.03	1.37	.15

COMPOSITION NAIL-ON HALF SOLES<sup>6</sup>  
STANDARD CARBON BLACK TYPE<sup>7</sup>

Type, thickness, and size <sup>3</sup>	Manufacturers' prices (per dozen pair)	Wholesalers' prices (per dozen pair)	Retailers' prices (per pair)
Composition half soles:			
1 1/2 iron	\$1.16	\$1.55	\$0.20
8 1/2 iron	1.28	1.70	.20
9 iron	1.31	1.75	.20
10 1/2 iron:			
Boys'	1.43	1.90	.20
Men's	1.65	2.20	.25
12 iron:			
Boys'	1.65	2.20	.25
Men's	1.88	2.50	.30

FLAT CORD SOLING SLABS 3 1/4" x 3 1/4" 12

Thickness <sup>3</sup>	Maximum price, each <sup>4</sup>
17 iron	\$3.03
14 iron	2.46
12 iron	2.14
10 iron	1.94
9 iron	1.67
7 iron	1.35
6 iron	1.26
5 iron	1.04
4 iron	.93
3 iron	.82

TABLE I--MAXIMUM PRICES--Continued  
FLAT CORD SOLING STRIPS 13" x 4 1/2" 31

Thickness <sup>3</sup>	Manufacturers' prices (per dozen)	Wholesalers' prices (per dozen)	Retailers' prices (each)
12 iron	\$2.39	\$3.18	\$0.40
9 iron	1.93	2.57	.35
7 iron	1.72	2.29	.30

FLAT CORD HALF SOLES<sup>1</sup>

Thickness and size <sup>3</sup>	Manufacturers' prices per dozen pair <sup>4</sup>	Wholesalers' prices per dozen pair <sup>4</sup>	Retailers' prices per pair
12 iron:			
Size 15	\$2.90	\$3.86	\$0.45
Size 11	2.30	3.18	.40
Size 7	2.09	2.78	.35
Size 2	1.50	2.00	.25
9 iron:			
Size 15	2.40	3.32	.40
Size 11	1.90	2.65	.35
Size 7	1.76	2.35	.30
Size 2	1.30	1.73	.20
7 iron:			
Size 15	2.10	2.80	.35
Size 11	1.72	2.29	.30
Size 7	1.49	1.99	.25
Size 2	1.10	1.47	.15

<sup>1</sup> These maximum prices apply to flat cord soling slabs and soles made from friction scrap which at least equal the minimum specifications established by the War Production Board in Order M-217.  
<sup>2</sup> The maximum price for a size of soling slab not given in this table shall be determined by multiplying its area in square feet by the square foot price derived from the 3 1/4" x 3 1/4" slab of the same iron.  
<sup>3</sup> The maximum price for an item of a thickness which differs from those shown in this table shall be the price shown in the table for the item which is of the nearest lower thickness to the item being priced unless a different specific maximum price is authorized for it by the Office of Price Administration under section 9a (c). The maximum price for an item of a thickness which is lower than those shown in the table, shall be a specific price authorized for it by the Office of Price Administration under section 9a (c). A seller seeking such an authorization shall file a report in accordance with section 9a (c).  
<sup>4</sup> The prices listed in the table are the maximum prices at all levels, subject to a 2% cash discount, and the seller shall not reduce any transportation allowance he had in effect to a purchaser of the same class during March, 1942.  
<sup>5</sup> The maximum prices for an item of a size which differs from the sizes shown in this table shall be the maximum price shown in the table for the item which is of the nearest lower size to the item being priced, unless a different specific price is authorized for it by the Office of Price Administration under section 9a (c). A seller seeking such an authorization shall file a report in accordance with section 9a (c).  
<sup>6</sup> These maximum prices are subject to any cash discount and transportation allowance that the seller had in effect to a purchaser of the same class during March, 1942.  
<sup>7</sup> These prices are for Special Competitive Grade half soles.

This amendment shall become effective June 4, 1946.

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.  
[F. R. Doc. 46-9453; Filed, June 4, 1946; 11:37 a. m.]

PART 1346--BUILDING MATERIALS  
[MPR 591, Amdt. 4]

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 in the following respects:

- Article XI--Lighting Fixtures, including the heading thereunder, 1. Domestic Lighting Fixtures, is revoked.
- Under Article VIII--Mechanically Operated Commercial Refrigeration and Summer Air Conditioning Equipment and Accessories, the following item is added:

(13) Combination Refrigerator Freezers having Freezer Units over 2 1/2 cu. ft. in size.

3. Under Article IX--Plumbing Equipment and Accessories, the following item is added:

(32) Wall and Base Cabinets, Metal.

This Amendment No. 4 shall become effective June 10, 1946.

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.  
[F. R. Doc. 46-9455; Filed, June 4, 1946; 11:38 a. m.]

PART 1499--COMMODITIES AND SERVICES  
[SR 14C, Amdt. 11]

LEAD 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.

Supplementary Regulation 14C, is amended by adding thereto a new Section to read as follows:

Sec. 13. Maximum prices for certain lead products--(a) Maximum prices. Regardless of the provisions of the General Maximum Price Regulation, any person may sell and deliver any lead product, as defined in (b) below, at a price not to exceed the maximum price otherwise previously established by the General Maximum Price Regulation plus 1.75 cents per pound of lead contained in the product.

(b) Definitions. (1) "Lead product", as used in this section 13, means any metallic lead product made from lead or lead alloys and covered by the General Maximum Price Regulation such as babbitt or bearing metal, solder, type metal, sheet, pipe, fittings (traps, bends, ferrules, etc.), anodes, burning bar, frames, plates, powder, ribbon, roofing flanges, seals, shots, sinkers, sleeving, strip, tape, tubings, wire, wool, foil, and collapsible tubes. It does not include lead chemicals, pigments or paints, nor does it include any product covered by any regulation other than the General Maximum Price Regulation.

This amendment shall become effective June 3, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.  
[F. R. Doc. 46-9408; Filed, June 3, 1946; 4:31 p. m.]

PART 1499--COMMODITIES AND SERVICES  
[2d Rev. SR 14, Amdt. 28]

MAHOGANY 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 Supplementary Regulation 14 to the General Maximum Price Regulation is amended as follows:  
Section 3.1 is revoked.

This amendment shall become effective June 10, 1946.

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.  
[F. R. Doc. 46-9448; Filed, June 4, 1946; 11:39 a. m.]

PART 1382—HARDWOOD LUMBER  
[MPR 611]

MAHOGANY 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.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry or trade affected.

Sec.

1. Sales of mahogany lumber at higher than maximum prices prohibited.
2. Products covered.
3. Transactions covered.
4. Definitions.
5. Maximum prices for other than Cuban and San Domingo mahogany lumber.
6. Maximum prices for mahogany lumber not specifically priced in this regulation.
7. Discounts and concessions.
8. Transportation.
9. Prohibited practices.
10. Invoices.
11. Records and reports.
12. Enforcement and licensing.
13. Petitions for amendment.
14. Export sales.

AUTHORITY: § 1382.304 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, R.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487; E.O. 9697, 11 F.R. 1691.

SECTION 1. Sales of mahogany lumber at higher than maximum prices prohibited. On and after June 10, 1946, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive, mahogany lumber on a shipment subject to this regulation at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, or attempt to do any of these things.

SEC. 2. Products covered. The term, mahogany lumber, in this regulation means lumber of the several species of the genus *Swietenia*, and of the several species of the genus *Khaya*, both of the *Meliaceae* family.

This regulation covers all mahogany lumber sold or delivered in the transactions referred to in section 3 regardless of whether the lumber is produced within the continental United States from imported logs or is produced outside continental United States.

This regulation covers all grades, sizes and specifications of mahogany lumber whether or not they are specifically priced in the tables below.

All grade terms and other terms, used in this regulation, have the meaning given in the current "Rules for the Measurement and Inspection of Hardwood Lumber" published by the National Hardwood Lumber Association, except where otherwise indicated.

SEC. 3. Transactions covered. This regulation covers all sales within the United States of mahogany lumber, except a sale out of distribution yard stock.

This regulation also covers purchases of mahogany lumber imported or to be imported into continental United States from a foreign country even though the seller's place of business is located out-

side continental United States. The resale of such imported mahogany lumber is also covered by this regulation unless the resale is a sale out of distribution yard stock. A sale out of distribution yard stock is covered by Maximum Price Regulation 467.

Specifically, but not exclusively, a consumer of mahogany lumber in the United States is not permitted, under this regulation, to purchase mahogany lumber in a foreign country at prices which, together with transportation costs and other costs, will result in delivered prices which exceed the maximum prices established in this regulation.

SEC. 4. Definitions—(a) *Distribution yard.* Under this regulation, the term, "distribution yard," has the same meaning as that term has under Maximum Price Regulation 467.

(b) *Sale out of distribution yard stock.* The term, "sale out of distribution yard stock," has the same meaning as that term has under Maximum Price Regulation 467.

(c) *Less-than-carload lot and carload lot.* A less-than-carload lot of mahogany lumber is a quantity of mahogany lumber which, if it were shipped by rail, would be shipped at the less-than-carload rates. Shipments differing from a less-than-carload lot are carload lots. For the purposes of this regulation, whether a quantity of mahogany lumber is a carload lot or a less-than-carload lot is determined by the total quantity involved in the transaction without regard to item quantities or whether it is broken up into smaller orders or deliveries.

(d) *Point of origin in the United States.* In the case of imported mahogany lumber, point of origin in the United States means either the point of entry or the port of entry into the United States.

(e) *Feet.* For lumber 1" or thicker, "feet" means board feet of lumber. For lumber less than 1" thick, "feet" means surface feet of lumber.

(f) *Cuban and San Domingo mahogany lumber.* Cuban and San Domingo mahogany lumber is mahogany lumber produced in Cuba, Santo Domingo or in any of the other islands of the West Indies. Cuban and San Domingo mahogany lumber is also mahogany lumber produced in the United States from logs or flitches imported from Cuba, Santo Domingo or from any of the other islands of the West Indies.

SEC. 5. Maximum prices for other than Cuban and San Domingo mahogany lumber—(a) *Application of maximum prices in this section.* The maximum prices in this section apply to mahogany lumber when sold on grade-rule-range widths and lengths, or widths and lengths substantially the same as grade-rule-range widths and lengths, or on specified average widths or specified average lengths which are substantially run-of-the-log.

Maximum prices in this section are also subject to the discounts and concessions provided for in section 7 of this regulation.

The maximum prices in this section do not apply to Cuban and San Domingo mahogany lumber. Maximum prices for Cuban and San Domingo mahogany lumber must be applied for under the provisions of section 6.

(b) *Basic maximum prices.* The basic maximum prices in Table 1 of this section are for 1,000 feet of mahogany lumber.

For carload lots, the prices in Table 1 are delivered prices up to and including an allowance for freight of 50 cents per hundredweight from the mill in the United States which produced the lumber or from the point of origin in the United States if it is imported lumber.

For less-than-carload lots, the prices in Table 1 of this section are prices f. o. b. the mill for mahogany lumber produced in the United States or they are prices f. o. b. point-of-origin in the United States for mahogany lumber imported into the United States.

The basic maximum prices are as follows:

TABLE 1—MAHOGANY LUMBER

	FAS	6'-8' FAS or Selects <sup>1</sup>	#1 Com-mon	#2 Com-mon	#3 Com-mon	Selected FAS Pin Wormy (N. O. Grade) and FAS Pin Wormy (A Wormy)	#1 Com-mon Pin Wormy (N. O. Wormy)	#2 Com-mon Pin Wormy (B. Wormy)	FAS Shorts	Com-mon Shorts	Pin Wormy Shorts <sup>2</sup>	Clear Short Shorts <sup>3</sup>
3/8"	\$172	\$159	\$153	\$129					\$92			\$67
1/2"	208	197	184	141				116				80
5/8"	227	221	196	159	\$92	\$190	\$129	\$92	147	\$116	\$92	92
3/4"	245	239	214	178	104	208	147	104	159	129	98	98
4/4"	282	270	251	214	135	233	190	141	202	165	141	129
5/4"	288	276	257	221	141	245	214	147	208	172	153	135
6/4"	294	282	263	227	147	257	227	153	214	178	159	141
7/4-8/4"	306	294	276	239	153	270	239	159	233	196	172	153
9/4-10/4"	325	306	288	251	159	282	245	165	245	202	178	178
12/4"	337	319	300	263	165	294	257	172	257	214	190	196
14/4-16/4"	355	337	312	282		306	270	178	276	233	208	202
20/4"	386	374	349									
24/4"	404	392	380									

<sup>1</sup> The term, 6'-8' FAS, covers a trade practice grade so designated in the industry.

<sup>2</sup> FAS Wormy Shorts are the same grade as Pin Wormy Shorts and take the same price as Pin Wormy Shorts.

<sup>3</sup> Widths 3" and wider; lengths 10' to 23'; Clear.

(c) *Additions to and deductions from the basic maximum prices.* The additions to the basic maximum prices provided for below shall be made only in

those sales in which the buyer specifically orders the service and the seller performs the service to which the addition applies.

Deductions from the basic maximum prices provided for below shall be made if lumber is shipped in the condition requiring a deduction.

(1) *Small quantity sales delivered by truck to consumers.* On a sale of less than 1,000 feet of mahogany lumber to a consumer when delivery is made only by truck to a point not more than 20 miles from the mill at which the shipment originates, the seller may make the following additions, which include the delivery, to the basic maximum prices established in paragraph (b):

*Quantity ordered and addition permitted to basic maximum prices*

Up to 249 feet inclusive: 30 percent.  
250 feet to 999 feet inclusive: 10 percent.

The footage referred to means total footage in the order whether that footage is composed of one or more items of mahogany lumber.

(2) *Maximum charges for counters.* The seller of mahogany lumber may add to the basic maximum prices the following maximum charges for counters:

TABLE 2—COUNTERS

Add to the price of 4/4 FAS:

Widths	Lengths						
	8' and 9'	10' and 11'	12' and 13'	14' and 15'	16' and 17'	18' and 19'	20' and up
13" to 17", inclusive.....	\$50	\$55	\$60	\$70	\$80	\$100	\$115
18" to 21", inclusive.....	90	95	100	110	120	140	165
22" to 25", inclusive.....	110	115	120	130	140	160	185
26" to 30", inclusive.....	135	140	145	155	165	185	210
31" and up.....	145	150	155	165	175	195	220

(3) *Maximum price additions for specified lengths and miscellaneous differentials.* The seller of mahogany lumber may add to the basic maximum prices the following maximum charges for certain specified lengths and miscellaneous items:

TABLE 3—ADDITIONS FOR SPECIFIED LENGTHS—FAS ONLY

Lengths	Thicknesses				
	3/8"	1/2"	5/8"	3/4"	4/4" and thicker
17' to 19', inclusive.....	\$27	\$32	\$36	\$40	\$45
20' to 22', inclusive.....	30	35	40	45	50
23' to 25', inclusive.....	42	49	56	63	70
25' and up.....	60	70	80	90	100

Clear Strips: Same price per M'BM as Selects of the corresponding thickness in table 1.

No. 1 Common Strips: Deduct \$20 per M'BM from the price per M'BM for Selects of the corresponding thickness in table 1.

Furniture Squares: 1 1/2" x 1 1/2" to 4" x 4" x random lengths, 16" to 71" long.

Clear: Add \$15 per M'BM to the price per M'BM for No. 1 Common of corresponding thickness in table 1.

Selects: Same price per M'BM as the price per M'BM for No. 1 Common of corresponding thickness in table 1.

*Differential for Figured*

Selects and No. 1 Common: For from 60% to 90% or more of total area of cuttings in each board to be figured, add \$10 to the price of the respective Selects or No. 1 Common grade and thickness price in table 1.

FAS only: For between 60% and 90% of total area of cuttings in each board to be figured add \$10 to the respective FAS thickness price in table 1.

FAS only: For 90% or more of total area of cuttings in each board to be figured add \$25 to the respective FAS thickness price in table 1.

*Differential for Straight Grained*

FAS only: For 90% or more of total area of best face of each board to be straight grained add \$25 to the respective FAS thickness price in table 1.

Clear Flitches: To be priced same as FAS for respective thicknesses in table 1.

(4) *Maximum prices for resawing and surfacing.* The seller of mahogany lumber may add to the basic maximum prices the following maximum charges for resawing and surfacing:

Resawing:

6' and up long:  
One cut—\$5.00 per M'BM.  
Two cuts—\$8.00 per M'BM.

Under 6' long:  
One cut—\$10.00 per M'BM.  
Two cuts—\$16.00 per M'BM.

Surfacing:

6' and up long—one or two sides:  
\$5.00 per M'BM 4/4 and thicker.  
\$5.00 per M'SM under 4/4.

Under 6' long—one or two sides:  
\$10.00 per M'BM 4/4 and thicker.  
\$10.00 per M'SM under 4/4.

(5) *Maximum prices for kiln-drying.* The seller of mahogany lumber may add to the basic maximum prices the following maximum charges for kiln-drying to a moisture content of 6 percent or less. These charges apply to 1,000 feet for the thicknesses indicated:

MAXIMUM PRICES FOR KILN DRYING—6 PERCENT OR LESS MOISTURE CONTENT

[Per M' surface measure, under 4/4"; per M'BM, 4/4" and over]

	Zone 1	Zone 2
3/8.....	\$9.00	\$8.00
1/2.....	9.00	8.00
5/8.....	9.00	8.00
3/4.....	9.00	8.00
4/4.....	10.00	9.00
5/4.....	11.50	10.00
6/4.....	13.50	12.00
8/4.....	16.50	14.50
10/4.....	19.50	17.50
12/4.....	25.00	22.00
16/4 and up.....	28.50	26.00

Add 50 percent over above prices for shorts.

Zone 1: Consists of the States of Illinois, Indiana, New Jersey, New York, Pennsylvania, Massachusetts, and Ohio.

Zone 2: Consists of the District of Columbia and all States not included in zone 1.

(6) *Custom kiln drying and milling.* If mahogany lumber is kiln dried or milled for the seller by a custom kiln or milling establishment and the custom kiln or milling establishment is not owned

or operated by or connected with the seller's place of business, the seller may add the actual cost of the kiln drying or milling under circumstances permitted in and in amounts not greater than the maximum prices established by the applicable regulation covering custom kiln drying and/or milling services.

SEC. 6. *Maximum prices for mahogany lumber not specifically priced in this regulation.* Mahogany lumber sold on special grades or specifications or with special services or other extras not specifically priced in this regulation is, nevertheless, subject to this regulation as a "specially priced item" or "special item" and a maximum price shall be applied for under either paragraph (a) or (b) below.

(a) *Sales by sellers within continental United States.* A seller located within continental United States, making a sale of mahogany lumber covered by this section for which that seller does not have a maximum price duly approved by the Office of Price Administration, shall apply for approval of a requested price for that mahogany lumber to the Lumber Branch of the Office of Price Administration, Washington 25, D. C. The application shall cover only one order or inquiry of mahogany lumber and a copy of that order or inquiry shall accompany the application.

If the seller had sales in March 1942 of the special item and of the most comparable item specifically priced in this regulation, he shall show on his application the price differential which he maintained between those two items in that month. If the seller did not have sales of both of such items in March 1942 he shall show on the application the price differential between these two items which existed in the first month preceding March 1942 in which he had sales of both of these items. If the seller did not have any sales of these two items in March 1942, or in any month preceding March 1942, the seller shall show on the application the price differential which he would have maintained between these two items in March 1942 if he had made sales of these items in that month.

The seller shall report his requested price in his application, together with an explanation of how he has determined such price. The maximum price, approved by the Office of Price Administration, shall be a price which is in appropriate relationship to the most comparable standard item, determined from an examination of the data submitted by the seller and from such other data as may be available to the Office of Price Administration. A maximum price duly approved by the Office of Price Administration for a seller for a special item shall apply to subsequent sales by that seller of the identical item of mahogany lumber unless the Office limits the applicability of the approved price in some manner.

If, within thirty (30) days of the receipt of the application by the Lumber Branch of the Office of Price Administration, the Office does not request additional information or disapprove the price requested by the seller on the applica-

tion, that requested price may be deemed approved, but such approval shall be applicable only to the one specific order covered by the application and only to the quantity of the special item contained in that order on the date of the application.

Prior to approval by the Office of Price Administration of the maximum price for a special item of mahogany lumber covered by this section the seller shall not make any collections on account of the sale price of the special item. However, the seller may proceed with delivery of the special item using the requested price as a tentative maximum price, but all quotations, contracts and invoices must notify the buyer that the price is subject to approval by the Office of Price Administration within the thirty (30) days period described above.

(b) *Purchases of mahogany lumber to be imported into continental United States.* A buyer making a purchase of mahogany lumber, not specifically priced in this regulation, imported or to be imported into continental United States from a foreign country, shall apply to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., for approval of a requested price for that mahogany lumber. The application shall cover only one offer to purchase mahogany lumber and a copy of that offer shall accompany the application.

The buyer shall report in the application the price which he desires to have approved, and an explanation of how that requested price was determined. The maximum price approved by the Office of Price Administration shall be a price which is in appropriate relationship to the price of the most comparable standard item determined from an examination of the data submitted by the purchaser and from such other data as may be available to the Office of Price Administration.

A maximum price duly approved by the Office of Price Administration under this paragraph shall apply only to subsequent purchases of the identical item of mahogany lumber by the same buyer from the same seller as those specifically covered by the price approval.

If, within 30 days of the receipt of the application by the Lumber Branch of the Office of Price Administration, that Office does not request additional information or disapprove the price requested by the buyer on the application, that requested price may be deemed approved, but such approval shall be applicable only to the one specific offer covered by the application and only to the quantity of the special item contained in that offer on the date of the application.

**Sec. 7. Discounts and concessions.** A seller of mahogany lumber must give the same trade, cash or service discounts or concessions to purchasers which he gave in March 1942 to purchasers of the same class.

A seller who did not sell mahogany lumber in March 1942 shall extend the same service discounts or concessions as his closest and most comparable competitor tendered in March 1942.

**SEC. 8. Transportation—(a) Carload lots—(1) Common or contract carrier, private truck.** On shipments of carload lots of mahogany lumber by common or contract carrier or by private truck owned or controlled by the seller, the seller may add to the basic maximum prices established in section 5 the actual lawful costs which he may incur in excess of 50 cents per hundredweight.

(2) *Trucking to railhead.* On shipments of carload lots of mahogany lumber, when a truck haul precedes rail shipment, as occurs when a mill located away from a railhead hauls lumber by truck to the railhead, no addition shall be made to the basic maximum prices for the truck haul.

(3) *Truck delivery after rail haul.* On shipments of carload lots of mahogany lumber, when truck delivery follows a rail haul, the seller may add to the basic maximum prices the actual costs which he may incur for that truck delivery.

(b) *Less-than-carload lots.* On shipments of less-than-carload lots of mahogany lumber the seller may add to the basic maximum prices any lawful costs which he may incur for delivery of the lumber.

**SEC. 9. Prohibited practices—(a) General.** Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-in agreements, trade understandings and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in March 1942. This includes decreasing credit periods, or making greater charges for extension of credit. In all cases, if the sale is on cash terms, the maximum price must be affected by the same amount as the sale price would have been affected for similar cash terms on March 1, 1942.

(2) Refusing, without good reason, to ship mahogany lumber except in small quantities, or in specified or restricted lengths, or under other circumstances which bring the seller an extra return.

(3) Refusing, without good reason, to ship mahogany lumber in standard grades and in grade-rule-range widths and lengths.

(4) Grading as a special grade lumber which normally is graded by the seller as a standard grade; or wrongly grading or invoicing lumber in any other way.

(5) Unnecessarily routing lumber through a distribution yard.

(6) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(7) Selling graded mahogany lumber at an average price.

(8) Selling mahogany lumber priced on an ungraded basis.

(9) Making any of the additions to the basic maximum prices of the various items set forth in the tables unless the purchaser's order expressly requires the working, grade, condition, size or length for which the additions are permitted.

(c) *Purchasing commissions.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For the purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

(d) *Combination grades.* Graded mahogany lumber sold on combination (special inspection) grades for which no maximum prices have been established in this regulation (such as No. 1 Common and Better, Log Run—full run of the logs, excluding all grades below No. 2 Common, and Mill Run—full run of the log, No. 3 Common and Better) may not be sold at above the maximum prices for the lowest grade included in the combination grade. For example, the maximum price for Log run (No. 2 Common and Better) is that established for No. 2 Common for the species sold.

Of course, the different grades included can be quoted and invoiced separately on the individual footage and price for those grades.

(e) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

**SEC. 10. Invoices—(a) General.** All invoices must contain a sufficiently complete description of the mahogany lum-

ber to show whether the price is proper or not. Any working, specifications, quantity or extra which affects the maximum price must be referred to in the description. The amount added for these items need not be separately shown except in the special instances referred to below.

(b) *Transportation charges.* In delivered sales the invoice must contain the following information:

- (1) Point of origin of shipment.
- (2) Destination.
- (3) The rail or truck rate if the shipment moves at a rate above 50 cents per hundredweight. If the shipment is by private truck, the invoice must show the truck charges.

(4) The invoice must state whether the shipment is a direct-mill shipment or not.

(c) *Delivery and custom kiln-drying and mill charges.* Any separate charge which the seller is permitted to make under this regulation for the following items must be shown separately on the invoice:

- (1) *Truck delivery after rail haul.*
  - (2) *Custom kiln-drying or milling.*
- The invoice of the custom kiln-drying or milling establishment must be attached to the lumber invoice of the seller.

**SEC. 11. Records and reports—(a) Records.** For the duration of the Emergency Price Control Act of 1942, as amended, all sellers of mahogany lumber must keep records which will show complete description of the item of lumber sold, the name and address of the buyer, the date of the sale, and the sales price. The buyer must keep similar records including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought \$500.00 worth or more of mahogany lumber. They must keep such records for inspection by the Office of Price Administration and they must keep such further records as the Office of Price Administration may later require.

(b) *Reports.* Any reports that the Office of Price Administration may require must be submitted, subject to approval of the Budget Bureau in accordance with the Federal Reports Act of 1942.

**SEC. 12. Enforcement and licensing—(a) Criminal penalties.** Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for triple damages and proceedings for revocation of licenses provided for in the Emergency Price Control Act of 1942, as amended.

(b) *Licensing.* The provisions of Licensing Order No. 1 licensing all persons who make sales under price control are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, within the period of suspension, make any sale for which his license may be suspended.

**SEC. 13. Petitions for amendment.** Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance

with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

**SEC. 14. Export sales.** The maximum prices of export sales of mahogany lumber are governed by the Second Revised Maximum Export Price Regulation.

This regulation shall become effective June 10, 1946.

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

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9456; Filed, June 4, 1946; 11:39 a. m.]

PART 1349 — ELECTRICAL GENERATION, TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

[MPR 82, Amdt. 9]

WIRE AND CABLE

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 82 is amended in the following respects:

The following paragraph (g) is added to section 16:

(g) *Procedure where OPA establishes industry-wide increases in the price of electrolytic copper.* (1) This paragraph applies only to copper, copper-alloy, or copper-clad wire and cable.

(2) The maximum net prices for wire and cable, excepting armored cable, cord sets, battery cables, wiring harnesses, and ignition sets, may be adjusted by the manufacturer, after June 3, 1946, the effective date of an amendment increasing the maximum prices of electrolytic copper, by an amount computed pursuant to the following provisions:

(i) Where the price of the following wire and cable is expressed in terms of a certain amount (dollars-and-cents) per unit of weight, the maximum net price of that wire and cable may be adjusted in accordance with this table:

<i>Increase per pound in the net price for finished product for each one cent increase per pound in price of electrolytic copper</i>	
Wire and cable:	Cents
Magnet wire.....	1.10
Weather-proof wire, solid, or stranded.....	.85
Copper wire rod, black or cleaned....	1.05
Bare or tinned copper wire, solid or stranded, sold to insulators for further fabrication.....	1.05
Bare or tinned copper wire, solid or stranded, sold to others than insulators.....	1.10

(ii) Where the price of wire and cable is expressed in terms of a certain amount (dollars-and-cents) per unit of length, the maximum net price of that wire and cable may be adjusted in this manner:

*Single conductors.* For each one cent per pound increase in the price of electrolytic

copper, the maximum net price per thousand feet of single conductor wire or cable may be increased by an amount equal to the cross-sectional area of the conductor (expressed in circular mils) multiplied by \$.0000340.

*Multiple conductors.* For each one cent per pound increase in the price of electrolytic copper, the maximum net price per thousand feet of wire or cable having more than one conductor may be increased by an amount equal to the sum of the cross-sectional areas of the conductors (expressed in circular mils) multiplied by \$.0000348.

(3) The foregoing increases are to be adjusted proportionately where the increase in the price of copper is more or less than one cent per pound, as illustrated by these examples:

*Example 1.* Assume the price of electrolytic copper to be increased by 1.5 cents per pound instead of one cent per pound. The increase per pound in the net price of finished magnet wire would therefore be 50 percent higher than 1.10 cents; in other words, 1.65 cents.

*Example 2.* With the same assumption made in Example 1, the maximum net price of single conductor wire and cable for each thousand feet would be increased by an amount equal to 150% of the product of the cross-sectional area of the conductor (expressed in circular mils) and \$.0000340 cents.

(4) Resellers may increase their maximum net prices for wire and cable by the dollars-and-cents amount by which their net invoiced costs have been increased as a result of the foregoing provisions.

(5) The increases obtained as a result of the application of the foregoing provisions shall be separately stated on the invoice. However, sellers may round out these increases to the nearest ten cents.

This amendment shall become effective June 3, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9405; Filed, June 3, 1946; 4:30 p. m.]

PART 1395—NON-FERROUS FOUNDRY PRODUCTS

[RMFR 125, Amdt. 12]

NON-FERROUS CASTINGS

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

Revised Maximum Price Regulation No. 125 is amended in the following respects:

1. A new § 1395.4b is added to read as follows:

§ 1395.4b *Permitted increases in certain maximum prices.* Maximum prices for copper and copper-base castings established in accordance with § 1395.3 and paragraph (d) of § 1395.4 of this regulation and maximum prices established in accordance with paragraphs (a), (b) and (c) of § 1395.4 of this regulation prior to June 3, 1946, are increased in accordance with the following provisions of this section.



(a) *Amount of increase.* The increase shall be in the amount stated below. Specifications are indicated by OPA group and alloy numbers as used in § 1309.165 of Maximum Price Regulation No. 202. If the specification of the casting to be priced is not listed, the price of such casting is to be increased in the amount indicated for a casting of the most similar specifications listed.

*Increase in cents per pound*

97% or more copper-----	2½
85-5-5-5 group (OPA Nos. 100-132, inclusive)-----	2½
88-10-2 group (OPA Nos. 193-257, inclusive)-----	2¼
80-10-10 group (OPA Nos. 295-326, inclusive)-----	2½
Yellow brass group (OPA Nos. 400-409, inclusive)-----	2½
Nickel alloys group (OPA Nos. 410-414, inclusive)-----	1½
Aluminum bronze group (OPA No. 415)-----	2
Manganese bronze group (OPA Nos. 420-424, inclusive)-----	1
Silicon bronze group (OPA No. 500)---	2

(b) *Specification is the test.* In figuring the increase under paragraph (a), the test is the metal specification for the casting to be priced. The test is not the individual metals (alloy, virgin or scrap) used in making up the specification. The test is the specification of metal at the time of the pricing involved and not at the time the casting was made for the first time or at any other time in the past.

(c) *Applicability of increases to adjusted prices.* The increase authorized by this section may be added to any price which has been increased by an adjustment order issued under § 1395.12 of this regulation.

This amendment shall become effective June 3, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9406; Filed, June 3, 1946; 4:30 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14G, Amdt. 10]

COPPER

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

Supplementary Regulation 14G is amended in the following respects:

1. In section 9, paragraph (d) is redesignated paragraph (e) and a new paragraph (d) is added to read as follows:

(d) *Modifications on account of increases in the maximum prices for copper purchased by producers of brass mill products.* The maximum prices for brass mill products otherwise established by the General Maximum Price Regulation and this section 9 may be increased by the amounts set forth below.

(1) *Copper products.* Add the amount of the increase in maximum prices for copper granted by Amendment No. 5 to Revised Price Schedule No. 15; effective June 3, 1946.

(2) *Alloy products.* Add an amount determined by multiplying the increase in maximum prices for copper granted by Amendment No. 5 to Revised Price Schedule No. 15, effective June 3, 1946, by the percentage of copper contained in the alloy.

2. In section 9, the redesignated paragraph (e) is amended by adding thereto a new subparagraph (4) to read as follows:

(4) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

This amendment shall become effective June 3, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9407; Filed, June 3, 1946; 4:30 p. m.]

PART 1340—FUEL

[MPR 510, Amdt. 4]

LUBRICATING OILS, GREASES, AND CERTAIN OTHER PETROLEUM 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.

Maximum Price Regulation No. 510 is amended in the following respects:

1. Section 4 is amended by adding (e) to read as follows:

(e) *Adjustments because of Fair Trade Acts.* Maximum prices established under this regulation may be adjusted in the case of any seller who shows:

(1) Either that his maximum price for any commodity established under this regulation is less than the minimum price at which he was lawfully required to sell the commodity during March 1942 pursuant to the provisions of a State Fair Trade Act; or that he has been permanently enjoined by a court from selling the commodity at less than such minimum price; and also

(2) That the commodity was generally sold during March 1942 at prices no lower than such minimum price within the locality in which his selling establishment is located. In such cases, the maximum price of the seller will be increased to such minimum price. Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

Each Regional Administrator of the Office of Price Administration and such District Directors of the Office of Price Administration as may be designated by the appropriate Regional Administrator are hereby authorized to make adjustments or act upon applications for adjustment under this paragraph (e).

This amendment shall become effective June 10, 1946.

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9454; Filed, June 4, 1946; 11:38 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 41]

MACHINES, PARTS AND INDUSTRIAL 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.

Revised Maximum Price Regulation 136 is amended in the following respects:

1. The item in Appendix A including new automotive trucks, motorcycles, busses, and house and truck trailers within the coverage of Revised Maximum Price Regulation 136, is amended to read as follows:

Automotive busses and house and truck trailers, new only, manufactured on or after August 12, 1943. The foregoing does not include automotive busses and trailers sold exclusively for military purposes, nor does it include busses and trailers listed elsewhere in this Appendix.

This amendment shall be effective as of May 18, 1946.

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9450; Filed, June 4, 1946; 11:37 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Amdt. 12 to Supp. 13 (§ 1351.478)]

PACKED FRUITS, BERRIES AND VEGETABLES (1945 AND LATER PACKS)

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

Supplement 13 to Food Products Regulation No. 1 is amended in the following respects:

1. The table in section 6 (b) (2) is amended with respect to the listing "Hominy, okra and tomato, cut okra, whole okra, rhubarb, artichokes, bamboo sprouts, celery, parsnips, pimento, turnips," by changing the figure ".31" appearing opposite No. 10 under the column headed No. 2½ to read ".29" and by changing the figure "3.25" appearing opposite No. 2½ in the column headed No. 10 to read "3.50".

2. Part 4 of the table in section 6 (g) (2) is amended as follows:

In the column under "Product", the product "Blackeye peas" is amended to read "Blackeye peas, fresh shelled"; and the product "All other field peas and field peas with snaps" is amended to read "All other field peas, fresh shelled, and field peas with snaps, fresh shelled."

<sup>1</sup> 11 F.R. 1935, 3864.

3. Section 8 is amended to read as follows:

**SEC. 8. Maximum prices for sales by processors of listed products which have been sold to them by government agencies.** (a) The maximum price for sales by a processor, or to purchasers other than government procurement agencies, of that portion of an item of any product listed in section 5 or 6 which was packed prior to 1945, and which has been sold to the processor by a government agency, shall be that processor's maximum price, f. o. b. shipping point, as established under this supplement for the same item when packed in 1945. However, differences in brand shall be ignored.

(b) If he is a processor of the product but cannot figure his maximum price for the item purchased from a government agency under paragraph (a) because of a difference in variety, grade, style of pack, sieve size, size or container type and size, the processor shall figure his maximum price for the item by reference to the applicable conversion provisions of this supplement provided for figuring such differentials.

4. Section 13 (c) is amended by adding the following:

If the applicant does not submit all additional information that may have been requested within 30 days after the request is mailed, his application shall be considered withdrawn and the docket closed. The docket will not be reopened upon later receipt of this information, and further consideration by the Office of Price Administration will not be given unless the application is refilled.

5. Appendix B to section 16 is amended in the following respects:

a. Paragraph (a) is amended to read as follows:

(a) *What this appendix includes.* This appendix includes the specific pricing provision for the following styles of pack of apricots produced in California: halves (unpeeled), whole (unpeeled), and whole (peeled). It does not apply to these styles of pack of apricots produced in states other than California, nor to these styles of pack produced in California which are packed in natural juice, nor to other styles of pack produced in California. The processor of apricots halves (unpeeled), whole (unpeeled) and whole (peeled), packed in natural juice, and produced in California, shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price under section 10 (c). If the processor sold only second grade of apricots during the base period, he shall establish his maximum prices under section 5 (b).

b. The last sentence in the first paragraph of paragraph (c) is amended to read as follows: "Also, no amount shall be added where the change in the packing medium is from syrup to water."

6. Appendix C to section 16 is amended in the following respects:

a. Paragraph (a) is amended to read as follows:

(a) *What this appendix includes.* This appendix includes the specific pricing provisions for light unpitted sweet cherries produced in California, Oregon and Washington. It does not apply to this style of pack of light sweet cherries produced in states other than

California, Oregon and Washington, nor to this style of pack produced in California, Oregon and Washington which are packed in natural juice, nor to other styles of pack of light sweet cherries produced in California, Oregon and Washington. The processor of light unpitted sweet cherries packed in natural juice, and produced in California, Oregon and Washington, shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price under section 10 (c).

b. The last sentence of paragraph (c) is amended to read as follows: "If the change in the packing medium is from syrup to water no amount shall be added."

7. Appendix D to section 16 is amended in the following respects:

a. Paragraph (a) is amended to read as follows:

(a) *What this appendix includes.* This appendix includes the specific pricing provisions for the following styles of pack of yellow cling peaches produced in California: halves, sliced, quartered and diced. It does not apply to these styles of pack produced in states other than California, nor to these styles of pack produced in California which are packed in natural juice, nor to other styles of pack produced in California. The processor of yellow cling peaches halves, sliced, quartered and diced, packed in natural juice, and produced in California, shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price under section 10 (c). If the processor sold only seconds grade of yellow cling peaches during the base period, he shall establish his maximum prices under section 5 (b).

b. The last sentence in the first paragraph of paragraph (c) is amended to read as follows: "Also, no amount shall be added where the change in the packing medium is from syrup to water."

8. Appendix E to section 16 is amended in the following respects:

a. Paragraph (a) is amended to read as follows:

(a) *What this appendix includes.* This appendix includes the specific pricing provisions for packed Bartlett pears, halves (peeled), quarters (peeled), and diced, produced in California, and for packed Bartlett pears, halves (peeled), produced in Oregon and Washington. It does not apply to any of these styles of pack produced in states other than California, Oregon and Washington, nor to these styles of pack produced in California, Oregon and Washington which are packed in natural juice, nor to any style of pack of Bartlett pears other than halves (peeled) produced in Oregon and Washington, nor to packed spiced, whole or pickled pears, or Bartlett pear compote, produced in any area. The processor of Bartlett pears, halves (peeled), quarters (peeled), and diced, packed in natural juice, and produced in California and of Bartlett pears, halves (peeled), packed in natural juice, and produced in Oregon and Washington, shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price under section 10 (c). If the processor sold only seconds grade of Bartlett pears during the base period, he shall establish his maximum prices under section 5 (b).

b. The last sentence in the first paragraph of paragraph (c) is amended to read as follows: "Also, no amount shall be added where the change in the packing medium is from syrup to water."

9. Appendix F to section 16 is amended in the following respects:

a. Paragraph (a) is amended to read as follows:

(a) *What this appendix includes.* This appendix includes the specific pricing provisions for fruit cocktail produced in California. It does not apply to fruit cocktail produced in states other than California, nor to fruit cocktail packed in natural juice, and produced in California. The processor of fruit cocktail packed in natural juice and produced in California shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price under section 10 (c).

b. The last sentence in the first paragraph of paragraph (c) is amended to read as follows: "Also, no amount shall be added where the change in the packing medium is from syrup to water."

This amendment shall become effective June 10, 1946.

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.

Approved May 24, 1946.

N. E. DODD,  
Under Secretary of Agriculture.

[F R. Doc. 46-9447; Filed, June 4, 1946;  
11:39 a. m.]

[SR 14G, Amdt. 9]

PART 1499—COMMODITIES AND SERVICES  
GENERAL LINE CANS

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

Supplementary Regulation 14G is amended by adding thereto a new section to read as follows:

**SEC. 12. Maximum prices for producers' sales of general line cans and resellers' sales of general line cans, packers' tin cans and condensed milk cans.** The increases in maximum prices set forth herein may not be added to maximum prices established by individual adjustment orders, but any person who heretofore has received such adjustment may sell, at his option, at the price set forth in the individual order or at the maximum price permitted by this section.

(a) *Producers' sales of general line cans.* Regardless of the provisions of the General Maximum Price Regulation, any producer may sell and deliver, and any person may buy and receive, general line cans at a price not to exceed the applicable maximum price determined in accordance with the General Maximum Price Regulation or Revised Order 414, under § 1499.3 (b) plus 9% of such maximum price.

(b) *Resellers' sales of general line cans, packers' tin cans, and condensed milk cans.* Regardless of the provisions of the General Maximum Price Regulation, any reseller may sell and deliver, and any person may buy and receive general line cans, packers' tin cans, and condensed milk cans at prices not to exceed those set forth below:

(1) In the case of general line cans, the applicable maximum price determined in accordance with the General

Maximum Price Regulation, plus the dollars and cents amount of the increase in maximum prices granted producers by paragraph (a) above.

(2) In the case of packers' tin cans and condensed milk cans, the applicable maximum price determined in accordance with the General Maximum Price Regulation, plus the dollars and cents amount of the increase in maximum prices granted producers by Amendment No. 5 to Maximum Price Regulation No. 350.

(c) *Definitions.* When used in this section, the term:

(1) "General line cans" means any new shipping container requiring a protective package during shipment, made of 28 gage or lighter, coated or uncoated, steel sheets. It does not include packers' sanitary or condensed milk cans as defined in Maximum Price Regulation No. 350; or "Steel Shipping Containers" not requiring a protective package during shipment or containers governed by Maximum Price Regulation No. 188 or containers designed or manufactured for storage purposes or for component parts of any commodity not generally used as a shipping container or shipping containers manufactured from combinations of steel sheets and other materials such as paper, wood, fiber board, etc.

(2) "Packers' tin cans" and "condensed milk cans" shall have the same meaning as set forth in Maximum Price Regulation No. 350.

(3) "Reseller" means any person who buys general line cans, packers' tin cans, or condensed milk cans and resells them in substantially the same form as received.

This amendment shall become effective June 4, 1946.

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9449; Filed, June 4, 1946;  
11:39 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard: Inspection and Navigation

#### Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

#### PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

##### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by R. S. 4472, as amended (46 U.S.C. 170), and Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), as modified by Executive Order No. 9666, dated December 28, 1945 (11 F.R. 1), and Coast Guard General Order 1-46 of the Secretary of the Treasury, dated January 1, 1946 (11 F.R. 185), the following amendments to the regulations are prescribed and shall be made effective June 14, 1946:

Section 146.04-5 *List of explosives and other dangerous articles and combustible liquids* is amended as follows:

Following the article "Calcium hypochlorite (See: "Bleaching powder.")" add: In column 1, "Calcium hypochlorite compounds, dry, containing more than 8.80% available oxygen (39% available chlorine)." In column 2, "Oxy. M." In column 3, "Yellow."

On the line with the article "Oakum" add in column 1: "(See: Twisted jute packing (rope))."

Following the articles "Turpentine substitutes" add: In column 1, "Twisted jute packing (rope) (treated or untreated)." In column 2, "Haz."

Section 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

Following the article "Calcium chlorite" add: In column 1, "Calcium hypochlorite compounds, dry, containing more than 8.80% available oxygen (39% available chlorine)." In column 2, "*Decomposed by moisture. If exposed to excessive heat, or to the rays of the sun it may decompose spontaneously evolving vapor, with sufficient pressure to rupture. The vapors from ruptured containers have been known to ignite spontaneously. When exposed gives off pungent vapors (chlorine) that are corrosive. Keep dry. May destroy textiles. Do not stow in the same compartment with corrosive liquids (white label) nor with turpentine. Stow well away from foodstuffs, living quarters and all sources of artificial heat.*" In column 3, "Yellow." In column 4, "Stowage:" "On deck under cover." "Tween decks." "Under deck, but not overstowed." "Outside containers:" "Steel barrels or drums:" "(ICC-6A, 6B, 6C) not over 55 gal. cap." "(ICC-17E, 37D, 37E, 37F) STC, not over 55 gal. cap." In column 5, "Stowage:" "On deck under cover." "Tween decks readily accessible." "Outside containers:" "Steel barrels or drums." "(ICC-6A, 6B, or 6C) not over 55 gal. cap." "(ICC-17E, 37D, 37E, 37F) 37F) STC not over 55 gal. cap." In column 6, "Ferry stowage (AA)." "Outside containers:" "(ICC-6A, 6B, 6C) not over 55 gal. cap." "ICC-17E, 37D, 37E, 37F) STC not over 55 gal. cap." In column 7, "Ferry stowage (BB)." "Outside containers:" "(ICC-6A, 6B, 6C) not over 55 gal. cap." "(ICC-17E, 37D, 37E, 37F) STC not over 55 gal. cap."

Section 146.27-100 *Table K—Classification: Hazardous articles* is amended as follows:

Under the article "Bleaching powder" in column 1 delete "Bleaching powder" and add in lieu thereof: "Bleaching Powder, dry, containing less than 8.80% available oxygen (39% available chlorine)."; and delete "(calcium hypochlorite)" and add in lieu thereof: "For calcium hypochlorite compounds, dry, containing more than 8.80% available oxygen (39% available chlorine) refer to "Calcium hypochlorite compounds, dry" in § 146.22-100."

Under the article "Oakum" add: In column 1, "Twisted jute packing (rope)

(treated or untreated)." In columns 4 and 5 under "Stowage", "Tween decks."

Dated: May 31, 1946.

[SEAL] J. F. FARLEY,  
Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 46-9404; Filed, June 3, 1946;  
4:27 p. m.]

## Notices

### DEPARTMENT OF THE INTERIOR,

Office of the Coal Mines Administrator.

[Order CMAN-1]

#### CERTAIN COAL MINES IN GOVERNMENT POSSESSION

#### CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT

By agreement dated May 29, 1946 between the Secretary of the Interior, acting as Coal Mines Administrator, and the United Mine Workers of America, certain changes in terms and conditions of employment, among other things, were agreed upon; the wage changes to be retroactive to May 22, 1946. Such changes in terms and conditions of employment were ordered by the National Wage Stabilization Board pursuant to section 5 of the War Labor Disputes Act, which order was approved by the President May 31, 1946.

Now, therefore, pursuant to said section 5 of the War Labor Disputes Act; *It is hereby ordered and directed*, That terms and conditions of employment in all mines in government possession under Executive Order 9728, which were, as of March 31, 1946, subject to the National Bituminous Coal Wage Agreement dated April 11, 1945, shall be the terms and conditions of employment which were in effect at the time possession of such mine was taken pursuant to said Executive Order 9728 as changed, amended and supplemented by said agreement dated May 29, 1946 between the Coal Mines Administrator and the United Mine Workers. Terms and conditions of employment existing at the time possession of said mines was taken (May 22, 1946) are hereby construed to mean the terms and conditions existing on March 31, 1946, or the last day when said mines were operated under agreement with the United Mine Workers of America.

A copy of said agreement dated May 29, 1946 is attached hereto and made a part hereof.<sup>1</sup>

This order shall be deemed to be a specific direction or order within the meaning of the terms and provisions of Regulations issued by the Secretary of the Interior and which regulations were made applicable to all mines seized under Executive Order 9728 by order of the Secretary of the Interior dated May 31, 1946.

B. MOREELL,

Deputy Coal Mines Administrator.

JUNE 1, 1946.

[F. R. Doc. 46-9433; Filed, June 4, 1946  
10:12 a. m.]

<sup>1</sup> Filed as part of the original document.

[Order CMAÑ T-3]

MT. OLIVE &amp; STAUNTON COAL CO. ET AL.

## TERMINATION OF POSSESSION

On the basis of information available to the Coal Mines Administration and after consideration of all of the circumstances and in accordance with the provisions of Executive Order No. 9728 (11 F.R. 5593) and the War Labor Disputes Act (57 Stat. 163) I find that the possession by the government of certain of the coal mines now in the possession of the government pursuant to order of the Secretary of the Interior No. 2200 (11 F.R. 5603) should be terminated.

Accordingly I order and direct that possession by the government of the coal mines listed in Appendix A of this order including any and all real and personal property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mines, possession of which was taken pursuant to said Executive order and order of the Secretary of Interior, be, and it is hereby terminated, and that there be conspicuously displayed at such mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

## NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Nothing contained herein shall be deemed to preclude the government from requiring the submission of information relating to operations during the period of government possession, for the purpose of ascertaining the existence and amount of claims against the United States, if any, so that administration of provisions of Executive Order No. 9728, pursuant to which government possession was taken, may be concluded in an orderly manner.

This order shall become effective as of 5 p. m. Eastern Standard Time, June 1, 1946.

B. MOREELL,

Deputy Coal Mines Administrator.

JUNE 1, 1946.

## APPENDIX 'A'

Company, address and location of mine  
Mt. Olive & Staunton Coal Co.; 803 Laclede Gas Bldg., St. Louis, Mo.; Staunton, Ill.  
Dunreath Coal Co., Knoxville, Iowa; Knoxville, Iowa.

Standard Coal Co., Box 200, Vincennes, Ind.; Vincennes, Ind.

[F. R. Doc. 46-9434; Filed, June 4, 1946; 10:12 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-732]

MONTANA-DAKOTA UTILITIES CO.

## NOTICE OF APPLICATION

JUNE 3, 1946.

Notice is hereby given that on May 27, 1946, an application was filed with the Federal Power Commission by Mon-

tana-Dakota Utilities Co. ("Applicant"), a Delaware corporation with its principal place of business at Minneapolis, Minnesota, 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 certain facilities in Valley County, Montana, hereinafter more particularly described, which, if constructed, will extend and enlarge Applicant's existing interstate natural-gas pipeline system located in the States of Montana, North Dakota and South Dakota. Such system extends from points on the north in the vicinity of Malta, Montana, and Williston, North Dakota, to Rapid City, South Dakota, on the south; and from Miles City, Montana, on the west to Bismarck, North Dakota, on the east. Natural gas originating in the Bowdoin Field in Phillips and Valley Counties, Montana, and in the Baker-Glendive Field in Fallon and Wibaux Counties, Montana, and Bowman County, North Dakota, is transported by Applicant through the interconnected pipe lines of such system for distribution in numerous communities in Montana, North Dakota and South Dakota.

The facilities which Applicant seeks authorization to construct and operate are described as follows:

A 10¼-inch pipeline, 28.5 miles in length, extending from a point in the southeast quarter of Section 31, Township 30 North, Range 38 East, to a point in the southeast quarter of Section 28, Township 27 North, Range 41 East, all in Valley County, Montana.

The application recites that the proposed pipeline will permit transmission of additional gas through other pipelines already in place and that no change in the system is contemplated.

The application further recites that by means of such additional pipeline Applicant proposes (1) to deliver additional natural gas for distribution in communities now served by it, (2) to obtain additional gas from Bowdoin Field in meeting peaks upon the system, thereby offsetting the effect of declining rock pressure in the Baker-Glendive Field, and (3) to transport additional quantities of gas from the Bowdoin Field during summer and off-peak periods for repressuring and storing in the Baker-Glendive Field.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Montana-Dakota Utilities Co. should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen (15) days from the date of this publication, a petition or protest in accordance with the Commission's

provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 46-9445; Filed, June 4, 1946; 11:31 a. m.]

[Docket No. IT-5994]

SOUTHWESTERN PUBLIC SERVICE CO.

## NOTICE OF APPLICATION

JUNE 3, 1946.

Notice is hereby given that on May 31, 1946, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Southwestern Public Service Company (hereinafter called "Southwestern"), a corporation organized under the laws of the State of New Mexico and doing business in the States of Kansas, New Mexico, Oklahoma, and Texas, with its principal business office at Roswell, New Mexico, seeking an order authorizing Southwestern to acquire from West Texas Utilities Company (hereinafter called "West Texas"), a corporation organized under the laws of the State of Texas and doing business in said State, with its principal business office at Abilene, Texas, the electrical facilities located in northwestern Texas and comprised in its so-called Dalhart Group Properties, said properties including facilities serving electric energy to the incorporated communities of Dalhart, Dumas, Stratford, and Texline, as well as the unincorporated communities of Sunray, Hartley, Etter, Chamberlain, and Conlen. Southwestern also proposes to acquire certain water facilities and ice properties of West Texas. The basic considerations for said properties are stated in the application to be \$2,135,000, of which \$1,310,000 is allocated to the electric properties, to be acquired by Southwestern; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 21st day of June, 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 46-9446; Filed, June 4, 1946; 11:31 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[S. O. 527]

UNLOADING OF WIRE AT LOS ANGELES  
HARBOR, CALIF.

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

It appearing, that 10 cars containing wire at Los Angeles Harbor, California, on the Southern Pacific Company have

been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

*Wire at Los Angeles, California, be unloaded.* (a) The Southern Pacific Company, its agents or employees, shall unload forthwith the following cars loaded with wire now on hand at Los Angeles Harbor, California, consigned U. S. Flare Co., for export:

C&S	17024	ATSF	176318
C&S	16273	PLE	47264
ATSF	74210	ATSF	174408
ATSF	171530	ATSF	73646
ATSF	172473	WLE	74239

(b) *Notice and expiration.* Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction shall be served upon The Southern Pacific Company, and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 46-9436; Filed, June 4, 1946; 10:55 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6223]

DAVID TETSUO ONIZUKA

In re: Real property and claim owned by David Tetsuo Onizuka.

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 David Tetsuo Onizuka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-half interest in and to real property situated in the City of San Mateo, County of San Mateo, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improve-

ments and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of David Tetsuo Onizuka, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to him by Katsumi Onizuka, 106 South Humboldt Street, San Mateo, California, including but not limited to those sums arising by reason of rents collected from the real property described in subparagraph 2-a hereof, and any and all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

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 in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

hereby vests in the Alien Property Custodian the property described in subparagraph 2-b hereof,

All such property so vested 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 April 25, 1946.

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

EXHIBIT A

Those lots of land in the City of San Mateo, County of San Mateo, State of California, described as follows, to-wit:

Lots numbered twenty-one (21) and twenty-two (22) in Block numbered fifty-four (54) as shown on that certain map entitled "Map of the Bowie Estate Eastern Addition to the City of San Mateo," which map was filed in the office of the County Recorder of San Mateo County on May 13, 1903 in Book "A" of Original Maps at Page 9 and copied into Book 3 of Maps at Page 15.

[F. R. Doc. 46-9332; Filed, June 3, 1946; 10:40 a. m.]

[Vesting Order 6252]

PAUL FAUSTMANN

In re: Estate of Paul Faustmann, deceased. File D-28-3986; E. T. sec. 6903.

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 and claim of any kind or character whatsoever of Theresa Faustmann, also known as Therese Faustmann, Agnes Faustmann, Auguste Wacke, formerly known as Auguste Faustmann, Gustav Faustmann and Martha Faustmann, and each of them, in and to the estate of Paul Faustmann, deceased,

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

Nationals and Last Known Address

Theresa Faustmann, also known as Therese Faustmann, Germany.

Agnes Faustmann, Germany.

Auguste Wacke, formerly known as Auguste Faustmann, Germany.

Gustav Faustmann, Germany.

Martha Faustmann, Germany.

That such property is in the process of administration by Henry Hahl, as Executor of the Estate of Paul Faustmann, deceased, acting under the judicial supervision of the Surrogate's Court, Queens 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 inter-

est 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 May 7, 1946.

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

[F. R. Doc. 46-9333; Filed, June 3, 1946;  
10:40 a. m.]

[Vesting Order 6276]

#### AUGUST HAGEN

In re: Estate of August Hagen, deceased. File D-28-7491; E. T. sec. 7772.

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

That the property described as follows: Cash in the amount of \$1,399.76 is property in the possession of the Alien Property Custodian;

That such property was held by Oswald Knuth, Executor of the Estate of August Hagen and is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Paul Hagen, Germany.

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

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

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

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

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 May 10, 1946.

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

[F. R. Doc. 46-9334; Filed, June 3, 1946;  
10:40 a. m.]

[Vesting Order 6337]

#### HENRIETTA ASENDORF ET AL.

In re: Interests in real property, property insurance policies and bank account owned by Henrietta Asendorf, John Henry Asendorf, Johann Asendorf, the children collectively of Mrs. Louise Gruenemann, deceased, and Marie Hoyer.

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

1. That the persons whose names and last known addresses appear below are residents of Germany and nationals of a designated enemy country (Germany);

*Name and Last Known Address*

Henrietta Asendorf, Bremen, Germany.  
John Henry Asendorf, Bremen, Germany.  
Johann Asendorf, Bremen, Germany.  
The children of Louise Gruenemann, deceased, Bremen, Germany.  
Marie Hoyer, Bremen, Germany.

2. That the property described as follows:

a. Real property located in the City of Savannah, County of Chatham, State of Georgia, particularly described in Exhibits A, B and C, attached hereto and by reference made a part hereof, and identified as the interests inherited from Frederick Asendorf, deceased, together with all hereditaments, fixtures, im-

provements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. Fire Insurance Policies Nos. 404063, 59730, 60658 and 59750, issued by the Atlantic Mutual Fire Insurance Company of Savannah, Georgia, in the name of Fred Asendorf, which policies insure the property described in subparagraph 2-a hereof, and any and all extensions or renewals thereof, and

c. That certain debt or other obligation owing to John C. Helmken, Sr., by Industrial Savings & Loan Company, Blun Building, 5 West Congress Street, Savannah, Georgia, arising out of a savings account, Account Number 965, entitled J. C. Helmken, Sr., as Agent for Henrietta Asendorf, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

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

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

hereby vests in the Alien Property Custodian the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

hereby vests in the Alien Property Custodian the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise disposed of 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 May 23, 1946.

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

## EXHIBIT A

All that lot, tract or parcel of land, situate in the City of Savannah, County of Chatham and State of Georgia, and known and distinguished upon the present map or plan of said City as lot number Two (2) Berrien Ward in said City. The said lot being (60) feet on Alice Street, and One Hundred and five feet on Jefferson Street, and is bounded as follows: On the North by lot number Thirty-Four in said Berrien Ward, on the East by Jefferson Street, on the South by Alice Street and on the West by Lot Number three (3) in said Berrien Ward.

## EXHIBIT B

All that lot of land in the City of Savannah, County of Chatham, State of Georgia, known and designated on the map or plan of said City, as Lot Number (33) Thirty-three, Columbia Ward, the said lot of land being bounded on the North by a Lane, on the East by Price Street, on the South by South Broad Street, and on the West by Lot Number (34) Thirty-four in the same ward.

## EXHIBIT C

All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Savannah, County of Chatham, State of Georgia, and known and distinguished upon the present map or plan of said City as Lot Number Fifteen (15) White Ward, on the Northeast corner of Anderson and Abercorn Streets in said City, said Lot Number Fifteen (15) White Ward, hereby conveyed being bounded on the North by a Lane, on the East by Lot Number (16) Sixteen in said Ward, on the South by Anderson Street and on the West by Abercorn Street, and containing a front of Fifty-one feet seven inches on Anderson Street with a rectangular depth Northward to a Lane of One Hundred and Five feet.

[F. R. Doc. 46-9335; Filed, June 3, 1946; 10:40 a. m.]

[Vesting Order 6341]

FRIEDA KRAMER

In re: Bank account owned by Frieda Kramer. File No. F-28-6923-E-1.

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

1. That Frieda Kramer, whose last known address is Dr. Singer Str., Muenchen-Solln, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Frieda Kramer, by Manufacturers and Traders Trust Company, 284 Main Street, Buffalo 5, New York,

arising out of a Trust Dept. account, Account Number 2435, entitled Agent and Custodian for Frieda Kramer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 May 24, 1946.

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

[F. R. Doc. 46-9336; Filed, June 3, 1946; 10:41 a. m.]

[Vesting Order 6342]

JOHANNES KRUGER AND WILHELM KRUGER

In re: Bank accounts owned by Johannes Kruger and Wilhelm Kruger. F-28-3254-E-1 and F-28-3255-E-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 Johannes Kruger and Wilhelm Kruger, whose last known addresses are West 30 Hohenstaufen Street 49, Berlin, Germany, and Schoneberg, Stubenrauch Street 9, Berlin, Germany, respectively, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Johannes Kruger and Wilhelm Kruger, by The United States National Bank of Portland, Post Office Box 4410, Portland, Oregon, arising out of a checking account, entitled Johannes and Wilhelm Kruger, Share and Share Alike, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Johannes Kruger and Wilhelm Kruger, by The United States National Bank of Portland, Post Office Box 4410, Portland, Oregon, arising out of a savings account, Account Number 263325, entitled Johannes and Wilhelm Kruger, Share and Share Alike, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 May 24, 1946.

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

[F. R. Doc. 46-9337; Filed, June 3, 1946;  
10:41 a. m.]

[Vesting Order 6345]

SHINZABURO MOGI

In re: Bank account owned by Shinzaburo Mogi. F-39-3795-E-1.

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

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

2. That the property described as follows: That certain debt or other obligation owing to Shinzaburo Mogi, by Citizens State Bank, Columbia City, Ind., arising out of a Checking Account, entitled Shinzaburo Mogi, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

if and when it should be determined to take any one or all of such actions.

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

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

Executed at Washington, D. C., on May 24, 1946.

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

[F. R. Doc. 46-9338; Filed, June 3, 1946;  
10:41 a. m.]

[Vesting Order 6346]

HEINRICH MULLER-PEARSE

In re: Bank account owned by Heinrich Muller-Pearse.

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

1. That Heinrich Muller-Pearse, whose last known address is c/o Albrecht, Muller-Pearse & Co., Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to New York Cotton Exchange, by Chemical Bank & Trust Company, arising out of a dollar account, entitled New York Cotton Exchange for account of Heinrich Muller-Pearse, maintained at the main office of the aforesaid bank located at 165 Broadway, New York, N. Y., and any and all rights to demand, enforce and collect the same,

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

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

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

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending

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

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 May 24, 1946.

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

[F. R. Doc. 46-9339; Filed, June 3, 1946;  
10:41 a. m.]

[Vesting Order 6347]

ONE HUNDRETH BANK, LTD.

In re: Bank account owned by The One Hundredth Bank Limited. F-39-650-E-9.

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

1. That The One Hundredth Bank Limited, the last known address of which is 11 Tori Itchome, Nihonbashiku, Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to The One Hundredth Bank Limited, by Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Ill., arising out of a banking account, entitled The One Hundredth Bank Limited, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States re-



quires 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 May 24, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-9340; Filed, June 3, 1946;  
10:41 a. m.]

[Vesting Order 6348]

ONE HUNDREDTH BANK, LTD.

In re: Bank account owned by The One Hundredth Bank Ltd. F-39-650-E-10.

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

1. That The One Hundredth Bank Ltd., the last known address of which is P. O. Box #305, Tokyo Central Post Office, Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to The One Hundredth Bank

Ltd., by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco, Calif., arising out of a commercial account, entitled The One Hundredth Bank Ltd., and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

Executed at Washington, D. C., on May 24, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-9341; Filed, June 3, 1946;  
10:42 a. m.]

[Vesting Order 6349]

ONE HUNDREDTH BANK, LTD.

In re: Bank account owned by The One Hundredth Bank, Ltd. F-39-650-E-8.

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

1. That The One Hundredth Bank, Ltd., the last known address of which is 11 Tori-Itchome, Nilionbashiku, Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to The One Hundredth Bank, Ltd., by The First National Bank of Boston, 67 Milk Street, Boston, Mass., arising out of a checking account, entitled The One Hundredth Bank, Ltd., and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section

10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1946.

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

[F. R. Doc. 46-9342; Filed, June 3, 1946;  
10:42 a. m.]

[Vesting Order 6350]

ONE HUNDRETH BANK, LTD.

In re: Bank account owned by The One Hundredth Bank Ltd., also known as The One Hundredth Bank Ltd., Tokio, F-39-650-E-7.

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

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

2. That the property described as follows: a. That certain debt or other obligation owing to The One Hundredth Bank Ltd., by The Philadelphia National Bank, Philadelphia, Pa., arising out of a special account, entitled The One Hundredth Bank, Ltd., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to The One Hundredth Bank Ltd., by The Philadelphia National Bank, Philadelphia, Pa., arising out of a checking account, entitled The One Hundredth Bank, Ltd., and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

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

Executed at Washington, D. C., on May 24, 1946.

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

[F. R. Doc. 46-9343; Filed, June 3, 1946;  
10:42 a. m.]

[Vesting Order 6352]

FRANZ A. SCHUTTE

In re: Bank account owned by Franz A. Schutte.

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 Franz A. Schutte, whose last known address is c/o Heineken & Vogel-sang, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to New York Cotton Exchange, by Chemical Bank & Trust Company, arising out of a dollar account, entitled New York Cotton Exchange for account of Franz A. Schutte, maintained at the main office of the aforesaid bank located at 165 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same,

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

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

And having made all determinations and taken all action required by law, including appropriate consultation and

certification, and deeming it necessary in the national interest,

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

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

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 May 24, 1946.

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

[F. R. Doc. 46-9344; Filed, June 3, 1946;  
10:42 a. m.]

[Vesting Order 6356]

HEDWIG WERNER.

In re: Bank account owned by Hedwig Werner. F-28-20940-E-1.

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

1. That Hedwig Werner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hedwig Werner, by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, Account Number 4402, entitled Hedwig Werner, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Hedwig Werner, by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, Account Number 121,363, entitled Hedwig Wer-

ner, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 May 24, 1946.

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

[F. R. Doc. 46-9345; Filed, June 3, 1946;  
10:42 a. m.]

[Vesting Order 6357]

PAUL WERNER ET AL.

In re: Bank account, owned by the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Paul Werner, also known as Paul Friedrich Karl Werner, deceased.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

1. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Paul Werner, also known as Paul Friedrich Karl Werner, deceased, whose last known addresses are Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Paul Werner, also known as Paul Friedrich Karl Werner, deceased, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a checking account, entitled Paul Werner, deceased, and any and all rights to demand, enforce and collect the same,

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

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

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

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to 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 May 24, 1946.

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

[F. R. Doc. 46-9346; Filed, June 3, 1946;  
10:43 a. m.]

[Vesting Order 6358]

JOSEPHINE WIRTZ

In re: Bank account owned by Josephine Wirtz. F-28-6203-E-1.

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

1. That Josephine Wirtz, whose last known address is Zell am Mosel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Josephine Wirtz, of First Trust and Deposit Company, 201 South Warren Street, Syracuse, New York, arising out of a demand certificate of deposit, Number A349, entitled Josephine Wirtz, Germany, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 May 24, 1946.

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

[F. R. Doc. 46-9347; Filed, June 3, 1946;  
10:43 a. m.]

[Vesting Order 6376]

MARIE HOMMA

In re: Estate of Marie Homma, a/k/a Marie M. Homma, dec'd. File D-28-10124; E. T. sec. 14403.

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 Emil Murb, Adolph Murb, Joseph Murb, Otto Murb, Hermine Fauth, and Mathilda Walter, and each of them, in and to the Estate of Marie Homma, a/k/a Marie M. Homma, deceased,

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

*Nationals and Last Known Address*

Emil Murb, Germany.  
Adolph Murb, Germany.  
Adolph Murb, Germany.  
Joseph Murb, Germany.  
Otto Murb, Germany.  
Hermine Fauth, Germany.  
Mathilda Walter, Germany.

That such property is in the process of administration by Charles E. Koob, as Executor, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such 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 May 31, 1946.

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

[F. R. Doc. 46-9348; Filed, June 3, 1946;  
10:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SO 108,<sup>1</sup> Amdt. 1 to Special Order 10<sup>2</sup>]

RECALCULATION OF NET SURCHARGES

ADJUSTMENT OF WEIGHTED AVERAGE PRICE

An opinion accompanying this amendment to Special Order 10 under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Special Order 10 is amended in the following respects:

1. Section 2 is amended by adding the following paragraphs:

(g) Supplementary Order 149.<sup>3</sup>

(h) Supplementary Order 154<sup>4</sup> and Revised Supplementary Order 154.<sup>5</sup>

2. Section 5 is added to read as follows:

SEC. 5. *Recalculation of net surcharges*—(a) *How to recalculate your net surcharge.* If you had a net surcharge on June 4, 1946, and if you had, prior to June 4, 1946, delivered items in any category at ceiling prices properly adjusted under SO 149, SO 154 or RSO 154 you may deduct from that net surcharge an amount computed as follows:

*Step 1:* Find the amount of your net surcharge which you have not yet made up on June 3, 1946.

<sup>1</sup> 10 F.R. 4336, 5995, 6402, 8368, 10200, 12080, 12984, 13129, 15125; 11 F.R. 604.

<sup>2</sup> 10 F.R. 15153.

<sup>3</sup> 11 F.R. 2640.

<sup>4</sup> 11 F.R. 3356.

<sup>5</sup> 11 F.R. 5066.

*Step 2:* Find all units delivered between April 1, 1946 and June 3, 1946 at ceiling prices properly adjusted under SO 149, SO 154 or RSO 154.

*Step 3:* Find the difference on each unit between the original ceiling price and the ceiling price as adjusted.

*Step 4:* Add together all amounts found in Step 3.

*Step 5:* Deduct from the net surcharge existing on June 4, 1946 the amount found in Step 4.

NOTE: If the amount found in Step 4 is equal to or greater than the net surcharge found in Step 1, you are deemed to have completed your makeup operation on June 3, 1946 and may resume normal operation on June 4, 1946. However, if the amount found in Step 4 is greater than the net surcharge found in Step 1, you may not carry over the difference as a credit into your normal operation.

(b) *Filing a report of the recalculation.* If you have recalculated a net surcharge as described in (a) above you must file with your OPA District Office on or before June 15, 1946 two signed copies of a statement showing all the calculations found in steps 1 through 5.

This amendment shall become effective June 4, 1946.

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

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9457; Filed, June 4, 1946;  
11:40 a. m.]

[MFR 594, Corr. to Amdt. 6 to Order 6]

FORD MOTOR CO.

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 6 to Order No. 6 under Maximum Price Regulation 594 (Maximum Prices for New Passenger Automobiles), is corrected in the following respects:

1. The model number and net wholesale price for the Continental Coupe in the schedule in paragraph (a) (1) are corrected to read "57" and "2859.80" respectively.

2. The model number and net wholesale price for the Continental Cabriolet in the schedule in paragraph (a) (1) are corrected to read "56" and "2914.53" respectively.

3. The model number of the Continental Coupe in the schedule in paragraph (c) (1) is corrected to read "57".

4. The model number of the Continental Cabriolet in the schedule in paragraph (c) (1) is corrected to read "56".

Issued this 4th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9462; Filed, June 4, 1946;  
11:40 a. m.]

[SR 14-H, Order 8]

PICK-UP AND DELIVERY SERVICES FOR RAIL CARRIERS AT ATLANTA, GA.

MODIFICATION OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion, and under the authority vested in the Administrator by section 9 of Supplementary Regulation 14-H, as amended, it is hereby ordered:

(a) *Applicability.* This order applies to all motor carriers that perform pick-up and delivery services for railroads within their terminal areas at Atlanta, Georgia.

(b) *Maximum rates.* Except as modified below, the maximum rates which may be charged or paid for the services covered by this order shall be 14 cents per hundred pounds.

(c) *Exceptions.* Any OPA order which establishes a maximum rate for the services covered hereby in excess of the maximum rate established by this order shall remain in full force and effect.

(d) *Effective date.* This order shall apply to all services performed on and after May 1, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9363; Filed, June 3, 1946; 11:32 a. m.]

[MPR 188, Amdt. 1 to Order 3549]

PRODUCTION TOOLING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

1. Paragraph (a) (1) of Order No. 3549 issued under § 1499.158 of Maximum Price Regulation No. 188 is amended to read as follows:

(1) For all sales and deliveries to the following classes of purchasers by any person the maximum prices are those set forth below:

	<i>Each</i>
For sales to jobbers.....	\$0.93
For sales to retailers.....	1.24
For sales to consumers.....	1.86

In all other respects the provisions of Order No. 3549 issued under § 1499.158 of Maximum Price Regulation No. 188, remain in full force and effect.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall be effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9363; Filed, June 3, 1946; 11:33 a. m.]

[MPR 188, Rev. Order 4852]

EKCO PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

That Order No. 4852 under § 1499.158 of Maximum Price Regulation No. 188 be amended and revised as follows:

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Ekco Products Company, 1949 North Cicero Avenue, Chicago 39, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Department stores, chains and mail order houses	Other retailers	Consumers
Stainless steel dinner knife.....	300	Dozen \$2.70	Dozen \$3.24	Dozen \$3.60	Each \$0.45
Stainless steel dinner knife.....	200	3.10	3.72	4.12	.52
Cooking timer.....	Ekco	Each \$1.475	Each \$1.77	Each \$1.97	Each \$2.95

These maximum prices are for the articles described in the manufacturer's application dated January 8, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries made on and after the effective date of this revised order. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than by the manufacturer, the maximum prices apply to all articles shipped on and after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No.-----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9370; Filed, June 3, 1946; 11:34 a. m.]

[MPR 188, Order 5019]

BETTSY SALES CO. INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Bettsey Sales Company, Incorporated, 175 5th Avenue, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
24" crystal table lamp with gold plated white metal base.....	501	\$4.89	\$5.75	\$10.35

These maximum prices are for the articles described in the manufacturer's application dated May 10, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers, they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washing-

ton, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9371; Filed, June 3, 1946;  
11:33 a. m.]

[MPR 188, Order 5020]

ALLIED LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Allied Lamp Company, 3642 W. Ogden Avenue, Chicago 23, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Plated 6-way floor lamp with onyx inset and silk shade.....	702 JR	\$13.97	\$16.44	\$20.60
Plated swing arm floor lamp with onyx inset and silk shade.....	702 SW	18.19	15.52	27.95

These maximum prices are for the articles described in the manufacturer's application dated April 23, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9372; Filed, June 3, 1946;  
11:34 a. m.]

[MPR 188, Order 5021]

HUTTON MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Hutton Manufacturing Co., Garrett County, Hutton, Md.

(1) For all sales and deliveries to the following classes of purchasers by the

sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Modern table lamp, combination turned cast aluminum and plastic tubing.....	2002	\$8.46	\$9.95	\$17.90

These maximum prices are for the articles described in the manufacturer's application dated May 14, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9373; Filed, June 3, 1946;  
11:34 a. m.]

[MPR 188, Order 5022]

BRILLIANT LAMP INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Brilliant Lamps, Incorporated, 29 West 21st Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
12" polished brass table lamp.....	1500	\$2.98	\$3.50	\$6.30
23" polished brass table lamp.....	1502	4.21	4.95	8.90

These maximum prices are for the articles described in the manufacturer's application dated May 10, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9374; Filed, June 3, 1946; 11:34 a. m.]

[MPR 188, Order 5023]

PORCELAIN METALS CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Porcelain Metals Corporation, 1400 South Thirteenth Street, Louisville 10, Ky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Articles	Model No.	For sales by the manufacturers to—		For sales by any person to consumers
		Jobbers	Retailers	
16 x 22 plate glass replacement mirror with ground and seamed edges.....	MF-1622	Each \$3.51	Each \$5.33	Each \$8.20
16 x 22 plate glass replacement mirror with ground and seamed edges, engraved.....	MFE-1622	4.46	6.11	9.40
16 x 24 plate glass replacement mirror with beveled edges.....	1624	4.91	7.47	11.50
16 x 24 plate glass replacement mirror with beveled edges and engraving.....	1624 E	6.03	8.25	12.70
16 x 24 plate glass replacement mirror.....	MF-1624	4.18	6.34	9.75
16 x 24 plate glass replacement mirror, engraved.....	MFE-1624	5.20	7.12	10.95
Replacement 3/16" bulb edge glass shelf for master bath-room cabinets.....	A	.42	.57	.88
16 x 22 plate glass replacement mirror with beveled edge.....	1622	4.24	6.44	9.90
16 x 22 plate glass replacement mirror with beveled edge and engraving.....	1622 E	5.27	7.21	11.10

These maximum prices are for the articles described in the manufacturer's application dated April 22, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The

maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9375; Filed, June 3, 1946; 11:35 a. m.]

[MPR 188, Order 24 Under Order 6]

LANDERS, FRARY AND CLARK

APPROVAL OF UNIFORM RETAIL CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 4 (a) of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

(a) The retail ceiling prices in each zone for a small electrical appliance manufactured by Landers, Frary and Clark, of New Britain, Connecticut, which is sold under the brand name "Universal" shall be the retail ceiling prices computed in accordance with the provisions of section 4 (c) (1) of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 as in effect at the time the manufacturer delivers the article to a purchaser for resale.

Retail ceiling prices as determined under this paragraph shall apply to all retail sales by all types of sellers of articles subject to this order.

(b) The manufacturer shall determine distributors' ceiling prices for sales of articles which the manufacturer sells at increased prices permitted by Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 or by orders under Revised Supplementary Order No. 119, in accordance with the provisions of those orders on the basis of the uniform retail ceiling prices fixed by this order.

(c) On or after the effective date of this order the manufacturer may not deliver to any purchaser for resale any article for which a uniform ceiling price is fixed by this order unless there is attached to it a retail ceiling price tag or label stating the manufacturer's name or brand name, the model number or designation and the uniform retail ceiling price fixed by this order for sales in each zone or in the zone in which the article will be sold at retail.

(d) Except as modified by this order, all provisions of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 apply to all persons and to all sales and deliveries of articles covered by this order.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9367; Filed, June 3, 1946; 11:35 a. m.]

[MPR 188, Order 25 Under Order 6]

HAMILTON BEACH CO.

APPROVAL OF UNIFORM RETAIL CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 4 (a) of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

(a) The retail ceiling prices in each zone for a small electrical appliance manufactured by the Hamilton Beach Company, a division of the Scovill Manufacturing Company, of Racine, Wisconsin, which is sold under the brand name "Hamilton Beach" shall be the retail ceiling prices computed in accordance with the provisions of sections 4 (b) (1) and (3) of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 as in effect at the time the manufacturer delivers the article to a purchaser for resale.

Retail ceiling prices as determined under this paragraph shall apply to all retail sales by all types of sellers of articles subject to this order.

(b) The manufacturer shall determine distributors' ceiling prices for sales of articles which the manufacturer sells at increased prices permitted by Order No. 6 under § 1499.159e of Maximum Price

Regulation No. 188 or by orders under Revised Supplementary Order No. 119, in accordance with the provisions of those orders on the basis of the uniform retail ceiling prices fixed by this order.

(c) On or after the effective date of this order the manufacturer may not deliver to any purchaser for resale any article for which a uniform ceiling price is fixed by this order unless there is attached to it a retail ceiling price tag or label stating the manufacturer's name or brand name, the model number or designation and the uniform retail ceiling price fixed by this order for sales in each zone or in the zone in which the article will be sold at retail.

(d) Except as modified by this order, all provisions of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 apply to all persons and to all sales and deliveries of articles covered by this order.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9368; Filed, June 3, 1946; 11:35 a. m.]

[MPR 591, Order 564]

MIDWEST MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices for sales by any person to consumers of the following steel sink cabinet units manufactured by Midwest Manufacturing Company, Galesburg, Illinois, and described in its application dated May 13, 1946, shall be:

Model XS54—54" x 25" x 36" Steel Under-sink Cabinet Unit with 4 drawers and 3 doors; linoleum top with faucet and strainer: \$133.25.

(b) On sales to dealers by any person, the maximum net price, f. o. b. point of shipment, shall be the net prices specified in (a) above less a discount of 40 percent.

(c) On sales to jobbers by any person, the maximum net price, f. o. b. point of shipment, shall be the net prices specified in (a) above less successive discounts of 40 and 20 percent.

(d) In addition to the discounts provided for in (b) and (c) above, the maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities within the same general category, during March 1942.

(e) The maximum prices on an installed basis of the commodity covered in this order shall be determined in ac-

cordance with Revised Maximum Price Regulation No. 251, as amended.

(f) Each seller covered by this order, except on sales to a consumer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except dealers, upon resale, including allowable transportation and crating charges.

(g) Midwest Manufacturing Company shall stencil in a conspicuous place on each kitchen undersink cabinet unit covered by this order, substantially the following:

OPA Maximum Retail Price Uninstalled—  
\$133.25

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9381; Filed, June 3, 1946; 11:36 a. m.]

[SO 142, Order 122]

ROBBINS & MYERS, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 122 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment, Robbins & Myers, Inc., Springfield, Ohio. Docket No. 6083-SO 142-136-620.

For the reasons set forth in an opinion, issued simultaneously herewith filed with the Division of the Federal Register, and pursuant to Supplementary Order No. 142; *It is ordered:*

(a) The maximum prices for sales by Robbins and Myers, Inc., Springfield, Ohio, of its Hoist and Crane Division shall be determined by increasing by 16.9% the maximum prices in effect for these products just prior to September 28, 1945.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the dollars and cents amounts by which his net invoiced cost has been increased by reason of this order.

(c) The Robbins and Myers, Inc., shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the dollars-and-cents amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.



This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9384; Filed, June 3, 1946;  
11:36 a. m.]

[MPR 591, Order 565]

VICTOR PRODUCTS CORP.

**AUTHORIZATION OF MAXIMUM PRICES**

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. Hagerstown, Maryland, for sales by any person of the following Walk-In coolers and accessories manufactured by The Victor Products Corporation and as described in the application dated April 19, 1942 which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

**WALK-IN COOLERS**

Room type	On sales to—		
	Distributors	Dealers	Consumers
<b>3' Glasswool:</b>			
RR-1	\$273.60	\$328.32	\$547.20
RR-2	387.60	465.12	775.20
RR-3	500.84	601.01	1,001.68
RR-4	614.46	737.35	1,228.92
RR-5	534.66	641.59	1,069.32
RR-6	681.72	818.06	1,363.44
RR-7	828.78	994.54	1,657.56
RR-8	975.84	1,171.01	1,951.68
<b>4' Glasswool:</b>			
RR-1	288.00	345.60	576.00
RR-2	408.00	489.60	816.00
RR-3	527.20	632.64	1,054.40
RR-4	646.80	776.16	1,293.60
RR-5	562.80	675.36	1,125.60
RR-6	717.60	861.12	1,435.20
RR-7	872.40	1,046.88	1,744.80
RR-8	1,027.20	1,232.64	2,054.40
<b>5' Glasswool:</b>			
RR-1	348.00	417.60	696.00
RR-2	493.00	591.60	986.00
RR-3	637.03	764.44	1,274.06
RR-4	781.55	937.86	1,563.10
RR-5	680.05	816.06	1,360.10
RR-6	867.10	1,040.52	1,734.20
RR-7	1,054.15	1,264.98	2,108.30
RR-8	1,241.20	1,489.44	2,482.40

Base price (square feet)	On sales to—		
	Distributor	Dealers	Consumers
1 sq. ft. 3" glasswool	\$1.14	\$1.37	\$2.28
1 sq. ft. 4" glasswool	1.20	1.44	2.40
1 sq. ft. 6" glasswool	1.45	1.74	2.90
1 sq. ft. 3" corkboard	1.55	1.86	3.10
1 sq. ft. 4" corkboard	1.83	2.20	3.66
1 sq. ft. 6" corkboard	2.45	2.94	4.90

Prices include hardwood floor rack and one standard 2'6" x 6' walk-in door, galvanized hardware.

**ACCESSORIES**

14" wide oak shelving	\$1.10	\$1.32	\$2.20
Meat rails with hooks	11.40	11.68	12.80
Marine light and pilot switch	17.50	21.00	35.00
Reach-in glass doors 30" x 30" triple glass	30.00	36.00	60.00
Reach-in solid doors 30" x 30" insulated	23.00	27.60	46.00

<sup>1</sup> Lineal foot.

**PANEL UNIT—BLOWER AND CONDENSING UNIT, 110-VOLT, 60-CYCLE, 1 PHASE, ASSEMBLED WITH HOUSING**

Cooler No.	Combination	On sales to—		
		Distributors	Dealers	Consumers
RR-1	WM20 and 1/4 hp. unit	\$203.15	\$243.78	\$406.30
RR-2	WM25 and 1/2 hp. unit	242.80	291.36	485.00
RR-3	WM35 and 3/4 hp. unit	255.80	306.96	511.00
RR-4 (2)	WM20 and 1/4 hp. unit	406.30	487.56	812.60
RR-5	WM45 and 1/2 hp. unit	294.60	353.52	589.20
RR-6	WM45 and 3/4 hp. unit	294.60	353.52	589.20
RR-7 (2)	WM25 and 1/2 hp. unit	485.60	582.72	971.20
RR-8 (2)	WM35 and 3/4 hp. unit	511.60	613.92	1,023.20

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser on Walk-In cooler: to cover the cost of crating when crating is actually supplied: \$6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of items in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Victor Products Corporation shall stencil to the inside of lid or cover of the Walk-In coolers and attach a tag to accessories covered by this order, on which is printed substantially the following:

OPA Maximum Retail Price—\$-----

Plus freight and crating as provided in Order No. 565 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9382; Filed, June 3, 1946;  
11:36 a. m.]

[SO 142, Order 125]

NATIONAL ELECTRIC PRODUCTS CORP.

**ADJUSTMENT OF MAXIMUM PRICES**

Order No. 125 under supplementary Order No. 142. Adjustment provisions

for sales of industrial machinery and equipment. National Electric Products Corporation. Docket No. 6083 S. O. 142-136-638.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by National Electric Products Corporation, Pittsburgh, Pennsylvania, of its line of outlet and switch boxes shall be determined as follows: Price Sheet No. 17-063 dated October 28, 1941, shall be substituted for Price Sheet No. 17-062 and the prices listed in Price Sheet No. 17-063 shall be increased by 23.2%.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the percentage amount by which his net invoiced cost has been increased by reason of this order.

(c) National Electric Products Corporation, shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9387; Filed, June 3, 1946;  
11:37 a. m.]

[SO 142, Order 123]

WHEELER INSULATED WIRE CO., INC.

**ADJUSTMENT OF MAXIMUM PRICES**

Order No. 123 under supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. The Wheeler Insulated Wire Co., Inc. Docket No. 6083-SO 142-82-22, and Docket No. 6083-SO 142-136-456.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register

and pursuant to section 2 of Supplementary Order No. 142; *It is ordered:*

(a) The Wheeler Insulated Wire Company, Inc., Bridgeport, Connecticut, shall compute maximum prices for sales of its low power factor ballasts controlling lamps of less than 30 watts under the provisions of section (b) (1) of Order 572 under Revised Maximum Price Regulation 136, substituting 20.8% for the figure 11.0%, which is set forth in that section.

(b) The Wheeler Insulated Wire Company, Inc., Bridgeport, Connecticut, shall compute maximum prices for sales of its fluorescent ballasts (other than low power factor ballasts) under the provisions of section (b) (1) of Order 572 under Revised Maximum Price Regulation 136, substituting 15.7% for the figure 11.0%, which is set forth in that section.

(c) The maximum prices for sales by Wheeler Insulated Wire Company, Inc., Bridgeport, Connecticut, of coils and coil windings and miscellaneous products covered by Supplementary Order No. 142 shall be determined by increasing by 15.7% the maximum prices for these products in effect on October 1, 1941.

(d) The maximum prices for sales by resellers of the products described in paragraphs (a), (b), and (c) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order by the percentage amount by which his net invoiced cost has been increased by reason of this order.

(e) The Wheeler Insulated Wire Company, Inc., shall notify each purchaser, who buys the products listed in paragraphs (a), (b), and (c) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(f) All requests not granted herein are denied.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9385; Filed, June 3, 1946; 11:37 a. m.]

[SO 142, Order 124]

MAGUIRE INDUSTRIES, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 124 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Meissner Manufacturing Division, Maguire Industries, Inc. Docket No. 6083-SO 142-136-442.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The Maguire Industries, Inc., New York, New York, shall compute maximum prices for sales of radio parts manufactured by its Meissner Manufacturing Division, Mt. Carmel, Illinois, under the provisions of section 19 (i) (3) of Revised Maximum Price Regulation No. 136 substituting the figure 49.4% for the percentage applicable to the part being priced which is set forth in that section.

(b) The maximum prices for sales by Maguire Industries, Inc., of the following products manufactured by its Meissner Manufacturing Division, Mt. Carmel, Illinois, shall be determined by increasing by 18.3% the maximum prices in effect for these products just prior to the issuance of this order:

Amateur radio equipment (other than radio parts for use in radio equipment).  
Test equipment.

(c) This order does not increase the maximum prices for sales of wire products by the Meissner Manufacturing Division, Maguire Industries, Inc., over and above those prices permitted by Amendment 7 to Maximum Price Regulation No. 82 effective May 8, 1946.

(d) The maximum prices for sales by resellers of the products described in paragraphs (a) and (b) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(e) The Maguire Industries, Inc., shall notify each purchaser, who buys the products listed in paragraphs (a) and (b) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(f) All requests not granted herein are denied.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9386; Filed, June 3, 1946; 11:37 a. m.]

[SO 142, Order 126]

EDISON-SPLITDORF CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 126 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Edison-Splitdorf Corporation. Docket No. 6083-S. O. 142-136-553.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by Edison-Splitdorf Corporation of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142, shall be determined by increasing by 25% the maximum prices for these products in effect just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Edison-Splitdorf Corporation shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9388; Filed, June 3, 1946; 11:37 a. m.]

[SO 142, Order 127]

GENERAL TRANSFORMER CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 127 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. General Transformer Corporation. Docket No. 6083-S.O. 142-136-493.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by the General Transformer Corporation, Chicago, Illinois, of power packs shall be determined by increasing by the following percentages the maximum prices for these products in effect on October 1, 1941.

Model "H" 44.9%  
Model "L" 44.9%  
Model "Z" 44.9%  
Model "P" 25.2%

(b) The General Transformer Corporation, Chicago, Illinois, shall compute maximum prices for sales of its fluorescent ballasts under the provisions of section (b) (1) of Order No. 572 under Revised Maximum Price Regulation No. 136, substituting the figure 21.3% for the figure 11.0%, which is set forth in that section.

(c) The General Transformer Corporation, Chicago, Illinois, shall compute maximum prices for sales of its specialty transformers other than fluorescent under the provisions of section (b) (1) of Order No. 572 under Revised Maximum Price Regulation No. 136 substituting the figure 44.6% for the figure 19.0%, which is set forth in that section.

(d) The General Transformer Corporation, Chicago, Illinois, shall compute maximum prices for sales of its radio transformers under the provisions of section 19 (i) (3) of Revised Maximum Price Regulation No. 136, substituting the figure 44.6% for the figure 19.0%, which is set forth in that section.

(e) The maximum prices for sales by resellers of the products described in paragraphs (a), (b), (c), and (d) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the percentage by which his net invoiced cost has been increased by reason of this order.

(f) The General Transformer Corporation shall notify each purchaser, who buys the products listed in paragraphs (a), (b), (c), and (d) for resale of the percentage by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(g) All requests not granted herein are denied.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9389; Filed, June 3, 1946; 11:38 a. m.]

[SO 142, Order 128]

STEEL CITY ELECTRIC CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 128 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Steel City Electric Company. Docket No. 6083 SO 142-136-595.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142; *It is ordered:*

(a) The maximum prices for sales by Steel City Electric Company, Pittsburgh, Pennsylvania, of its line of switch boxes and covers as set forth in catalogue sheets SB and OB dated August, 1943 shall be determined by increasing by 12.9% the maximum prices in effect for these products just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined

as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Steel City Electric Company shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9390; Filed, June 3, 1946; 11:38 a. m.]

[SO 108, Amdt. 1 to Special Order 142]

MANUFACTURERS OF MEN'S TAILORED CLOTHING

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment to Special Order 14 under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register. Special Order 14 is amended in the following respect:

The words "June 1, 1946" appearing in the last line of section 3 are amended to read "July 1, 1946".

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

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9410; Filed, June 3, 1946; 4:30 p. m.]

[MPR 64, Order 301]

U. S. GAS RANGE 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 certain models of gas ranges manufactured by the U. S. Gas Range Corporation, New York, N. Y.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax, are those set forth below:

<sup>1</sup> 10 F.R. 4336, 5995, 6402, 8368, 10200, 12080, 12984, 13129, 15125; 11 F.R. 604.

<sup>2</sup> 11 F.R. 5563.

Model	Maximum prices for sales to retail dealers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	Each	Each	Each
4520.....	\$41.18	\$42.12	\$42.74	\$43.99
4530.....	44.96	46.21	46.84	48.43
4536.....	49.78	50.84	51.65	53.22

These prices are f. o. b. wholesale distributor's city. In all other respects they 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, including the Federal excise tax but 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
	Each	Each	Each	Each
4520.....	\$68.25	\$69.75	\$70.75	\$72.75
4530.....	73.95	75.95	76.95	79.50
4536.....	81.25	82.95	84.25	86.75

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting \$6.00 from his maximum price as shown above for sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail maximum prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$6.00 less than the price shown on the label.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following States:

Zone 1: New York, Pennsylvania, Maryland, Delaware, New Jersey, Rhode Island, Connecticut, Massachusetts and the District of Columbia.

Zone 2: Illinois, Kentucky, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Ohio, Indiana,

Michigan, Maine, Vermont, and New Hampshire.

Zone 3: North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Minnesota, Mississippi, Florida.

Zone 4: Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9411; Filed, June 3, 1946; 4:31 p. m.]

[MPR 64, Order 302]

SKELLY OIL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This order establishes maximum prices for sales of two models of gas ranges manufactured for sale under its private brand by Skelgas Division-Skelly Oil Company, of Kansas City 10, Missouri as follows:

(1) For sales in each zone by Skelgas Division-Skelly Oil Company to retail dealers, the maximum prices including the Federal excise tax, are those set forth below:

Article	Model	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
Gas range...	0-36	Each \$68.12	Each \$69.50	Each \$71.65	Each \$73.12
	0-66	50.86	52.08	53.78	54.99

These maximum prices are f. o. b. Belleville, Illinois; and they are subject to the 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, including the Federal excise tax, but not including any state or local taxes imposed at the point of sale, are those set forth below:

Article	Model	Maximum prices for sales by retail dealers to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
Gas range...	0-36	Each \$106.95	Each \$109.25	Each \$112.50	Each \$114.75
	0-66	81.25	83.25	85.95	87.75

These maximum prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum prices by subtracting \$6.00 from his maximum prices as shown for sales on an installed basis.

In all other respects, these maximum prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances), and other price differentials, in effect on sales of similar articles.

(3) The maximum prices established by this order include all increases permitted in maximum prices of the sellers covered, by reason of the OPA Industry-wide Reconversion Increase.

(b) At the time of, or prior to, the first invoice to a purchaser for resale after the effective date of this order, Skelgas Division-Skelly Oil Company shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser.

Before delivering any range covered by this order, after the effective date thereof, Skelgas Division-Skelly Oil Company shall attach or cause to be attached securely to the inside oven door panel a label which plainly states the OPA retail maximum prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$6.00 less than the price shown on the label.

(c) For the purposes of this order, Zones 1, 2, 3, and 4 comprise the following States:

Zone 1. Illinois.

Zone 2. New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, Kentucky, Georgia, Alabama, Mississippi, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the District of Columbia.

Zone 3. Montana, Wyoming, Colorado, New Mexico, Texas, Maine, and Florida.

Zone 4. Idaho, Washington, Oregon, California, Nevada, Utah, and Arizona.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9412; Filed, June 3, 1946; 4:31 p. m.]

[MPR 64, Order 303]

HENRY WATERMAN & BRO. 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 at retail of the 37 models of gas ranges listed below manufactured by the Henry Waterman & Bro. Corp., 811 East 9th Street, New York 9, New York. For sales in each zone by retail dealers

to ultimate consumers, the maximum prices including the Federal excise tax, but 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
6416	Each \$57.25	Each \$58.75	Each \$59.50	Each \$61.50
1636-D-4-C-6	71.75	74.50	75.95	79.25
1636-D-4-C-6-B	73.50	76.25	77.75	80.95
1636-D-4-C-9	81.50	84.25	85.75	89.25
1636-D-4-C-9-B	83.25	85.95	87.50	90.95
1636-D-6-C-6	86.25	88.95	90.50	93.95
1636-D-6-C-6-B	87.95	90.75	92.25	95.75
1636-D-6-C-6-P	93.75	96.50	97.95	101.50
1636-D-6-C-6-B-P	95.50	98.25	99.75	103.25
1636-D-6-C-9	95.95	98.75	100.25	103.75
1636-D-6-C-9-B	97.75	100.50	101.95	105.50
1636-D-6-C-9-B-P	103.50	106.25	107.75	111.25
1636-D-6-C-9-B-P	105.25	107.95	109.50	112.95
1636-D-4-C-XB-6	87.50	90.25	91.75	95.25
1636-D-4-C-XB-6-B	89.25	91.95	93.50	96.95
1636-D-4-C-XB-9	97.25	99.95	101.50	104.95
1636-D-4-C-XB-9-B	98.95	101.75	103.25	106.75
1636-D-6-C-XB-6	101.95	104.75	106.25	109.75
1636-D-6-C-XB-6-B	103.75	106.50	108.05	111.50
1636-D-6-C-XB-6-P	109.50	112.25	113.75	117.25
1636-D-6-C-XB-6-B-P	111.25	113.95	115.50	118.95
1636-D-6-C-XB-9	111.75	114.60	116.25	119.50
1636-D-6-C-XB-9-B	113.50	116.25	117.95	121.25
1636-D-6-C-XB-9-B-P	119.25	121.95	123.75	126.95
1636-D-6-C-XB-9-B-P	120.95	123.75	125.50	128.75
1636-D-4-C-2BA-2BR-6	96.25	98.95	100.50	103.95
1636-D-4-C-2BA-2BR-6-B	97.95	100.75	102.25	105.75
1636-D-4-C-2BA-2BR-9	115.95	118.75	120.25	123.75
1636-D-4-C-2BA-2BR-9-B	117.75	120.50	121.95	125.50
1636-D-6-C-2BA-2BR-6	110.95	113.50	115.25	118.50
1636-D-6-C-2BA-2BR-6-B	112.75	115.25	116.95	120.25
1636-D-6-C-2BA-2BR-6-P	118.50	120.95	122.75	125.95
1636-D-6-C-2BA-2BR-6-B-P	120.25	122.75	124.50	127.75
1636-D-6-C-2BA-2BR-9	130.50	133.25	134.95	138.25
1636-D-6-C-2BA-2BR-9-B	132.25	134.95	136.75	139.95
1636-D-6-C-2BA-2BR-P	137.95	140.75	142.50	145.75
1636-D-6-C-2BA-2BR-9-B-P	139.75	142.50	144.25	147.50

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting \$6.00 from the maximum price shown above for his sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$6.00 less than the price shown on the label.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states.

Zone 1. New York, Pennsylvania, Maryland, Delaware, New Jersey, Rhode Island, Connecticut, Massachusetts, District of Columbia.

Zone 2. Illinois, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina.

olina, Virginia, West Virginia, Ohio, Indiana, Michigan, Maine, Vermont, and New Hampshire.

Zone 3. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Minnesota, Mississippi, and Florida.

Zone 4. Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9413; Filed, June 3, 1946; 4:32 p. m.]

[MPR 188, Order 5024]

PHILCO CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation 14, It is ordered:

(a) This order establishes maximum prices for sales of the ten models of portable air conditioners manufactured by the Philco Corporation, Philadelphia, Pennsylvania.

(1) Maximum prices for sales by the Philco Corporation to wholesale distributors of the ten models of portable air conditioners listed below are as follows:

Maximum prices for sales to wholesale distributors (each)

Model:	
61-C-1.....	\$201.44
61-CL-1.....	
61-C-2.....	
61-CL-2.....	215.43
76-C-1.....	
76-CL-1.....	
76-C-2.....	259.52
76-CL-2.....	
91-C-1.....	
91-C-2.....	

(2) Maximum prices for sales in each zone by wholesale distributors to retail dealers of the ten models of portable air conditioners listed below are as follows:

Model	Maximum prices for sales to retail dealers				
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
61-C-1.....	245.66	248.66	250.16	251.66	253.66
61-CL-1.....					
61-C-2.....					
61-CL-2.....	265.96	268.96	270.46	271.96	273.96
76-C-1.....					
76-CL-1.....					
76-C-2.....	324.40	327.40	328.90	330.40	332.40
76-CL-2.....					
91-C-1.....					
91-C-2.....					

These ceiling prices include the Federal excise tax and are f. o. b. the wholesale distributor's warehouse. The prices are for the air conditioners equipped for use with 60 cycle alternating current and are subject to the addition of the amounts set forth below if the air conditioners are sold equipped as described below:

Optional equipment for use with	Amount which may be added		
	61-C models	76-C models	91-C models
Direct current.....	\$15.61	\$19.75	\$22.03
50/60 cycle alternating current.....	1.79	2.79	2.79
Water for cooling.....			17.94

In all other respects these ceiling prices are subject to terms, discounts, allowances, and other price differentials no less favorable than those the same seller had in effect during March 1942. If the seller made no sales in March 1942 these ceiling prices are subject to terms, discounts, allowances and other price differentials no less favorable than those of his closest seller of the same class during the same period on sales of similar articles or which were thereafter properly established under the applicable OPA regulations.

(3) Maximum prices for sales in each zone by retail dealers to ultimate consumers of the ten models of portable air conditioners listed below are as follows:

Model	Maximum prices for sales to ultimate consumers				
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
61-C-1.....	\$349.50	\$352.50	\$354.00	\$255.50	\$357.50
61-CL-1.....					
61-C-2.....					
61-CL-2.....	399.50	402.50	404.00	405.50	407.50
76-C-1.....					
76-CL-1.....					
76-C-2.....	499.50	502.50	504.00	505.50	507.50
76-CL-2.....					
91-C-1.....					
91-C-2.....					

These ceiling prices include the Federal excise tax, delivery, installation to facilities which are to be provided by the consumer and a one year warranty. The prices are for the air conditioners equipped with 60 cycle alternating current and are subject to the addition of the amounts set forth below if the air conditioners are sold equipped at the re-

quest of the purchaser as described below:

Optional equipment for use with	Amount which may be added		
	61-C models	76-C models	91-C models
Direct current.....	\$22.50	\$29.75	\$34.00
50/60 cycle alternating current.....	2.50	4.00	4.00
Water for cooling.....			27.50

In all other respects these ceiling prices are subject to terms, discounts, allowances, and other price differentials no less favorable than those the same seller had in effect during March 1942. If the seller made no such sales during March 1942, these ceiling prices are subject to terms, discounts, allowances, and other price differentials no less favorable than those of his closest competitive seller of the same class during the same period on sales of similar articles or which were thereafter properly established under the applicable OPA regulations.

(b) For purposes of this order Zones 1, 2, 3, 4, and 5 are comprised as follows:

Zone 1. The factory at York, Pennsylvania.

Zone 2. Pennsylvania, New York, Maryland, West Virginia, New Jersey, Delaware, Ohio and the District of Columbia.

Zone 3. Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Virginia, Kentucky, Indiana, Michigan, Tennessee, North Carolina, Illinois and Wisconsin.

Zone 4. South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Iowa, Kansas, Missouri, North Dakota, South Dakota, Nebraska and Minnesota.

Zone 5. Washington, Oregon, Idaho, Nevada, California, Arizona, Utah, New Mexico, Colorado, Wyoming, Montana and Texas.

(c) The Philco Corporation shall cause to be attached to each air conditioner covered by this order in a place where it can readily be seen an "OPA Retail Ceiling Price Label" containing the OPA retail ceiling price in each zone together with a list of the states in each zone, the manufacturer's name, the model designation of the machine, a statement that the retail ceiling prices shown include delivery and installation to facilities which are to be provided by the purchaser, and a statement that the label may not be removed until after the machine is sold to a consumer.

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale on or after the effective date of this order, the Philco Corporation shall notify him in writing of the ceiling prices established for resales by the purchaser. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 3d day of June 1946.

Issued this 3d day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9414; Filed, June 3, 1946; 4:32 p. m.]

These ceiling prices include the Federal excise tax and are f. o. b. factory. They are for air conditioners equipped for use with 60 cycle alternating current. They are subject to the addition of the amounts set forth below if the air conditioners are sold equipped as described below:

Optional equipment for use with	Amount which may be added		
	61-C models	76-C models	91-C models
Direct current.....	\$12.80	\$16.00	\$17.62
50/60 cycle alternating current.....	1.47	2.26	2.26
Water for cooling.....			14.35

In all other respects these ceiling prices are subject to terms, discounts, allowances and other price differentials no less favorable than those the Philco Corporation had in effect during March 1942 on sales of similar articles.

**Regional and District Office Orders.**

[Region II Order G-2 Under MPR 592]

**CONCRETE BLOCKS IN ALLEGHENY COUNTY, PA.**

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) On and after the effective date of this order, the maximum prices of concrete blocks sold in the County of Allegheny in the State of Pennsylvania of the sizes listed below are fixed and adjusted as follows:

Sizes of block	Maximum prices per block	
	Yard sales	Delivered sales
	<i>Cents</i>	<i>Cents</i>
8 x 8 x 16	16	18
10 x 8 x 16	17½	20
12 x 8 x 16	19	22

The above prices apply to sales by all persons to purchasers for resale on an installed basis, (contractors), and ultimate users (consumers). The above prices also apply to sales by manufacturers to dealers who purchase for resale, except that on such sales, the prices are subject to discount of 25% on yard sales, and a discount of 10% on delivered sales. All sales are subject to all customary cash discounts.

(b) On sales of blocks of sizes other than those listed above, if a manufacturer had an established differential in price during the month of March, 1942, for other sizes of block, he may convert the prices listed above for the 8 x 8 x 16, 10 x 8 x 16 and 12 x 8 x 16 blocks on the basis of the conversion factors or formulae in use by him during March, 1942, in establishing price differentials between the standard size blocks listed above, and other types or sizes.

(c) On or before June 15, 1946, each seller of concrete blocks in the area covered by this order, must file a report in duplicate with the Pittsburgh District Office of the Office of Price Administration, setting forth the maximum prices applicable to him on all sizes of block sold by him.

(d) A copy of this order has been filed with the Division of the Federal Register where it is open to inspection by the public.

(e) This order may be revoked or amended at any time by the Regional Administrator or the Price Administrator.

(f) All prayers of the applications not granted herein are denied.

This order shall become effective immediately.

Issued this 24th day of May 1946.

**LEO F. GENTNER,**  
*Regional Administrator.*

[F. R. Doc. 46-9299; Filed, May 31, 1946; 2:50 p. m.]

[Region II Rev. Order G-7 Under RMPR 122, Amdt. 7]

**PENNSYLVANIA ANTHRACITE IN PHILADELPHIA, DELAWARE, BUCKS AND MONTGOMERY COUNTIES, PA.**

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and § 1340.260 of Revised Maximum Price Regulation No. 122, Revised Order No. G-7 is amended in the following respects:

1. Paragraph (d) (1) is amended by revising the schedule of prices for briquettes manufactured by American Briquette Company to read as follows:

(d) *Schedule I; sales on a "direct-delivery" basis.* (1) For sales of anthracite and briquettes of the sizes and in the quantities specified.

Briquettes	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more)	Per 50-lb. bag
Manufactured by the American Briquette Co. at Lykens, Pa.	\$12.10	\$6.55	\$0.70	\$0.45

Discounts and service charges remain the same.

(2) Paragraph (e) (1) is amended by revising the schedules of prices for briquettes manufactured by American Briquette Company to read as follows:

(e) *Schedule II; "yard sales."* (1) Sales by dealers except those who normally sold exclusively to equipped dealers.

Briquettes	Per net ton (for sales of ½ ton or more)	Per 100 lbs. (for sales of 100 lbs. or more, but, less than ½ ton)	Per 50-lb. bag
Manufactured by the American Briquette Co. at Lykens, Pa.	\$9.00	\$0.60	\$0.40

This Amendment No. 7 to Revised Order No. G-7 shall become effective as of May 6, 1946.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued May 10, 1946.

**LEO F. GENTNER,**  
*Regional Administrator.*

[F. R. Doc. 46-9286; Filed, May 31, 1946; 2:47 p. m.]

[Region II Rev. Order G-7 Under RMPR 122, Amdt. 8]

**PENNSYLVANIA ANTHRACITE IN PHILADELPHIA, DELAWARE, BUCKS AND MONTGOMERY COUNTIES, PA.**

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Ad-

ministration by § 1340.259 (a) (1) and § 1340.260 of Revised Maximum Price Regulation No. 122, Revised Order No. G-7 is amended in the following respects:

1. Paragraph (d) (1) is amended by revising the schedule of prices for briquettes manufactured by American Briquette Company to read as follows:

(d) *Schedule I; sales on a "direct-delivery" basis.* (1) For sales of anthracite and briquettes of the sizes and in the quantities specified.

Briquettes	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more)	Per 50-lb. bag
Manufactured by the American Briquette Co. at Lykens, Pa.	\$12.50	\$6.75	\$0.70	\$0.45

Discounts and service charges remain the same.

(2) Paragraph (e) (1) is amended by revising the schedules of prices for briquettes manufactured by American Briquette Company to read as follows:

(e) *Schedule II; "yard sales."* (1) Sales by dealers except those who normally sold exclusively to equipped dealers.

Briquettes	Per net ton (for sales of ½ ton or more)	Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)	Per 50-lb. bag
Manufactured by the American Briquette Co. at Lykens, Pa.	\$9.40	\$0.60	\$0.40

This Amendment No. 8 to Revised Order No. G-7 shall become effective as of May 17, 1946.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued May 22, 1946.

**LEO F. GENTNER,**  
*Regional Administrator.*

[F. R. Doc. 46-9296; Filed, May 31, 1946; 2:50 p. m.]

[Region II 2d Rev. Order G-15 Under RMPR 122, Amdt. 1]

**SOLID FUELS IN BALTIMORE AND ANNE ARUNDEL COUNTIES, MD.**

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 and § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is hereby ordered*:

1. Paragraphs (d), (e) (1) and (e) (2) are amended by revising the schedule on prices for Briquettes to read as follows:

(d) *Schedule I; Sales on a "direct-delivery" basis.* For sales of coal of the kinds and sizes, and in the quantities specified:

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
District VIII (high volatile)	.	.	.
Briquettes (anthracite).....	\$12.65	\$6.85	\$0.75

Discounts and service charges remain the same.

(e) *Schedule II; "yard sales".* (1) Sales at dealer's yard to consumers.

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)
District VIII (High Volatile)	.	.
Briquettes (anthracite).....	\$11.65	\$0.70

Discounts and service charges remain the same.

(2) Sales at dealer's yard to other dealers for resale.

Kind and size of coal	Maximum price per net ton
District VII (Low Volatile):	.
Briquettes (anthracite).....	\$8.95

This Amendment No. 1 to Second Revised Order No. G-15 shall become effective as of May 6, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued May 10, 1946.

LEO F. GENTNER,  
Regional Administrator.

[F. R. Doc. 46-9287; Filed, May 31, 1946; 2:47 p. m.]

[Region II Order G-54 Under RMPR 122, Amdt. 7]

COKE IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and Rule 4 under § 1340.254 of Revised Maximum Price Regulation No. 122, It is ordered:

1. Paragraphs (d) (1) and (d) (2) are amended to read as follows:

(d) Sales of coke (all kinds) by new coke dealers and their resellers. (1) Dealers receiving at and selling from their own yard. A dealer, who has not established a maximum price for any coke under Revised Maximum Price Regulation No. 122, and who receives coke in his yard and sells it from his yard, may calculate his maximum price for sales of coke by taking the sum of the following:

*First.* The per net ton cost of such coke to the dealer f. o. b. supplier's shipping point.

*Second.* The actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility when such transportation is by common or contract carrier; or the actual cost of such transportation, not to exceed the truck common carrier rate for an identical shipment, when the dealer transports the coke to his yard, dock, or other terminal facility, in his own trucks.

*Third.* A margin not to exceed the following in the applicable situation:

(i) For delivered sales by the dealer out of his own yard, \$3.85 per net ton (for cash or credit sales). To this may be added the service charges, if any, applicable to sales of the fuel replaced by the coke, considering the point of replacement as the consumer's premises.

(ii) For yard sales, \$1.35 per net ton (for cash or credit sales). Where yard sales are to other dealers for resale, \$1.25 per net ton and the invoice, sales slip, or receipt given to such other dealers shall carry the notation, "OPA Permitted Markup on Resale—\$2.60 per net ton".

(2) Resellers of dealers who price under paragraph (d) (1). Any dealer purchasing coke at the yard, from another dealer who has determined his yard maximum price under paragraph (d) (1), may add no more than \$2.60 per net ton (for cash or credit sales), exclusive of permissible service charges, in determining his own maximum delivered price for such coke. The only service charges that may be added are the charges, if any, applicable to sales of the fuel replaced by the coke, considering the point of replacement as the consumer's premises.

2. Paragraphs (e) (1) and (e) (2) are amended to read as follows:

(e) Sales of beehive oven coke; all dealers—(1) Dealers receiving at and selling from their own yard. Any dealer in beehive oven coke, whether fresh or reclaimed, who during December 1941 did not make like sales of such coke (taking into account class of purchaser, method of delivery, i. e., from his yard or from supplier's facilities, etc.), and who receives beehive oven coke in his yard and sells it from his yard, may determine his maximum price for sales of such fuel by taking the sum of the following:

*First.* The per net ton cost of such coke to the dealer f. o. b. supplier's shipping point.

*Second.* The actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility when such transportation is by common or contract carrier; or the actual cost of such transportation, not to exceed the truck common carrier rate for an identical shipment, when the dealer transports the coke to his yard, dock, or other terminal, in his own trucks.

*Third.* Either subparagraph (i) or (ii) below:

(i) A margin not to exceed the following: (a) for delivered sales by the

dealer out of his own yard, \$3.85 per net ton (for cash or credit sales). To this may be added the service charges, if any, applicable to sales of the fuel replaced by the coke, considering the point of replacement as the consumer's premises. (b) for yard sales, \$1.36 per net ton (for cash or credit sales). Where yard sales are to other dealers for resale, \$1.25 per net ton and the invoice sales slip, or receipt given to such other dealers shall carry the notation, "OPA Permitted Mark-up on Resale—\$2.60 per net ton"; or

(ii) The dealer's margin over delivered cost in effect during December 1941 on sales of other coke most nearly like the sales now made (taking into account class of purchaser, method and terms of delivery, including discounts and service charges, if any).

Where such other coke sold during December 1941 was purchased f. o. b. truck and delivered directly to the purchaser, the "margin over delivered cost" shall be the difference between the highest price charged by the dealer during December 1941 for like sales of such coke, and the highest price paid by the dealer to the supplier for such fuel, f. o. b. truck, during December 1941, or the last calendar month of 1941 in which the dealer took deliveries of such fuel from a supplier.

Where such other coke sold by the dealer during December 1941 was coke transported to his yard and delivered out of his yard, "margin over delivered cost" shall be the difference between the highest price charged by the dealer during December 1941, for like sales of by-product or retort gas coke and the sum of (1) the highest price paid by the dealer to the supplier for such fuel during December 1941, or the last calendar month of 1941 in which the dealer took deliveries of such fuel from the supplier, and (2) the actual transportation cost as defined in Item "Second," (a) Where sales are at the yard to other dealers for resale, the invoice, sales slip, or receipt given to such other dealers shall carry the notation, "OPA permitted markup on resale—\$2.60 per net ton."

(2) Resellers of dealers who price under Paragraph (e) (1). Any dealer purchasing coke at the yard, from another dealer who has determined his yard maximum price under paragraph (e) (1), may add no more than \$2.60 per net ton (for cash or credit sales), exclusive of permissible service charges, in determining his own maximum delivered price for such coke. The only service charges that may be added are the charges, if any, applicable to sales of the fuel replaced by the coke, considering the point of replacement as the consumer's premises.

This Amendment No. 7 to Order No. G-54 is effective as of March 30, 1946. (56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued May 16, 1946.

LEO F. GENTNER,  
Regional Administrator.

[F. R. Doc. 46-9288; Filed, May 31, 1946; 2:48 p. m.]

[Region II Rev. Order G-41 Under RMPR 122, Amdt. 1]

**SOLID FUELS IN HOWARD, CARROLL, HANFORD, CECIL, BALTIMORE AND ANNE ARUNDEL COUNTIES, MD.**

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 and § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered:*

1. Paragraphs f (1) and f (2) are amended by revising the schedules on prices for Briquettes to read as follows:

(f) *Schedule III—(1) Sales on a "direct-delivery" basis.* For sales of coal of the kinds and sizes, and in the quantities specified:

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Anthracite briquettes.....	\$9.85	\$5.20	\$0.60

Discounts and service charges remain the same.

(2) "Yard sales". For sales of coal of the kinds and sizes, and in the quantities specified:

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton
Anthracite Briquettes.....	\$8.85	\$0.50

Discounts and service charges remain the same.

This amendment No. 1 to Revised Order No. G-41 shall become effective as of May 6, 1946.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued May 10, 1946.

LEO F. GENTNER,  
Regional Administrator.

[F. R. Doc. 46-9302; Filed, May 31, 1946; 2:51 p. m.]

[Region II Rev. Order G-41 Under RMPR 122, Amdt. 2]

**SOLID FUELS IN HOWARD, CARROLL, HANFORD, CECIL, BALTIMORE, AND ANNE ARUNDEL COUNTIES, MD.**

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered:*

1. Paragraphs f (1) and f (2) are amended by revising the schedules on prices for briquettes to read as follows:

(f) *Schedule III—(1) Sales on a "direct-delivery" basis.* For sales of coal of the kinds and sizes, and in the quantities specified:

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Anthracite briquettes.....	\$10.25	\$5.40	\$0.60

Discounts and service charges remain the same.

(2) "Yard sales". For sales of coal of the kinds and sizes, and in the quantities specified:

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton
Anthracite briquettes.....	\$9.25	\$0.50

Discounts and service charges remain the same.

This Amendment No. 2 to Revised Order No. G-41 shall become effective as of May 17, 1946.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued May 22, 1946.

LEO F. GENTNER,  
Regional Administrator.

[F. R. Doc. 46-9297; Filed, May 31, 1946; 2:50 p. m.]

[Region II Order G-56 Under RMPR 122, Amdt. 2]

**SOLID FUELS IN ERIE COUNTY, PA.**

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and § 1340.260 of Revised Maximum Price Regulation No. 122, Order No. G-56 is amended in the following respect:

1. Paragraphs (d) (1) and (d) (2) are amended by revising the schedules of prices for briquettes to read as follows:

(d) *Schedule I—(1) Sales on a "direct-delivery" basis.* For sales of solid fuels of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ¼ ton
Briquettes Ambricoal....	\$12.40	\$6.70	\$3.60	\$0.80

Discounts and service charges remain the same.

(2) "Yard sales". For sales of solid fuels of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton for sales of ½ ton or more to—		Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton
	Dealers	Consumers	
Briquettes, Ambricoal..	\$10.80	\$11.15	\$0.70

Discounts and service charges remain the same.

This Amendment No. 2 to Order No. G-56 shall become effective as of May 6, 1946.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued May 10, 1946.

LEO F. GENTNER,  
Regional Administrator.

[F. R. Doc. 46-9289; Filed, May 31, 1946; 2:48 p. m.]

[Region II Order G-56 Under RMPR 122, Amdt. 3]

**SOLID FUELS IN ERIE COUNTY, PA.**

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and § 1340.260 of Revised Maximum Price Regulation No. 122, Order No. G-56 is amended in the following respect:

1. Paragraphs (d) (1) and (d) (2) are amended by revising the schedules of prices for briquettes to read as follows:

(d) *Schedule I—(1) Sales on a "direct-delivery" basis.* For sales of solid fuels of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ¼ ton
Briquettes, Ambricoal....	\$12.80	\$6.90	\$3.70	\$0.80

Discounts and service charges remain the same.

(2) "Yard sales". For sales of solid fuels of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton for sales of ½ ton or more to—		Per 100 lbs. for sales of 100 lbs. or more, but less than ¼ ton
	Dealers	Consumers	
Briquettes Ambricoal....	\$11.20	\$11.55	\$0.70

Discounts and service charges remain the same.

This Amendment No. 3 to Order No. G-56 shall become effective as of May 17, 1946.



(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued May 22, 1946.

LEO F. GENTNER,  
Regional Administrator.

[F. R. Doc. 46-9298; Filed, May 31, 1946;  
2:50 p. m.]

[Syracuse Adopting Order 3 Under Basic  
Order 1 Under Gen. Order 68, Amdt. 1]

HARD MASON MATERIALS IN SYRACUSE,  
N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region 2 by the Emergency Price Control Act of 1942 as amended, and by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Syracuse District Office; *It is hereby ordered:*

1. Adopting Order No. 3 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is hereby amended by striking out items 23 to 30 inclusive in Schedule A annexed to said order, and inserting in place thereof the following:

- 23. Clay drain tile, 3'- \$0.0715 (lin. ft.).
- 24. Clay drain tile, 4'- \$0.0871 (lin. ft.).
- 25. Clay drain tile, 6'- \$0.1836 (1 ft. length).
- 26. Vitrified clay sewer pipe, 4" \$0.205 (lin. ft.).
- 27. Vitrified clay sewer pipe, 6" \$0.3125 (lin. ft.).
- 28. Flue lining, 8½" x 8½" or 9" x 9" \$0.42 (lin. ft.).
- 29. Flue lining, 8½" x 13" \$0.625 (lin. ft.).
- 30. Flue lining, 13" x 13" \$0.7975 (lin. ft.).

2. Adopting Order No. 3 under Basic Order No. 1 as amended under General Order 68 as amended, is further amended by inserting after the words "section 7" in said order, the letter "(a)", and adding to section 7 of said order, a subparagraph designated (b), reading as follows:

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size, or quantity of the commodity, and thus determine the maximum price fixed by Schedule A of this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Schedule A of this order in accordance with the incomplete description.

3. Except as hereby amended, Adopting Order No. 3 under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force, and effect.

4. This amendment shall become effective immediately.

Issued this 27th day of May 1946.

GEORGE G. MOORE,  
District Director.

[F. R. Doc. 46-9300; Filed, May 31, 1946;  
2:51 p. m.]

[Baltimore Adopting Order 17 Under Basic  
Order 1 Under Gen. Order 68]

HARD MASON MATERIALS IN BALTIMORE, MD.,  
AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Baltimore District Office, *It is hereby ordered:*

(1) Adopting Order No. 17, under Basic Order No. 1 as amended, under General Order No. 68 as amended is hereby amended by striking out the title of said order and of Schedule A annexed to said order and inserting in place thereof the following:

Maximum prices for certain building and construction materials in the Baltimore area consisting of the City of Baltimore, the County of Baltimore and the County of Howard, all in the State of Maryland, on sales by all persons to ultimate users or to purchasers for resale on an installed basis.

(2) Said Adopting Order No. 17 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by inserting "(a)" after the words "section 7" of said order, and by adding to section 7 of said order, a subsection designated as (b) and reading as follows:

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size, or quantity of the commodity, and thus determine the maximum price fixed by Schedule A of this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Schedule A of this order in accordance with the incomplete description.

(3) Said Adopting Order No. 17 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by striking out section 8 of said order, and inserting in place thereof the following:

SEC. 8. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

(4) Except as hereby amended, Adopting Order No. 17 under Basic Order 1 as amended, under General Order No. 68 as amended, shall remain the same, and all provisions thereof shall remain applicable.

This amendment shall become effective immediately.

Issued this 1st day of June 1946.

LEO H. MCCORMICK,  
District Director.

[F. R. Doc. 46-9307; Filed, May 31, 1946;  
2:52 p. m.]

[Region III Order G-3 Under Rev. SR 50 and  
RMPR 165, Amdt. 1]

MOTOR VEHICLE PARKING SPACE IN INDIANAPOLIS, IND.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.648 (c) (4) of Revised Supplementary Service Regulation No. 50, as amended; *It is hereby ordered:*

Paragraph (b) of Order No. G-3 under section 648 (c) (4) of Revised Supplementary Service Regulation No. 50, as amended, is amended to read as follows:

(b) *Maximum prices.* The maximum price which a parking lot operator may charge for the service of furnishing parking space in the Indianapolis Motor Speedway Track Area during the time specified herein shall be the prices set forth below.

Motor vehicle parking: *Maximum price*  
Any day between May 18 and to  
May 29, 1946, inclusive for a period of twelve (12) hours or less... \$0.75  
On May 30, 1946, for a period of twenty-four (24) hours or less... 1.25

This Amendment No. 1 shall become effective May 18, 1946.

Issued May 17, 1946.

JOHN F. KESSEL,  
Regional Administrator.

[F. R. Doc. 46-9157; Filed, May 29, 1946;  
4:50 p. m.]

[Region III Order G-11 Under MPR 592]

PAUL SAND & GRAVEL CO. ET AL.

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-11 under Section 16 of Maximum Price Regulation No. 592 provides for an adjustment of the maximum prices for the sale of screened bank mason sand, furnace sand and unwashed gravel processed by the Paul Sand & Gravel Company of Massillon, Ohio, hereinafter referred to as the processor. The maximum prices of the processor and the maximum prices of the resellers of such commodities are adjusted herein.

(b) *Processors' adjusted maximum prices.* (1) The adjusted maximum prices f. o. b. plant for sales by the processor of all screened bank mason sand, screened bank furnace sand and screened unwashed gravel processed by it shall be:

Commodity	Adjusted maximum price per ton
Screened bank mason sand.....	\$0.90
Screened bank furnace sand.....	.80
Screened unwashed gravel.....	.45

(2) The processor's customary terms, discounts, allowances and other price differentials shall be maintained on all its sales affected by this order.

(c) *Reseller's adjusted maximum prices.* (1) Any reseller of the commodities for which an adjustment is granted the processor in (b) above may add to his maximum prices in effect immediately preceding the effective date of this order, to each class of purchaser, the actual dollars and cents increase in invoiced cost to him resulting from the increase granted the processor by this order.

(2) Reseller's maximum prices adjusted under this paragraph are subject to each reseller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser.

(d) *Notification.* The processor, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodities covered by this order a notice of the price increases authorized by this order. Such notice shall substantially contain the following:

Order No. G-11 under section 16 of Maximum Price Regulation No. 592 provides adjusted maximum prices for the sale by the Paul Sand & Gravel Company, of screened bank mason sand, screened bank furnace sand and screened unwashed gravel processed by it. Resellers may add to their maximum prices in effect immediately preceding the effective date of this order, to each class of purchaser, the actual dollars and cents amount of increase in their invoiced cost resulting from the increase granted to the processor by this order.

(e) *Revocation and amendment.* This order may be revoked or amended at any time by the Office of Price Administration.

This order shall become effective April 30, 1946.

Issued April 30, 1946.

JOHN F. KESSEL,  
Regional Administrator.

[F. R. Doc. 46-9160; Filed, May 29, 1946;  
4:51 p. m.]

[Region III Order G-17 Under Rev. SO 119]

AIR CONTROLS, INC., ET AL.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 13 of Revised Supplementary Order No. 119, it is hereby ordered:

(a) *What this order does.* This order provides an adjustment of the maximum

prices for the commodities hereinafter listed in paragraph (b) hereof, manufactured by Air Controls, Inc., 2310 Superior Avenue, Cleveland, Ohio (hereinafter referred to as the manufacturer). This order also provides an adjustment for resellers of such commodities.

(b) *Adjusted maximum prices.* The manufacturer is hereby authorized to increase its maximum prices established as of the effective date of this order for all classes of purchasers for the following commodities manufactured by it by percentages not in excess of the following:

Item	Permitted increase (percent)
Furnace blowers and blower filter units..	23.0
Exhaust and attic ventilating units....	24.5

(c) *Resellers' maximum prices.* The maximum prices for the commodities set forth in paragraph (b) hereof on sales by any reseller shall be the maximum net price of such reseller to each class of purchaser in effect just prior to the issuance of this order, plus the actual dollars-and-cents amount by which the net invoiced cost of such reseller is increased pursuant to the provisions hereof.

(d) *Relation to other orders and regulations.* Except as provided herein, all sellers covered hereby shall be and remain subject to all provisions of the applicable Maximum Price Regulations.

(e) *Notification.* At the time of, or prior to, the first invoice to each purchaser for resale, each seller covered by this order shall notify the purchaser for resale in writing of the permitted price increases allowed hereby. Such notification shall be given in any convenient form.

(f) *Discounts.* All sellers covered hereby shall maintain all discounts, allowances and price differentials which they had in effect just prior to the issuance of this order.

(g) *Revocation and amendment.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective April 16, 1946.

Issued April 16, 1946.

W. J. KENNEDY,  
Acting Regional Administrator.

[F. R. Doc. 46-9290; Filed, May 31, 1946;  
2:48 p. m.]

[Region III Order G-18 Under MPR 592]  
READY-MIXED CONCRETE IN DETROIT,  
MICH., AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator by section 17 of Maximum Price Regulation No. 592, this order is issued:

(a) *Transactions covered by this order.* This order covered all sales of ready-mixed concrete, by manufacturers thereof, when sold at or from any point within the Detroit, Michigan, Area.

(b) *Definitions.* (1) "The Detroit, Michigan, Area" consists of the area within the corporate limits of the Cities

of Detroit, East Detroit, Centerline and Wyandotte in the State of Michigan.

(2) "Manufacturer" means any person who makes the first sale of ready-mixed concrete.

(3) To the extent they are consistent with the provisions of this order, the definitions contained in Maximum Price Regulation No. 592, and other applicable regulations shall apply to sales covered by this order.

(c) *Adjustment.* The maximum prices of ready-mixed concrete on sales to all classes of customers, established under Maximum Price Regulation No. 592 and/or other applicable orders or regulations issued by the Office of Price Administration, by manufacturers, covered by this order, are hereby increased by six (6) percent.

(d) *Discounts.* No sellers covered hereby shall discontinue or reduce any of the discounts, allowances or differentials which they offered in March 1942 on sales covered by this order.

This Order No. G-18 shall become effective May 16, 1946.

Issued May 16, 1946.

E. C. TURNEY,  
Acting Regional Administrator.

[F. R. Doc. 46-9161; Filed, May 29, 1946;  
4:51 p. m.]

[Region III Order G-24 Under RMPR 251]

RE-SIDING MATERIALS ON AN INSTALLED BASIS IN CLARKSBURG, W. VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to the authority vested in the Regional Administrator of Region III of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and by section 9 of Revised Maximum Price Regulation No. 251, it is ordered:

SECTION I. *What this order does.* (a) This order fixes maximum prices for all sales of composition re-siding materials on an installed basis into a residential structure, as defined herein, in the area hereinafter described, whether or not such sales or services are made as a part of a general contract.

(b) The term "residential structure" means any building, structure, or part thereof, used entirely or principally for living or dwelling purposes and includes buildings or structures in connection therewith, or adjacent thereto, at the same site, such as garages, barns, milk houses, sheds, granaries, and other out-buildings, but does not include hotels.

(c) The term "re-siding materials" means any material used for re-siding a residential structure in whole or in part, including but not limited to types of siding used such as asbestos-cement shingles and composition siding materials such as insulated brick or stone and roll brick siding, but does not include materials such as lap-siding, drop siding, wood shingles, and similar materials which remain subject to Revised Maximum Price Regulation No. 251.

**SEC. II. Geographical applicability.** This Order G-24 applies to re-siding installed on residences located in the Clarksburg trading area, which includes the following counties: Harrison, Lewis, Upshur, Barbour, Taylor, and Doddridge in the State of West Virginia.

**SEC. III. Relationship of this order to Revised Maximum Price Regulation No. 251.** (a) This order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to sales covered by this order. All other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued, except to the extent they are inconsistent with the provisions of this order, shall apply to sales covered by this order.

(b) On and after the effective date of this order, regardless of any contract or other obligations, no person shall sell or offer to sell re-siding materials on an installed basis covered by this order at prices higher than the maximum prices established by this order: *Provided*, That installations made not more than thirty days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

**SEC. IV. Maximum prices for sales of materials on an installed basis.** The maximum prices for sales covered by this order shall be as follows:

**INSTALLED RE-SIDING PRICES**

(a) Asbestos-cement Siding, Standard Surface Hardness, White or Buff, 12 inches x 24 inches or 12 inches x 27 inches: \$24.00 per square.

(b) Composition Siding, Insulated Brick, 14 $\frac{3}{8}$  inches x 43 $\frac{7}{8}$  inches, 13 $\frac{7}{8}$  inches x 43 $\frac{1}{8}$  inches, 14 inches x 43 inches: \$27.00 per square.

The cost of accessories and services used in the installation of the re-siding, which means, but is not limited to, moulding, cost of permit, hauling materials to job, cleaning up, leveling materials, felt strips, corner beads, caulking, moulding, nails, mastic, quarter round, or other necessary material is included in the above prices.

Where the re-siding job is performed in a county within the trading area, but in another county from where the seller's place of business is located, the seller may include an additional charge not to exceed \$2.00 per square for each square of composition re-siding installed by the seller of such job.

**SEC. V. Guarantee or lump sum prices.** (a) A seller may offer to or make sales covered by this order on the basis of a lump sum price but such lump sum price must not be higher than the maximum price calculated in accordance with the pricing methods and requirements of this order.

(b) *Recomputation.* Within 30 days from the completion of any service covered by this order for which a price was charged on the basis described in paragraph (1) above, the seller shall check his price by reviewing the categories and other factors used in his estimate on the

basis of the actual services rendered and material furnished and shall determine whether the price quoted, charged or collected is higher than the maximum price computed under this order. In the event that the price quoted, charged or collected is higher than the maximum price computed under the terms of this order the seller shall reduce his price to the proper maximum price and shall refund to the buyer within such period of 30 days after the completion of the service any excess which may have been collected or, if no excess has been collected, then, by written notice to the buyer, shall cancel the indebtedness of the buyer for any such excess, or both, as the case may require. Such a charge or collection in an amount in excess of the maximum price properly computed in accordance with this order shall not be considered to be a violation of this order if the amount thereof is refunded or credited to the buyer in accordance with this paragraph.

**SEC. VI. Preparatory and incidental construction work.** If on any re-siding job, any installed building materials are furnished or any construction services performed by the seller for which specific maximum prices are not fixed by this order, such materials and services shall be separately priced and billed on all invoices and sales slips. The maximum prices for such preparatory and incidental construction work shall be determined under Revised Maximum Price Regulation No. 251, or as fixed by any applicable area pricing order issued by the Regional Administrator of Region III.

**SEC. VII. Measurements.** It shall be the seller's responsibility to measure with reasonable accuracy the area or footage to be covered. Such measurements, including allowance for waste and overlap, shall be made as follows:

(1) The seller must deduct one-half of the area of doors and windows from the over-all area to be covered with composition re-siding.

**SEC. VIII. Notification.** (a) Each seller making a sale covered by this order shall, upon completion of the work, furnish to the purchaser a statement showing the following:

(1) The names and addresses of the seller and purchaser.  
 (2) The location of the job.  
 (3) The date the job was completed.  
 (4) A description of the work performed and the total charged for the job, together with an itemized statement showing the number of squares covered and the prices charged per square of materials installed, any accessories or other items for which an extra charge was made, and the quantities and prices of each, and a separate statement of the preparatory and incidental construction work performed, as provided in section 6 of this order.

(b) Each seller making a sale covered by this order shall, if requested by the purchaser, make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regulation No. 251. Copies for this purpose may be obtained from the Office of the Regional

Administrator or from the District Office of the Office of Price Administration.

**SEC. IX. Records.** Each seller must keep and retain at his principal place of business records concerning each sale covered by this order, showing the following:

(1) The name and address of the purchaser.  
 (2) The location of the job.  
 (3) A copy of any and all contracts pertaining to each sale.  
 (4) The date the job was completed.  
 (5) A description of the materials and services involved.  
 (6) The number of squares and the price charged per square of material.  
 (7) A separate itemized statement of any preparatory and incidental construction work and the prices charged for such work.

All such records shall be kept and made available for inspection by representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

**SEC. X. Prohibitions and evasions.** (a) No person shall sell and no person shall buy, in the course of trade or business, any of the commodities or services covered by this order, at prices greater than the maximum prices established by this order.

(b) The price limitations set forth in this order shall not be evaded by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any of the commodities or services covered by this order, whether alone or in conjunction with any other commodity or by way of commissions, services, transportation or other charges, discounts, premiums, or other privileges or by tying agreement or other understanding or by making the terms and conditions of sale more onerous to buyers than they were during March, 1942 (except as specifically permitted by this order or applicable regulations).

**SEC. XI. Less than maximum prices.** Prices lower than the maximum prices for sales covered by this order may, of course, be charged and paid.

**SEC. XII. Revocation or amendment.** This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

Issued May 7, 1946.

This Order No. G-24 shall become effective May 21, 1946.

J. F. KESSEL,  
 Regional Administrator.

[F. R. Doc. 46-9158; Filed, May 29, 1946; 4:50 p. m.]

[Region VIII Gen. Order G-10 Under MPR 592]

READY-MIX CONCRETE IN SPOKANE, WASH., AREA

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Regional Administrator by section 17 of Maximum

Price Regulation 592; *It is hereby ordered:*

(a) The adjusted maximum prices for sales of ready-mix concrete by producers in the Spokane area shall be as follows:

Per cubic yard:	<i>Maximum price</i>
4 sacks cement.....	\$7.15
3½ sacks cement.....	6.75
For each additional sack of cement..	.70

The above prices are delivered prices within the Spokane area.

(b) All sales are subject to seller's customary trade terms, discounts, and price differentials; all sales are subject to seller's customary trade practice in regard to "hold truck time" for unloading.

(c) This order shall apply to the area within the city limits of Spokane, Washington and to the area within a 7½-mile radius of Dishman, Washington.

(d) This order may be corrected, amended or revoked at any time.

This order shall become effective May 30, 1946.

Issued this 20th day of May 1946.

GUY R. KINSLEY,  
*Acting Regional Administrator.*

[F. R. Doc. 46-9392; Filed, June 3, 1946; 11:38 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-54, 54-141]

KEWANEE PUBLIC SERVICE CO. AND NORTH AMERICAN LIGHT & POWER CO.

NOTICE OF FILING OF AMENDMENT TO PLAN AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of May 1946.

In the matters of Kewanee Public Service Company and North American Light & Power Company, respondents, File No. 59-54; Kewanee Public Service Company and North American Light & Power Company, applicants, File No. 54-141.

The Commission having heretofore ordered that a hearing be held on a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act") by Kewanee Public Service Company ("Kewanee") and its parent, North American Light & Power Company ("Light & Power"), a registered holding company, and a hearing having been held on said plan, which provided for the issuance of new common stock in exchange for presently outstanding preferred and common stock, but proposed no allocation of such new common stock, and such hearing having been adjourned on May 2, 1946 to permit the applicants to file an amendment to said plan for the purpose of providing for the allocation of such new common stock among Kewanee's preferred and common stockholders;

Notice is hereby given that Kewanee and Light & Power have jointly filed an amendment to the plan previously jointly filed pursuant to section 11 (e) of the act.

All interested persons are referred to said amendment to said plan (which plan prior to said amendment has heretofore

been summarized by the Commission by order dated April 11, 1946, Holding Company Act Release No. 6545) which amendment is on file in the offices of this Commission, for a statement of transactions therein proposed, which may be summarized as follows:

It is proposed to amend the charter of Kewanee to provide for but one class of stock having a total stated value of \$650,000, divided into 50,000 shares of common stock, without par value, having preemptive rights, and to distribute such common stock in the following proportions:

1. There would be issued to each holder of preferred stock (7%, \$50 par) of Kewanee, 4 shares of the new common stock in exchange for each share of preferred stock in full satisfaction of the interest of each such preferred stockholder, including accrued and unpaid dividends aggregating \$47.25 per share as of June 30, 1946. Under this proposal the holders of the presently outstanding 5,504 shares of publicly held preferred stock would receive 22,016 shares of new common stock, or approximately 44% of the 50,000 shares of new common stock to be issued.

2. There would be issued to Light & Power 27,984 shares or approximately 56% of the new common stock in exchange for its present security holdings in Kewanee, consisting of (a) 1,496 shares of preferred stock; (b) \$210,000 of promissory notes of Kewanee, plus interest amounting to \$26,950 as of June 30, 1946; and (c) all of the presently outstanding common stock of Kewanee, aggregating 10,000 shares. Light & Power represents that the cost of the securities it holds in Kewanee was \$1,957,926.90, including the accrued interest on said notes to June 30, 1946.

The applicants request that if the Commission approves the plan, application be made to a court as provided by section 11 (e) of the act to enforce the plan.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that such plan as submitted and amended is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan;

*It is ordered,* That the hearing upon said plan, as amended, filed pursuant to section 11 (e) of the act, is hereby reconvened, and shall be held at 10:00 a. m., e. d. s. t., on the 24th day of June 1946, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

*It is further ordered,* That any interested person who desires to file objections to said plan as amended may do so on or before June 20, 1946. Such objections shall also be considered at such hearing. Any other person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before June 20, 1946, his request or application therefor

as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered,* That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That without limiting the scope of the issues presented by said plan, as amended, particular attention will be directed to the following matters and questions:

1. Whether the proposed plan as submitted and amended is necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether the proposed plan as submitted and amended is fair and equitable to the persons affected thereby;

3. Whether the transactions proposed in said plan as submitted and amended comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder; and

4. Whether, and to what extent, the proposed plan as submitted and amended should be modified or terms and conditions imposed to ensure adequate protection of the public interest and the interests of investors and consumers and compliance with all applicable provisions of the act.

*It is further ordered,* That the Secretary of this Commission shall serve notice of the aforesaid reconvened hearing by mailing a copy of this notice and order by registered mail to Kewanee Public Service Company; North American Light & Power Company; the City of Kewanee, Illinois; and the Illinois Commerce Commission. Notice shall be given to all other persons by a general release of the Commission distributed to the press and mailed to the mailing list for releases under the act, and by publication of this order in the FEDERAL REGISTER.

*It is further ordered,* That Kewanee Public Service Company shall give notice of the aforesaid reconvened hearing to each of the holders of its capital stock (in so far as the identity of such holders is known or available to Kewanee) by mailing a copy of this notice and order to each of such holders at least fifteen days prior to the date of hearing set herein.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
*Secretary.*

[F. R. Doc. 46-9428; Filed, June 4, 1946; 9:35 a. m.]

[File No. 70-1301]

UNITED GAS IMPROVEMENT CO. AND ALLENTOWN-BETHLEHEM GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of May 1946.

Notice is hereby given that The United Gas Improvement Company (U. G. I.), a registered holding company, and its sub-

subsidiary Allentown-Bethlehem Gas Company, have filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than June 10, 1946, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter said application may be granted and said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to the application and declaration which is on file with this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Allentown proposes to issue and sell to U. G. I., the present owner of all the outstanding common stock of Allentown, 30,000 additional shares of common stock, par value \$50 per share, for \$1,500,000 in cash. Allentown also proposes to issue and sell to banks its promissory notes in the principal amount of \$150,000, maturing not more than nine months after date of issue and bearing interest at 3% per annum.

The proceeds of the issuance and sale of the common stock and notes will be used to redeem Allentown's outstanding 30,000 shares of 7% Preferred Stock at the redemption price of \$55 per share plus accrued dividends. Upon consummation of the proposed transactions, Allentown will have 102,375 shares of common stock outstanding and no preferred stock authorized or outstanding.

According to the filing, the issuance and sale of the additional common stock is subject to the approval of the Pennsylvania Public Utility Commission.

By the commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-9429; Filed, June 4, 1946;  
9:35 a. m.]

[File No. 70-1304]

UNITED GAS IMPROVEMENT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of May 1946.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company, (U. G. I.), a registered holding company.

Notice is further given that any interested person may, not later than June 10,

1946, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, setting forth the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized as follows:

U. G. I. proposes to advance a sum not exceeding \$650,000 with interest at 3% per annum, to Philadelphia Gas Works Company (Gas Company), its wholly-owned subsidiary. Gas Company, in turn, proposes to utilize such \$650,000, together with \$1,850,000 of cash available under the lease arrangement, whereby Gas Company operates the municipal gas properties and facilities owned by the City of Philadelphia, to construct additions to existing plant and distribution facilities required to meet the increased demand for gas. The amount of \$650,000 so advanced, with interest at 3% per annum, will be included in the expenses of operation of the Municipal Gas Works and will be repaid to Gas Company and, in turn, to U. G. I. by charging the same to the cost of gas. Gas Company estimates that the revenue from additional sales, made possible by increasing the plant capacity, will be sufficient to allow the recovery of the amount advanced plus interest within five years without increasing the present gas rates.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-9430; Filed, June 4, 1946;  
9:35 a. m.]

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP., ET AL.  
SUPPLEMENTAL ORDER GRANTING APPLICATION  
AND DECLARATION

In the matters of North Continent Utilities Corporation and subsidiary companies, File No. 54-74; North Continent Utilities Corporation and subsidiary companies, File No. 59-69.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of May, A. D. 1946.

The Commission by order entered on November 16, 1943, having approved a plan providing for the liquidation and dissolution of North Continent Utilities Corporation, a registered holding company, filed by that company and its sub-

subsidiary companies, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and having by said order, pursuant to section 11 (b) of the act, directed North Continent Utilities Corporation to take such action as may be necessary to cause its liquidation and dissolution;

North Continent Utilities Corporation, together with Great Northern Utilities Company, its subsidiary company, having filed an application and declaration pursuant to sections 11 (b), 11 (e) and 12 (d) of said act and the rules promulgated thereunder (and in pursuance, and for the purpose, of carrying out the aforesaid Commission order concerning the liquidation and dissolution of North Continent Utilities Corporation) relating to the proposed sales by Great Northern Utilities Company of certain of its physical properties to Marias River Electric Cooperative, Inc., and certain other of its physical properties to Glacier County Electric Cooperative, Inc., for base prices of \$640,050 and \$343,450 in cash, respectively, subject to certain adjustments, the proposed sale by North Continent Utilities Corporation of its holdings of 1,000 shares of the capital stock of Southern Utilities Company to Fred H. McPhillips, an individual, for \$6,500 in cash, the use by Great Northern Utilities Company of the proceeds of such sales to pay its indebtedness to North Continent Utilities Corporation, the liquidation and dissolution of Great Northern Utilities Company, and the proposed use of the funds to be received by North Continent Utilities Corporation from such transactions to cause ratable payments to be made on the unpaid principal of North Continent Utilities Corporation's First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948; and

A public hearing having been held after appropriate notice; and the Commission having considered the record and having made and filed its opinion herein;

It is ordered, That, pursuant to sections 11 (b), 11 (e) and 12 (d) and other applicable sections of the act, said application and declaration be, and hereby are, granted and permitted to become effective, subject to the terms and conditions contained in Rule U-24.

North Continent Utilities Corporation and Great Northern Utilities Company having requested that the order of the Commission entered in these proceedings contain certain findings and recitals necessary to conform to the requirements of sections 371, 372, 373, and 1808 of the Internal Revenue Code, as amended, and it appearing appropriate that such request be granted;

It is further ordered and recited, That the following proposed transactions are necessary or appropriate to the integration or simplification of the North Continent Utilities Corporation holding company system, of which Great Northern Utilities Company is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The sales by Great Northern Utilities Company of certain of its physical properties to Marias River Electric Co-

operative, Inc. and certain other of its physical properties to Glacier County Electric Cooperatives, Inc. for base prices of \$640,050 and \$343,450 in cash, respectively, subject to certain adjustments;

(b) The use by Great Northern Utilities Company of the net proceeds of its aforesaid sales to pay its indebtedness to North Continent Utilities Corporation, represented by promissory notes aggregating \$845,000 and open account liability in the amount of \$22,286.22, and the liquidation and dissolution of Great Northern Utilities Company;

(c) The sale by North Continent Utilities Corporation of its holdings of the entire outstanding capital stock of Southern Utilities Company, represented by 1,000 shares of \$10 par value each;

(d) The use by North Continent Utilities Corporation of the funds to be received by it as a result of the transactions referred to in subdivisions (b) and (c) above to cause ratable payments to be made on the unpaid principal of its First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948;

The properties referred to in subdivision (a) above being more completely specified, itemized, and described under Item 4 of section IV of the application and declaration filed herein by North Continent Utilities Corporation and Great Northern Utilities Company, which said specification, itemization, and description of said properties contained in said Item 4 of section IV of said application and declaration are hereby incorporated by reference in this order and made a part hereof, with the same force and effect as if set forth at length herein.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-9431; Filed, June 4, 1946;  
9:35 a. m.]

[File No. 70-1279]

**CENTRAL INDIANA GAS CO. AND CONSOLIDATED ELECTRIC AND GAS CO.**

**ORDER GRANTING JOINT APPLICATION AND 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 29th day of May A. D. 1946.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and Central Indiana Gas Company, ("Central Indiana"), a gas utility subsidiary company of Consolidated, having filed a joint application and declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935, wherein Central Indiana proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$3,250,000 principal amount of First Mortgage Bonds, due 1971, and to use the proceeds of said sale toward the redemption of \$2,944,000 principal amount of First Mortgage Bonds to be outstanding at the date of the proposed financing and to set up a construction fund of approximately \$256,000, and proposes further to retire and redeem about June 1, 1946, the remaining \$166,000 principal amount of outstanding bonds through the operation of the present Renewal and Replacement Fund; and wherein Central Indiana further proposes to change its present authorized capital stock consisting of 40,000 shares of common stock, par value \$100 a share, to 500,000 shares of common stock, par value \$10 a share, and to issue and exchange 400,000 shares of such new common stock to Consolidated, Consolidated proposing to surrender its present holdings in the common stock of Central Indiana, and to acquire the 400,000 shares of new common stock proposed to be issued by Central Indiana, and to pledge them under a loan agreement with certain banks;

A public hearing on these matters having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That the joint application and declaration of Consolidated and Central Indiana as amended, be and the same hereby is granted and permitted to become effective subject however to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That the proposed issuance and sale of \$3,250,000 principal amount of First Mortgage Bonds by Central Indiana shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further

terms and conditions, as may be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transaction;

(2) That jurisdiction be reserved with respect to the payment of any and all legal fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46 9432; Filed, June 4, 1946;  
9:35 a. m.]

**UNITED STATES COAST GUARD.**

**APPROVAL OF EQUIPMENT**

By virtue of the authority vested in me by R.S. 4405, 4483, and 4491, as amended, 54 Stat. 163-167 (46 U.S.C. 375, 481, 489, 526-526t), Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), as modified by Executive Order No. 9666, dated December 28, 1945 (11 F.R. 1), and Coast Guard General Order 1-46 of the Secretary of the Treasury, dated January 1, 1946 (11 F.R. 185), the following approval of equipment is prescribed, effective upon the date of publication in the FEDERAL REGISTER:

**BUOYANT CUSHION FOR MOTORBOATS**

Approval No. A-309, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by American Canvas Manufacturing Company, 804 East First Place, Tulsa 3, Oklahoma.

**LIFEBOAT**

30' x 10.25' x 3.5' steel hand propelled lifeboat, 76-person capacity, General Arrangement Dwg. No. 1300, dated 18 April 1946, altered 2 May 1946, submitted by Welin Davit and Boat Division of the Robinson Foundation Inc., Perth Amboy, New Jersey. (This approval is limited to 10 lifeboats which are to be used as replacements only on the S. S. "Catalina," O. N. 223907.)

Dated: May 31, 1946.

J. F. FARLEY,  
Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 46-9403; Filed, June 3, 1946;  
4:27 p. m.]