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NOTICE

1945 Supplement

Book 1 of the 1945 Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at \$3 per copy. This book contains Titles 1 through 9, and includes, in Title 3, Presidential documents in full text together with appropriate reference tables.

A limited sales stock of the 1944 Supplement is still available as previously announced.

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4145), is further amended by amending the second sentence of § 296.01 (a) to read as follows: "Eligible wheat shall be wheat of the 1945 and prior years' crops and of a grade and quality corresponding to the grade and quality required of eligible wheat under the 1945 Wheat Loan Program."

Dated this 19th day of April 1946.

[SEAL] COMMODITY CREDIT CORPORATION,
ROBERT H. SHIELDS,
President.

[F. R. Doc. 46-6712; Filed, Apr. 22, 1946; 11:25 a. m.]

TITLE 7—AGRICULTURE

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

[WFO 9-19, Amdt. 4]

PART 1220—FEED

OIL SEED MEAL SET ASIDE FOR MAY 1946

War Food Order No. 9-19, as amended (11 F.R. 789, 1145, 2213, 3077), is hereby further amended by deleting paragraph (b) and substituting in lieu thereof the following:

(b) *Quantity to be set aside.* No processor shall deliver oil seed meal to any person unless, at each processing plant operated by him, he shall set aside and hold for delivery as directed by the Order Administrator:

(1) Five percent of his production of oil seed meal during the period from the effective date of this order to and including January 31, 1946;

(2) Five percent of his production of oil seed meal during the month of February 1946;

(3) Five percent of his production of oil seed meal during the month of March 1946;

(4) Ten percent of his production of oil seed meal during the month of April 1946;

(5) Ten percent of his production of oil seed meal during the month of May 1946.

This amendment shall become effective at 12:01 a. m., e. s. t., May 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 9-19, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 9, 11 F.R. 669)

Issued this 22d day of April 1946.

G. T. PEYTON,
Acting Assistant Administrator.

[F. R. Doc. 46-6713; Filed, Apr. 22, 1946; 11:25 a. m.]

[WFO 143, As Amended, Termination]

PART 1405—FRUITS AND VEGETABLES

APPLES

War Food Order No. 143, as amended (10 F.R. 12478, 13804, 15331; 11 F.R. 1668), is hereby terminated effective as of 12:01 a. m., P. S. T., April 23, 1946, and all apples which have been set aside pursuant to the provisions of the said War Food Order No. 143, as amended, but not sold or contracted to be sold to a governmental agency (as defined in the said order) at the effective time of this termination action are, at the effective time of this termination action, released from all restrictions of the said War Food Order No. 143, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under the said War Food Order No. 143, as amended, prior to the effective time of this termination action, all provisions of the said War Food Order No. 143, as amended, in effect prior to the effective time of this termination action shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

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

Issued this 19th day of April 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-6716; Filed, Apr. 22, 1946; 11:25 a. m.]

[WFO 144, Amdt. 6]

PART 1468—GRAIN

AMENDMENTS AFFECTING FOOD MANUFACTURERS AND MILLERS

War Food Order No. 144, as amended (11 F.R. 2301, 3243, 3392), is further amended by adding immediately after paragraph (aa) the following new paragraphs:

(bb) *Use of wheat by millers.* No miller shall, during any calendar month,

including the month of April 1946, process wheat into flour for domestic use or consumption in any quantity which will result in a total processing of wheat for domestic use or consumption during such month, in excess of the quantity required to produce an amount of flour equal to 75 percent of the quantity of flour distributed by him for domestic use or consumption in the corresponding calendar month of 1945.

(cc) *Use of wheat by food manufacturers.* No food manufacturer shall, during any calendar month, including the month of April 1946, use wheat in the manufacture of edible products for domestic human consumption in any quantity which will result in a total use of wheat for the manufacture of edible products for domestic human consumption during such month, in excess of 75 percent of the quantity of wheat so used in the corresponding calendar month of 1945.

This amendment shall become effective at 12:01 a. m., e. s. t., April 22, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 144, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violations, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8067)

Issued this 19th day of April 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-6714; Filed, Apr. 22, 1946; 11:25 a. m.]

[WFO 144, Amdt. 7]

PART 1468—GRAIN

MILLERS' AND FOOD MANUFACTURERS' SURPLUS WHEAT INVENTORIES

War Food Order No. 144, as amended (11 F.R. 2301, 3243, 3392), is further amended by adding immediately after paragraph (cc) the following new paragraph:

(dd) *Millers' and food manufacturers' surplus inventories of wheat; offers to Commodity Credit Corporation.* (1) No miller whose inventory of wheat, plus all quantities thereof bought to arrive or with respect to which he has a contract to purchase (futures contracts to be included only to the extent that such contracts call for May delivery), is in excess of a quantity necessary to operate for 21 days, based upon average daily grind, shall grind wheat unless he offers all such surplus wheat or all flour to be ground from such surplus wheat for sale to the Commodity Credit Corporation, and delivery to such corporation within ten days or such other period of time as may be specified by the corporation.

(2) No food manufacturer whose inventory of wheat, plus all quantities thereof bought to arrive or with respect to which he has a contract to purchase (futures contracts to be included only to

the extent that such contracts call for (May delivery), is in excess of a quantity necessary to operate for 21 days, based upon his average monthly use of wheat during 1945, shall use wheat unless he offers all such surplus wheat for sale to the Commodity Credit Corporation, and delivery to such corporation within ten days or such other period of time as may be specified by the corporation.

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

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

Issued this 19th day of April 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-6715; Filed, Apr. 22, 1946; 11:25 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 170—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL TEA ACT

TEA STANDARDS

Pursuant to the authority of sections 2 and 3 of the Federal Tea Act (29 Stat. 604; 35 Stat. 163; as amended 41 Stat. 712; 21 U.S.C. 41), the tea standards that were fixed and established by the Federal Security Administrator on February 17, 1942 (7 F.R. 1428, § 170.19 (b)) shall be in force and effect from May 1, 1946, until April 30, 1947.

Washington, D. C., April 19, 1946.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 46-6719; Filed, Apr. 22, 1946; 11:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong.; 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 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Direction 15]

EFFECT OF CC RATINGS ON PRODUCERS OF CONSTRUCTION MACHINERY

The following direction is issued pursuant to Priorities Regulation 3:

(a) *What this direction does.* There is a Nation-wide shortage of construction ma-

chinery. Demand for this type of machinery substantially exceeds the supply. In order to prevent the use of CC ratings from preempting an undue proportion of the supply available from new production, this direction restricts the use of CC ratings on producers of construction machinery. CC ratings may still be assigned for construction machinery under the conditions stated in PR-28, and producers must still accept and fill rated orders in accordance with PR-1 unless they are relieved from that obligation by paragraph (b) below.

(b) *Restriction on use of CC ratings.* (1) No dealer, distributor or branch sales office of a producer who receives or has received a CC rating for construction machinery may extend it to a producer of that machinery after April 22, 1946.

(2) Producers must treat as unrated any orders for construction machinery bearing CC ratings which they receive from dealers, distributors or branch sales offices after April 22, 1946. Also, any producer who regularly sells a given type or types of construction machinery only through dealers, distributors or branch sales offices, either for all sales or for a particular territory, may reject any orders bearing CC ratings for those types of construction machinery (except orders for construction machinery for export outside the United States, its territories or possessions, or the Dominion of Canada) which he receives from other persons after April 22, 1946.

(c) *Definitions.* As used in this direction:

(1) "Construction machinery" means any of the following types of machinery:

(i) Construction equipment, tractor mounted.

(ii) Construction machinery, specialized.

(iii) Construction material mixers, pavers, spreaders, and related equipment.

(iv) Construction material processing equipment.

(v) Power cranes, derricks, draglines, dredges, shovels and related equipment.

(vi) Scrapers, maintainers and graders.

(vii) Contractors' elevating winches and hoists.

(viii) Earth, rock and water well drilling and boring machinery.

(ix) Tracklaying tractors.

These types of machinery are more fully described in CMP Codes 308-314, 316 and 470.

(2) "Producer" means any person to the extent he is engaged in the manufacture of construction machinery. It does not include a branch sales office of a producer.

Issued this 22d day of April 1946.

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

[F. R. Doc. 46-6686; Filed, Apr. 22, 1946; 10:47 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-390, as Amended Apr. 22, 1946]

HIDE GLUE STOCK

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hide glue stock for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.592 *Conservation Order M-390*—(a) *Restrictions on use of hide glue stock.* (1) No person shall use the

following types of hide glue stock to make gelatin, edible or inedible:

(i) Green and salted hide trimmings including limed hide trimmings, salted tips, cattle tail pieces.

(ii) Limed and pickled cattle trimmings including limed and pickled hide trimmings, limed cattle pieces.

(iii) Goat trimmings including long-haired, short-haired, de-haired.

(iv) Chrome stock including chrome splits, chrome shavings, chrome trimmings.

(v) Coney stock.

(vi) Goat and sheep fleshings.

(vii) Packers trimmings including green and salted ears, lips, snouts and tails, green and salted sinew and pizzles.

(viii) Sheep trimmings including limed sheep trimmings, limed sheep tails, pickled sheep.

(ix) Horse fleshings.

(x) Calf fleshings.

(xi) Horse and beam trimmings including green and salted horse trimmings, limed horse trimmings, horse tail pieces.

(xii) Sole leather fleshings.

(xiii) Common and #2 fleshings.

(xiv) Other cattle fleshings including sulfide fleshings, kip fleshings.

(xv) Raw hide shavings.

The above restriction applies to any processing of the above materials to prepare them for use in the manufacture of gelatin.

(2) No person shall use natural colored cattle chrome stock, including chrome splits, chrome shavings and chrome trimmings, for fertilizer tankage or to make products (other than glue) such as detergents, dispersion agents, wetting agents or stain remover used in treating textiles or in the manufacture of agricultural sprays or shampoos, shaving creams and other cosmetics.

(3) Except in the process of manufacturing animal glue no person shall use to make grease and oils any of the types of hide glue stock listed in paragraph (a) (1), originating from tanneries.

(b) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate stating fully the grounds of the appeal.

(c) *Communications to the Civilian Production Administration.* All appeals filed hereunder and all other reports and communications shall, unless otherwise directed, be addressed to the Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref.: M-390.

(d) *Violations.* Any person who willfully violates any provisions of this order or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Applicability of regulations.* This order and all transactions affected there-

by are subject to all applicable provisions of the regulations of the Civilian Production Administration, as amended from time to time.

Issued this 22d day of April 1946.

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

[F. R. Doc. 46-6685; Filed, Apr. 22, 1946;
10:47 a. m.]

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719, E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 22d day of April 1946.

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

[F. R. Doc. 46-6687; Filed, Apr. 22, 1946;
10:47 a. m.]

**PART 4600—RUBBER, SYNTHETIC RUBBER
AND PRODUCTS THEREOF**

[Rubber Order R-1, Direction 13]

**PERMITTED USES FOR THIN AND THICK PALE
CREPE NATURAL RUBBER**

The following direction is issued pursuant to Rubber Order R-1:

On and after the date of this direction, thin and thick pale crepe natural rubber may be used in the manufacture of the rubber products listed below. These appear as Permitted Products in Table B of Appendix I to Rubber Order R-1, and may be identified by the Code number designation. The amount of pale crepe natural rubber which may be used in the products listed in this direction must not exceed the quantities designated in Table B of Appendix I in the column entitled "Percent natural rubber", applicable to the particular product. Thin and thick pale crepe natural rubber may not be used in the manufacture of any rubber products other than those listed in this direction. To secure supplies of thin or thick pale crepe natural rubber, application for authority to consume should be made to the Civilian Production Administration on Form CPA-3662 as provided in § 4600.02 of Rubber Order R-1.

(a) *Thin pale crepe natural rubber.* Products in the manufacture of which thin pale crepe natural rubber may be used are as follows:

Appendix I, Table B—Permitted Products

- Code No.
 - 18 C—Dental dam
Denture rubber
 - 18 F—Breast shields, nursing,
Small feeding nipples
 - 18 G—Colostomy outfits
Dilators
Inhalation bags and face pieces
Prostatic bags
Prosthetic devices
Stoppers—medical, surgical, dental,
veterinary and mortuary type only
Only 50% of natural rubber may be
thin pale crepe.
Vaccine caps
 - 18 H—Pessaries and prophylactics
 - 18 J—Tubes and tubing—blood plasma, in-
travenous, and multiple lumen only.
- (b) *Thick pale crepe natural rubber.* Products in the manufacture of which thick pale crepe natural rubber may be used are as follows:

Appendix I, Table B—Permitted Products

- 12 F—Refrigerator door gaskets
 - 18 A—Surgical tape and cohesive bandage
 - 18 F—Feeding bottle caps and covers
 - 18 F—Large breast type feeding nipples.
- (c) Any person owning any inventory of pale crepe rubber of any type and who is not engaged in the manufacture of any of the products listed in this direction, in the manufacture of which such rubber may be used, may exchange it for any other type of natural rubber upon application to the Reconstruction Finance Corporation, Office of Rubber Reserve, 811 Vermont Avenue, Washington, D. C.

**Chapter XI—Office of Price Ad-
ministration**

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373, Amdt. 81]

MAINLAND BEEF IN HAWAII

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.

Table A of section 18 (h) of Revised Maximum Price Regulation 373 is amended as follows:

Delete the figure .24 listed under the column headed "Choice or Grade AA" opposite the item "Tripe (cooked)" and substitute therefor the figure .28.

This amendment shall become effective as of February 28, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6623; Filed, Apr. 19, 1946;
11:51 a. m.]

[RMPR 373, Amdt. 78]

PART 1418—TERRITORIES AND POSSESSIONS

FRESH FRUITS AND VEGETABLES IN HAWAII

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 21 of Revised Maximum Price Regulation 373 is amended to read as follows:

SEC. 21. Maximum prices for fresh fruits and vegetables—(a) *Scope of section.* This section fixes maximum prices for sales of fresh fruits and vegetables in the Territory of Hawaii.

(b) *Dollars-and-cents maximum prices for sales at wholesale and retail of fresh fruits and vegetables imported from the mainland.* From time to time the Office of Price Administration may, by order issued pursuant to General Order 71, fix dollars-and-cents maximum prices for wholesalers and retailers for some or all of the fresh fruits and vegetables imported from the mainland. When these dollars-and-cents prices are fixed, such prices take the place of the maximum prices otherwise established by this section.

(c) *Calculated maximum prices for sales at wholesale and retail of fresh*

fruits and vegetables imported from the mainland. The maximum prices for all imported fresh fruits and vegetables, other than those fresh fruits and vegetables for which dollars-and-cents maximum prices are set by order under the provisions of paragraph (b) above, shall be computed as follows:

(1) *Sales at wholesale.* The maximum price for a sale at wholesale of any imported fresh fruit or vegetable item shall be computed in the following manner:

(i) Compute the "landed cost" of the item to be priced in accordance with the provisions of paragraph (d) of this section.

(ii) Multiply the "landed cost" by 1.18. The resulting price will be the maximum price for sales at wholesale.

(iii) Optional pricing method for citrus fruits. In the case of citrus fruits the wholesaler may either compute his maximum price per case by multiplying his "landed cost" by 1.18, or by adding \$1.00 per case to his "landed cost" for lemons and \$0.75 per case to his "landed cost" for all other citrus fruits.

(2) *Sales at retail.* The maximum price for a sale at retail of any imported fresh fruit or vegetable item shall be computed in the following manner:

(i) Determine the "net cost" of the item to be priced. If the item is purchased from a local supplier, the "net cost" shall be the supplier's selling price less all discounts and allowances except the discounts for prompt payment up to 2%. If the item is purchased from a mainland supplier, the "net cost" shall be the maximum wholesale price computed under subparagraph (1) above.

(ii) Citrus fruits. Multiply the "net cost" by 1.33.

(iii) All other fresh fruits and vegetables. Multiply the "net cost" by 1.40.

(iv) Divide the amount computed under subdivisions (ii) or (iii) above by the net weight of the wholesale unit. The resulting price will be the maximum retail price per pound.

(d) *"Landed cost."* "Landed cost" for fresh fruits and vegetables imported from the mainland shall be computed by adding the amounts permitted in subparagraphs (1) through (3) set forth below. If any of the amounts, or any part thereof, specified in any of these subparagraphs have already been included in another subparagraph, it may not again be added.

(1) An amount equal to the mainland seller's selling price, less all discounts and allowances except the discounts for prompt payment up to 2%.

(2) An amount equal to the transportation charges, if any, actually incurred by the purchaser for transportation from the mainland point at which the purchaser received delivery to the mainland port of shipment (including Federal transportation tax, terminal charges, demurrage, and extra charges for shipment in less than carload lots) not in excess of public (common or contract) carrier rates.

(3) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the purchaser, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading.

(e) *Maximum prices for broken lot sales at wholesale of fresh fruits and vegetables imported from the mainland.* Wholesale sales of fresh fruits and vegetables imported from the mainland may be made by broken lots, that is, a part of a bag, box or crate, but the total aggregate price received from the sale of such parts may not exceed the maximum wholesale price for the entire bag, box, or crate; except that the total aggregate maximum wholesale price may be increased by 10% in the case of sales in broken lots to institutional buyers.

(f) *Maximum prices for sales by retailers to institutional buyers.* (1) The maximum prices for sales of fresh fruits and vegetables by retailers to the United States, or any of its political subdivisions; the Army, Navy, Marine Corps, Coast Guard, or any agency of the foregoing; and to any institution operated by public funds, are the maximum prices for sales at wholesale established by this section.

(2) On the Island of Oahu the maximum prices for sales of fresh fruits and vegetables by retailers to institutional buyers, other than those mentioned in subparagraph (1) above, are the maximum prices for sales at retail established by this section, less 10%.

(3) On the Islands of Hawaii, Kauai, Lanai, Maui and Molokai, the maximum prices for sales of fresh fruits and vegetables by retailers to institutional buyers, other than those mentioned in subparagraph (1) above, are the maximum prices for sales at wholesale established in this section. Nevertheless, a retailer may, during any calendar month, use the maximum prices for sales at retail established in this section, if 80% or more of his total dollar sales of fresh fruits and vegetables during the previous calendar month were retail sales to ultimate consumers.

(g) *Maximum prices for sales of island-grown fresh fruits and vegetables.* Dollars-and-cents maximum prices for sales of island-grown fresh fruits and vegetables on the Islands of Oahu, Hawaii, Kauai, Lanai, Maui and Molokai are established in Tables A, B, C, D and E of this section. All grades shall conform to the specifications therefor established by the Division of Marketing of the Board of Agriculture and Forestry of the Territory of Hawaii and contained in Regulation 1.1 issued by that office. These specifications may be obtained at the Board of Agriculture and Forestry, at the Office of Price Administration, Iolani Palace, Honolulu, T. H., any District Office of the Office of Price Administration, or from the County Agents located on each island. "Commercial quality" (CQ) means that stock is of generally good quality and condition and that size and appearance are acceptable to consumers.

(h) *Odd cent maximum prices.* Whenever the calculation of a maximum price under this section results in a fraction of a cent, the maximum price shall be reduced to the next lower cent if the fraction is less than one-half cent, and shall be increased to the next higher cent if the fraction is one-half cent or more.

(i) *Extra charges.* Except as otherwise provided in this section, no charges

may be made for cartage or any other service rendered, or cost incurred in connection with the sale of the fresh fruits and vegetables covered by this section.

(j) *Gross income tax.* In the case of a sale at wholesale to any buyer who does not pay a retailer's Territorial gross income tax the wholesaler may add to his maximum prices the Territorial tax incurred by him as provided in section 14 of this regulation.

(k) *Multiple wholesaling.* The maximum price for any wholesaler other than the primary wholesaler covered by this section shall be the maximum price of the primary wholesaler in the Territory of Hawaii. The primary wholesaler in the Territory of Hawaii making the importation or local purchase shall furnish any wholesaler purchasing from him a written statement of his "landed cost," and of the maximum wholesale price determined in accordance with the provisions of this section, and thereafter in the case of any further sales to other wholesalers, the seller shall furnish to the buyer a statement of the primary wholesaler's maximum price.

(l) *Records and reports.*—(1) *Records to be kept.* Notwithstanding the provisions of Section 11 of this regulation, every person making sales of any of the commodities covered by this Section 21 shall keep and make available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records as follows:

(i) *Persons making sales at wholesale.* Copies of the invoices or sales memoranda given to purchasers as required by subparagraph (3) below. Purchase records showing the date of purchase, name and address of supplier, kind and grade purchased, number of pounds net weight in the wholesale unit of each type of fresh produce sold, price per unit, and the total price paid.

(ii) *Persons making sales at retail.* Copies of the invoices and sales memoranda received from suppliers.

(iii) *Additional records required for calculated maximum prices.* In addition to the records required under subdivisions (i) and (ii) above, any person who calculates his maximum price under paragraph (c) of this section must also keep complete and accurate records and data, including purchase and freight invoices, showing the charges incurred by the seller which are included in the computation of his "landed cost" and this maximum price.

(2) *Prices to be marked and posted.* At all times any person offering to sell at retail any item of the fresh fruits and vegetables covered by this section shall post his current selling price for the item either on the item or at or near the place in the store where the item is offered for sale. Of course, this posted selling price must not exceed the retail maximum price fixed for the item under this section.

Retailers must also obtain and post in a conspicuous place, where it can be easily read by the purchasing public, an official list, or lists, of maximum retail prices for fresh fruits and vegetables, whenever such lists are made available by the Office of Price Administration.

(3) *Sales slips and receipts.* (i) Every person selling at wholesale shall give the purchaser, at the time of delivery, an invoice or sales memorandum showing the date of sale, name and address of the seller, the name and address of the purchaser, and with reference to each item of produce sold the following: The kind and grade, the number of pounds net weight in the wholesale unit sold, the price per unit and the total price received.

(ii) Every person selling at retail who has customarily given purchasers sales slips or receipts or similar evidences of purchase shall continue to do so. However, upon request from a purchaser every such seller, regardless of previous custom, shall give the purchaser a receipt showing the date of sale, the name and address of the seller, the name and address of the purchaser, and with reference to each item of produce sold, the following: The kind and grade, the number of pounds or other unit of sale as specified in this section, the price per unit and the total price received.

Retailers selling to institutional buyers must, in all cases, give a bill of sale or delivery slip containing the following information:

1. Date of sale.
2. Name and address of seller.
3. Name and address of purchaser.
4. Kind and grade of item sold.
5. Number of pounds or other unit of sale as specified in this section.
6. Price per unit and total price received.

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

(1) "Sale at retail" means a sale by any seller to an ultimate consumer.

(2) A "retailer" is any individual or person, including a producer, who sells a commodity or commodities covered by this section to an ultimate consumer.

(3) "Sale at wholesale" means a sale by any seller to any buyer for purposes of resale or processing.

(4) A "wholesaler" is one who acquires commodities covered by this section and who sells the same at wholesale as herein defined.

(5) A "producer," for the purposes of this section, shall mean and include any person engaged in the business of raising and producing natural resource products and specifically the commodities covered by this section and who sells the same in their natural state to any person.

(6) "Ultimate consumer" means any person other than an institutional buyer who buys commodities for consumption and not for the purpose of resale.

(7) "Institutional buyers" means the United States, or any of its political subdivisions; the Army, Navy, Marine Corps, Coast Guard, or any agency of the foregoing; any religious, educational or charitable institution; any institution for the sick, deaf, blind, disabled, aged or insane; any school, hospital, library, hotel, restaurant, licensed boarding house, clubs or associations of persons, marine provisioner, and all commercial and industrial users.

This amendment shall become effective as of February 19, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

TABLE A — DOLLARS-AND-CENTS MAXIMUM PRICES FOR SALES OF ISLAND-GROWN FRESH FRUITS AND VEGETABLES IN THE ISLAND OF OAHU

(a) This table establishes dollars-and-cents maximum prices at which producers, wholesalers and retailers may sell island-grown fresh fruits and vegetables in the Island of Oahu.

(b) Maximum producer's prices. The maximum prices at which a producer may sell to a wholesaler are the maximum producer's

prices set forth in this table. The maximum wholesale prices shall also be applicable to sales by a producer to a retailer or an institutional buyer. The maximum retail prices shall also be applicable to sales by a producer to an ultimate consumer. No transportation charges may be added to the producer's maximum prices for any sales made by him.

(c) Maximum prices for sales by retailers to institutional buyers. (1) The maximum prices for sales of island-grown fresh fruits and vegetables by retailers to the United

States, or any of its political subdivisions; the Army, Navy, Marine Corps, Coast Guard, or any agency of the foregoing; and to any institution operated by public funds, are the maximum prices for sales at wholesale established in this table.

(2) The maximum prices for sales of fresh fruits and vegetables by retailers to institutional buyers, other than those mentioned in subparagraph (1) above, are the maximum prices for sales at retail established in this table, less 10%.

Item	Grade	Maximum producer's price	Maximum price at wholesale	Maximum price at retail	Item	Grade	Maximum producer's price	Maximum price at wholesale	Maximum price at retail
Artichokes	CQ	Per lb. \$0.2125	Per lb. \$0.25	Per lb. \$0.35	Onions, bunching green	CQ	\$0.102	\$0.12	\$0.16
Asparagus, fresh	B	.2125	.25	.35	Onions, Kailua bulb bunching	CQ	.119	.14	.19
Asparagus, fresh	MQ	.157	.22	.31	Oranges	CQ	.0595	.07	.09
Avocado, Guatemala type	A	.1275	.15	.21	Papaya, Solo	A	.034	.0425	.06
Avocado	MQ	.085	.10	.14	Papaya, Solo and Common	MQ	.02975	.035	.05
Bamboo Shoots		.2125	.25	.35	Peaches	MQ	.1275	.15	.21
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Chinese and others except Bluefield	CQ	.040375	.0475	(1)	Peanuts, cured, in shell	CQ	.1275	.15	.20
Bananas, hands, Chinese and others except Bluefield	CQ	.053125	.0625	.085	Peas, Chinese	CQ	.425	.50	.70
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Bluefield	CQ	.040375	.0475	(1)	Peas, green pod	CQ	.1445	.17	.24
Bananas, hands, Bluefield	CQ	.053125	.0625	.085	Peppers, sweet (Bell)	CQ	.153	.18	.25
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Cooking	CQ	.068	.08	(1)	Peppers, hot and chile	CQ	.2975	.35	.49
Bananas, hands, Cooking	CQ	.085	.10	.14	Persimmons	CQ	.255	.30	.42
Beans, snap, green string and yellow wax	A	.1275	.15	.21	Pineapples	CQ	.023375	.0275	.04
Beans, green unclassified varieties	CQ	.085	.10	.14	Plums	CQ	.17	.20	.30
Beans, green lima (pod)	CQ	.0595	.07	.10	Poha	CQ	.068	.08	.11
Beans, green lima (shelled)	CQ	.153	.18	.25	Pomelo	CQ	.06375	.075	.10
Bean Sprouts, cleaned			.14	.20	Potatoes, Irish	A	.04675	.055	.07
Beet Tops (tubers not to exceed 1 inch)	CQ	.085	.10	.15	Potatoes, Irish	MQ	.02975	.035	.045
Beets, bunched	CQ	.04675	.055	.08	Pumpkin (Japanese)	CQ	.0425	.05	.07
Beets, topped	A	.0425	.05	.07	Pumpkin, Mainland varieties and Kona Crepe	CQ	.051	.06	.085
Beets, topped	MQ	.0255	.03	.045	Radishes, red, with tops	C	.068	.08	.11
Bitter Melon	CQ	.1275	.15	.21	Radishes, Daikon or white winter, with tops	CQ	.034	.04	.055
Blackberries	CQ	.1275	.15	.21	Radishes, Daikon or white winter, topped	CQ	.034	.04	.055
Broccoli	CQ	.1445	.17	.25	Rhubarb	CQ	.085	.10	.14
Cabbage, all oriental types, bunched or stalks, including Chinese and Japanese types, green mustard, white stem, chihili and swamp (Ung Choy) Feb. 1 to June 30	CQ	.0425	.05	.07	Sesame Seed	CQ	.2975	.35	.50
Cabbage, all oriental types bunched or stalks, including Chinese and Japanese types, green mustard, white stem, chihili and swamp (Ung Choy) July 1 to January 31	CQ	.0595	.07	.10	Sour Sod	CQ	.0425	.05	.07
Cabbage Head, Feb. 1 to June 30	A	.0425	.05	.07	Soybeans, edible, green, including vines	CQ	.068	.08	.12
Cabbage Head, Feb. 1 to June 30	MQ	.02975	.035	.05	Soybeans, edible, green, in pods	CQ	.17	.20	.30
Cabbage Head, July 1 to January 31	A	.051	.06	.085	Spinach, all types	CQ	.085	.10	.15
Cabbage Head, July 1 to January 31	MQ	.0425	.05	.07	Squash, Chinese (Tung Qua, Foo Qua, Long Squash) large (2 1/2 lbs. or over)	CQ	.034	.04	.055
Carrots, bunched	CQ	.068	.08	.11	Squash, Chinese, young, small (below 2 1/2 lbs.)	CQ	.0765	.09	.125
Carrots, topped	A	.085	.10	.14	Squash, Chayote	MQ	.0595	.07	.10
Carrots, topped	MQ	.0425	.05	.07	Squash, Hubbard & banana	CQ	.05525	.065	.09
Cauliflower	CQ	.153	.18	.25	Squash, Italian	A	.085	.10	.15
Celery—Feb. 1 to May 31	CQ	.136	.16	.24	Squash, Italian	MQ	.0595	.07	.10
Celery—June 1 to Jan. 31	CQ	.153	.18	.27	Squash, Summer	CQ	.102	.12	.17
Celuce	CQ	.085	.10	.15	Squash, green or acorn	CQ	.085	.10	.14
Chives	CQ	.085	.10	.15	Strawberries	CQ	.34	.40	.50
Coconuts, husked		1.06375	1.075	1.10	Sweet Potatoes, in standard crates or lugs	AA	.102	.12	.17
Coconuts, unhusked		1.0425	1.05	1.07	Sweet Potatoes	A	.068	.08	.11
Corn, green, sweet, trimmed	A & B	.0765	.09	.12	Sweet Potatoes	B	.051	.06	.085
Corn, green, including field corn	MQ	.0255	.03	.04	Sweet Potatoes	MQ	.0255	.03	.045
Cucumbers	A	.102	.12	.16	Swiss Chard, bunched or loose	CQ	.0595	.07	.10
Cucumbers	MQ	.085	.10	.135	Tangerines	MQ	.102	.12	.16
Dasheen (Japanese Taro) (1)		.0595	.07	.10	Taro, Hawaiian and Chinese, bunched (not for manufacture)	CQ	.02975	.035	.05
Dasheen (Japanese Taro) (2)		.02975	.035	.05	Taro tops or huan, bunched or loose	CQ	.085	.10	.15
Eggplant, long (Molokai type)	CQ	.0595	.07	.10	Tea Bean (Habucha)	CQ	.2125	.25	.30
Eggplant, round type	CQ	.0425	.05	.07	Tomatoes—Nov. 1 to May 30:				
Figs	CQ	.17	.20	.27	Wrapped in standard lugs (7 x 7 and over)	A	.136	.16	.21
Ginger	CQ	.1275	.15	.21	Loose packs, all types of crates:				
Gobo, medium and long stem	CQ	.153	.18	.24	2 inches diameter and over	A	.119	.14	.21
Grapefruit	CQ	.07225	.085	.115	1 1/2 to 2 inches diameter	A	.102	.12	.18
Grapes	CQ	.1275	.15	.21	2 inches diameter and over	B	.102	.12	.18
Kohlrabi, bunched or topped	CQ	.0595	.07	.10	1 1/2 inches diameter and over	MQ	.068	.08	.12
Lemons	CQ	.085	.10	.13	Egg or plum	CQ	.068	.08	.12
Lettuce, all types, Feb. 1 to June 30	CQ	.0935	.11	.17	Tomatoes—June 1 to October 31:				
Lettuce, all types, July 1 to Jan. 31	CQ	.136	.16	.24	Wrapped in standard lugs (7 x 7 and over)	A	.119	.14	.18
Lichee or Loongan, fresh	CQ	.595	.70	.93	Loose packs, all types of crates:				
Limes	CQ	.17	.20	.27	2 inches diameter and over	A	.102	.12	.18
Loquats	MQ	.265	.30	.42	1 1/2 to 2 inches diameter	A	.085	.10	.15
Lotus Root or Lily Root	CQ	.119	.14	.21	2 inches diameter and over	B	.085	.10	.15
Mangoes, Haden & Pirie	CQ	.2125	.25	.35	1 1/2 inches diameter and over	MQ	.051	.06	.09
Mangoes, all others	MQ	.102	.12	.16	Egg or plum	CQ	.051	.06	.09
Mountain Apples		.1275	.15	.21	Turnip tops (tubers not to exceed 1 inch)	CQ	.0595	.07	.10
Okra, Chinese or See Qua	CQ	.1275	.15	.20	Turnips, topped, long white, round white, purple top, Golden Ball, White Chinese, and similar types	CQ	.03825	.045	.06
Okra, English	CQ	.085	.10	.13	Turnips, rutabagas, topped	CQ	.034	.04	.055
Onions, dry	CQ	.068	.08	.105	Uri (Japanese white cucumber)	CQ	.102	.12	.17
					Watercress (tied in 1 lb. bunch)	CQ	.098	.08	.12
					Watermelon	CQ	.068	.08	.10
					Yam (Chop Sul) or Farn Quat	CQ	.068	.08	.11
					Yam, mountain or Dal See	CQ	.0425	.05	.07

¹ See "hands."
² Each.

TABLE B—DOLLARS-AND-CENTS MAXIMUM PRICES FOR SALES OF ISLAND-GROWN FRESH FRUITS AND VEGETABLES IN THE ISLAND OF HAWAII

(a. This table establishes dollars-and-cents maximum prices for sales at wholesale and retail for island-grown fresh fruits and vegetables in the Island of Hawaii.

(b) Sales by retailers to institutional buyers. The maximum prices for sales of fresh fruits and vegetables by retailers to institutional buyers are the maximum prices for sales at wholesale established in this table. Nevertheless, a retailer may, during any calendar month, use the maximum prices for sales at retail established in this table, if 80%

or more of his total dollar sales of fresh fruits and vegetables during the previous calendar month were retail sales to ultimate consumers.

(c) Delivery charges. Where delivery is made by a wholesaler to an institutional buyer, a delivery charge not to exceed 5% of the maximum wholesale price established for sales to institutional buyers may be added.

Item	Grade	Maximum price at wholesale		Maximum price at retail	Item	Grade	Maximum price at wholesale		Maximum price at retail
		To retail dealers	To institutional buyers				To retail dealers	To institutional buyers	
		Per lb.	Per lb.	Per lb.			Per lb.	Per lb.	Per lb.
Artichokes	MQ	\$0.20	\$0.21	\$0.23	Mangoes, Haden & Pirie	CQ	\$0.15	\$0.1575	\$0.20
Asparagus, fresh	B	.20	.21	.23	Mangoes, all others	MQ	.09	.0945	.12
Asparagus, fresh	C	.18	.189	.25	Mountain apples		.05	.0525	.07
Avocado, Guatemala type	A	.11	.1155	.155	Okra, Chinese or See Qua	CQ	.10	.105	.13
Avocado	B & MQ	.07	.0735	.10	Okra, English	CQ	.10	.105	.13
Bamboo Shoots		.20	.21	.28	Onions, dry	CQ	.07	.0735	.09
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem)					Onions, bunching green	CQ	.07	.0735	.10
Chinese and others except Bluefield	CQ	.025	.02625		Onions, Kaitua bulb bunching (Rankyo)	CQ	.12	1.260	.17
Bananas, hands, Chinese and others except Bluefield	CQ	.035	.03675	.05	Oranges, Navel	CQ	.06	.063	.08
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem)					Oranges, Valencia or Hawaiian	CQ	.05	.0525	.07
Bluefield	CQ	.04	.042		Papaya, Solo	A	.04	.042	.055
Bananas, hands, Bluefield	CQ	.05	.0525	.07	Papaya, Solo and Common	MQ	.03	.0315	.04
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem)					Parsley	CQ	.07	.0735	.10
Cooking	CQ	.06	.063		Peaches	MQ	.15	.1575	.21
Bananas, hands, Cooking	CQ	.08	.084	.11	Peanuts, cured, in shell	CQ	.15	.1575	.20
Beans, snap, green string and yellow wax	A	.10	.105	.14	Peas, Chinese	CQ	.35	.3675	.49
Beans, snap, green, string, yellow wax and unclassified varieties	MQ	.07	.0735	.10	Peas, green pod	CQ	.15	.1575	.21
Beans, green lima (pod)	CQ	.07	.0735	.10	Peppers, sweet (Bell)	CQ	.12	.126	.17
Beans, green lima (shelled)	CQ	.18	.189	.25	Peppers, hot and chile	CQ	.35	.3675	.49
Bean Sprouts, cleaned		.14	.147	.20	Persimmons	MQ	.30	.315	.42
Beet Tops (tubers not to exceed one inch)	CQ	.07	.0735	.105	Pineapples	CQ	.05	.0525	.07
Beets, bunched	CQ	.03	.0315	.045	Plums	MQ	.15	.1575	.22
Beets, topped	A	.05	.0525	.07	Pohua	CQ	.07	.0735	.10
Beets, topped	MQ	.025	.02625	.035	Pomelo, large	MQ	1.07	1.0735	1.10
Bitter Melon	CQ	.08	.084	.115	Pomelo, small	MQ	1.06	1.063	1.08
Blackberries	MQ	.15	.1575	.21	Potatoes, Irish	AA & A	.055	.05775	.07
Broccoli	CQ	.11	.1155	.175	Potatoes, Irish	MQ	.035	.03675	.045
Cabbage, all oriental types, bunched or stalks, including Chinese & Japanese types, green mustard, white stem, chihili and swamp (Ung Choy)	CQ	.04	.042	.055	Pumpkin (Japanese)	CQ	.035	.03675	.05
Cabbage, all oriental types, bunched or stalks, including Chinese & Japanese types green mustard, white stem, chihili and swamp (Ung Choy) July 1 to Jan. 31	CQ	.05	.0525	.07	Pumpkin, Mainland varieties and Kona Crepe	CQ	.05	.0525	.07
Cabbage, Head, Feb. 1 to June 30	AA & A	.03	.0315	.045	Radishes, red, with tops	CQ	.04	.042	.055
Cabbage, Head, Feb. 1 to June 30	MQ	.02	.021	.03	Radishes, Daikon or white winter, with tops	CQ	.025	.02625	.035
Cabbage, Head, July 1 to Jan. 31	AA & A	.04	.042	.055	Radishes, Daikon or white winter, topped	CQ	.03	.0315	.04
Cabbage, Head, July 1 to Jan. 31	MQ	.03	.0315	.045	Rhubarb	CQ	.08	.084	.11
Carrots, bunched	CQ	.05	.0525	.07	Sesame Seed	CQ	.35	.3675	.50
Carrots, topped	A	.07	.0735	.10	Sour Sop	CQ	.05	.0525	.07
Carrots, topped	MQ	.04	.042	.055	Soybeans, edible, green, incl vines	CQ	.05	.0525	.08
Cauliflower, trimmed	CQ	.17	.1785	.24	Soybeans, edible, green in pods	CQ	.15	.1575	.22
Celery	CQ	.15	.1575	.20	Spinach, all types	CQ	.07	.0735	.105
Celtuce	CQ	.10	.105	.15	Squash, Chinese (Tung Qua, Foo Qua, Long Squash) large (2 1/2 lbs. or over)	CQ	.03	.0315	.045
Chives	CQ	.10	.105	.15	Squash, Chinese, young, small (below 2 1/2 lbs.)	CQ	.06	.063	.085
Coconuts, husked		1.055	1.5775	1.075	Squash, Chayote	MQ	.05	.0525	.07
Coconuts, unhusked		1.0325	1.0341	1.045	Squash, Hubbard and banana	CQ	.05	.0525	.07
Corn, green, sweet	A	3.35	3.3675	3.47	Squash, Italian	A	.07	.0735	.10
Corn, green, including field corn	MQ	3.25	3.2625	3.35	Squash, Italian	MQ	.05	.0525	.075
Cucumbers	A	.09	.0945	.12	Squash, Summer	CQ	.07	.0735	.10
Cucumbers	MQ	.07	.0735	.095	Squash, green or acorn	CQ	.05	.0525	.07
Dasheen (Japanese Taro) (#1)		.045	.04725	.06	Strawberries	CQ	.40	.42	.50
Dasheen (Japanese Taro) (#2)		.03	.0315	.04	Sweetpotatoes, all skin colors	A	.05	.0525	.07
Eggplant, long (Molokai type)	CQ	.07	.0735	.10	Sweetpotatoes	B	.04	.042	.055
Eggplant, round type	CQ	.05	.0525	.08	Sweetpotatoes	MQ	.025	.02625	.035
Endive	CQ	.09	.0945	.13	Swiss Chard, bunched or loose	CQ	.035	.03675	.05
Figs	CQ	.09	.084	.12	Tangerines	MQ	.10	.105	.135
Gobo, medium and longstem	CQ	.15	.1575	.20	Taro, Hawaiian and Chinese, bunched (not for manufacture)	CQ	.035	.03675	.05
Gobo, short stem small, and large stem	MQ	.11	.1155	.15	Taro tops or luau, bunched or loose	CQ	.10	.105	.15
Grapefruit	CQ	.07	.0735	.095	Tea Bean (Habucha)	CQ	.25	.2625	.30
Grapes	CQ	.10	.105	.14	Tomatoes:				
Kohlrabi, bunched or topped	CQ	.06	.063	.085	Large, wrapped, in standard lugs	A	.14	.147	.18
Lemons	CQ	.08	.084	.11	Large (2 inches minimum diameter)	A	.12	.126	.18
Lettuce, all types, Feb. 1 to June 30	CQ	.07	.0735	.11	Large (2 inches minimum diameter)	B	.09	.0945	.14
Lettuce, all types, July 1 to Jan. 31	CQ	.11	.1155	.16	Large or small	MQ	.07	.0735	.10
Liches, fresh	CQ	.70	.735	.93	Egg or plum	CQ	.07	.0735	.10
Limes, seedless	CQ	.11	.1155	.145	Turnip tops (tubers not to exceed one inch)	CQ	.07	.0735	.10
Limes, seeded	CQ	.10	.105	.135	Turnips, topped, long white, round white, purple top, Golden Ball, White Chinese, and similar types	CQ	.03	.0315	.04
Loquats	CQ	.35	.3675	.50	Turnips, rutabagas, topped	CQ	.03	.0315	.04
Lotus Root or Lily Root	MQ	.80	.815	.42	Uri (Japanese white cucumbers)	CQ	.12	.126	.17
	CQ	.07	.0735	.09	Watercress (tied in 1-lb. bunch)	CQ	.045	.04725	.09
					Watermelon	CQ	.06	.063	.08
					Yam (Chop Sui) or Farn Quat	CQ	.06	.063	.085
					Yam, mountain or Dai See	CQ	.04	.042	.055

1 Each.
2 Dozen.

TABLE C—DOLLARS-AND-CENTS MAXIMUM PRICES FOR SALES OF ISLAND-GROWN FRESH FRUITS AND VEGETABLES IN THE ISLAND OF MOLOKAI

(a) This table establishes dollars-and-cents maximum prices for sales at whole-

sale and retail for island-grown fresh fruits and vegetables in the Island of Molokai.

(b) Sales by retailers to institutional buyers. The maximum prices for sales of fresh fruits and vegetables by retailers to institutional buyers are the maximum prices for sales at wholesale established in this table.

Nevertheless, a retailer may, during any calendar month, use the maximum prices for sales at retail established in this table, if 80% or more of his total dollar sales of fresh fruits and vegetables during the previous calendar month were retail sales to ultimate consumers.

Item	Grade	Maximum price at wholesale	Maximum price at retail	Item	Grade	Maximum price at wholesale	Maximum price at retail
Artichokes	MQ	Per lb. \$0.20	Per lb. \$0.28	Okra, Chinese or See Qua	CQ	Per lb. \$0.12	Per lb. \$0.16
Asparagus, fresh	B	.22	.30	Okra, English	CQ	.10	.13
Asparagus, fresh	MQ	.20	.28	Onions, dry	CQ	.08	.105
Avocado, Guatemala type	A	.12	.16	Onions, bunching green	CQ	.10	.13
Avocado	MQ	.08	.11	Onions, Kailua bulb bunching	CQ	.13	.17
Bamboo shoots		.20	.28	Oranges	CQ	.06	.08
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Chinese and others except Bluefield	OQ	.03		Papaya, Solo	A	.04	.06
Bananas, hands, Chinese and others except Bluefield	CQ	.04	.055	Papaya, Solo and Common	MQ	.035	.05
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Bluefield	CQ	.04		Peaches	MQ	.15	.21
Bananas, hands, Bluefield	CQ	.05	.07	Peanuts, cured, in shell	CQ	.15	.20
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Cooking	CQ	.06		Peas, Chinese	CQ	.50	.70
Bananas, hands, Cooking	OQ	.08	.11	Peas, green pod	CQ	.17	.24
Beans, snap, green string and yellow wax	CQ	.13	.18	Peppers, sweet (Bell)	CQ	.15	.21
Beans, green, unclassified varieties	MQ	.08	.11	Peppers, hot and chile	CQ	.35	.49
Beans, green lima (pod)	CQ	.07	.10	Persimmons	MQ	.30	.42
Beans, green lima (shelled)	CQ	.18	.25	Pineapples	CQ	.0275	.04
Bean Sprouts, cleaned	CQ	.14	.20	Plums	MQ	.15	.22
Beet Tops (tubers not to exceed 1 inch)	CQ	.06	.12	Poha	CQ	.07	.10
Beets, bunched	CQ	.04	.055	Pomelo	MQ	.07	.10
Beets, topped	A	.05	.07	Potatoes, Irish	A	.055	.07
Beets, topped	MQ	.03	.045	Potatoes, Irish	MQ	.035	.045
Bitter Melon	CQ	.14	.19	Pumpkin (Japanese)	CQ	.05	.07
Blackberries	MQ	.15	.21	Pumpkin, mainland varieties and Kona crepe	CQ	.06	.085
Broccoli	CQ	.14	.21	Radishes, red with tops	CQ	.06	.09
Cabbage, all oriental types, bunched or stalks, including Chinese and Japanese types, green mustard, white stem, chihili and swamp (Ung Choy) Feb. 1 to June 30	CQ	.06	.07	Radishes, Daikon or white, winter with tops	CQ	.025	.035
Cabbage, all oriental types, bunched or stalks, including Chinese and Japanese types, green mustard, white stem, chihili and swamp (Ung Choy) July 1 to January 31	CQ	.07	.10	Radishes, Daikon or white winter, topped	CQ	.03	.04
Cabbage, head, Feb. 1 to June 30	A	.05	.07	Rhubarb	CQ	.08	.11
Cabbage, head, Feb. 1 to June 30	MQ	.035	.05	Sesame Seed	CQ	.35	.50
Cabbage, head, July 1 to January 31	A	.06	.085	Sour Sop	CQ	.05	.07
Cabbage, head, July 1 to January 31	MQ	.05	.07	Soybeans, edible, green, including vines	CQ	.08	.12
Carrots, bunched	CQ	.06	.085	Soybeans, edible, green, in pods	CQ	.20	.30
Carrots, topped	A	.09	.125	Spinach, all types	CQ	.08	.12
Carrots, topped	MQ	.05	.07	Squash, Chinese (Tung Qua, Foo Qua, Long Squash) large 2½ lbs. or over	CQ	.085	.05
Cauliflower	CQ	.17	.24	Squash, Chinese, young, small, (below 2½ lbs.)	CQ	.07	.10
Celery—Feb. 1 to May 31	CQ	.14	.21	Squash, Chayote	MQ	.05	.07
Celery—June 1 to Jan. 31	CQ	.16	.24	Squash, Hubbard & banana	CQ	.05	.07
Celuce	CQ	.10	.15	Squash, Italian	A	.09	.13
Chives	CQ	.10	.15	Squash, Italian	MQ	.085	.10
Coconuts, husked		.08	.08	Squash, Summer	CQ	.09	.13
Coconuts, unhusked		.0375	.05	Squash, green or acorn	CQ	.07	.10
Corn, green, sweet, trimmed	A & B	.08	.105	Strawberries	CQ	.40	.50
Corn, green, including field corn	MQ	.02	.03	Sweet Potatoes, in standard lugs	AA	.10	.14
Cucumbers	A	.09	.12	Sweet Potatoes	A	.06	.085
Cucumbers	MQ	.07	.095	Do	B	.06	.07
Dasheen (Japanese Taro) (1)		.07	.10	Do	MQ	.025	.035
Dasheen (Japanese Taro) (2)		.035	.05	Swiss Chard, bunched or loose	CQ	.05	.07
Eggplant, long (Molokai type)	CQ	.04	.055	Tangerines	MQ	.10	.135
Eggplant, round type	CQ	.13	.19	Taro, Hawaiian and Chinese, bunched (not for manufacture)	CQ	.035	.05
Figs	CQ	.15	.20	Taro tops or luau, bunched or loose	CQ	.10	.15
Gobo, medium and long stem	CQ	.07	.095	Tea Bean (Habucha)	CQ	.25	.30
Grapefruit	CQ	.13	.19	Tomatoes—April 1 to August 31:			
Grapes	CQ	.07	.10	Large, wrapped, in standard lugs	A	.12	.16
Kohlrabi, bunched or topped	CQ	.08	.11	Do	B	.08	.12
Lemons	CQ	.11	.17	Large or small	MQ	.085	.08
Lettuce, all types, Feb. 1 to June 30	CQ	.16	.24	Egg or plum	CQ	.055	.08
Lettuce, all types, July 1 to January 31	CQ	.16	.24	Tomatoes—Sept. 1 to Mar. 31:			
Liches or Loongan, fresh	CQ	.70	.93	Large, wrapped, in standard lugs	A	.14	.18
Limes	CQ	.18	.24	Large (2 inches minimum diameter)	A	.12	.18
Loquats	MQ	.30	.42	Do	B	.09	.14
Lotus Root or Lily Root	CQ	.13	.18	Large or small	MQ	.07	.10
Mangoes, Haden & Pirie	CQ	.20	.28	Egg or plum	CQ	.07	.10
Mangoes, all others	MQ	.10	.14	Turnip tops (tubers not to exceed 1 inch)	CQ	.07	.10
Mountain Apples		.15	.21	Turnips, topped, long white, round white, purple top, Golden Ball, White Chinese, and similar types	CQ	.04	.05
				Turnips, rutabagas, topped	CQ	.04	.05
				Uri (Japanese white cucumber)	CQ	.12	.17
				Watercress (tied in 1 lb. bunch)	CQ	.07	.10
				Watermelon	CQ	.06	.08
				Yam (Chop Sul) or Farn Quat	CQ	.08	.11
				Yam, mountain or Dai See	CQ	.05	.07

TABLE D—DOLLARS-AND-CENTS MAXIMUM PRICES FOR SALES OF ISLAND-GROWN FRESH FRUITS AND VEGETABLES IN THE ISLANDS OF LANAI AND MAUI

(a) This table establishes dollars-and-cents maximum prices for sales at wholesale and

retail for island-grown fresh fruits and vegetables in the Islands of Lanai and Maui.

(b) Sales by retailers to institutional buyers. The maximum prices for sales of fresh fruits and vegetables by retailers to institutional buyers are the maximum prices for sales at wholesale established in this table.

Nevertheless, a retailer may, during any calendar month, use the maximum prices for sales at retail established in this table, if 80% or more of his total dollar sales of fresh fruits and vegetables during the previous calendar month were retail sales to ultimate consumers.

Item	Grade	Maximum price at wholesale	Maximum price at retail	Item	Grade	Maximum price at wholesale	Maximum price at retail
Artichokes	CQ	Per lb. \$0.20	Per lb. \$0.28	Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Chinese and others except Bluefield	CQ	\$0.03	
Asparagus, fresh	B	.20	.28	Bananas, hands, Chinese and others except Bluefield	CQ	.04	\$0.055
Asparagus, fresh	O	.18	.25	Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Bluefield	CQ	.04	
Avocado, Guatemala type	A	.10	.15				
Avocado	B & MQ	.07	.10				
Bamboo Shoots, husked		.20	.28				

Item	Grade	Maximum price at wholesale	Maximum price at retail	Item	Grade	Maximum price at wholesale	Maximum price at retail
Bananas, hands, Bluefield	CQ	Per lb. \$0.05	Per lb. \$0.07	Papaya, Solo	A	Per lb. \$0.04	Per lb. \$0.06
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Cooking	CQ	.06		Papaya, Solo and Common	MQ	.03	.04
Bananas, hands, Cooking	CQ	.08	.11	Parsley	CQ	.10	.15
Beans, snap, green string, and yellow wax	A	.09	.12	Peaches	MQ	.15	.20
Beans, snap, green, string, yellow wax and unclassified varieties	MQ	.07	.10	Peanuts, cured, in shell	CQ	.15	.20
Beans, green lima (pod)	CQ	.07	.10	Peas, Chinese	CQ	.35	.50
Beans, green lima (shelled)	CQ	.18	.25	Peas, green pod	CQ	.15	.21
Bean Sprouts, cleaned	CQ	.14	.20	Peppers, sweet (Bell)	CQ	.15	.21
Beet Tops (tubers not to exceed 1 inch)	CQ	.07	.10	Peppers, hot and chile	CQ	.35	.50
Beets, bunched	CQ	.03	.04	Persimmons	MQ	.35	.45
Beets, topped	A	.04	.06	Pineapples	CQ		
Beets, topped	MQ	.025	.035	Lanai		.025	.04
Bitter melon	CQ	.12	.16	Maui		.0275	.04
Blackberries	CQ	.15	.20	Plums	MQ	.20	.30
Broccoli	CQ	.14	.20	Polia	CQ	.07	.10
Cabbage, all oriental types, bunched or stalks, including Chinese and Japanese types, green mustard, white stem, chihili and swamp (Ung Choy)	CQ	.04	.055	Pomelo	MQ	1.07	1.10
Cabbage, head, Feb. 1 to June 30	AA & A	.03	.045	Potatoes, Irish	AA & A	.055	.07
Cabbage, head, Feb. 1 to June 30	MQ	.02	.03	Potatoes, Irish	MQ	.035	.045
Cabbage, head, July 1 to Jan. 31	AA & A	.04	.055	Pumpkin (Japanese)	CQ	.035	.05
Cabbage, head, July 1 to Jan. 31	MQ	.03	.045	Pumpkin, mainland varieties and Kona crepe	CQ	.05	.07
Carrots, bunched	CQ	.04	.055	Radishes, red, with tops	CQ	.06	.09
Carrots, topped	A	.07	.10	Radishes, Daikon or white winter, with tops	CQ	.025	.035
Carrots, topped	MQ	.04	.055	Radishes, Daikon or white winter, topped	CQ	.03	.04
Cauliflower, trimmed	CQ	.15	.20	Rhubarb	CQ	.07	.10
Celery	CQ	.15	.20	Sesame seed	CQ	.35	.50
Celtuce	CQ	.10	.15	Sour sop	CQ	.05	.07
Chives	CQ	.10	.15	Soybeans, edible, green, incl. vines	CQ	.07	.10
Coconuts, husked		1.06	1.08	Soybeans, edible, green, in pods	CQ	.15	.22
Coconuts, unhusked		1.0375	1.05	Spinach, all types	CQ	.07	.10
Corn, green, sweet	A & B	2.40	2.50	Squash, Chinese (Tung Qua, Foo Qua, long)	CQ	.035	.05
Corn, green, including field corn	MQ	2.25	2.35	Squash, large (2½ lbs. or over)	CQ	.07	.10
Cucumbers	A	.09	.12	Squash, Chinese, young, small (below 2½ lbs.)	CQ	.07	.10
Cucumbers	MQ	.07	.095	Squash, Chayote	MQ	.05	.07
Dasheen (Japanese taro) (1)		.045	.06	Squash, Hubbard and banana	CQ	.07	.10
Dasheen (Japanese taro) (2)		.03	.04	Squash, Italian	A	.07	.10
Eggplant, long (Molokai type)	CQ	.05	.07	Squash, Italian	MQ	.05	.075
Eggplant, round type	CQ	.04	.055	Squash, summer	CQ	.07	.10
Endive	CQ	.11	.16	Squash, green or acorn	CQ	.07	.10
Figs	CQ	.10	.15	Strawberries	CQ	.40	.50
Gobo, medium and long stem	CQ	.15	.20	Sweet potatoes, all skin colors	A	.05	.07
Gobo, short stem small, and large stem	MQ	.11	.15	Sweet potatoes	B	.04	.055
Grapefruit	CQ	.07	.10	Sweet potatoes	MQ	.025	.035
Grapes	CQ	.15	.20	Swiss chard, bunched or loose	CQ	.035	.05
Kohlrabi, bunched or topped	CQ	.06	.085	Tangerines	MQ	.15	.20
Lemons	CQ	.08	.11	Taro, Hawaiian and Chinese, bunched (not for manufacture)	CQ	.035	.05
Lettuce, all types, Feb. 1 to June 30	CQ	.10	.15	Taro tops or lau, bunched or loose	CQ	.10	.15
Lettuce, all types, July 1 to Jan. 31	CA	.15	.20	Tea Bean (Habueha)	CQ	.25	.30
Lichee, fresh	CQ	.70	.93	Tomatoes, large, wrapped, in standard lugs	A	.12	.18
Limes	CQ	.10	.15	Tomatoes, large, wrapped, in standard lugs	B	.10	.15
Loquats	MQ	.30	.40	Do	A	.08	.12
Lotus root or lily root	CQ	.15	.20	Large or small	MQ	.055	.08
Mangoes, Haden and Pirie	CQ	.15	.20	Egg or plum	CQ	.055	.08
Mangoes, all others	MQ	.10	.15	Turnip tops (tubers not to exceed 1 inch)	CQ	.07	.10
Mountain apples		.10	.15	Turnips, topped, long white, round white, purple top, Golden Ball, White Chinese, and similar types	CQ	.035	.045
Okra, Ghinese or See Qua	CQ	.08	.12	Turnips, rutabagas, topped	CQ	.04	.055
Okra, English	CQ	.09	.12	Uri (Japanese white cucumber)	CQ	.12	.17
Onions, dry	CQ	.07	.09	Watercress (tied in 1 lb. bunch)	CQ	.05	.08
Onions, hunching green	CQ	.10	.13	Watermelon	CQ	.06	.08
Onions, Kailua bulb bunching	CQ	.12	.16	Yam (Chop Sui) or Farn Quat	CQ	.05	.07
Oranges	CQ	.06	.08	Yam, mountain or Dai See	CQ	.03	.05

1 Each.
: Dozen.

TABLE E—DOLLARS - AND - CENTS MAXIMUM PRICES FOR SALES OF ISLAND-GROWN FRESH FRUITS AND VEGETABLES IN THE ISLAND OF KAUAI

(a) This table establishes dollars-and-cents maximum prices for sales at wholesale

and retail for island-grown fresh fruits and vegetables in the Island of Kauai.

(b) Sales by retailers to institutional buyers. The maximum prices for sales of fresh fruits and vegetables by retailers to institutional buyers are the maximum prices for sales at wholesale established in this table.

Nevertheless, a retailer may, during any calendar month, use the maximum prices for sales at retail established in this table, if 80% or more of his total dollar sales of fresh fruits and vegetables during the previous calendar month were retail sales to ultimate consumers.

Item	Grade	Maximum price at wholesale	Maximum price at retail	Item	Grade	Maximum price at wholesale	Maximum price at retail
Artichokes	MQ	Per lb. \$0.20	Per lb. \$0.28	Beet Tops (tubers not to exceed 1 inch)	CQ	Per lb. \$0.07	Per lb. \$0.105
Asparagus, fresh	B	.20	.28	Beets, bunched	CQ	.03	.045
Asparagus, fresh	MQ	.18	.25	Beets, topped	A	.05	.07
Avocado, Guatemala type	A	.11	.155	Beets, topped	MQ	.025	.035
Avocado	MQ	.07	.10	Bitter Melon	CQ	.11	.155
Bamboo shoots		.20	.28	Blackberries	MQ	.15	.21
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Chinese and other except Bluefield	CQ	.03		Broccoli	CQ	.15	.21
Bananas, hands, Chinese and others except Bluefield	CQ	.04	.055	Cabbage, all oriental types, bunched or stalks, including Chinese and Japanese types, green mustard, white stem, chihili and swamp (Ung Choy) Feb. 1 to June 30	CQ	.04	.055
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Bluefield	CQ	.04	.07	Cabbage, all oriental types, bunched or stalks, including Chinese and Japanese types, green mustard, white stem, chihili and swamp (Ung Choy) July 1 to Jan. 31	CQ	.05	.07
Bananas, hands, Bluefield	CQ	.05		Cabbage, Head, Feb. 1 to June 30	A	.04	.055
Bananas, stems (stem limited to 8 inches above first hand where hand joins stem) Cooking	CQ	.06		Cabbage, Head, Feb. 1 to June 30	MQ	.025	.035
Bananas, hands, Cooking	CQ	.08	.11	Cabbage, Head, July 1 to Jan. 31	A	.05	.07
Beans, snap, green string and yellow wax	CQ	.12	.17	Cabbage, Head, July 1 to Jan. 31	MQ	.04	.055
Beans, green, unclassified varieties	MQ	.07	.10	Carrots, bunched	CQ	.06	.085
Beans, green lima (pod)	CQ	.07	.10	Carrots, topped	A	.08	.11
Beans, green lima (shelled)	CQ	.18	.25	Carrots, topped	MQ	.04	.055
Bean Sprouts, cleaned	CQ	.14	.20				

Item	Grade	Maximum price at wholesale	Maximum price at retail	Item	Grade	Maximum price at wholesale	Maximum price at retail
		Per lb.	Per lb.			Per lb.	Per lb.
Cauliflower	CQ	\$0.17	\$0.24	Potatoes, Irish	A	\$0.055	\$0.07
Celery—Feb. 1 to May 31	CQ	.14	.21	Potatoes, Irish	MQ	.035	.045
Celery—June 1 to Jan. 31	CQ	.16	.24	Pumpkin (Japanese)	CQ	.035	.05
Celtuce	CQ	.10	.15	Pumpkin, mainland varieties and Kona erepe	CQ	.05	.07
Chives	CQ	.10	.15	Radishes, red, with tops	CQ	.06	.09
Coconuts, husked		1.06	1.08	Radishes, Daikon or white winter, with tops	CQ	.025	.035
Coconuts, unhusked		1.0375	1.05	Radishes, Daikon or white winter, topped	CQ	.03	.04
Corn, green, sweet, trimmed	A & B	1.40	1.50	Rhubarb	CQ	.08	.11
Corn, green, including field corn	MQ	.02	.03	Sesame seed	CQ	.35	.50
Cucumbers	A	.09	.12	Sour sop	CQ	.05	.07
Cucumbers	MQ	.07	.095	Soybeans, edible, green, including vines	CQ	.07	.10
Dasheen (Japanese Taro) (1) White		.07	.10	Soybeans, edible, green, in pods	CQ	.15	.22
Dasheen (Japanese Taro) (2) Red		.035	.05	Spinach	CQ	.08	.12
Eggplant, long (Molokai type)	CQ	.05	.07	Squash, Chinese (Tung Qua, Foo Qua, Long			
Eggplant, round type	CQ	.04	.055	Squash) large (2½ lbs. or over)	CQ	.035	.05
Figs	CQ	.13	.19	Squash, Chinese, young, small (below 2½ lbs.)	CQ	.07	.10
Gobo, medium and long stem	CQ	.15	.20	Squash, Chayote	MQ	.05	.07
Grapefruit	CQ	.07	.095	Squash, Hubbard & banana	CQ	.05	.07
Grapes	CQ	.13	.19	Squash, Italian	A	.07	.10
Kohlrabi, bunched or topped	CQ	.06	.085	Squash, Italian	MQ	.05	.075
Lemons	CQ	.08	.11	Squash, Summer	CQ	.07	.10
Lettuce, all types	CQ	.15	.20	Squash, green or acorn	CQ	.07	.10
Lichee or loongan, fresh	CQ	.50	.65	Strawberries	CQ	.40	.50
Limes	CQ	.10	.15	Sweet Potatoes, in standard lugs	AA	.065	.09
Loquats	MQ	.30	.42	Sweet Potatoes	A	.05	.07
Lotus Root or Lily Root	CQ	.12	.16	Sweet Potatoes	B	.04	.055
Mangoes, Haden and Pirie	CQ	.15	.20	Sweet Potatoes	MQ	.025	.035
Mangoes, all other	MQ	.10	.15	Swiss Chard, bunched or loose	CQ	.035	.05
Mountain apples		.05	.07	Tangerines	MQ	.10	.135
Okra, Chinese or See Qua	CQ	.12	.16	Taro, Hawaiian and Chinese, bunched (not for			
Okra, English	CQ	.09	.12	manufacture)	CQ	.035	.05
Onions, dry	CQ	.07	.09	Taro tops or luan, bunched or loose	CQ	.10	.15
Onions, bunching green	CQ	.10	.13	Tea Bean (Habucha)	CQ	.25	.30
Onions, Kailua Bulb bunching	CQ	.12	.16	Tomatoes:			
Oranges	CQ	.06	.08	Large, wrapped, in standard lugs	A	.14	.18
Papaya, Solo	A	.04	.06	Large (2¼ inches minimum diameter)	A	.12	.18
Papaya, Solo and Common	MQ	.03	.04	Large (2¼ inches minimum diameter)	B	.09	.14
Parsley	CQ	.10	.14	Large or small	MQ	.07	.10
Peaches	MQ	.15	.21	Egg or plum	CQ	.07	.10
Peanuts, cured, in shell	CQ	.15	.20	Turnip tops (tubers not to exceed 1 inch)	CQ	.07	.10
Peas, Chinese	CQ	.35	.50	Turnips, topped, long white, round white, purple			
Peas, green pod	CQ	.15	.21	top, Golden Ball, White Chinese, and similar			
Peppers, sweet (Bell)	CQ	.15	.21	types	CQ	.035	.045
Peppers, hot and chile	CQ	.35	.50	Turnips, rutabagas, topped	CQ	.04	.055
Persimmons	MQ	.30	.42	Uri (Japanese white cucumber)	CQ	.12	.17
Pineapples	CQ	.0275	.04	Watercress (tied in 1 lb. bunch)	CQ	.045	.09
Plums	MQ	.15	.22	Watermelon	CQ	.06	.08
Poha	CQ	.07	.10	Yam (Chop Sui) or Farn Quat	CQ	.06	.085
Pomelo	MQ	.05	.07	Yam, mountain or Dai See	CQ	.04	.055

¹ Each.
² Dozen.

[F. R. Doc. 46-6620; Filed, Apr. 19, 1946; 11:48 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[RMFR 373, Amdt. 79]

CONSTRUCTION AND REPAIR SERVICES AND
INSTALLED BUILDING MATERIALS IN HAWAII

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 373 is amended in the following respects:

Section 69 is amended as follows:

1. Paragraph (a) (1) is amended by adding a new subdivision designated (v) to read as follows:

(v) A rental charge for the use of electric or machine hand tools such as electric saws, drills, electric spray guns, cement mixers, bulldozers and machines of similar nature, where the cost of the work in which the same are to be used is computed on an hourly basis, may be computed on repair jobs at rates not to exceed the maximum prices established for such rentals under Maximum Price Regulation 134. Such charges must be clearly itemized on the repair job time slip.

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

(1) "General Contracting" means the sales of installed building materials and

the services necessary to supply a completed or partially completed building structure or the sale of materials and services incidental to remodeling, altering or constructing an addition to a present structure, but shall not be applicable to small repairs or maintenance work.

Irrespective of whether the contractor has contracted directly with the owner or with the general contractor (if there be one) no contractor for a specific portion of the construction involving the work of but one trade may collect the 10% allowed a general contractor by paragraph (d) of Appendix A in the event that such contractor sublets his portion of the work contracted for. However, where a contractor contracts directly with the owner to construct specific parts of a construction involving the labor of more than one trade (for instance, where a contractor for the masonry also contracts to construct a cess-pool and sublets one or more of the elements of construction involved), he shall be entitled to collect the 10% allowed to a general contractor by paragraph (d) of Appendix A. In the event that a subcontractors, who is such by reason of his contractual relationship with the general contractor, subcontracts one or more of his contractual obligation, he may not collect the 10% allowed a general contractor by paragraph (d) of Appendix A

unless it is so specified in his contract with the general contractor in which event the general contractor is not permitted to collect from the owner for his own account the particular 10% thereby involved.

3. Paragraph (e) (6) is hereby revoked.

4. Paragraph (f) (1) (i) is amended by deleting the words "beyond the five mile limit" from the second sentence thereof.

5. Paragraph (f) (1) (i) is amended by adding two new subdivisions designated (a) and (b) to read as follows:

(a) *Measurement of hours.* The number of hours to be charged against any job shall be calculated as beginning at the time the workman leaves the shop or the previous job (whichever is later) and as terminating at the time he completes the job. In any case actual travel time shall be recorded on the job time slip required by this regulation.

(b) *Minimum charge.* If a job requires less than one hour the maximum charge shall be for the actual time spent on the job plus the travel time from shop to job or from previous job.

6. A new paragraph designated (i) is added immediately following paragraph (h) to read as follows:

(i) *Changes from original plans.* If, during the course of construction, an owner requires structural work or installations different from the requirements

of the original specifications which changes or installations involve an increase in labor and/or material costs, for the additional labor and/or material involved the contractor may charge as for repair work in the applicable Appendix.

7. Appendix A paragraph (e) is amended to read as follows:

(e) In no event may the general contractor's markup be added by more than one contractor on a structure. Where subcontracts are involved all permitted markups are provided for in paragraph (c) (1) of this section.

8. Appendix A paragraph (f) is added to read as follows:

(f) *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated (on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (i) of this section.

9. Appendix B (1) (a) is amended to read as follows:

(a) On all carpentry or roofing work which in effect is substantially an alteration or addition to existing structures and which requires demolishing a part of the original structure, such as knocking out an old wall or ripping up an old floor or any other work of demolition incidental to the building of a new addition, the labor for such demolition shall be charged at prices in accordance with the hourly repair rates established by this Appendix B.

10. Appendix B 1 (c) is amended by designating the second literary paragraph thereof as Appendix B 1 (d).

11. Appendix B 1 is further amended by adding the following Appendix B 1 (e) and Appendix B 1 (f):

(e) Where a contractor uses secondhand lumber in the construction of a new home or for remodeling purposes or repairs the maximum price for such lumber and the installation of same shall be as follows: The maximum prices which may be charged for used lumber shall be the maximum prices as established by Section 49 of Revised Maximum Price Regulation 373. The maximum prices for the installation or erection of secondhand lumber shall be \$100 per 1000 board feet of secondhand lumber installed. This will cover the cost of conditioning used lumber, the cost of labor, the cost of overhead and profit.

(f) On new homes or commercial structures made mostly of materials other than lumber, for example, brick, stucco or hollow tile, where the amount of lumber or carpentry labor involved is negligible and where the cost normally figured on the new work basis would not exceed \$500, the maximum price for such carpentry labor and materials used shall be figured on a time and material basis and the maximum price for such service shall be based on the repair work formula established by this Appendix B:

12. Appendix B 2 (c) is revoked.

13. The following new Appendix B 3 is added:

3. *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated (on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair

job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (i) of this section.

14. Appendix C paragraph (b) (4) is amended to read as follows:

(4) On new construction which is done at a distance greater than five miles from the seller's place of business, actual travel time may be added (beyond the five mile limit) but in no event to exceed more than one-eighth of the actual site payroll and is allowed only provided the travel is done on contractor's time.

15. Appendix C is further amended by adding three new paragraphs designated (c), (d) and (e) to read as follows:

(c) The minimum strength concrete required under these prices shall be either 1.35 ratio or two thousand pound 28-day strength. No addition to these prices may be made for stronger or higher water cement ratio concrete.

(d) *Plastering.* The maximum prices for plastering shall be as follows:

Maximum price (per sq. yd.)

- (1) White putty plastering including all materials and labor but not laths. \$2.00
- (2) Sand finish plastering including all materials and labor but not laths. 1.75
- (3) Lath will be supplied at prices no higher than the maximum wholesale prices as provided for by applicable maximum price regulations.

(e) *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated (on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (i) of this section.

16. Appendix D 1 (e) is amended to read as follows:

(e) *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated (on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (i) of this section.

17. Appendix D 2 is amended to read as follows:

2. *Repair work involving plumbing and sheet metal work.* The maximum prices for repairs involving plumbing and sheet metal work shall be the sum of the following amounts:

(a) Materials furnished and used at prices not to exceed maximum wholesale prices established for sales to contractors by sections 50 and 61 of Revised Maximum Price Regulation 373; plus

(b) Actual site labor time of each employee spent on the repair job at the following rates per hour for each class of plumber:

Working foreman plumber.....	\$3.40
Plumber first class.....	3.00
Plumber second class.....	2.40
Plumber third class.....	2.20
Plumber helper.....	2.00

(c) Plus, actual travel time for each employee actually working on the repair job calculated on the hourly rate for each class of plumber as provided above on the basis of from shop to job or from one job to the next job. Such travel time must be recorded on the job slip as required by paragraph (f) (1) (i) of this section.

18. The following new Appendix E 5 is added:

5. *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated (on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (i) of this section.

19. Appendix F 1 (a) (6) is amended by adding a new subdivision designated (iii) to read as follows:

(iii) For jobs requiring plaster joints the maximum price for filling in the same shall be \$2.25 an hour plus the maximum price of materials used not to exceed the maximum wholesale prices established by applicable regulations.

20. Appendix F 1 (a) (7) is further amended by inserting between subdivisions (xvii) and (xviii) two new subdivisions designated (xvii-a) and (xvii-b) to read as follows:

(xvii-a) *Battens:* Where walls or sidings are painted the same color, measure the area covered by battens and multiply the area of the battens only by 1½. Where battens are painted different color from wall or siding, measure the battens only and multiply the painted area of the battens only by 2.

(xvii-b) *Stairs:* Count risers and multiply the area of riser by 8.

21. Appendix F 1 (a) (7) is further amended by adding a new subdivision designated (xxx1) to read as follows:

(xxx1) *Window and door screens:* Measure the over-all area and multiply by 2 for one side, if both sides are painted multiply both sides by 2.

22. The following new Appendix F 1 (b) is added immediately following Appendix F 1 (a) (7) (xxx1):

(b) *Alternative pricing method.* For the purpose of simplifying the contractor's figuring on the painting of stairs, doors, casements, eaves, battens, kitchen cabinets, built-in furniture, built-in closets, and similar work as may be itemized in the above rules of measurement, such contractor as an alternative may compute the entire area painted at square foot prices as quoted for 1, 2 and 3 coat jobs (par. (c) (1), (2), (3)) plus 10% on the over-all. This 10% is provided and intended to include all openings and obstacle painting encountered.

23. Appendix F 1 is further amended by redesignating (b), (c), (d) respectively, as (c), (d) and (e).

24. Appendix F 1 is further amended by adding to redesignated (c) the following four new subdivisions designated (6), (7), (8) and (9):

(6) One coat paint job on shingles, using first line quality paint—\$4.00 per 100 sq. ft.

(7) Two coat paint job on shingles, using first line quality paint—\$6.00 per 100 sq. ft.

(8) One coat graphite paint job on shingles or wood or composition roof—\$4.50 per 100 sq. ft.

(9) Two coat graphite paint job on shingles or wood or composition roof—\$7.00 per 100 sq. ft.

25. Appendix F 1 is further amended by adding the following (f), (g) and (h) to read as follows:

(f) *Additional scaffolding allowances.* On painting structures of more than one story in height a charge for scaffolding is allowed

when the scaffold is actually built. The maximum price for the building and use of scaffolds shall be:

Where the height of structure to be painted is more than 10 feet from the floor level a charge of \$4.50 per lineal foot up to 25 feet on each side of structure painted may be charged for each foot above 10 feet. Above 35 feet a charge of \$6.00 per foot may be charged on each side of structure painted. No scaffolding charge may be made unless a scaffold is built. This charge cannot be made when only ladders are used, and no charge for scaffolding may be made for painting done up to 10 feet from floor level.

(g) *Small jobs: Retouching jobs.* On all small repainting jobs substantially equivalent to repair work or maintenance work and usually involving touch up work such as trim only, partitions, panels, windows, doors, furniture, screens, etc., and such repair jobs as could not practically be established or figured on a surface foot basis the maximum price for such work (to be identified and known hereafter as maintenance work) shall be:

The maximum wholesale price of paint materials used as established by section 61 of Revised Maximum Price Regulation 373 plus \$2.25 per hour for each first class painter employed on the job plus actual travel time to the job. Travel time shall be figured at \$2.25 per hour from job to job.

(h) *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated (on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (1) of this section.

26. The following new Appendix G (4) is added:

4. *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated (on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (1) of this section.

27. Appendix H 2 (d) is amended to read as follows:

(d) *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated (on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (1) of this section.

28. Appendix I (c) is amended to read as follows:

(c) The maximum price for sanding hard-wood surfaces shall be \$0.12 per square foot.

(1) The maximum price for paint removal from old floors and restoration of same to natural wood finish by scraping, acid or other method than floor sanding, shall be \$2.00 per hour per employee.

(2) On new construction which is done at a distance greater than five miles from the seller's place of business, actual travel time may be added (beyond the five-mile limit) but in no event to exceed more than one-eighth of the actual site payroll and is allowed only provided the travel is done on contractor's time.

(3) *Travel time on repair jobs.* Travel time on all services of a repair nature may be charged for each employee actually working on the job. Such time shall be calculated

(on the basis of the hourly rate provided in each applicable appendix) from shop to job and from one repair job to the next repair job. Such travel time must be recorded on the time job repair slip as required in paragraph (f) (1) (1) of this section.

This amendment shall become effective as of November 26, 1945.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6621; Filed, Apr. 19, 1946; 11:51 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
CARPENTRY AND ROOFING IN HAWAII

[RMPR 373, Amdt. 80]

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 373 is amended in the following respects:

1. Section 69 (c) is amended by adding two subparagraphs (15) and (16) to read as follows:

(15) "Delivered" means, if the ceiling price of materials does not include delivery to the site, a charge may be made for trucking to the site at prices not to exceed ceiling prices, and such trucking charges are to be construed as a part of "material costs."

(16) "Materials used" means all lumber, hardware and other building materials furnished to the job, from which shall be deducted all new materials returned to the supplier or taken elsewhere and credited at prices charged the customer. All used lumber, taken from the site by the carpenter or roofer, shall be credited to the customer at 60% of the ceiling price for such used lumber, according to the provisions of section 49 of Revised Maximum Price Regulation 373.

2. Section 69 (h) is amended to read as follows:

(h) *Charges for travel.* Notwithstanding other provisions of this section, or any appendix thereto, on all new construction, remodeling and alterations subject to this section, excepting painting, where performed at a distance greater than five miles from the seller's place of business, actual travel time may be charged for on the basis of the hourly labor charge for repair work the contractor is permitted to charge the customer. When no hourly labor rate is provided, then the travel time shall be charged for on the basis of payroll cost plus 50%. Should the aggregate of such travel time exceed 1/8 of one 8-hour work day on any one job the excess may not be charged for except upon the approval of the Office of Price Administration.

3. In section 69, Appendix B 1 (a), is amended to read as follows:

(a) The maximum price for carpentry and roofing work done in connection with the remodeling, alteration or erection of a building structure and the re-roofing of an old structure shall be the

sum of materials furnished at prices not to exceed maximum prices established for sales to contractors by sections 50 and 61 of Revised Maximum Price Regulation 373 or applicable regulations, delivered on the job site and used, plus an amount equal to 90% of the cost of such materials. On all carpentry or roofing work which in effect is substantially an alteration or addition to existing structures and which requires demolishing a part of the original structure, such as knocking out an old wall or ripping up an old floor or any other work of demolition incidental to the building of a new addition, the labor for such demolition shall be charged at prices in accordance with the hourly repair rates established by this Appendix B.

This amendment shall become effective as of February 25, 1946.

Issued this 19th day of April, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6622; Filed, Apr. 19, 1946; 11:51 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[RMPR 373, Amdt. 82]

GROCERY ITEMS IN HAWAII

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 39 of Revised Maximum Price Regulation 373 is amended in the following respects:

Table A is amended as follows:

1. In group 3, the price ".43" cents for "Malted Milk: Thompson's chocolate, 16 oz. gl." is revised to read ".44" cents.

2. In group 6, the price ".34" cents for "Ghirardelli Ground Chocolate, 1 lb." is revised to read ".35" cents.

3. In group 11, the item named "Knox Gelatine" is amended to read "Knox Gelatine, carton of four 1/4 oz. pkgs."

4. In group 14, the price ".40" cents for "Biskit Mix, Fisher's, 40 oz." is revised to read ".44" cents.

5. In group 17, under the heading "Fruit Cocktail," the price ".37" cents for "Dainty Mix, No. 2 1/2 can" is revised to read ".36" cents, and the price ".39" cents for "Del Monte, No. 2 1/2 gl." is revised to read ".41" cents.

6. In group 18, the price ".34" cents for "Prunes, Del Monte, Medium, dried, 2 lbs." is revised to read ".33" cents.

7. In group 19, the listed item "Prune Juice, Sunsweet, 1 qt. gl." is deleted.

8. In group 22, the prices listed for the items set forth below are revised to read as follows:

Devilled or potted meat:	Ceiling price
No. 1/2 tin, all brands.....	\$ 0.12
No. 1/4 tin:	
Libby.....	.08, 2/15
Star, Armour.....	.08, 2/15
All others.....	.07
Dried beef, Star, sliced, 2 1/2 oz. gl.....	.13
Luncheon Meat:	
Prem, Swift's 12 oz. tin.....	.41
Spam, Hormel, 12 oz. tin.....	.41
Treet, Armour's, 12 oz. tin.....	.41

	Ceiling price
Pig's feet, Star, pickled, 14 oz. gl.	\$0.31
Tamales, Star, 10½ oz. gl.	.23
Vienna sausage, Star, No. ½ tin.	.15

9. Group 32 is amended to read as follows:

	Ceiling price	
	Zone 1 on Islands of Oahu, Hawaii, Maui, Kauai and Molokai	All other areas on Island of Oahu, Hawaii, Maui, Kauai and Molokai and the Island of Lanai
California rice, all grades:		
100 pounds.....	\$8.62	\$8.42
50 pounds.....	4.35	4.25
25 pounds.....	2.20	2.15
10 pounds.....	.90	.88
5 pounds.....	.45	.44
1 pound.....	.09	.09

10. In group 37, the prices listed for the items set forth below are amended to read as follows:

	Zone 1 on Islands of Oahu and Molokai	All other areas on Islands of Oahu, Molokai and Lanai	Zone 1 on Island of Maui	All other areas on Island of Maui	Zone 1 on Islands of Kauai and Hawaii	All other areas on Islands of Kauai and Hawaii
Granulated sugar, white:						
100 pounds.....	\$7.48	\$7.28	\$7.15	\$6.95	\$7.74	\$7.54
25 pounds.....	1.93	1.88	1.85	1.80	2.00	1.95
10 pounds.....	.78	.76	.75	.73	.80	.79
5 pounds.....	.40	.39	.39	.37	.40	.40
2 pounds.....	.16	.16	.16	.15	.16	.16
1 pound.....	.08	.08	.08	.08	.08	.08

14. In group 44, under the heading "Corn," the price ".19" cents for "Snider's Cream Style, Golden, No. 2 can" is revised to read ".17" cents, and under the heading "Hominy," the price ".26" cents for "Burbank, 29 oz. gl." is revised to read ".25" cents.

15. In group 44, the item under the heading "Tomatoes" listed as "Snider's No. 2 can . . . \$0.18" is amended to read as follows:

Snider's Solid Pack, No. 2 can.....	\$0.20
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16. In Table B, paragraph (c) is amended to read as follows:

(c) *Maximum prices.* (1) Except as provided in subparagraph (2) below, you shall compute your maximum price under this table by dividing your "net cost," as defined in paragraph (c) of this section, by the appropriate division factor set forth in this table. You may add to the prices so computed the transportation differentials of 2 percent in Zone 2 and 3 percent in Zone 3, set forth in paragraph (e) of this section.

(i) *Computation of prices of bulk items.* In computing the price of bulk items such as vinegar in barrels, dried shrimp in barrels and other food items in barrel or box containers, the bulk ceiling price shall be in accordance with the stated contents appearing on the face of the container: *Provided, however,* That the retailer, by remeasurement or recount may ascertain the correct contents of a container and the number of units contained. For bulk sales, the retailer may then divide the ceiling price per container by the actual content of the bulk container rather than the nominal or

	Ceiling price
Campbell's:	
Mushroom, 10½ oz. can.....	\$0.19
Beef noodle, 10½ oz. can.....	.17
Consomme, 10½ oz. can.....	.17
Vegetarian—vegetable, 10½ oz. can.....	.15
Vegetable—beef, 10½ oz. can.....	.17
Black bean, 10½ oz. can.....	.14
Green pea, 10½ oz. can.....	.14
Scotch broth, 10½ oz. can.....	.14

	Ceiling price
Heinz:	
Beef noodle, 11 oz. can.....	.17
Vegetarian, 11 oz. can.....	.16

11. Group 37 is amended by adding the following new items:

	Ceiling price
Cambell's:	
Spinach, 10½ oz. can.....	\$0.16, 2/31
Oxtail, 10½ oz. can.....	.15, 2/29

12. In group 36, the prices for the items set forth below are amended to read as follows:

	Ceiling price
Camay, regular cake.....	\$0.09, 3/25
Lux, cake.....	.09, 3/25

13. In group 41, the prices listed for white granulated sugar are amended to read as follows:

stated number of units named on the container.

(2) If your wholesaler supplier's invoice shows that his selling price is lower than his legal maximum wholesale price, you may compute your maximum retail price in the following manner:

(i) Divide your supplier's maximum wholesale price by the appropriate division factor.

(ii) Subtract your supplier's maximum wholesale price from the amount reached under (i) above.

(iii) Add the amount obtained under (ii) above to your supplier's actual selling price. The resulting price is your retail ceiling price per case.

(iv) To obtain your ceiling price for each retail unit, divide your retail ceiling price per case by the number of retail units contained in the case.

(v) You may add to the prices so computed, the transportation differentials of 2 percent in Zone 2 and 3 percent in Zone 3, set forth in paragraph (e) of this section.

(vi) If, however, the reduction in your wholesale supplier's price represents a discount given as a promotional allowance, you may apply to the Office of Price Administration, Iolani Palace Grounds, Honolulu, T. H., for permission to calculate your maximum retail price by dividing your wholesale supplier's maximum price by the appropriate division factor rather than the supplier's actual selling price as required under paragraph (c) (1) of this table. You may not compute your maximum price in accordance with the provisions of this subdivision (vi) until you have received written permis-

sion to do so from the Office of Price Administration.

17. Table B is amended by deleting from the list of grocery items commodity classification No. 32—Rice.

This amendment shall become effective as of February 25, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6624; Filed, Apr. 19, 1946; 11:50 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 581, Amdt. 4]

INDUSTRIAL SERVICES

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

Maximum Price Regulation 581 is amended in the following respects:

1. Section 4 is amended by adding a new paragraph (d) to read as follows:

(d) The maximum prices or rates established under paragraphs (a) to (c), inclusive, for services performed on screw machine products (as defined in section 17 (j)), shall be increased by 10%.

2. Section 6 is amended by adding a new paragraph (g) to read as follows:

(g) The maximum price or rate for services performed on screw machine products (as defined in section 17 (j)), determined in accordance with the above provisions, shall be increased by 10%.

3. Section 17 is amended by adding a new paragraph (j) to read as follows:

(j) For the purposes of this regulation, the term "screw machine product" means any product which is made complete on a hand or automatic screw machine or the first operation on which is performed on a hand or automatic screw machine. It does not include, however, products covered by Maximum Price Regulation 147 (Bolts, Nuts, Screws and Rivets) and Maximum Price Regulation 452 (Manufacturers' Maximum Prices for Automotive Parts).

This amendment shall become effective April 19, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6664; Filed, Apr. 19, 1946; 4:43 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPPR 136, Amdt. 34]

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

Section 19 (g) (2) is amended to read as follows:

(2) *Screw machine products.* The maximum prices for sales by a manufacturer to any purchaser of any new screw machine products shall be the prices established under section 7 or computed under sections 8, 9 or 10 increased by 13.6%. For the purposes of this paragraph, the term "screw machine products" shall include all products which are subject to this regulation as otherwise definable parts, components or subassemblies fabricated by the screw machine process as that process is defined under that heading in Appendix A.

This amendment shall become effective April 19, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6663; Filed, Apr. 19, 1946; 4:43 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395,¹ Amdt. 21]

MISCELLANEOUS COMMODITIES IN VIRGIN ISLANDS

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 395 is amended in the following respects:

1. Section 13 Table I (a) is amended to read as follows:

TABLE I—MAXIMUM PRICES FOR CHARCOAL

(a) Maximum retail prices for charcoal sold or delivered in the Virgin Islands of the United States shall be:

Unit	Island of St. Croix				Island of St. Thomas		Island of St. John	
	Feb. 15-July 14 inclusive		July 15-Feb. 14 inclusive		Not delivered	Delivered	Not delivered	Delivered
	Not delivered	Delivered	Not delivered	Delivered				
Bag (or barrel).....	\$1.20	\$1.30	\$1.10	\$1.20	\$1.30	\$1.40	\$1.00	\$1.10
Half-bag.....	.60	.65	.55	.60	.65	.70	.50	.55
5-gallon kerosene tin.....	.25	.27	.25	.25	.30	.30	.20	.20
"Klim" tin (5 lbs. net).....	.05	.05	.05	.05	.06	.06	.04	.04
"La Pura" (oleomargarine) tin.....	.04	.04	.04	.04	.04	.04	.03	.03
"Heap" ¹								

¹ The maximum price of a heap shall be computed by applying proportionately the price per 5-gallon kerosene tin to the size of the "heap."

NOTE: Any seller may make a deposit charge, not to exceed 10 cents, for a bag or barrel. The amount of deposit shall be refunded by the seller upon the return of the same or a similar bag or barrel by the purchaser.

2. In section 16, the first item listed in Table III and footnote 1 are amended to read as follows:

TABLE III.—MAXIMUM PRICES FOR CERTAIN GRAIN AND GRAIN PRODUCTS

Commodity	Quantity	At wholesale St. Croix, St. Thomas	At retail	
			St. Croix, St. Thomas	St. John
Wheat flour, bulk, hard or soft.	95-lb. bag.....	\$0.50 markup ¹ (not delivered).	<i>Per unit</i> \$0.07 (2 lbs. for \$0.13)	<i>Per unit</i> \$0.07 per lb.

¹ Markup to be added to importer's "direct cost" as defined in section 12 (a) (6) of this regulation.

3. In section 47, Table XXXVII is corrected by having footnote 1 appear after the wholesale price for St. Thomas instead of after the wholesale price for St. John.

This amendment shall become effective April 24, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6625; Filed, Apr. 19, 1946; 11:50 a. m.]

PART 1340—FUEL

[MPR 120, Corr. to Amdt. 157]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Section 1340.210 (a) (19) (ii) is corrected by deleting the word "within" and correcting the word "preceding" to read "succeeding".

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

[RMPR 114,² Amdt. 5]

WOODPULP

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

¹ 10 F.R. 5941, 6946, 7799, 8069, 8899, 9227, 9925, 11437, 11305, 11810, 11306, 11666, 12811, 13551, 14064, 14865, 15216, 15217; 11 F.R. 11609
² 9 F.R. 6630, 6951, 12743, 13934; 10 F.R. 962, 7242.

has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 114 is amended in the following respects:

1. The first sentence in section 12 (a) is amended to read as follows: "Any producer of woodpulp who is prepared to show that his mill net realization is inadequate at ceiling prices in view of his high operation costs, may apply for adjustment of his maximum prices."

2. In section 14 (a), subparagraph (34) is deleted.

3. The table of prices in Appendix A (a) (1) is amended to read as follows:

Bleached softwood sulphite.....	\$94.00
Unbleached softwood sulphite.....	82.00
Bleached hardwood sulphite.....	91.50
Unbleached hardwood sulphite.....	79.50
Northern bleached sulphate.....	94.00
Southern bleached sulphate.....	88.00
Northern Semi-bleached sulphate....	89.00
Southern semi-bleached sulphate....	83.00
Northern unbleached sulphate.....	76.00
Southern unbleached sulphate.....	69.50
Bleached soda pulp.....	84.00
Unbleached soda pulp.....	80.00
Groundwood pulp.....	58.00
Groundwood pulp—paper machine dried.....	61.00
Sulphite screenings.....	45.50
Sulphate screenings.....	40.00
Groundwood screenings.....	34.00
Northern unbleached sulphate sideruns.....	76.00
Southern unbleached sulphate sideruns.....	69.50
Standard newsprint sideruns.....	58.00

4. The table of basic transportation allowances in Appendix A (a) (3) is amended to read as follows:

Area of production of domestic woodpulp	Applying to domestic producers of woodpulp		
	Below 50 percent air dry weight	50-80 percent air dry weight	Above 80 percent air dry weight
Northeast.....	\$12.50	\$10.50	\$7.50
Lake Central.....	12.50	10.50	7.50
Southern.....	15.00	13.00	10.00
West Coast (applying only to woodpulp sold outside this area).....	15.50	14.50	12.50
West Coast (applying only to woodpulp sold in this area).....	9.50	8.50	6.50

Area of production of foreign woodpulp	Applying to foreign producers of wood pulp		
	Below 50% air dry wt.	50%-80% air dry wt.	Above 80% air dry wt.
Canada, east of the Continental Divide.....	\$12.50	\$10.50	\$7.50
Canada, west of the Continental Divide (applying only to woodpulp sold east of the Continental Divide).....	15.50	14.50	12.50
Canada, west of the Continental Divide (applying only to woodpulp sold west of the Continental Divide).....	9.50	8.50	6.50
Other foreign areas (applying only to North American inland freight).....		6.00	4.00

5. In Appendix A (a) (3), subdivision (iii) is amended to read as follows:

(iii) With respect to woodpulp produced in foreign countries other than Canada, if the North American inland freight cost involved per short air dry ton in transporting the woodpulp to the U. S. consumer exceeds the basic transportation allowance for

"other foreign areas" as indicated in the table above, the delivered prices stated in paragraph (a) above may be increased by a sum per short air dry ton not in excess of the difference between the basic transportation allowance for "other foreign area" and the actual North American inland freight cost per short air dry ton involved in transporting such woodpulp from the U. S. or Canadian ocean port of entry to the consumer's mill by direct shipment by rail, truck or vessel. The North American inland freight costs include any inland waterways transportation costs beyond ocean ports of entry. All ocean transportation costs shall be absorbed by the seller.

6. In Appendix A, paragraph (b) is deleted and paragraphs (c) and (d) are redesignated (b) and (c) respectively.

7. In Appendix A, a new paragraph (d) is added to read as follows:

(d) With respect to the following grades of woodpulp for which maximum prices have been determined in accordance with paragraphs (b) and (c) of this Appendix A, domestic and foreign producers may increase their maximum prices, in effect on April 21, 1946, by the following amounts per short air dry ton:

Special high alpha sulphite grades produced by Soundview Pulp Company and Weyerhaeuser Timber Company.....	\$12.50
Soundview Special Rolled bleached sulphite grade.....	8.00
Brown Company high alpha sulphite grades except Dur-Natus.....	10.00
Puget Sound Mat Special unbleached sulphite.....	8.00
Sulphite woodpulp produced in horizontal digesters by indirect cooking.....	8.00
Special specification glassine sulphite grades.....	8.00
Special chemical and high alpha sulphate grades except specification condenser.....	10.00
Specification condenser sulphate.....	4.00

This amendment shall become effective April 22, 1946.

Issued this 22d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6728; Filed, Apr. 22, 1946; 11:42 a. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 412, Amdt. 3]

TIDEWATER RED CYPRESS 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.

Maximum Price Regulation 412 is amended by the addition of the following paragraph (d) to section 6:

(d) On and after April 22, 1946, the maximum f. o. b. mill prices for Tidewater red cypress lumber are 10 percent above those provided in Articles IV and V of this regulation.

NOTE: This 10 percent addition does not have to be shown on the invoice for each item separately, but may be applied in a lump sum to the total amount computed on the basis of the printed prices.

18 F.R. 8712, 12406; 10 F.R. 14187.

This amendment shall become effective April 22, 1946.

Issued this 22d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6722; Filed, Apr. 22, 1946; 11:42 a. m.]

PART 1421—IRON AND STEEL

[MPR 235, Amdt. 2]

MANGANESE STEEL CASTINGS AND MANGANESE STEEL CASTINGS 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.

Section 1421.63a of Maximum Price Regulation 235 is redesignated as § 1421.64 (d) and is amended to read as follows:

(d) *Adjustment in maximum prices.* The maximum prices for manganese steel castings and manganese steel castings products established in accordance with paragraphs (a) (b) and (c), of this section, are increased by fourteen per cent (14%); *Provided*, That the increases granted in this paragraph shall not be added to maximum prices established by price adjustment pursuant to § 1421.58 (a) of this regulation. The maximum prices for a seller to whom a price adjustment pursuant to § 1421.58 (a) has heretofore been granted shall be the increased maximum prices established by this paragraph or the maximum prices established by his individual adjustment order, whichever are higher.

This amendment shall become effective April 22, 1946.

Issued this 22d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6726; Filed, Apr. 22, 1946; 11:42 a. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244, Corr. to Amdt. 11]

GRAY IRON CASTINGS

Amendment 11 to Maximum Price Regulation 244 is corrected as follows:

"Part 1306—Iron and Steel" is corrected to read "Part 1421—Iron and Steel Foundry Products".

This correction shall become effective April 22, 1946.

Issued this 22d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6723; Filed, Apr. 22, 1946; 11:41 a. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244, Corr. to Amdt. 12]

GRAY IRON CASTINGS

Amendment 12 to Maximum Price Regulation 244 is corrected as follows:

"Part 1306—Iron and Steel" is corrected to read "Part 1421—Iron and Steel Foundry Products".

The word "malleable" appearing in the second sentence of paragraph (b) of § 1421.157 is corrected to read "gray".

This correction shall become effective April 22, 1946.

Issued this 22d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6724; Filed, Apr. 22, 1946; 11:41 a. m.]

PART 1443—BRASS MILL PRODUCTS AND SERVICES

[MPR 408, Amdt. 2]

DISTRIBUTORS' PRICES FOR BRASS MILL PRODUCTS AND SERVICES

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

Section 8 (b) is amended to read as follows:

(b) *Maximum prices.* On all warehouse shipments of brass mill products other than pipe and water tube, by distributors, the maximum price shall be figured by applying the appropriate rule of the four rules set out below in this paragraph, but in no case shall the maximum price be higher than 3 cents per pound above the current mill list price for the same quantity of that product:

Rule 1. Where the distributor had a price¹ during October 1941 for the same product in the same mill list price quantity class, the maximum price shall be the current mill list price for the same product in the same mill list price quantity class plus the highest differential, if any, above mill list price, included in the price that the distributor had¹ during October, 1941, for the same product in the same mill list price quantity class.

Rule 2. Where the distributor had a price¹ during October 1941, for the same product but not in the same mill list price quantity class, the maximum price shall be the current mill list price for the same quantity of the same product, plus the highest differential, if any, above mill list price included in the price that the distributor had¹ during October 1941, for the nearest quantity of the same product.

Rule 3. Where the distributor did not have a price¹ for the same product during October 1941, the maximum price shall be the current mill list price for the same quantity of the same product, plus the highest differential, if any, above mill list price included in the price that the distributor had¹ during October 1941, for the nearest quantity of a product of the same alloy or of a different alloy in the same shape.

Examples (prices are exclusive of size and other extras):

Rule 1. Distributor sells 1,000 pounds of Naval brass sheet, ½ inch thick, on July 15, 1943. His list price in October, 1941, for the same sheet in the same quantity was 26 cents per pound. Mill list price in October, 1941, for the same sheet in the same quantity was 25 cents per pound. Distributor's differential in October, 1941, was thus 1 cent per

¹ For what is meant by "had a price" see section 8 (a) (2).

pound. Current mill list price in July is 20 cents per pound. Distributor's maximum price is thus 20 cents plus 1 cent or 21 cents per pound.

Example:

Rule 2. Distributor sells 500 pounds of Naval brass sheet of less than 1/2 inch thickness on July 15, 1943. This quantity was not listed or dealt in by the distributor in October, 1941. However, the distributor's price sheet in October, 1941, listed a 300 pound quantity of this product, which was the nearest quantity of the same product. The mill list price on such a quantity in October, 1941, was 27 1/2 cents per pound and the distributor added a 1 cent differential, making a price of 28 1/2 cents per pound. Distributor is now entitled to add this 1 cent per pound differential to the current mill list price in July. This mill list price is 26 cents per pound. The maximum price that the distributor may now charge is thus 27 cents per pound.

Example:

Rule 3. Distributor sells 300 pounds of Muntz metal sheets on July 15, 1943. No sheets of such metal were dealt in or listed by the distributor in October of 1941. However, in October, 1941, distributor listed 250 pounds of Naval brass sheet of less than 1/2 inch thickness, which was the nearest quantity of the same shape. On the October, 1941, order he charged a 1/2 cent per pound differential above mill list price. Distributor may now add this differential to the current mill list price of Muntz metal sheet, which was 25 3/4 cents per pound in July, 1943. Maximum price which the distributor may charge is therefore 26 1/4 cents per pound.

Rule 4. (1) Whenever a distributor's maximum price is not provided by Rules 1, 2 or 3, he shall figure the price at which he expects to sell or deliver by applying the pricing method used by him for figuring the maximum price of the most nearly comparable product, and shall then file such price for approval as his maximum price. Such price shall be filed within 15 days after the first sale after the effective date of this regulation, by letter addressed to the Metals Price Branch, Office of Price Administration, Washington, D. C. Included with such filing of price, the distributor shall set forth (i) a full description of the product, (ii) a statement as to why Rules 1, 2, and 3 cannot be applied, and (iii) an explanation of how the proposed price was figured.

(2) Pending approval or disapproval of a price filed under this Rule 4, and for 15 days before such filing, the price reported may be paid and received subject to adjustment between the parties if it is disapproved. A price once reported and approved need not thereafter be reported by the same distributor.

(3) The price reported may be approved or disapproved by the Office of Price Administration. Where a price is disapproved, the Price Administrator will issue a formal order to that effect. It is necessary that such formal order be entered if the distributor reporting a price which is disapproved wishes to file a formal protest under Revised Procedural Regulation No. 1, issued by the Office of Price Administration, which provides a basis for an appeal to the United States Emergency Court of Appeals.

(4) A price filed in accordance with this Rule 4 shall be considered approved unless it is disapproved within 30 days from the date on which it is received by the Office of Price Administration, or, if additional information is requested, then within 30 days from the date on which all such information is received. However, at any time after any such 30 day period, the Office of Price Administration may disapprove the maximum price so established; such disapproval shall take effect seven days after the mailing of such notice of disapproval and shall apply to all sales or deliveries or after the effective

date of such notice regardless of then existing contracts.

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

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

Issued this 22d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6725; Filed, Apr. 22, 1946; 11:41 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[G. O. 60]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

The Merchant Ship Sales Act of 1946 having been enacted on March 8, 1946,

PRICES FOR STANDARD MARITIME COMMISSION VESSELS IN ACCORDANCE WITH THE MERCHANT SHIP SALES ACT OF 1946

Type vessel	Estimated cost as of Jan. 1, 1941	Domestic war cost	Statutory sales price (unadjusted)	Price floor
DRY CARGO				
C1-MT-BU1.....	1,063,000	1,396,813	60% 1941 cost 531,500	55% war cost 488,885
C1.....	1,940,000	2,608,168	970,000	912,859
C2.....	2,100,000	2,736,624	1,050,000	957,818
C4.....	3,300,000	4,420,965	1,650,000	1,547,338
VC2-S-AP2 (Victory-15K).....	1,958,000	2,511,877	979,000	879,157
VC2-S-AP3 (Victory-17K).....	2,130,000	2,872,659	1,065,000	1,005,431
EC2-S-C1 (Liberty).....	1,278,000	1,728,590	639,000	51 1/2% war cost 544,506
TANKERS				
T2-SE-A1 (14K).....	2,316,000	3,010,703	87 1/2% 1941 cost 2,026,500	50% war cost 1,503,352
T3-S-A1 (15K).....	2,175,000	2,970,029	1,908,125	1,485,015

Organization of General Order 60. There are printed herein the regulations of the United States Maritime Commission for administration of the Merchant Ship Sales Act, 1946, and copies of certain necessary applications and forms.

The regulations and forms are organized and written so that a person interested in one particular phase of the Act can acquire all necessary information from the pertinent subpart of the regulations and the applicable form.

General provisions and definitions at the beginning of the regulations should be consulted by all interested persons.

SUBPART A—GENERAL PROVISIONS

- Sec. 299.1 Definitions.
- (a) Commission.
 - (b) War-built vessel.
 - (c) Dry-cargo vessel.
 - (d) Prewar domestic cost.
 - (e) Domestic war cost.
 - (f) Statutory sales price.
 - (g) Cessation of hostilities.
 - (h) Citizen of the United States.
 - (i) Affiliated interest.
 - (j) Constructed or date constructed.
 - (k) Act.
 - (l) Regulations.
 - (m) Secretary.
- 299.2 Order of preference.
- (a) In general.
 - (b) Citizen applications over noncitizen applications; purchase over charter.
 - (c) Preference among citizen applications,

and the pre-war domestic cost of vessels covered thereby being published in this issue of the FEDERAL REGISTER pursuant to such Act, in § 299.56 below, the Maritime Commission hereby invites applications under the provisions of the Act and the following regulations. Subject to such provisions, the Maritime Commission will accept applications for the purchase or charter of vessels now under the jurisdiction and control of the Maritime Commission or War Shipping Administration. (No charter agreement will be entered into prior to 60 days from date; and no contract of sale to a non-citizen of a tanker or C-type vessel will be entered into within 90 days from date, except as provided in the Act). Additional vessels will be available at such time as they may be transferred to the jurisdiction and control of the Maritime Commission or War Shipping Administration. The prewar domestic cost of certain special types of vessels are not included in this publication, but will be published at a later date, after which applications for ships of such types will be entertained.

- Sec. (d) Preference among noncitizen applications.
- (e) Preference where citizen application shows intent to transfer vessel(s) to foreign registry or flag after purchase.
- 299.5 Limitation on eligibility for benefits of act.
- 299.7 Reconversion, alteration or modification.
- 299.8 Form of affidavit.
- 299.9 Exceptions and exemptions to rules and regulations.
- 299.10 Termination date.

SUBPART B—SALES OF WAR-BUILT VESSELS

- 299.21. Sales of war-built vessels to citizens of the United States.
- (a) Application.
 - (b) Amendment of application.
 - (c) Approval or disapproval by the Commission.
 - (d) Contract of sale.
- 299.22 Allowance of credit for exchange of vessel.
- (a) In general.
 - (b) Vessels ineligible for exchange.
 - (c) Exchange of vessel owned by foreign corporation.
 - (d) Application for determination of an allowance of credit.
 - (e) Amendment of application.
 - (f) Determination by Commission of allowance of credit for exchange of vessel and offer of applicant.
 - (g) Amount of allowance.
 - (h) Loss of vessel tendered in exchange.
- 299.25 Sales of war-built vessels to persons not citizens of the United States.
- (a) Application.

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- (b) Amendment of application.
 - (c) Approval or disapproval by the Commission.
 - (d) Contract of sale.
 - (e) Other conditions.
 - (f) Transfer to foreign registry and flag.

SUBPART C—CHARTER OF WAR-BUILT VESSELS TO CITIZENS

- 299.31 Charter of war-built vessels to citizens of the United States.
- (a) Application.
 - (b) Amendment of application.
 - (c) Approval or rejection by the Commission.
 - (d) Charter party.
 - (e) Period of charter.
 - (f) Charter hire.
 - (g) Mandatory provisions in charter.
 - (h) Operating-differential subsidy.
 - (i) Application where request is made for an operating-differential subsidy.
 - (j) Sub-chartering.

SUBPART D—TRANSFER OF WAR-BUILT VESSELS

- 299.41 Transfer of war-built vessel in settlement of a claim against the United States.
- (a) Application.
 - (b) Amendment of application.
 - (c) Approval or disapproval by the Commission.
 - (d) Contract of settlement.
 - (e) Determination of claim.
 - (f) Types of settlements.
- 299.42 Transfer of another vessel for a vessel constructed in the United States since January 1, 1937, which has been taken for use by the United States.
- (a) Application.
 - (b) Amendment of application.
 - (c) Approval or disapproval by the Commission.
 - (d) Contract for transfer.

SUBPART E—ADJUSTMENT FOR PRIOR SALES TO CITIZENS

- 299.51 Adjustment for prior sales to citizens.
- (a) Application.
 - (b) Amendment of application.
 - (c) Persons entitled to adjustment.
 - (d) Amount of adjustment.
 - (e) Condition of adjustment.
 - (f) Method of adjustment.

SUBPART F—PREWAR DOMESTIC COSTS; STATUTORY SALES PRICES

- 299.56 Prewar domestic costs; statutory sales prices.
- (a) Type C1—MT—BU1.
 - (b) Type C1.
 - (c) Type C2.
 - (d) Type C4.
 - (e) Type EC2 (Liberty).
 - (f) Type VC2 (Victory).
 - (g) Type T2—SE—A1 tanker.
 - (h) Type T3—S—A1 tanker.

SUBPART G—FORMS

- 299.71 Application to purchase a war-built vessel.
- 299.76 Application for determination of allowance of credit for exchange of old vessel.
- 299.78 Offer of applicant to exchange vessel for allowance of credit on a vessel.
- 299.81 Application to charter a war-built vessel for bareboat use.
- 299.83 Application for transfer of a war-built vessel in settlement of a claim against the United States.
- 299.85 Application for transfer of another vessel for a vessel constructed in

- Sec.
- the United States since January 1, 1937, and which was taken for use by the United States.
- 299.87 Application for adjustment of purchase price of vessel purchased prior to March 8, 1946.
- 299.91 Application for the reconversion, alteration or modification of a vessel.

AUTHORITY: §§ 299.1 to 299.91, inclusive, issued under sec. 13 (d) of the Merchant Marine Ship Sales Act, 1946 (Pub. Law 321, 79th Cong., 2d Sess., approved March 8, 1946), which incorporates by reference sec. 204 (b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114 (b)).

SUBPART A—GENERAL PROVISIONS

§ 299.1 *Definitions.* For the purpose of these regulations (§§ 299.1 to 299.91, inclusive):

(a) *Commission.* "Commission" means the United States Maritime Commission.

(b) *War-built vessel.* "War-built vessel" means an ocean-going vessel of one thousand five hundred gross tons or more, owned by the United States and suitable for commercial use:

(1) Which was constructed or contracted for by or for the account of the United States during the period beginning January 1, 1941, and ending September 2, 1945; or

(2) Which, having been constructed during the period beginning September 3, 1939, and ending September 2, 1945, was acquired by the United States during such period.

(c) *Dry-cargo vessel.* "Dry-cargo vessel" means, except where the context indicates otherwise, any vessel other than a tanker, but the term "dry-cargo vessel" includes a Liberty type tanker except for § 299.31.

(d) *Prewar domestic cost.* "Prewar domestic cost," as applied to any type of vessel, means the amount determined by the Commission, and published by the Commission in the **FEDERAL REGISTER** (§ 299.56), to be the amount for which a standard vessel of such type could have been constructed (without its national defense features) in the United States under normal conditions relating to labor, materials, and other elements of cost, obtaining on or about January 1, 1941. In no case shall the prewar domestic cost of any type of vessel be considered to be greater than 80% of the domestic war cost of vessels of the same type.

(e) *Domestic war cost.* "Domestic war cost," as applied to any type of vessel, means the average construction cost (without national defense features) as determined by the Commission, of vessels of such type delivered during the calendar year 1944, except for any type of vessel the principal deliveries of which were made after the calendar year 1944, in which case there shall be used in lieu of such year 1944 such period of not less than six consecutive calendar months as the Commission shall find to be most representative of war production costs of such type.

In the case of any vessel for which

there is no domestic war cost as defined in this paragraph, such domestic war cost shall be in the same ratio to the prewar domestic cost (as defined in paragraph (d) of this section) as the domestic war cost of the most nearly comparable type of vessel for which a domestic war cost is available is to the prewar domestic cost of such similar vessel.

(f) *Statutory sales price.* "Statutory sales price," as applied to a particular vessel, means, in the case of a dry-cargo vessel (as defined in paragraph (c) of this section), an amount equal to 50% of the prewar domestic cost of that type of vessel, and in the case of a tanker (excluding Liberty tankers), such term means an amount equal to 87½% of the prewar domestic cost of a tanker of that type, such amount in each case being adjusted as follows:

(1) If the Commission is of the opinion that the vessel is not in class, there shall be subtracted the amount estimated by the Commission as the cost of putting the vessel in class;

(2) If the Commission is of the opinion that the vessel lacks desirable features which are incorporated in the standard vessel used for the purpose of determining prewar domestic cost, and that the statutory sales price (unadjusted) would be lower if the standard vessel had also lacked such features, there shall be subtracted the amount estimated by the Commission as the amount of such resulting difference in the statutory sales price;

(3) If the Commission is of the opinion that the vessel contains desirable features which are not incorporated in the standard vessel used for the purpose of determining the prewar domestic cost, and that the statutory sales price (unadjusted) would be higher if the standard vessel had also contained such features, there shall be added the amount estimated by the Commission as the amount of such resulting difference in statutory sales price;

(4) There shall be subtracted, as representing normal depreciation, an amount computed by applying to the statutory sales price (determined without regard to this paragraph) the rate of 5% per year for the period beginning with the date of the original delivery of the vessel by its builder and ending with the date of sale or charter to the applicant in question, and there shall also be subtracted an amount computed by applying to the statutory sales price (determined without regard to this paragraph) such rate not in excess of 3 per cent per year in the case of a vessel other than a tanker, and not in excess of 4 per cent per year in the case of a tanker, for the period of war service as the Commission determines will make reasonable allowance for excessive wear and tear by reason of war service which cannot be or has not been otherwise compensated for under this paragraph. The period of war service in ordinary cases shall be from the date of delivery of the vessel to the Government for operation or December 7, 1941.

whichever was later, until September 2, 1945.

(5) In the case of any vessel covered by subparagraph (3) of this paragraph, the amount of difference in statutory sales price resulting from the presence of desirable features not contained in the standard vessel of the same type shall be depreciated from the date of delivery of the vessel or the date of installation of such features if such features were installed after delivery.

No adjustment, except in respect of passenger vessels constructed before January 1, 1941, shall be made under the Act which will result in a statutory sales price which (1) in the case of any Liberty type vessel will be less than 31½% of the domestic war cost of vessels of such type, (2) in the case of dry-cargo vessels (except Liberty type vessels) will be less than 35% of the domestic war cost of vessels of the same type, or (3) in the case of a tanker (except a Liberty tanker) will be less than 50% of the domestic war cost of tankers of the same type.

(g) *Cessation of hostilities.* "Cessation of hostilities" means the date proclaimed by the President as the date of the cessation of hostilities in the present war, or the date so specified in a concurrent resolution of the two houses of the Congress, whichever is the earlier.

(h) *Citizen of the United States.* "Citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended, and section 905 (c) of the Merchant Marine Act, 1936, as amended. The Secretary of the Commission will furnish, on request, copies of memoranda dealing with citizenship.

(i) *Affiliated interest.* The term "affiliated interest" shall include any person or concern that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the applicant. The term "control" (including the terms "controlled by" and "under common control with") as used in this paragraph means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the applicant, whether through ownership of voting securities, by contract, or otherwise.

(j) *Constructed or date constructed.* "Constructed" or "date constructed" means the date upon which a vessel was originally delivered by the shipbuilder.

(k) *Act.* "Act" means, except where the context clearly indicates otherwise, the Merchant Ship Sales Act of 1946 (Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946).

(l) *Regulations.* "Regulations" mean the rules and regulations prescribed by the Commission, under the Merchant Ship Sales Act of 1946 (Public Law 321, 79th Cong., 2d Sess.), §§ 299.1 to 299.91, inclusive, published in the FEDERAL REGISTER and all succeeding amendments and supplements thereto similarly published in the FEDERAL REGISTER.

(m) *Secretary.* "Secretary" means the Secretary of the United States Maritime Commission or any Assistant Sec-

retary thereof or any other official or employee of the Commission designated by the Commission to perform the duties required of the Secretary under these regulations. (Communications sent to the Secretary should be addressed "Secretary, United States Maritime Commission, Washington 25, D. C.")

§ 299.2 *Order of preference—(a) In general.* All citizen applications received by the Secretary within a given calendar month shall be given preference over all applications received by the Secretary in any subsequent calendar month. For the purposes of this section the first calendar month shall be considered to include the period from the date of publications of these regulations in the FEDERAL REGISTER to June 1, 1946.

(b) *Citizen applications over noncitizen applications; purchase over charter.* The Commission will give preference to citizen applications over noncitizen applications, and, as between citizen applications to purchase and citizen applications to charter, will, as far as practicable and consistent with the policies of the act, give preference to citizen applications to purchase.

(c) *Preference among citizen applications.* In determining the order of preference between citizen applications to purchase or between citizen applications to charter, the Commission will consider, among other relevant factors, the extent to which losses and requisitions of the applicant's prewar tonnage have been overcome, and will, in all cases, in the sale and charter of war-built vessels, give preference in such sale or charter, as the case may be, to the former owner of such vessel or to the person for whom the vessel was constructed but to whom delivery thereof was prevented by the United States.

(d) *Preference among noncitizen applications.* In determining the order of preference between noncitizen applications to purchase filed prior to June 1, 1946 and thereafter within the same calendar month as provided for in paragraph (a) of this section the Commission will give preference to citizens of the Commonwealth of the Philippines and in determining the order of preference between other noncitizen applicants will consider the extent to which losses in prewar tonnage of the various member nations of the United Nations, incurred in the interest of the war effort, have been overcome, and the relative effects of such losses upon the national economy of such member nation.

(e) *Preference where citizen application shows intent to transfer vessel(s) to foreign registry or flag after purchase.* With respect to any application in which the citizen applicant states that it will apply to the Commission for approval to transfer the vessel(s) to foreign registry or flag, if and when purchased by the applicant, the Commission reserves the right to defer action until after all other applications by citizens of the United States filed within the same preference period have been acted upon and the Commission reserves entire discretion in determining whether transfer to foreign registry and flag will be approved.

If the citizen applicant states that it will not apply to the Commission for ap-

proval to transfer the vessel(s) to foreign registry or flag, if and when purchased by the applicant, the Commission will give the application the preference provided for applications by citizens of the United States, but if, thereafter, a request is made (pursuant to section 9 or section 37 of the Shipping Act, 1916, as amended), to transfer or place any of such vessel(s) under foreign registry or flag, the Commission will take into consideration the fact that the applicant stated in the application that such a request would not be made.

In no case will the Commission approve transfer of a P-2 type or other passenger type or a Liberty type collier or Liberty type tanker.

§ 299.5 *Limitation on eligibility for benefits of Act.* No person shall be eligible to purchase or charter a war-built vessel under the Act, or to receive an adjustment under section 9 of the act, unless such person makes an agreement with the Commission (which agreement shall be incorporated in every contract for sale or charter entered into pursuant to the provisions of the act) binding upon such person and any affiliated interest to the effect that the liability of the United States under any charter party or taking for use, made or effected prior to the date of the enactment of the act, for the loss, on or after such date of enactment and prior to September 3, 1947, of any vessel owned by such person and under charter to the United States (excluding a vessel with respect to which an adjustment under section 9 of the act is made) shall be limited to an amount equal to just compensation as of the date of said loss, determined pursuant to existing law, or such amount as may be mutually agreed upon subsequent to March 8, 1946 as just compensation under the provisions of existing law.

§ 299.7 *Reconversion, alteration or modification.* (a) Any person applying to purchase or charter under the regulations may attach to his application an application in substantially the form provided in § 299.91, that the Commission reconvert or restore the vessel(s) for normal operation in commercial services, including the removal of national defense or war service features. Any such request shall include such detailed information as is necessary to advise the Commission fully of the work required.

(b) Any person applying to purchase or charter a war-built vessel under the regulations may attach to this application an application substantially in the form provided in § 299.91, that the Commission make replacements, alterations, or modifications with respect to the vessel applied for or install therein such special features as may be necessary or advisable to make such vessel suitable for commercial operation on trade routes or services or comparable as to commercial utility to other vessels of the same general type. Any such request shall include such detailed information as is necessary to advise the Commission fully of the work required.

(c) In approving or disapproving applications under paragraph (a) or (b) of this section, the Commission will consider, among other relevant factors:

(1) The availability of other suitable vessels for sale or charter to the applicant;

(2) Whether such reconversion, restoration, replacement, alteration or modification is essential in order to dispose of the vessel under the provisions of the act;

(3) Whether such reconversion, restoration, replacement, alteration or modification could be effected under any other provisions of law; and

(4) Whether such reconversion, restoration, replacement, alteration or modification is essential to the foreign or domestic commerce of the United States, and would otherwise effectuate the policy and purposes of the act.

(d) Restoration or installation of special features, unless such features are on the standard vessel, must, under the act, be considered as added desirable features and, therefore, will require an adjustment in the statutory sales price of the vessel.

§ 299.8 *Form of affidavit.* An affidavit in substantially the following form shall be attached to all applications filed pursuant to these regulations.

STATE OF _____, ss.:
County of _____, being duly sworn,
I, _____, depose and say that I am the _____
(Title of _____ of _____, the
Officer) (Exact name of applicant)

applicant on whose behalf I have executed the foregoing application; that the applicant is a citizen of _____ that this application is made for the purpose of inducing the United States Maritime Commission to take the action requested herein, pursuant to the provisions of the Merchant Ship Sales Act of 1946, and particularly to section _____ thereof; that I have carefully examined the application and all documents submitted in connection therewith and, to the best of my knowledge, information, and belief, the statements and representations contained in said application and related documents are full, complete, accurate, and true.

Subscribed and sworn to before me, a _____, in and for the State and County above named, this _____ day of _____, 194__.

My commission expires _____.

§ 299.9 *Exceptions and exemptions to rules and regulations.* (a) The Commission reserves the right to amend, modify, or terminate these regulations at any time, either as a whole or with respect to any particular case or classes of cases, but without the consent of the applicant, no amendment or modification of the regulations shall be binding upon any transaction approved by the Commission prior to the date of publication in the FEDERAL REGISTER of such amendment or modification.

(b) Any of the forms set forth in these regulations may be modified to meet the

¹ If applicant is an American citizen, insert "the United States within the meaning of the Shipping Act, 1916, as amended (U.S.C. Title 46, sec. 802), and section 905 (c) of the Merchant Marine Act, 1936, as amended." If applicant is not an American citizen insert the name of the country of which applicant is a citizen.

requirements of the Commission in any particular case.

§ 299.10 *Termination date.* No contract of sale or of charter will be made under these regulations after December 31, 1947.

SUBPART B—SALES OF WAR-BUILT VESSELS

§ 299.21 *Sales of war-built vessels to citizens of the United States—(a) Application.* Any citizen of the United States as defined in § 299.1 (h) may apply to the Commission to purchase a war-built vessel at the statutory sales price. The application to receive consideration must be substantially in the form prescribed by the Commission in § 299.71. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Each application should contain sufficient information to enable the Commission to make all necessary determinations including those relating to (1) citizenship of the applicant, (2) ability of the applicant to make the required payment of not less than 25% of the statutory sales price of the vessel and to pay the balance of the purchase price in equal annual installments for a period not in excess of the remainder of the life of the vessel, which generally shall be considered to be twenty years from the date the vessel was built except for vessels for which additional depreciation is allowed in accordance with § 299.1 (f) in order to compensate for excessive wear and tear by reason of war service, with interest on the portion of the statutory sales price remaining unpaid at the rate of 3½% per annum, and (3) that the applicant possesses the ability, experience, financial resources, and other qualifications, necessary to enable him to operate and maintain the vessel under normal competitive conditions. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Commission has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless made promptly at the written request of the Commission, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving substitutions for the vessels applied for when made at the request of the Commission) shall be effective as of the filing date of the original application. Any information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current

and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Approval or disapproval by the Commission.* The Commission will approve the application if it determines that the applicant is a citizen of the United States as defined in § 299.1 (h) and possesses the ability, experience, financial resources, and other qualifications, necessary to enable him to operate and maintain the vessel under normal competitive conditions, and that such sale will aid in carrying out the policies of the act, and that the vessel is available for sale to the applicant. If the application is disapproved by the Commission, the Secretary will promptly advise the applicant.

(d) *Contract of sale.* If the application is approved by the Commission, the Secretary will furnish the applicant five counterparts of a contract of sale in form prescribed by the Commission which shall be executed by the applicant and redelivered to the Secretary within fifteen (15) days of the date of its receipt by the applicant, accompanied by the applicant's certified check payable to the order of the United States of America in the amount specified in the contract as the initial payment required to be made upon the execution of the contract of sale, which will be not less than ten per cent of the purchase price and shall be retained as liquidated damages in the event the buyer defaults in his obligation to purchase the vessel under the terms of the contract. After the contract of sale has been executed on behalf of the Commission, one of the counterparts will be sent to the applicant. Upon delivery of the vessel to the buyer, the buyer shall pay by certified check a sum equal to the excess of the required down payment over the initial payment referred to above and the buyer shall also give to the Commission negotiable promissory notes and a first preferred mortgage on the vessel equal to the excess of the statutory sales price over the sum of the total down payment and the trade-in allowance, if any.

§ 299.22 *Allowance of credit for exchange of vessel—(a) In general.* The Commission is authorized to acquire in exchange for an allowance of credit on the sales price of a vessel purchased by a citizen of the United States, any vessel owned by a citizen of the United States or by a foreign corporation, subject to the provisions of paragraphs (b) and (c) of this section. The allowance may not be applied in reduction of the down payment required to be made by the applicant, but may be applied in reduction of any unpaid balance remaining after applying the credit resulting from the down payment.

A war-built vessel shall be deemed a "new vessel" for the purpose of section 511 (construction reserve fund and tax provisions) of the Merchant Marine Act, 1936, as amended. Section 510 (e) (tax provisions) of such Act shall be applicable with respect to vessels exchanged under this section of the regulations to the same extent as it is applicable to obsolete vessels exchanged under section 510 of such act.

(b) *Vessels ineligible for exchange.*

No vessel (1) which was purchased under the act, or (2) which is less than one thousand three hundred and fifty (1,350) gross tons, provided that the Commission may under special circumstances declare a smaller vessel eligible, or (3) which is not owned by a citizen of the United States except as provided in paragraph (c) of this section, will be accepted by the Commission in exchange for an allowance on the purchase price of any war-built vessel.

(c) *Exchange of vessel owned by foreign corporation.* Except as provided in paragraph (b) of this section, any vessel owned by a foreign corporation is eligible for an exchange allowance, if:

(1) The vessel was constructed in the United States, and was after December 7, 1941, chartered to, or otherwise taken for use by, the United States;

(2) The controlling interest in such corporation is, at the time of the exchange, owned by a citizen or citizens of the United States, and has been so owned for a period of at least three years immediately prior to the time of exchange; and

(3) Such corporation agrees that the war-built vessel purchased with the use of such credit shall be owned by such citizen or citizens and shall be documented under the laws of the United States.

(d) *Application for determination of an allowance of credit.* An application for determination of an allowance of credit for exchange of a vessel must be in substantially the form prescribed by the Commission in § 299.76. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed description of exhibits need not be given.

(e) *Amendment of application.* Such application may be amended at any time before the Commission has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C.

(f) *Determination by Commission of allowance of credit for exchange of vessel and offer of applicant.* Upon determination by the Commission of the amount which it will allow as credit for exchange of a vessel, the applicant may execute a firm offer in substantially the form provided in § 299.78, binding for at least 90 days, to transfer the vessel to the Commission in exchange for an allowance of credit which offer must be filed by the applicant with the Commission within 15 days from the date of receipt of the determination of allowance and in any event not later than December 31, 1946.

(g) *Amount of allowance.* The amount of the allowance shall be the fair and reasonable value of the vessel as determined by the Commission and shall be subject to the following considerations and limitations:

(1) In determining the fair and reasonable value of the vessel for the purpose of the allowance, the Commission will consider:

(i) The value of the vessel, determined in accordance with the standards of valuation established pursuant to Executive Order 9387 (8 F.R. 14105), as of the date of the application,

(ii) Any liability of the United States for repair and restoration of the vessel,

(iii) The utility value of the vessel,

(iv) The effect of the act upon the market value of such vessel, and

(v) The public interest in promoting exchanges of vessels as a means of rehabilitating and modernizing the American merchant marine.

(2) In no event will the amount of such allowance, in case of dry-cargo vessels and tankers, exceed:

(i) If the vessel or vessels tendered in exchange are of equal or greater deadweight tonnage than the war-built vessel or vessels being acquired, 33½ percent of the statutory sales price (without taking into account the adjustments provided for in subparagraphs (1) to (5), inclusive, of § 299.1 (f)) of the war-built vessel or vessels, or

(ii) If the vessel or vessels tendered in exchange are of lesser deadweight tonnage than the war-built vessel or vessels, such proportionate part of 33½ percent of the statutory sales price (without taking into account the adjustments provided for in subparagraphs (1) to (5), inclusive, of § 299.1 (f)) of such war-built vessel or vessels as the deadweight tonnage of such vessel or vessels, tendered in exchange, bear to the deadweight tonnage of such war-built vessel or vessels, or

(iii) The liability of the United States in connection with the repair or restoration of such vessel under any charter to which the United States is a party, whichever is the higher.

(3) In the case of passenger vessels tendered in exchange, the amount of the allowance shall not exceed the percentage of the statutory sales price computed under subparagraph (2) (i) and (ii) of this paragraph by gross tons instead of deadweight tons, or such liability for the repair or restoration of such passenger vessel, whichever is the higher.

(4) In any case where the vessel tendered in exchange was acquired from the United States at any time and by any person whomsoever, the allowance of credit shall not exceed the price originally paid the United States therefor plus the depreciated cost of any improvement thereon.

(5) In the case of any vessel tendered in exchange which has been restored to condition by the United States for the purpose of redelivering such vessel to its owner in compliance with the charter of such vessel with the United States, or where, for such restoration a cash allowance has been made to the owner, there will be deducted from the amount of the allowance of credit for such vessel determined by the Commission, an amount equal to the cost incurred by the United States for such restoration, including charter hire paid during the period of restoration, or such cash allowance as has been made to the owner, provided

that the cost of, or allowance for, removal of national defense features shall not be deducted from the amount of the allowance of credit.

(h) *Loss of vessel tendered in exchange.* If, after an offer for an exchange allowance, pursuant to paragraph (f) of this section, has been executed by the buyer, and before title to applicant's vessel has been transferred to the Commission by a bill of sale, such vessel is lost by reason of causes for which the United States is responsible, then, in lieu of paying the applicant any amount on account of such loss, the offer shall, for the purposes of this section, be considered as having been accepted and the applicant's vessel as having been acquired by the Commission immediately prior to such loss. In such event the Commission shall apply the amount set forth in such offer (but not more than the amount to which applicant is entitled under any other agreement with the United States covering the vessel) as an additional down-payment on the purchase price of the Commission vessel, and the seller agrees to accept such allowance of credit in full settlement of any and all claims against the United States in connection with the loss of applicant's vessel. Subsequent to the transfer of title of applicant's vessel to the Commission, such vessel shall be deemed to be the property of the United States, and the amount set forth in the offer shall be applied irrespective of subsequent loss of the vessel from whatsoever cause. The United States shall, whether the vessel is lost before or after execution of the bill of sale, be subrogated with respect to all insurance or other claims arising out of such loss.

"Causes for which the United States is responsible," as used above, include liability under contractual obligations of the United States, such as those arising under a charter or policy of insurance, and liability arising from collision or other torts.

§ 299.25 *Sales of war-built vessels to persons not citizens of the United States—(a) Application.* Any person not a citizen of the United States as defined in § 299.1 (h) may apply to the Commission to purchase, at not less than the statutory sales price, a war-built vessel other than a P-2 type or other passenger type and other than a Liberty type collier or Liberty type tanker. The application to receive consideration must be substantially in the form prescribed by the Commission in § 299.71. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Each application should contain sufficient information to enable the Commission to make all necessary determinations including determinations that the applicant has the financial resources, ability and experience necessary to enable him to fulfill all obligations with respect to payment for the vessel on such terms and conditions as the Commission shall approve. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be

given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Commission has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless promptly made at the written request of the Commission, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving substitutions for the vessel applied for when made at the written request of the Commission) shall be effective as of the filing date of the original application. Any information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Approval or disapproval by the Commission.* (1) The Commission may approve the application if it determines:

(i) That the applicant has the financial resources, ability, and experience necessary to enable him to fulfill all obligations with respect to payment for the vessel on such terms and conditions as the Commission shall approve, and that sale of the vessel to him would not be inconsistent with any policy of the United States in permitting foreign sales under section 9 or section 37 of the Shipping Act, 1916, as amended, and

(ii) After consultation with the Secretary of the Navy, that such vessel is not necessary to the defense of the United States, and

(iii) That such vessel is not necessary to the promotion and maintenance of an American merchant marine described in section 2 of the act, and

(iv) That for a reasonable period of time, which in the case of tankers and, except as provided below, "C" type vessels shall not end before ninety days after publication of the applicable pre-war domestic cost in the FEDERAL REGISTER, such vessel has been available for sale at the statutory sales price to citizens of the United States, or for charter to citizens of the United States, and that no responsible offer has been made by a citizen of the United States to purchase or charter such vessel.

(v) That such vessel is available for sale to the applicant.

(2) If the application is disapproved by the Commission, the Secretary will promptly advise the applicant.

(d) *Contract of sale.* If the application is approved by the Commission, the Secretary will furnish the applicant five counterparts of a contract of sale in the form prescribed by the Commission, which shall be executed by the applicant and redelivered to the Secretary within fifteen (15) days of the date of

its receipt by the applicant, accompanied by the applicant's check payable in United States dollars to the order of the United States of America in the amount specified in the contract as the initial payment required to be made upon the execution of the contract of sale, which will be not less than ten per cent of the purchase price and shall be retained as liquidated damages in the event the buyer defaults in his obligations to purchase the vessel under the terms of the contract. The applicant's check shall be certified by a bank or trust company authorized to do business under the laws of the United States, or any state, territory or possession thereof. After the contract of sale has been executed on behalf of the Commission, one of the counterparts will be sent to the applicant. Upon delivery of the vessel to the buyer, the buyer shall pay by certified check as described above a sum equal to the excess of the required down payment over the initial payment referred to above and the buyer shall also give to the Commission, if mortgage aid has been granted, negotiable promissory notes and a mortgage on the vessel equal to the excess of the purchase price over the total down payment. The contract of sale shall require that the balance of the down payment and the amount to be evidenced by the notes and secured by the mortgage and all amounts of insurance required by the mortgage shall be expressed in and payable in United States dollars at the Commission's office in Washington, D. C. The contract of sale provided in § 299.73 (a) shall otherwise be modified by the General Counsel as may be appropriate fully to protect the interest of the Commission with respect to sales to non-citizens.

(e) *Other conditions.* Notwithstanding any other provision of law, no war-built vessel will be sold to any person not a citizen of the United States, except in accordance with this section, or upon terms or conditions more favorable than those at which such war-built vessel is offered to a citizen of the United States, but where the vessel so sold is being transferred to foreign register and flag, the mortgage securing the unpaid balance of the purchase price and interest thereon shall contain provisions according to such mortgage the priorities over other liens and encumbrances accorded such mortgages on merchant vessels under the laws of such registry and flag.

(f) *Transfer to foreign flag.* If the vessel sold to a person not a citizen of the United States is to be transferred to foreign register and flag, approval by the Commission of the application for purchase will also constitute approval, under section 9 or section 37 of the Shipping Act, 1916, as amended, to transfer such vessel when purchased, to foreign ownership, registry and flag.

SUBPART C—CHARTER OF WAR-BUILT VESSELS TO CITIZENS

§ 299.31 *Charter of war-built vessels to citizens of the United States*—(a) *Application.* Any citizen of the United States as defined in § 299.1 (h), and until July 4, 1946, any citizen of the Commonwealth of the Philippines, may apply to the Commission to charter a war-built dry cargo

vessel including passenger type vessels, for bareboat use. The application to receive consideration must be substantially in the form prescribed by the Commission in § 299.81 of these regulations. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Each application shall contain sufficient information to enable the Commission to make all necessary determinations including those (1) as to citizenship of the applicant, and (2) that the applicant possesses the ability, experience, financial resources, and other qualifications, necessary to enable him to fulfill the terms of the charter. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Commission has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless promptly made at the written request of the Commission, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving substitutions for the vessels applied for when made at the written request of the Commission) shall be effective as of the filing date of the original application. Any information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Approval or rejection by the Commission.* The Commission may, in its discretion, either approve or reject the application and will not approve the application unless it determines that the applicant is a citizen of the United States as defined in § 299.1 (h) or in case of an application filed prior to July 4, 1946, is a citizen of the Commonwealth of the Philippines and, in its opinion, the chartering of the vessel to the applicant will be consistent with the policies of the Act and the vessel is available for charter to the applicant. In determining whether or not to approve the application, the Commission will take into consideration the applicant's financial resources and credit standing, practical experience in the operation of vessels, and any other factors that would be considered by a prudent businessman in entering into a transaction involving a large investment of his capital; and the Commission will not charter a vessel to any person, appearing to lack sufficient capital, credit, and experience to fulfill the terms of the charter. No vessel will

be chartered until 60 days after publication of the applicable prewar domestic cost in the FEDERAL REGISTER. If the application is rejected by the Commission, the Secretary will promptly advise the applicant.

(d) *Charter party.* If the application is approved by the Commission, the Secretary will furnish the applicant five counterparts of a charter party covering the vessel(s) in such form as the Commission may prescribe, which shall be executed by the applicant and redelivered to the Secretary within fifteen (15) days of the date of its receipt by the applicant. After the charter party has been executed on behalf of the Commission, one of the counterparts will be sent to the applicant.

(e) *Period of charter.* The period of the charter shall be determined by the Commission in each particular case.

(f) *Charter hire.* The monthly charter hire for any vessel chartered under the provisions of the act shall be one-twelfth of an amount not less than 15% of the statutory sales price (computed as of the date of delivery of the vessel under the charter), except upon the affirmative vote of not less than four members of the Commission. Except in the case of vessels having passenger accommodations for not less than eighty passengers, rates of charter hire fixed by the Commission on any war-built vessel which differ from the rate specified in this subsection shall not be less than the prevailing world market charter rates for similar vessels for similar use as determined by the Commission.

(g) *Mandatory provisions in charter.* Every charter made by the Commission pursuant to the provisions of the act shall provide:

(1) *Excess profits of charterer.* That whenever, at the end of any calendar year subsequent to the execution of such charter, the cumulative net voyage profits (after payment of the charter hire reserved in the charter and payment of the charterer's fair and reasonable overhead expenses applicable to operation of the chartered vessels) shall exceed 10% per annum on the charterer's capital necessarily employed in the business of the vessel or vessels covered by the same charter, the charterer shall pay over to the Commission, as additional charter hire, one-half of such cumulative net voyage profit in excess of 10% per annum on such capital: *Provided*, That the cumulative net profit so accounted for shall not be included in any calculation of cumulative net profit in subsequent years. (Every charter shall contain definitions of the terms "net voyage profit" and "fair and reasonable overhead expenses" and "capital necessarily employed", as said terms are used in this subparagraph, such definitions to set forth the formulae for determining such profits, overhead expense, and capital necessarily employed.)

(2) *Charterer to insure vessel.* That the charterer shall carry in the chartered vessels, at its own expense, policies of insurance covering all marine and port risks, protection and indemnity risks, and all other hazards and liabilities, in such amounts, in such form, and in such insurance companies as the

Commission shall require and approve, adequate to cover all insurable damage claims against and losses sustained by the chartered vessels arising during the life of the charterer: *Provided*, That in accordance with existing law, some or all of such insurance risks may be underwritten by the Commission itself as in its discretion it may determine.

(3) *Charterer to maintain and repair vessel.* That the charterer shall at its own expense keep the chartered vessel in good state of repair and in efficient operating condition and shall at its own expense make any and all repairs as may be required by the Commission.

(4) *Commission inspection of vessel.* That the Commission shall have the right to inspect the vessel at any and all times to ascertain its condition.

(5) *Books and accounts of charterer; Commission examination and audit.* That the charterer shall keep its books and accounts relating to the vessel in such form as the Commission may prescribe, shall file such financial statements as the Commission may require, and shall permit the Commission to examine and audit its books, records and accounts.

(6) *Emergency termination of charter.* That whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, the Commission may terminate the charter without cost to the United States, upon such notice to the charterer as the President shall determine.

(7) *Bond of charterer.* That the charterer shall be required to deposit with the Commission an undertaking with approved sureties as security for the faithful performance of all of the conditions of the charter, including indemnity against liens on the chartered vessels, in such amount as the Commission shall require. The charterer may, in lieu of furnishing such bond, pledge United States Government securities in the face value of the required amount.

(h) *Operating - differential subsidy.* The Commission may, if in its discretion financial aid is deemed necessary, enter into a contract with any citizen of the United States chartering a vessel under the provisions of the Act for payment to such charterer of an operating-differential subsidy upon the same terms and conditions and subject to the same limitations and restrictions, where applicable, as are provided in the Merchant Marine Act, 1936, as amended, with respect to payments of such subsidies to operators of privately owned vessels.

(i) *Application where request is made for an operating-differential subsidy.* Where the applicant requests financial aid in the operation of a vessel chartered under the Act, pursuant to paragraph (h) of this section, the application provided for in paragraph (a) of this section shall be accompanied by an application for an operating-differential subsidy in substantially the form prescribed in § 251.11 of this chapter (the Commission's General Order No. 13).

If the application to charter is conditioned upon the granting of financial aid pursuant to paragraph (h) of this

section, such application to charter shall be considered for the purpose of § 299.2 as having been filed as of the date of approval by the Commission of the application for financial aid.

If the application for financial aid is disapproved by the Commission, the Secretary will promptly advise the applicant. Unless the applicant notifies the Secretary within 15 days that the application for charter is withdrawn, it will be considered as an application to charter without financial aid and for the purpose of § 299.2 shall be considered as filed as of date of disapproval of the application for financial aid.

(j) *Sub-chartering.* Vessels chartered from the Commission may be sub-chartered only with the prior written consent of the Commission.

SUBPART D—TRANSFER OF WAR-BUILT VESSELS

§ 299.41 *Transfer of war-built vessel in settlement of a claim against the United States—(a) Application.* Anyone who has a claim against the United States for (1) just compensation due him for a vessel requisitioned for title by the United States, or (2) indemnity for the loss of any vessel which was acquired for use by the United States, may make application to the Commission for the transfer to him of a war-built vessel or vessels at the statutory sales prices in complete or partial settlement of such claim. The application to receive consideration must be substantially in the form prescribed in § 299.83 including the submission of the certificate of settling department or agency provided therein. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Commission has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless made promptly at the written request of the Commission, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving substitutions for the vessel applied for when made at the request of the Commission) shall be effective as of the filing date of the original application. Any information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Approval or disapproval by the Commission.* If the Commission determines that, in its opinion, such transfer is in the interests of the United States and that the vessel applied for by the applicant is available for sale to him, the application may be granted. In determining whether the transfer should be made, the Commission among relevant factors will take into account the preferences provided for in § 299.2. If the application is disapproved by the Commission, the Secretary will promptly advise the applicant.

(d) *Contract of settlement.* If the application is approved by the Commission and if the Commission is the settling agency, the Secretary will furnish the applicant five counterparts of a contract of settlement which shall be executed by the applicant and redelivered to the Secretary within fifteen (15) days of the date of its receipt by the applicant. After the contract of settlement has been executed on behalf of the Commission, one of the counterparts will be sent to the applicant. If the settling agency is other than the Commission, the Commission will arrange to make the vessel or vessels available for the purposes of the settlement.

(e) *Determination of claim.* If claim is against the United States Maritime Commission or the War Shipping Administration, the application may be filed, but will be dated as of the date the certificate of settling agency is filed by applicant. If it is against another agency or department, the application must be accompanied by a certificate of settling department or agency.

(f) *Types of settlements.* Commission procedure will be generally as outlined below in the three usual types of settlements which are available under the act.

(1) *Claim equal to the statutory sales price of the vessel.* The Commission will in this case transfer the vessel without cash transaction and will execute a contract of sale to accompany the contract of settlement.

(2) *Claim more than the statutory sales price.* The Commission will in this case transfer the vessel and will execute a contract of sale. The balance of the amount of the claim will be handled by the settling agency as part of the consummation of settlement of the whole claim.

(3) *Claim less than the statutory sales price.* The Commission will in this case transfer the vessel and execute a contract of sale. If the application for purchase accompanying the application for transfer of the vessel in settlement requests mortgage aid with respect to the excess of the statutory sales price over the claim, provided the claim exceeds the required down payment, and such application is approved by the Commission, a preferred mortgage will be executed covering such excess. If the claim does not cover the down payment required on the vessel, the claimant will be required to arrange for the necessary additional down payment.

In all cases the Commission's action will be predicated upon the execution of instruments for the release of the claims satisfactory to the settling agency.

If more than one vessel is applied for in connection with the settlement of the

claim, then in all cases the amount thereof to be applied toward the purchase of each vessel shall be indicated in the application and shall be subject to the approval of the Commission.

§ 299.42 *Transfer of another vessel for a vessel constructed in the United States since January 1, 1937, which has been taken for use by the United States—(a) Application.* Anyone who owns a vessel that was constructed in the United States after January 1, 1937, and which was taken by the United States for use in any manner and has not been redelivered may make application to the Commission for the transfer to him of another built vessel of comparable type in lieu of such vessel. The application to receive consideration must be substantially in the form prescribed by the Commission in § 299.85. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Commission has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless promptly made at the written request of the Commission, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving a substitution for the vessel applied for when made at the request of the Commission) shall be effective as of the filing date of the original application. Any information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending the information contained therein or furnished in connection therewith.

(c) *Approval or disapproval by the Commission.* If the Commission determines that, in its opinion, such transfer would aid in carrying out the policies of the act, the application may be granted. If the application is disapproved by the Commission, the Secretary will promptly advise the applicant.

(d) *Contract for transfer.* If the application is approved by the Commission, the Secretary will furnish the applicant five counterparts of a contract for transfer in exchange which shall be executed by the applicant and redelivery to the Secretary within fifteen (15) days of the date of its receipt by the applicant. Such contract for transfer in exchange shall provide for adjustments for depre-

ciation and difference in design or speed and, to the extent applicable, adjustments provided in § 299.51 with respect to the applicant's vessel retained by the United States and such other adjustments and terms and conditions, including transfer of mortgage obligations in favor of the United States binding upon the applicant's vessel, as the Commission may prescribe. After the contract has been executed on behalf of the Commission, one of the counterparts will be sent to the applicant.

SUBPART E—ADJUSTMENT FOR PRIOR SALES TO CITIZENS

§ 299.51 *Adjustment for prior sales to citizens—(a) Application.* Within sixty days after the date of publication of the applicable prewar domestic costs in the FEDERAL REGISTER, any citizen of the United States, as defined in § 299.1 (h), who is entitled to an adjustment in the price of a vessel as provided for in paragraph (c) of this section may apply to the Commission for such adjustment. The application to receive consideration must be substantially in the form prescribed by the Commission in § 299.87 and shall be accompanied by applicant's own computation. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Commission has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Any information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Persons entitled to adjustment.* Any citizen of the United States, as defined in § 299.1 (h), who on March 8, 1946:

(1) Owned a vessel which he purchased from the Commission prior to such date and which was delivered by its builder after December 31, 1940; or

(2) Was a party to a contract with the Commission to purchase from the Commission a vessel, which had not yet been delivered to him; or

(3) Owned a vessel on account of which a construction-differential subsidy was paid, or agreed to be paid, by the Commission under section 504 of the Merchant Marine Act, 1936, as amended, and which was delivered by its builder after December 31, 1940; or

(4) Was a party to a contract with a shipbuilder for the construction for him of a vessel, which had not yet been delivered to him, and on account of which a construction-differential subsidy was agreed, prior to such date, to be paid by the Commission under section 504 of the Merchant Marine Act, 1936, as amended,

shall, except as hereinafter provided, be entitled to an adjustment in the price of such vessel as provided in paragraph (a) of this section. No adjustment will be made in respect of any vessel the contract for the construction of which was made after September 2, 1945; under the provisions of Title V (including section 504) or Title VII of the Merchant Marine Act, 1936, as amended.

(d) *Amount of adjustment.* An adjustment will be made, as hereinafter provided, by treating the vessel as if it were being sold to the applicant on March 8, 1946, and not before that time. The amount of such adjustment will be determined as follows:

(1) The Commission will credit the applicant, for the purposes of subparagraph (8) of this paragraph, with the excess of all cash payments made upon the original purchase price of the vessel over 25 per centum of the statutory sales price of the vessel as of March 8, 1946. If such payment was less than 25 per centum of the statutory sales price of the vessel, the applicant will pay the difference to the Commission.

(2) The applicant's indebtedness under any mortgage to the United States with respect to the vessel will be adjusted.

(3) The adjusted mortgage indebtedness will be in an amount equal to the excess of the statutory sales price of the vessel as of March 8, 1946, over the sum of the cash payment retained by the United States under subparagraph (1) of this paragraph plus the readjusted trade-in allowance (determined under subparagraph (7)) with respect to any vessel exchanged by the applicant on the original purchase. The adjusted mortgage indebtedness will be payable in equal annual installments thereafter during the remaining life of such mortgage with interest on the portion of the statutory sales price remaining unpaid at the rate of three and one-half (3½%) per centum per annum.

(4) The Commission will credit the applicant, for the purposes of subparagraph (8) of this paragraph, with the excess, if any, of the sum of the cash payments made by the applicant upon the original purchase price of the vessel plus the readjusted trade-in allowance (determined under subparagraph (7)) over the statutory sales price of the vessel as of March 8, 1946, to the extent not credited under subparagraph (1).

(5) The Commission will also credit the applicant, for the purposes of subparagraph (8) of this paragraph, with an amount equal to interest at the rate of three and one-half (3½%) per centum per annum (for the period beginning with the date of the original delivery of the vessel to the applicant and ending with March 8, 1946), on the excess of the original purchase price of the vessel over the amount of any allowance originally allowed by the Commission to the appli-

cant on the exchange of any vessel on such purchase; the amount of such credit first being reduced by any interest on the original mortgage indebtedness accrued up to such date of enactment and unpaid. Interest so accrued and unpaid will be cancelled.

(6) The applicant will credit the Commission, for the purposes of subparagraph (8) of this paragraph, with all amounts paid by the United States to him as charter hire for the bareboat use of the vessel, whether the vessel was under time or bareboat charter, under any charter party made prior to March 8, 1946, and any charter hire for such use accrued up to such date and unpaid shall be cancelled; and the Commission will credit the applicant for the purposes of subparagraph (8) with the amount that would have been paid by the United States to the applicant as charter hire for bareboat use of vessels exchanged by the applicant on the original purchase (for the period beginning with date on which the vessels so exchanged were delivered to the Commission and ending with March 8, 1946.)

(7) The allowance made to the applicant on any vessel exchanged by him on the original purchase will be readjusted so as to limit such allowance to the amount provided for under § 299.22.

(8) There will be subtracted from the sum of the credits in favor of the Commission under the foregoing provisions of this subparagraph the amount of any overpayments of Federal taxes by the applicant resulting from the application of paragraph (e) (1) of this section, and there will be subtracted from the sum of the credits in favor of the applicant under the foregoing provisions of this subparagraph the amount of any deficiencies in Federal taxes of the applicant resulting from the application of said paragraph (e) (1). If, after making such subtractions, the sum of the credits in favor of the applicant exceeds the sum of the credits in favor of the Commission, such excess will be paid by the Commission to the applicant. If, after making such subtractions, the sum of the credits in favor of the Commission exceeds the sum of the credits in favor of the applicant, such excess will be paid by the applicant to the Commission. Upon such payment by the Commission or the applicant, such overpayments will be treated as having been refunded and such deficiencies as having been paid.

For the purpose of this paragraph, the purchase price of a vessel on account of which a construction-differential subsidy was paid or agreed to be paid under section 504 of the Merchant Marine Act, 1936, as amended, will be the net cost of the vessel to the owner.

(e) *Condition of adjustment.* An adjustment will be made under this section only if the applicant enters into an agreement with the Commission binding upon the citizen-applicant and any affiliated interest to the effect that:

(1) Depreciation and amortization allowed or allowable with respect to the vessel up to March 8, 1946 for Federal tax purposes shall be treated as not having been allowable; amounts credited to the Commission under paragraph (d) (6) of this section shall be treated for

Federal tax purposes as not having been received or accrued as income; amounts credited to the applicant under paragraph (d) (5) and (6) of this section shall be treated for Federal tax purposes as having been received and accrued as income in the taxable year in which falls March 8, 1946;

(2) The liability of the United States for use (exclusive of service, if any, required under the terms of the charter) of the vessel on or after March 8, 1946 under any charter party shall not exceed 15 per centum per annum of the statutory sales price of the vessel as of March 8, 1946; and the liability of the United States under any such charter party for loss of the vessel shall be determined on the basis of the statutory sales price as of March 8, 1946, depreciated to the date of loss at the rate of 5 per centum per annum; and

(3) In the event the United States, prior to the termination of the existing national emergency declared by the President on May 27, 1941, uses such vessel pursuant to a taking, or pursuant to a bareboat charter made, on or after March 8, 1946, the compensation to be paid to the purchaser, his receivers, and trustees, shall in no event be greater than 15 per centum per annum of the statutory sales price as of March 8, 1946.

(f) *Method of adjustment.* If the Commission finds that applicant is entitled to an adjustment, applicant will be notified of the adjusted purchase price determined by the Commission. Unless the applicant notifies the Commission to the contrary within 15 days following the date of receipt by the applicant of the Commission's determination of adjusted purchase price, this adjusted purchase price will be binding upon the applicant and it agrees to execute an addendum to its original contract to purchase, which addendum will be sent to him by the Commission.

SUBPART F—PREWAR DOMESTIC COSTS; STATUTORY SALES PRICES

NOTE: 1. Design characteristics are for identification purposes and are not warranted as those of any particular vessel.

2. Descriptions and prices of additional vessel types will be published in the near future as amendments to this subpart.

§ 299.56 *Prewar domestic costs; statutory sales prices.* The prewar domestic costs set forth in this section have been determined by the Commission pursuant to section 3 (c) of the act to be the amounts for which a standard vessel of the type specified could have been constructed (without its national defense features) in the United States under normal conditions relating to labor, materials, and other elements of cost, obtaining on or about January 1, 1941. In no case does the prewar domestic cost set forth in this section with respect to any type of vessel exceed 80% of the domestic war cost of a vessel of the same type. The unadjusted statutory sales prices set forth in this section have been determined by the Commission pursuant to section 3 (d) of the act.

(a) *Type C1-MT-BU1.* The C1-MT-BU1 lumber freighter is a steel, full scantling type vessel with a raked stem and cruiser stern. The propelling ma-

chinery, consisting of twin screws powered by Diesel engines, is located aft.

The principal design characteristics of this vessel are listed below:

- Length over-all: 319' 0".
- Beam molded: 49' 0".
- Depth molded: 26' 0".
- Load draft molded: 21' 7".
- Deadweight tons: 4,950.
- Gross tons: 3,130.
- Net tons: 1,900.
- Bale cubic capacity: 243,000.
- Propulsion: Diesel.
- Shaft hp., normal: 2,400.
- Speed, knots: 12.

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$1,063,000	\$1,396,813	\$531,500	\$488,885

(b) *Type C1*. The standard vessel is a steel cargo vessel with a raked stem and cruiser stern. The quarters will accommodate eight passengers in four staterooms. Deep tanks are installed at the forward end of No. 1 hold. The machinery is located amidships.

There are two basic designs of the C1 type which are considered to be standard, the C1A and the C1B.

The principal design characteristics of the standard vessels are listed below:

	C1A	C1B
Design.....	Shelter deck..	Full scantling.
Length overall.....	412' 3"	417' 5"
Beam molded.....	60' 0"	60' 0"
Depth molded.....	37' 6"	37' 6"
Load draft molded.....	23' 6"	27' 6"
Deadweight tons.....	7,400	9,100
Gross tons.....	5,100	6,700
Net tons.....	2,900	3,900
Bale cubic capacity.....	447,000	452,000
Propulsion.....	Turbine or Diesel.	Turbine or Diesel.
Shaft H. P., normal.....	4,000	4,000
Speed, knots.....	14	14

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$1,940,000	\$2,608,168	\$970,000	\$912,859

(c) *Type C2*. The standard C2 vessel is a steel cargo vessel with a raked stem and cruiser stern. The quarters will accommodate eight passengers in four staterooms. There are four deep tanks in No. 4 hold. The machinery is located amidships.

There are two basic designs of the C2 type which are considered to be standard, the C2-S-B1 and the C2-S-AJ1.

The principal design characteristics of the standard vessels are listed below:

	C2-S-B1	C2-S-AJ1
Design.....	Shelter deck..	Modified full scantling.
Length overall.....	459' 3"	459' 1"
Beam molded.....	63' 0"	63' 0"
Depth molded.....	40' 6"	40' 0"
Load draft molded.....	25' 9"	27' 7"
Deadweight tons.....	9,200	10,800
Gross tons.....	6,200	8,300
Net tons.....	3,500	4,800
Bale cubic capacity.....	546,000	542,800
Net refrigerated capacity.....		
Propulsion.....	Turbine.....	Turbine.....
Shaft h. p., normal.....	6,000	6,000
Speed, knots.....	15½	15½

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,100,000	\$2,736,624	\$1,050,000	\$957,818

(d) *Type C4*. The standard C4 cargo vessel is a steel, full scantling type vessel with a raked stem and cruiser stern. The quarters will accommodate twelve passengers in four staterooms. The propelling machinery is located aft.

The principal design characteristics of the standard vessel are listed below:

- Length over-all, 520' 0".
- Beam molded, 71' 6".
- Depth molded, 43' 6".
- Load draft molded, 32' 9".
- Deadweight tons, 15,570.
- Gross tons, 10,780.
- Net tons, 7,530.

	Standard EC2-S-C1	Modified		
		Z-EC2-S-C3 boxed	Z-ET1-S-C3	EC2-S-AW1
Design.....	Full scantling.....	Airplane tr.....	Tanker.....	Collier.....
Length over-all.....	441' 6"	441' 6"	441' 6"	441' 6"
Beam molded.....	56' 11"	56' 11"	56' 11"	56' 11"
Depth molded.....	37' 4"	37' 4"	37' 4"	37' 4"
Load draft molded.....	27' 8"	27' 8"	27' 8"	28' 7"
Deadweight tons.....	10,800	10,600	10,800	11,040
Gross tons.....	7,170	7,243	7,243	6,640
Net tons.....	4,380	4,300	4,384	3,740
Bale cubic capacity.....	500,000	490,000		472,800
Barrel capacity.....			65,000	
Propulsion.....	Steam recip. ¹	Steam recip. ¹	Steam recip. ¹	Steam recip. ¹
Indicated horsepower.....	2,500	2,500	2,500	2,500
Speed, knots.....	11	11	11	11

¹ Located amidship.
¹ Located aft.

The prices of the Ec2 vessels, which under the terms of the Act shall be the same for all designs, are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$1,278,000	\$1,728,500	\$639,000	\$544,500

(f) *Type VC2 (Victory)*. The standard Victory cargo vessel is a steel, full scantling type vessel with a raked stem and cruiser stern. The quarters will accommodate eight passengers in four staterooms. Deep tanks are installed abreast of and up to the top of the shaft alley in No. 4 and No. 5 holds. The propelling machinery is located amidships.

	Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
VC2-S-AP2.....	\$1,958,000	\$2,511,877	\$979,000	\$879,157
VC2-S-AP3.....	2,130,000	2,872,659	1,065,000	1,005,431

(g) *Type T2-SE-A1 tanker*. The T2-SE-A1 tanker is a steel, 140,000 barrel tanker with a raked stem and a cruiser stern. The propelling machinery consists of turbo-electric drive and a single screw. The machinery is located aft.

The principal characteristics of the standard vessel are listed below:

- Length over-all: 523' 6".
- Beam molded: 68' 0".
- Depth molded: 39' 3".
- Load draft molded: 30' 2".
- Deadweight tons: 16,760.

- Bale cubic capacity, 711,580.
- Propulsion, Turbine.
- Shaft h. p., normal, 9,000.
- Speed, knots, 16½.

The prices of the standard type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$3,300,000	\$4,420,965	\$1,650,000	\$1,547,338

(e) *Type EC2 (Liberty)*. The standard Liberty cargo vessel is a steel, full scantling vessel with a raked stem and cruiser stern. Deep tanks are installed in No. 1 and No. 4 holds. The propelling machinery is located amidships.

The principal design characteristics of the standard vessel and of the modified designs are listed below:

	Standard VC2-S-AP2	Modified
		VC2-S-AP3
Design.....	Full scantling.	Full scantling.
Length over-all.....	455' 3"	455' 3"
Beam molded.....	62' 0"	62' 0"
Depth molded.....	38' 0"	38' 0"
Load draft molded.....	28' 6"	28' 6"
Deadweight tons.....	10,800	10,800
Gross tons.....	7,608	7,600
Net tons.....	4,600	4,600
Bale cubic capacity.....	453,000	453,000
Propulsion.....	Turbine.....	Turbine.....
Shaft hp., normal.....	6,000	8,500
Speed, knots.....	15.3	17.

The principal characteristics of the standard vessel and of the modified design are listed below:

	Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
Gross tons: 10,200.				
Net tons: 6,100.				
Propulsion: Turbo-electric.				
Shaft h. p., normal: 6,000.				
Speed, knots: 14½.				

The prices of the standard and modified type are as follows:

	Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
The prices of the standard type are as follows:				
	\$2,316,000	\$3,010,703	\$2,026,500	\$1,505,352

(h) *Type T3-S-A1 tanker.* The T3 is a steel, 134,000 barrel tanker with a raked stem and cruiser stern. The propelling machinery is located aft.

The principal design characteristics of the standard vessel are listed below:

- Length over-all: 501' 8".
- Beam molded: 68' 0".
- Depth molded: 37' 0".
- Draft molded: 29' 11".
- Deadweight tons: 16,500.
- Gross tons: 9,900.
- Net tons: 5,900.
- Propulsion: Turbine.
- Shaft h. p., normal: 7,000.
- Speed, knots: 15½.

The prices of the standard type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,175,000	\$2,970,029	\$1,903,125	\$1,465,015

SUBPART G—FORMS

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

§ 299.71 *Application to purchase a war-built vessel.* The form of such application shall be substantially as follows:

APPLICATION TO PURCHASE WAR-BUILT VESSEL (S)

Filed by _____
a citizen of _____

The undersigned hereby offers to purchase the war-built vessel(s) hereinafter described (herein called the "war-built vessel(s)") at the statutory sales price, in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the United States Maritime Commission (herein called the "Commission"), §§ 299.1 to 299.91, inclusive, of General Order 60, published in the FEDERAL REGISTER (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Commission after the date of publication of such amendment or modification in the FEDERAL REGISTER.

In order to induce the Commission to act favorably on this application, the applicant submits in support thereof the following information:

A. As to the applicant: Its citizenship and affiliations

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices and of important branch offices, if any.
5. A brief description of (a) the shipping business of the applicant; and (b) any other business activities of the applicant during the preceding eight years. If within such period the applicant has acquired the business of another person or has been reorganized, there should be included a brief description of such acquisition or reorganization.
6. A list of (a) all subsidiaries, (b) parent company, and (c) all other affiliated interests of the applicant, together with an indication of the nature and extent of the

business transacted for the past eight years by each. This information may be furnished in the form of a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.

7. The following information with respect to each officer and director of the applicant: name and address, office, nationality, capital shares owned.¹

8. Applicant represents that he is a citizen of _____. If applicant claims United States citizenship, attach to the three originals of the application affidavits of United States citizenship in form prescribed by the Commission.

If applicant claims citizenship other than United States citizenship, there should be furnished an affidavit setting forth the facts upon which such claim is based.

In all cases the Commission reserves the right to require such additional information with regard to citizenship which may be necessary to determine the eligibility of applicant under the Act.

B. As to the management of the applicant

9. A brief description of the principal business activities during the past eight years of each director and each principal executive officer of the applicant, if requested.

10. The name and address of each other organization engaged in shipping activities with which any person named in answer to the preceding item has any present substantial business connection, the name of such person and, briefly, the nature of such connection, if requested.

11. The name and address of any person who is now acting or within the past eight years has acted as managing or operating agent of the applicant or in any similar capacity and, briefly, the general terms of any agreement with reference thereto, if requested.

C. As to the war-built vessels

12. Applicant offers to purchase, at the statutory sales price(s), as determined by the Commission, the war-built vessel(s) designated in items 13 and 14, or the alternative vessels designated in item 15.

13. If specific vessels are applied for, as distinguished from any one or more of a given type, the names of the vessels must be given under this item.

14. If applicant is willing to accept any one or more vessel(s) of a given type or designation, as distinguished from particular vessels, the type or designation of the vessels desired should be set forth as follows:

_____ vessel(s) of
Type _____
Commission's designation _____
Particular characteristics _____

15. If more than one vessel is applied for, state whether applicant will buy any one or more if all are not available for sale to him by placing an "X" or the appropriate number, as the case may be, in the proper space below. In the absence of any indication, it will be assumed that the applicant is willing to accept all or any of the vessels.

- (a) All only () .
- (b) All or any () .
- (c) Any but not less than _____

Instead of indicating preference by the above table, applicant may designate vessel(s) which he would like to have substituted for those listed in items 12 and 13, if for any reason such vessel(s) cannot be sold to the applicant. Applicant may state as many as three alternative lists of vessels,

¹ If applicant has more than one class of stock, the information requested must be furnished for each class of stock.

² Answers to questions under B may be omitted by applicants not seeking mortgage aid.

provided it clearly indicates its order or preference with respect to them.³

D. Terms and conditions of sales

16. If the application is approved by the Commission, the applicant agrees to execute a contract of sale in form prescribed by the Commission. State what portion of the purchase price (not less than 25 percent of the statutory sales price)⁴ applicant agrees to pay not later than upon delivery of the vessel.

17. Furnish full details as to the manner in which the applicant proposes to obtain the amount needed to defray the purchase price of the vessel(s) (that is, at least 25 percent of the purchase price). The applicant should also furnish full details of any proposed security issue, including names of underwriters.

18. If this application is approved by the Commission, state whether or not applicant intends to apply to the Commission, pursuant to section 9 or section 37 of the Shipping Act of 1916, for approval to transfer or place under foreign registry or flag the vessel(s) referred to above after applicant has purchased them.⁵ If applicant intends to apply for such approval, state to what foreign registry or flag.

19. Does applicant propose to trade in old vessel(s) for an allowance of credit on the purchase price of a war-built vessel?⁶ If so, is application contingent thereon? State date of application for determination for allowance of credit, if filed.

E. Preference

20. A statement showing the extent to which losses and requisitions of the applicant's prewar tonnage have been overcome and other information in support of request for preference.

F. Supplemental information

21. A brief description of the general character and location of the principal property of the applicant, other than vessels, employed in its business.

22. (a) A list of vessels owned by the applicant, including (1) name; (2) gross tonnage; (3) net tonnage; (4) deadweight tonnage; (5) bale capacities; (6) year built; (7) type; (8) speed; (9) registry; and (10) identification of route or service on which operated.

(b) Information similar to that specified in (a) as to any vessels chartered to and operated by the applicant.

23. Briefly, the general terms of each charter for operation (a) of vessels owned by the applicant and chartered by it to other persons, and (b) of vessels chartered by the applicant from other persons.

24. Full details concerning the services, routes, or lines on which vessels owned or

³ Alternative lists of vessels need not be given at the time the application is filed, but may be added later as an amendment to the application. However, the date of the amendment and not the date of the filing of the original application will be controlling in determining preferences, discussed in § 299.2 of the regulations, with respect to the vessel(s) added by the amendment.

⁴ Any trade-in allowance approved by the Commission shall not be applied in reduction of the down payment of 25 percent of the statutory sales price as required by the Act, but shall be applied or credited on any unpaid balance remaining after applying the credit resulting from the down payment.

⁵ See § 299.2 (e) of the regulations.

⁶ See § 299.22 of the regulations.

⁷ Questions under F are optional for applicants who are citizens of the United States unless such applicants request mortgage aid or request reconversion of the vessel(s) pursuant to § 299.7 of the regulations.

chartered by the applicant are now operated, including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year, description of services and voyages, and names of vessels segregated according to services, routes, or lines.

25. Type and kind of cargo now carried in the trade served as stated in the answer to item 24, information as to how the service or line may be developed for carrying additional types and kinds of cargo, and any factors influencing cargo expectations for the future. If the war-built vessel is to be a combination passenger and freight vessel, state also, by classes, the passenger accommodations and the number of passengers carried and any factors influencing traffic expectations for the future.

26. Information similar to that called for by the two preceding items with respect to any new service, route, or line which the applicant proposes presently to establish.

27. Identification of the service, route, or line described in answer to item 24 or item 26, on which the applicant propose to operate the war-built vessel, brief description of passenger accommodations, and statement of type and kind of cargo to be carried by the war-built vessel. Any special requirements of such service, route, or line and the manner in which they may be met by the use of the war-built vessel should be discussed briefly. Any changes in existing services, routes, or lines which the applicant proposes to make in connection with the use of the war-built vessel should also be indicated.

28. A statement as to whether or not the war-built vessel is to be used to replace a vessel now operated by the applicant and, if so, the name of such vessel and the proposed disposition to be made of it by the applicant.

G. As to exhibits furnished

29. A list of exhibits, properly identified, which shall include at the time of original filing, the following:

Exhibit I—A copy of the Certificate of Incorporation of the applicant or other organization papers, including all amendments thereto presently in effect.⁸

Exhibit II—A copy of the by-laws or other governing instruments of the applicant, including all amendments thereto presently in effect.⁹

Exhibit III—A copy of (1) a balance sheet as of a date within six months of the date of filing the application with the Commission, (2) a brief statement of the nature of any substantial changes in the financial condition of the applicant or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for the three fiscal years preceding the date of such balance sheet and the three fiscal years ending in 1939, 1940 and 1941.⁹

If during the period covered by such profit and loss statements, the applicant succeeded to the business and assets of another person, the statements furnished should reflect the operations of such predecessor or predecessors for that part of such period preceding the date of acquisition.⁹

Exhibit IV—A copy (specimen if available) of each form of bonds or notes included in the funded debt of the applicant and a copy of each indenture or other instrument under which such securities were issued, including all amendments thereto presently in effect.⁹

[CORPORATE SEAL] _____
(Name of applicant)
By _____
(President)

⁸ Exhibits I and II need be attached to only two executed copies. If Exhibits I and II are not in the English language, formal translations thereof should also be furnished.

⁹ Exhibit III and IV may be omitted by applicants not seeking mortgage aid.

Attest:

(Secretary)

(Date)

§ 299.76 Application for determination of allowance of credit for exchange of old vessel. The form of such application shall be substantially as follows:

APPLICATION FOR DETERMINATION OF ALLOWANCE OF CREDIT ON PURCHASE PRICE OF VESSEL

For exchange of old vessel owned by _____ a citizen of _____

The undersigned requests the Commission to determine the allowance of credit it will make on the purchase price of the vessel or vessels described in item 8 hereof (herein called the "Commission vessel(s)"), for title to the vessel or vessels described in item 3 hereof (herein called the "old vessel(s)"), in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "Act"), and the rules and regulations prescribed by the United States Maritime Commission (herein called the "Commission"), §§ 299.1 to 299.91, inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Commission after the date of publication of such amendment or modification in the FEDERAL REGISTER.

A. General

1. The applicant is a corporation duly organized and existing under the laws of the State of _____

2. (a) The applicant is a citizen of _____

(b) If applicant is a foreign corporation, state whether controlling interest is owned by a citizen or citizens of the United States and, if so, when was such controlling interest acquired.²

B. Old vessel(s)

3. (a) Number of old vessels to be turned in _____

(b) Aggregate deadweight tonnage _____

(c) Aggregate gross tonnage _____

(d) Name of old vessel(s) (including former names) _____

(e) Official numbers _____

(f) Date of delivery by shipbuilder _____

(g) Name of shipbuilder _____

¹ If the applicant is a citizen of the United States, insert "the United States within the meaning of section 2 of the Shipping Act, 1916, as amended, and section 905 (c) of the Merchant Marine Act, 1936, as amended, and agrees that if the Commission shall take favorable action upon this application, it will furnish promptly, but in any event prior to the acquisition by the Commission of the old vessel, proof satisfactory to the Commission of such citizenship." If the applicant is not a citizen of the United States, insert the name of the country of which applicant is a citizen.

² With respect to United States citizens who own the controlling interest in a foreign corporation, proof satisfactory to the Commission of such citizenship and such control will be required if the Commission takes favorable action on this application.

- (h) Place of construction _____
- (i) Original cost of construction _____
- (j) Documented under laws of _____
- (k) Date acquired by applicant _____
- (l) From whom acquired _____
- (m) Cost to applicant _____
- (n) If acquired at any time from the United States, give price paid United States, date and by whom acquired _____
- (o) When reconstructed or reconditioned³ _____
- (p) Name and location of shipyard(s) performing work³ _____
- (q) Cost of such reconstruction or reconditioning³ _____
- (r) Detailed description of the nature of such reconstruction or reconditioning³ _____
- (s) Transcript of depreciation schedule filed with last federal income tax return _____

³ If any vessel listed under Item 3 has been built in a foreign shipyard, state whether such vessel is presently entitled to the privilege of engaging in domestic trade and the date when such privilege was acquired.

⁴ A. Transfer to applicant. If the vessels were acquired by the applicant otherwise than through cash payment in full therefor, or were acquired for cash, or otherwise, from a transferor in any way affiliated or associated with the applicant, full information shall be given with respect to the following: (1) From whom acquired; (2) terms of sale, cash or otherwise, to applicant; (3) cost, cash or otherwise, to affiliate or associate; (4) details of betterments (nature and cost) made by applicant, and such affiliate or associate; (5) details of any book appreciation and reasons therefore; (6) the affiliation or association, existing between the applicant and the transferor as of the time of the acquisition of the vessels by Applicant and as of the time of this application.

B. Prior transfers. If any prior owner of the vessels, other than the immediate transferor to the applicant, was at any time during the period of such ownership, or is, at the time of this application, in any way associated or affiliated with the applicant, full information shall be given with respect to each such prior ownership, as follows: (1) name of prior owner; (2) from whom acquired by such prior owner; (3) cost and other terms of sale, cash or otherwise, to such prior owner; (4) to whom transferred by such prior owner; (5) price and other terms of sale, cash or otherwise, to the transferor from such prior owner; (6) details of betterments (nature and cost) made by such prior owner; (7) details of any book appreciation made by such prior owner and reasons therefor; (8) the affiliation and association between such prior owner with the applicant and with the transferor to such prior owner, existing at the time of acquisition of the vessel by said prior owner and at the time of this application.

C. Schedules. The information required pursuant to items A and B above, should be furnished for each vessel in the form of schedules designated 3 (a), 3 (b), etc., and attached to this application.

⁵ As to items (o) to (r) inclusive, state separately, and in detail, as far as possible, work done by or for the account of the United States.

4. If the old vessel(s) listed in item 3 is or has been subject to any agreement with the United States which contains a valuation of the vessel(s) for purposes of just compensation, insurance value or other purposes, identify the agreement and list here the amounts specified.

5. There are attached hereto and made a part of this application, schedules designated 5 (a) to 5 (z), inclusive, with respect to each of the vessels listed in item 3 hereof, the following information with respect thereto: (Please repeat headings in filing out schedules).

- (a) Type of vessel.
- (b) Class.
- (c) No. of propellers.
- (d) Type of propulsion.
- (e) No. of main engines and horsepower.
- (f) Sustained sea speed at full load.
- (g) Length O. A.
- (h) Length B. P.
- (i) Breadth.
- (j) Depth.
- (k) Draft loaded.
- (l) Full load displacement, tons.
- (m) Deadweight, tons.
- (n) Lightweight, tons.
- (o) Gross tonnage.
- (p) Net tonnage.
- (q) Bale cubic capacity.
- (r) Number of complete decks.
- (s) Number holds.
- (t) Number of passengers by classes.
- (u) Cubic feet of refrigerated space, with temperatures maintained.
- (v) Date of last survey and docking.
- (w) Estimated cost of repairs necessary to continue in class at this time.
- (x) One copy of survey on redelivery of vessel by United States.
- (y) Present employment and location of each vessel.
- (z) If chartered, state to whom. If under charter to the United States, give date and number of charter party.

6. The date subsequent to the date of this application on which said vessel(s) will arrive at its final port of discharge within the continental limits of the United States or, if not in operation, its present location.

7. Applicant represents that, subject to agreement on the terms of exchange, the old vessel(s) listed in item 3 hereof will be delivered by applicant to the Commission at approximately the time and at ports within the continental limits of the United States as follows:

Name of vessel	Approximate date of delivery to Commission	Place of delivery
-----	-----	-----
-----	-----	-----

except that applicant desires to retain for use the vessel(s) hereinafter listed in the service or services in which said vessel(s) are presently being operated and requests the Commission that said vessel(s) shall not be so delivered until the date(s) hereinafter set forth:

Name of vessel	Date of proposed delivery to Commission	Place of delivery ¹
-----	-----	-----
-----	-----	-----

C. Commission vessel

8. The allowance which may be granted by the Commission upon acquisition of the old vessel(s) is to be credited against the purchase price of the following vessel(s):

- (a) Number of vessel(s) to be purchased-----
- (b) Aggregate deadweight tonnage-----

¹This should be the last port of discharge within the continental limits of the United

- (c) Aggregate gross tonnage-----
- (d) Name(s) or type designation(s)-----
- (e) Date of application to purchase-----

9. Applicant understands and agrees that the old vessel(s) will be delivered to the Commission with warranty that the same are free and clear of all liens and encumbrances whatsoever, except that, in the discretion of the Commission, the vessel(s) may be accepted subject to liens and encumbrances covered by insurance on condition that insurance claims shall be assigned to the Commission. There are at this time no liens or encumbrances against any of said vessel(s), other than (a) maritime liens for crews' wages, supplies, and other ordinary expenses arising out of current operations, or (b) liens fully covered by insurance, except as follows:²

10. If the old vessel is owned by a foreign corporation, applicant understands and agrees that the Commission vessel purchased with the credit provided for by § 299.22 of the regulations shall be owned by the citizen or citizens of the United States having the controlling interest in the foreign corporation, and shall be documented under the laws of the United States. There is filed herewith, as an exhibit, the concurrence of such citizen, or citizens, in the application of the agreement to take title to the vessel and documentation under the laws of the United States.

11. The applicant submits the following additional information (annexed hereto as Schedules 11 (a) to 11 ---, inclusive), for the use of the Commission in considering this application (including information which the applicant wishes to have considered in connection with the amount of credit to be allowed).

[CORPORATE SEAL] -----
(Name of applicant)³

By: -----
Attest: -----

Secretary

(Date)

§ 299.78 Offer of applicant to exchange vessel for allowance of credit on a vessel. The form of such offer shall be substantially as follows:

OFFER OF APPLICANT TO EXCHANGE VESSEL FOR ALLOWANCE OF CREDIT ON PURCHASE PRICE OF A VESSEL

----- a citizen of -----

The undersigned offers to exchange the ----- (herein called the old vessel),

States on the route in which the vessel is to be operated, and the time of delivery should be approximately the date on which it is expected that the vessel(s) replacing such old vessel(s) will be delivered to the applicant. In no case will the physical delivery of the old vessel be postponed beyond the termination date of the voyage in progress at the time the vessel was delivered.

²There should be listed in the space provided for herein on schedules designated 9 (a), 9 (b), etc., a statement of all preferred ship mortgages, all other mortgages, all judgments, all liens, or other liens affecting any or all of the vessels listed in item 3 containing particulars as to the property covered by such mortgage, judgments, or other liens, the amount thereof, and the manner in which applicant proposes to dispose of them prior to the acquisition of said vessel(s) by the Commission. Also list deductibles and franchises under policies of insurance.

³This application should be executed in triplicate by an officer of the applicant specifically authorized to do so, and the three originals and fifteen conformed copies, including all the schedules, should be mailed or delivered to the Commission in an envelope or wrapping plainly marked "Application for determination of Allowance of Credit."

for an allowance of credit on the purchase price of the vessel or vessels described in item B hereof (herein called the "Commission vessel(s)"), in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the United States Maritime Commission (herein called the "Commission") §§ 299.1 to 299.91, inclusive, of General Order 60, published in the FEDERAL REGISTER ----- (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this offer. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Commission after the date of publication of such amendment or modification in the FEDERAL REGISTER.

A. As to the old vessel

- 1. Name.
- 2. Official number.
- 3. Amount of allowance of credit determined by the Commission as the fair and reasonable value of the vessel(s) listed in 1, and the date of such determination by the Commission.

Vessel	Amount of allowance	Date of determination
-----	-----	-----
-----	-----	-----

Applicant warrants that the amount listed above is not more than any amount to which applicant is entitled under any other agreement with the United States covering subject vessel.

B. As to the Commission vessel

- 4. Name or other identification
- 5. Date of application to Commission to purchase

C. Firm offer binding for 90 days

6. The undersigned, being the owner of the old vessels, hereby makes a firm offer binding for 90 days from the date hereof to transfer the named vessel, or vessels, to the Commission in exchange for the allowance of credit specified in item A, and further agrees that if the vessel is lost for causes for which the United States is responsible, it will accept as full compensation for the loss of said vessel, the said amount.

D. Loss of vessel

7. If after this offer is filed with the Secretary, and prior to its acceptance, or prior to the acquisition of the vessel by the Commission, the vessel is lost by reason of causes for which the United States is responsible, applicant understands and agrees that, in lieu of receiving any amount on account of such loss, the offer shall be considered as having been accepted and the vessel as having been acquired by the Commission immediately prior to such loss. The applicant agrees with the Commission to full subrogation of its rights against its underwriters with respect to such loss. If vessel is lost, as provided above, applicant agrees to notify and direct its underwriters immediately to pay all benefits to the Commission.

[CORPORATE SEAL] -----
(Name of applicant)^{1 2 3}

By: -----

¹This application should be executed in triplicate by an officer of the applicant specifically authorized to do so, and the three originals and fifteen conformed copies, including all the schedules, should be mailed or delivered to the Commission in an envelope or wrapping plainly marked "Offer to exchange vessel for Allowance of Credit."

²This offer must be executed and returned by the applicant to the Commission within 15 days from the date of receipt of this form.

³The offer of exchange of vessels under this provision may only be made prior to December 31, 1946.

Attest:

 Secretary

 (Date)

§ 299.81 Application to charter a war-built vessel for bareboat use. The form of such application shall be substantially as follows:

APPLICATION TO CHARTER WAR-BUILT VESSEL(S)

Filed by ----- a citizen of -----

The undersigned hereby offers to charter for bare-boat use the war-built dry cargo vessel(s) hereinafter described (herein called the "war-built vessel(s)"), in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946, (herein called the "act"), and the rules and regulations prescribed by the United States Maritime Commission (herein called the "Commission"), §§ 299.1 to 299.91 inclusive, of General Order 60, published in the FEDERAL REGISTER (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Commission after the date of publication of such amendment or modification in the FEDERAL REGISTER.

In order to induce the Commission to act favorably on this application, the applicant submits in support thereof the following information:

A. As to the applicant: its citizenship and affiliations

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices, and of important branch offices, if any.
5. A brief description of (a) the shipping business of the applicant; and (b) any other business activities of the applicant during the preceding eight years. If within such period the applicant has acquired the business of another person or has been reorganized, there should be included a brief description of such acquisition or reorganization.
6. A list of (a) all subsidiaries, (b) parent company, and (c) all other affiliated interests of the applicant, together with an indication of the nature of the business transacted during the past eight years by each. This information may be furnished in the form of a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.

7. The following information with respect to each officer and director of the applicant: name and address, office, nationality, capital shares owned.¹

8. Applicant represents that he is a citizen of ----- If applicant claims United States citizenship, attach to the three originals of the applications, affidavits of United States citizenship in form prescribed by the Commission.

If applicant claims Philippine citizenship, there should be furnished an affidavit setting forth the facts upon which such claim is based.²

In all cases the Commission reserves the right to require such additional information with regard to citizenship which may be necessary to determine the eligibility of applicant under the act.

¹ If applicant has more than one class of stock, the information requested must be furnished for each class of stock.

² Application to charter by Philippine citizens can be considered only if filed with the Commission prior to July 4, 1946. Philippine citizens should state whether they intend to operate under American or Philippine flag.

B. As to the management of the applicant

9. A brief description of the principal business activities during the past eight years of each director and each principal executive officer of the applicant, if requested.

10. The name and address of each other organization engaged in shipping activities with which any person named in answer to the preceding item has any present substantial business connection, the name of such person and, briefly, the nature of such connection, if requested.

11. The name and address of any person who is now acting or within the past eight years has acted as managing or operating agent of the applicant or in any similar capacity and, briefly, the general terms of any agreement with reference thereto, if requested.

C. As to the war-built vessels

12. Applicant offers to charter for bareboat use the war-built dry cargo vessel(s) designated in items 13 and 14, or the alternative vessels designated in item 15.

13. If specific vessels are applied for, as distinguished from any one or more of a given type, the names of the vessels must be given under this item.

14. If applicant is willing to accept any one or more vessel(s) of a given type or designation, as distinguished from particular vessels, the type or designation of the vessels desired should be set forth as follows:

----- vessel(s) of
 Type -----
 Commission's designation -----

 Particular characteristics -----

15. If more than one vessel is applied for, state whether applicant will charter any one or more if all are not available for charter to him, by placing an "X" or the appropriate number, as the case may be, in the proper space below. In the absence of any indication, it will be assumed that the applicant is willing to accept all or any of the vessels.

- (a) All only ().
- (b) All or any ().
- (c) Any but not less than -----

Instead of indicating preference by the above table, applicant may designate vessel(s) which he would like to have substituted for those listed in items 12 and 13, if for any reason such vessel(s) cannot be chartered to the applicant. Applicant may state as many as three alternative lists of vessels, provided he clearly indicates his order of preference with respect to them.³

D. Terms and conditions of charter

16. If the application is approved by the Commission, the applicant agrees to execute a bareboat charter party agreement in such form as the Commission may prescribe.

17. (a) State the period for which applicant desires to charter the vessel.⁴

(b) State whether applicant contemplates sub-chartering the vessel(s) on bareboat form or on time form for periods of six months or more and if so, details of contemplated subcharter.

E. Preference

18. A statement showing the extent to which losses and requisitions of the applicant's prewar tonnage have been overcome.

³ Alternative lists of vessels need not be given at the time the application is filed, but may be added later as an amendment to the application. However, the date of the amendment and not the date of the filing of the original application will be controlling in determining preferences, discussed in § 299.2 of the regulations, with respect to the vessel(s) added by the amendment.

⁴ See § 299.31 (e) of regulations.

F. Supplemental Information

19. A brief description of the general character and location of the principal property of the applicant, other than vessels, employed in its business.

20. A list of vessels owned by the applicant, including (a) name; (b) gross tonnage; (c) net tonnage; (d) deadweight tonnage; (e) bale capacities; (f) year built; (g) type; (h) speed; (i) registry; and (j) identification of route or service on which operated.

21. Information similar to that specified on item 20 as to any vessels chartered to and operated by the applicant.

22. Briefly, the general terms of each charter for operation (a) of vessels owned by the applicant and chartered by it to other persons, and (b) of vessels chartered by the applicant from other persons.

23. Full details concerning the services, routes, or lines on which vessels owned or chartered by the applicant are now operated, including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year, description of services and voyages, and names of vessels segregated according to services, routes, or lines.

24. Type and kind of cargo now carried in the trade served as stated in the answer to item 23, information as to how the service or line may be developed for carrying additional types and kinds of cargo, and any factors influencing cargo expectations for the future. If the war-built vessel is to be a combination passenger and freight vessel, state also, by classes, the passenger accommodations and the number of passengers carried and any factors influencing traffic expectations for the future.

25. Information similar to that called for by the two preceding items with respect to any new service, route, or line which the applicant proposes presently to establish.

26. Identification of the service, route, or line described in answer to item 23 or item 25, on which the applicant proposes to operate the war-built vessel, brief description of passenger accommodations, and statement of type and kind of cargo to be carried by the war-built vessel. Any special requirements of such service, route, or line and the manner in which they may be met by the use of the war-built vessel should be discussed briefly. Any changes in existing services, routes, or lines which the applicant proposes to make in connection with the use of the war-built vessel should also be indicated.

27. A statement as to whether or not the war-built vessel is to be used to replace a vessel now operated by the applicant and, if so, the name of such vessel and the proposed disposition to be made of it by the applicant.

G. As to exhibits furnished

28. A list of exhibits, properly identified, which shall include at the time of original filing, the following:

Exhibit I—A copy of the certificate of incorporation of the applicant or other organization papers, including all amendments thereto presently in effect.⁵

Exhibit II—A copy of the by-laws or other governing instruments of the applicant, including all amendments thereto presently in effect.⁵

Exhibit III—A copy of (1) a balance sheet as of a date within six months of the date of filing the application with the Commission, (2) a brief statement of the nature of any substantial changes in the financial condition of the applicant, or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for the three fiscal years preceding the date of such balance sheet and the three fiscal years ending in 1939, 1940 and 1941. If during the period covered by such profit and loss statements, the applicant succeeded to the business and assets of another person, the statements furnished

⁵ Exhibits I and II need be attached to only two executed copies.

should reflect the operations of such predecessor or predecessors for that part of such period preceding the date of acquisition.

[CORPORATE SEAL] _____
 (Name of applicant)
 By _____
 (President)
 Attest:

 (Secretary)

 (Date)

§ 299.83 Application for transfer of a war-built vessel in settlement of a claim against the United States. The form of such application shall be substantially as follows:

APPLICATION FOR TRANSFER OF WAR-BUILT VESSEL(S) IN SETTLEMENT OF A CLAIM AGAINST THE UNITED STATES

Filed by _____
 a citizen of _____

The undersigned hereby offers to accept the war-built vessel(s) described in the attached form 299.71 (herein called the "war-built vessel(s)") in complete or partial settlement of its claim against the United States which is herein identified and described, in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the United States Maritime Commission (herein called the "Commission"), §§ 299.1 to 299.91, inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Commission after the date of publication of such amendment or modification in the FEDERAL REGISTER.

In order to induce the Commission to act favorably on this application, the applicant submits in support thereof the following information:

A. Description of claim against United States

1. Amount of claim.
2. Will vessel(s) applied for be accepted in full settlement of claim?
3. If applicant will accept vessel(s) in partial settlement of claim only, state what part.
4. If for just compensation upon requisition for title of a vessel owned by applicant:
 - (a) Identify the requisition for title.
 - (b) Any determination of just compensation and by whom. Is claim in litigation? If so, give status thereof.
5. If for indemnity for the loss of any vessel which was acquired for use by the United States:
 - (a) Give data and contract number of charter with the United States; and
 - (b) Place and cause of loss.
 - (c) State whether actual or constructive total loss. If constructive total loss, give present disposition and location of hulk.
 - (d) State principal item comprising total loss claim.
 - (e) Is claim in litigation? If so, give status thereof.
6. Attach hereto answers to applicable questions in paragraphs 3, 4 and 5 of the form provided in § 299.76 of the regulations applicable to the vessel(s) from which the claim against the United States arose.
7. Attach hereto the certificate of the settling department or agency in substantially the form provided in § 299.83 of these regulations.

If the settling agency is the United States Maritime Commission or the War Shipping Administration, the application may be filed, without the certificate of the settling agency, but will be dated for preference purposes as

of the date certificate of settlement is subsequently filed by applicant.

B. As to war-built vessels

8. Applicant offers to accept in complete or partial settlement of its claim against the United States described in Paragraphs 1 through 6 the war-built vessel(s) designated in form 299.71 of the regulations (application to purchase form) which has been filled out in all respects, is to be considered as part of this application, and has been attached to this application in the required number of copies.

9. If more than one war-built vessel is involved, state how applicant proposes to apply the claim against each such vessel.¹

C. Terms and conditions of settlement.

10. If the application is approved by the Commission, the applicant agrees to execute a contract of settlement for claim against the United States and a contract of sale in such form as the Commission may prescribe.

[CORPORATE SEAL] _____
 (Name of applicant)
 By _____
 (President)

Attest:

 (Secretary)

 (Date)

CERTIFICATE OF SETTLING DEPARTMENT OR AGENCY

I, _____
 (Name) (Official title)
 hereby certify that I am duly authorized to effect settlement of the claim described in Part A of the application of _____
 (Name of applicant)

for transfer of a war-built vessel, or vessels, in settlement of a claim against the United States, that I have examined the statements of the applicant under the heading "A. Description of claim against the United States" and that, based upon information on file with said agency, such statements are correct and that, subject to a war-built vessel, or war-built vessels, described in said application, being made available by the United States Maritime Commission, a contract of settlement between said department or agency and the applicant has been authorized substantially in the form annexed as Exhibit A to this application.

This certificate has been executed in triplicate this _____ day of _____, 194____, and annexed by me to three original counterparts of said application.

§ 299.85 Application for transfer of another vessel for a vessel constructed in the United States since January 1, 1937, which was taken for use by the United States. The form of such application shall be substantially as follows:

APPLICATION FOR TRANSFER OF ANOTHER VESSEL FOR A VESSEL CONSTRUCTED IN THE UNITED STATES SINCE JANUARY 1, 1937, WHICH HAS BEEN TAKEN FOR USE BY THE UNITED STATES

Filed by _____
 a citizen of the United States.

The undersigned hereby applies for transfer of another vessel (herein called the "Commission vessel"), described in the attached form 299.71, for _____ (insert name of vessel) a vessel constructed in the United States after January 1, 1937, which was chartered to the United States on _____, and has not been redelivered (herein called the "applicant's vessel"), in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the United States Maritime Commission (herein called the "Commis-

¹ For types of settlement, see § 299.41 of the regulations.

sion"), §§ 299.1 to 299.91, inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Commission after the date of publication of such amendment or modifications in the FEDERAL REGISTER.

In order to induce the Commission to act favorably on this application, the applicant submits in support thereof the following information:

A. As to the applicant's vessel

1. Attach hereto answers to applicable questions in paragraphs 3, 4 and 5 of § 299.76 of the regulations.

2. Has application for readjustment been filed under § 299.87 of these regulations?

3. If answer to (2) above is "yes," give date of application; if "no" does applicant intend filing such an application?

4. Amounts and due dates of remaining payments under any mortgage with the United States and total amount of original mortgage indebtedness.

5. Give date taken by the United States under charter and charter party number.

B. As to the Commission vessel

6. Applicant offers to accept in complete settlement of the obligation of the United States under the charter party covering applicant's vessel described in A above, the Commission vessel(s) designated in form 299.71 of the regulations (application to purchase form) which has been filled out in all respects, is to be considered as part of this application, and has been attached to this application in the required number of copies.

C. Terms and conditions of transfer

7. If the application is approved by the Commission, the applicant agrees to execute a contract for transfer of the vessel for the war-built vessel.

[CORPORATE SEAL] _____
 (Name of applicant)
 By _____
 (President)

Attest:

 (Secretary)

 (Date)

§ 299.87 Application for adjustment of purchase price of vessel purchased prior to March 8, 1946. The form of application for such adjustment shall be substantially as follows:

APPLICATION FOR ADJUSTMENT OF PURCHASE PRICE¹

Filed by _____ a citizen of the United States.

The undersigned hereby applies for an adjustment in the purchase price of the _____ (herein called the "vessel") in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the United States Maritime Commission (herein called the "Commission"), §§ 299.1 to 299.91, inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding upon all transactions in connection with this application. Applicant also agrees that any amend-

¹ No application may be filed later than sixty (60) days after the date of publication of the applicable pre-war domestic cost in the FEDERAL REGISTER.

ment or modification of the rules and regulations shall be binding upon all transactions approved by the Commission after the date of publication of such amendment or modification in the FEDERAL REGISTER.

The applicant further agrees that upon request of the Commission it will promptly furnish for the taxable years, specified by the Commission copies of Federal income and excess profit taxes returns, any audits thereof made by the Bureau of Internal Revenue, copies of any refund or other claims filed in connection with such returns and other pertinent data necessary in order for the Commission to make the tax adjustments required by the Act, and consents to the Commission being given full access to any other record, audits, claims or other data on file with the Bureau of Internal Revenue.

In order to induce the Commission to act favorably on this application, the applicant submits in support thereof the following information.

A. As to the applicant

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices.
5. Applicant represents that it is a citizen of the United States and attaches to the three enclosed copies of this application, affidavits to that effect in the form prescribed by the Commission.

B. As to the vessel

6. Name of vessel.
7. Name and address of builder.
8. Commission hull no. -----
9. Builder's hull no. -----
10. Date of original delivery of the vessel. If not delivered, state estimated date of delivery.
11. Date of contract of sale under which the vessel was purchased or agreed to be purchased.
12. Date of contract of the Commission to pay construction-differential subsidy -----
No. of such subsidy contract -----
13. Cost of construction of vessel.
14. Price paid by applicant or agreed to be paid ----- (net cost to the applicant).
15. Amounts and dates of cash payments by applicant in 14 above.
16. Amounts and due dates of remaining payments under any mortgage with the United States and total amount of original mortgage indebtedness.

C. As to any charter prior to March 8, 1946, of the vessel to the United States

17. No. of charter agreement.
18. Type (time or bareboat).
19. Amount (exclusive of service) of charter hire paid to the applicant by the United States.
20. Amount (exclusive of service) of charter hire accrued and unpaid to March 8, 1946.

D. As to any vessel traded-in on purchase of vessel

21. Answer questions 3 and 4 of § 299.76.
22. Amount of original allowance by Commission on vessel traded-in.
23. No. of any charter agreement of such vessel with the United States.

E. As to Federal taxes paid by the applicant

24. The amount allowed or allowable to applicant for depreciation or amortization allowed or allowable with respect to the vessel up to March 8, 1946 for Federal tax purposes.
25. Amounts paid as Federal taxes by the applicant on any charter hire (exclusive of service) paid or payable by the United States to the applicant for use of the vessel.

F. Method of adjustment

26. Applicant understands that if the Commission finds that applicant is entitled to an adjustment, applicant will be notified of the adjusted purchase price determined by the Commission. Applicant agrees that unless it notifies the Commission to the contrary within 15 days following the date of receipt by the applicant of the Commission's determination of adjusted purchase price, this adjusted purchase price will be binding upon the applicant and it agrees to execute an addendum to its original contract to purchase, which addendum will be sent to him by the Commission.

G. Liability for use of vessel after March 8, 1946

27. Applicant agrees, in the addendum to its original contract of sale as provided in item 26 above, that it will make an agreement with the Commission binding upon itself and any and all affiliated interests that the liability of the United States for use (exclusive of service, if any, required under the terms of the charter) of the Vessel on and after March 8, 1946 under any charter party shall not exceed 15 per centum per annum of the statutory sales price of the vessel as of such date, and that the liability of the United States under any such charter party for the loss of the Vessel shall be determined on the basis of the statutory sales price as of such date, depreciated to the date of loss at the rate of 5 per centum per annum and that in the event the United States, prior to the termination of the existing national emergency declared by the President on May 27, 1941, uses such vessel pursuant to a taking, or pursuant to a bareboat charter made, on or after March 8, 1946, the compensation to be paid to the purchaser, his receivers, and trustees, shall in no event be greater than 15 per centum per annum of the statutory sales price as of such date.

H. As to exhibits filed

28. A list of exhibits, properly identified, which shall include at the time of original filing, the following:

Exhibit I—Applicant's own computation of the readjustment of the purchase price of his vessel in accordance with § 299.51 of the regulations. This shall be prepared by computing the adjusted mortgage indebtedness and identifying and totalling all credits and debits to the Commission and the applicant separately.

[CORPORATE SEAL] -----
(Name of applicant)

By -----
(President)

Attest: -----
(Secretary)

(date)

§ 299.91 Application for the reconversion, alteration or modification of a vessel. The form of application for the reconversion, restoration, replacement, alteration, modification of or installation of special features in a vessel shall be substantially as follows, and must be attached to the application for purchase or charter of the vessel covered by the application for reconversion.

APPLICATION FOR RECONVERSION OF VESSEL

Filed by ----- a citizen of -----
The undersigned hereby requests the Commission to modify the following vessel referred to in application dated ----- which the undersigned desires to -----
(purchase-charter)

* Applicant is also referred to § 299.5 of the regulations.

Name	Type	Commission Designation Particular Characteristics
-----	-----	-----
-----	-----	-----
-----	-----	-----

A. National defense features

1. The application desires that national defense features as outlined below be removed by the Commission from the vessel in the event that application to ----- (purchase or charter) is approved.

2. National defense features the removal of which is desired.

3. Indicate for each item the extent of removal desired and reasons therefor and, further, whether the retention of any part is desired.

B. Reconversions or restorations

The applicant desires that the following described reconversion or restoration for normal operation in commercial services be made in the vessel in the event that application for purchase or charter is approved. In order to induce the Commission to act favorably on this application, the applicant submits in support thereof the following information:

4. As to each item requested.

(a) Explicit description.

(b) Estimated cost of work.

5. As to need.

(a) Explain why each item is considered necessary, indicating service and route of operation of vessel, cargo to be carried, volume of traffic expected in terms of trip capacities (each leg), frequency of sailings, and manner in which traffic is now handled.

6. As to desirability.

(a) List of vessels owned by the applicant including name, gross tonnage, net tonnage, deadweight tonnage, age, speed, registry, and indicating presence and extent of items requested.

(b) List other vessels presently in proposed trade, including names, gross tonnage, net tonnage, deadweight tonnage, age, speed, registry, and indicating presence and extent of items requested.

(c) Indicate expected net yearly revenue to be attributable directly to the requested items.

(d) Indicate expected added or reduced net yearly operating costs attributable directly to the requested items.

(e) Indicate other benefits, monetary or otherwise, expected from the features requested.

C. Replacements, alterations, modifications, installations of special features

The applicant desires that the following described replacements, alterations, or modifications be made or special features be installed in the event that application for purchase or charter is approved. In order to induce the Commission to act favorably on this application, the applicant submits in support thereof the following information:

7. As to each item. (a) Explicit description.

(b) Estimated cost of work.

8. As to need. (a) Explain why each item is considered necessary, indicating service and route of operation of vessel, cargo to be carried, volume of traffic expected in terms of trip capacities (each leg), frequency of sailings, and manner in which traffic is now handled.

9. As to desirability and necessity.

(a) List of vessels owned by the applicant including name, gross tonnage, net tonnage, deadweight tonnage, age, speed, registry, and indicating presence and extent of features requested.

(b) List other vessels presently in proposed trade, including names, gross tonnage, net tonnage, deadweight tonnage, age,

speed, registry and indicating presence and extent of features requested.

(c) Indicate expected net yearly revenue to be attributable directly to the requested features.

(d) Indicate expected added or reduced net yearly operating costs attributable directly to the requested features.

(e) Indicate other benefits, monetary or otherwise, expected from the features requested.

[CORPORATE SEAL] _____

(Name of applicant)

By _____

(President)

Attest:

(Secretary)

(Date)

By order of the United States Maritime Commission

[SEAL] A. J. WILLIAMS,
Secretary.

APRIL 13, 1945.

[F. R. Doc. 46-6683; Filed, Apr. 22, 1946; 10:21 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

**LEARNER EMPLOYMENT CERTIFICATES
ISSUANCE TO VARIOUS INDUSTRIES**

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890):

Mauch Chunk Kiddy Kloes, 437 South Street, Mauch Chunk, Pennsylvania; Infant's and children's outerwear; ten (10) learners (T); effective April 17, 1946, expiring April 16, 1947.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079):

Sweetwater Hosiery Mills, Sweetwater, Tennessee; Seamless Hosiery; thirty (30) learners (E); effective April 19, 1946, expiring October 18, 1946.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regu-

lations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 18th day of April 1946.

PAULINE C. GILBERT,
Authorized Representative of
the Administrator.

[F. R. Doc. 46-6711; Filed, Apr. 22, 1946; 11:13 a. m.]

CIVILIAN PRODUCTION ADMINISTRATION.

[C-427, Amdt. 1]

SMART SET FROCKS

CONSENT ORDER

Smart Set Frock, a partnership consisting of Henry Silverman, Mike Ackerman and Abe Giddins, located at 1370 Broadway, New York, New York, has requested relief, upon the grounds of hardship, from the terms of the consent order entered into by them with the Civilian Production Administration on March 11, 1946, and issued March 14, 1946 by the Civilian Production Administration.

The Director of the Compliance Division, the Assistant General Counsel, and the Chief Compliance Commissioner have reviewed the case and concluded that undue hardship would result unless the consent order were modified.

Wherefore, upon the agreement and consent of Henry Silverman, Mike Ackerman and Abe Giddins, and the Director of the Compliance Division, the Assistant General Counsel, and upon the approval of the Chief Compliance Commissioner, *It is hereby ordered*, That:

The consent order herein referred to, issued March 14, 1946, be and hereby is amended by substituting the following paragraph (c) for the present paragraph (c):

(c) In each of the second and third quarters of 1946 Henry Silverman, Mike Ackerman and Abe Giddins, doing business as Smart Set Frock, shall reduce the amount of cotton fabric for which they may be authorized to extend ratings during these quarters under Order M-328-B by the amount of 62,500 yards. In addition, the partners shall, in the second quarter of 1946, reduce the amount of rayon fabrics for which they may be authorized to extend ratings during such quarter by the amount of 43,475 yards.

Issued this 19th day of April 1946.

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

[F. R. Doc. 46-8662; Filed, Apr. 19, 1946; 4:26 p. m.]

FEDERAL POWER COMMISSION.

[Order 131]

MONTHLY STATEMENT OF OPERATING REVENUES AND INCOME FOR NATURAL GAS COMPANIES

ORDER PRESCRIBING FORM

APRIL 17, 1946.

Order prescribing form of monthly statement of operating revenues and income for Natural-Gas Companies (Classes A and B), FPC Form No. 11.¹

The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act (52 Stat. 821), particularly sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, orders that:

(1) The accompanying FPC Form No. 11, Monthly Statement of Operating Revenues and Income for natural-gas companies, as defined in the Natural Gas Act, which are in Classes A and B, as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies, subject to the provisions of the Natural Gas Act, be and the same hereby is approved;

(2) Each natural-gas company which is in Class A or B shall file with the Commission one copy of such Monthly Statement of Operating Revenues and Income, FPC Form No. 11, for the month of January 1946, and each month thereafter; said statement is to be filed on or before the last day of the month following that covered by the statement, except the statements for the months of January, February, and March 1946, which shall be filed on or before the last day of May 1946; said statement shall be signed by the Chief Accounting Officer of each said natural-gas company, but is not required to be under oath.

(3) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-6682; Filed, Apr. 22, 1946; 9:49 a. m.]

[Docket No. G-714]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

APRIL 19, 1946.

Notice is hereby given that on April 5, 1946, New York State Natural Gas Corporation ("Applicant"), a New York corporation having its principal office at 30 Rockefeller Plaza, Borough of Manhattan, City, County and State of New York, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant (1) to acquire and operate the property and facilities of Godfrey L. Cabot, Inc. and Cabot Gas Corporation, and (2) to operate its facilities to deliver gas to The Pavilion Natural Gas Company, Producers Gas Company, Southern Tier

¹ Filed as part of the original document.

Gas Corporation, Empire Gas and Fuel Company, Ltd., and Rochester Gas and Electric Corporation.

Applicant's description of project

Godfrey L. Cabot, Inc. now sells and delivers natural gas at wholesale to Producers Gas Corporation in the towns of Genesee, Belmont, and Angelica in Allegany County, to Southern Tier Gas Corporation in the Town of Woodhull, Steuben County, New York, and to Cabot Gas Corporation at the Pennsylvania-New York State line, Godfrey L. Cabot, Inc. also sells a small quantity of natural gas at wholesale to Empire Gas and Fuel Company, Ltd. in Allegany County, New York, to supply four domestic consumers in the Town of Wellsville, two domestic consumers in the Town of Alma and two domestic consumers in the Town of Willing. Godfrey L. Cabot, Inc. does not distribute any gas at retail.

Cabot Gas Corporation now obtains its entire supply of gas from Godfrey L. Cabot, Inc. Cabot Gas Corporation sells natural gas at wholesale to The Pavilion Natural Gas Company and distributes natural gas to some 315 domestic consumers located in the villages of Rosburg, Nume and Fillmore, Allegany County, and along the route of its fourteen inch pipe line in Allegany, Wyoming and Livingston Counties, New York.

Most of the gas sold and distributed as above described is purchased by Godfrey L. Cabot, Inc. from Applicant under a wholesale contract dated December 9, 1943, New York State Natural Gas Corporation Rate Schedule FPC No. 19, which has been supplemented by several agreements having to do with exchange of gas and producing field operations.

Applicant has contracted with Godfrey L. Cabot, Inc. and Cabot Gas Corporation (hereinafter referred to jointly as "Cabot") by an agreement dated February 21, 1946 (hereinafter called the "Cabot contract") to purchase for \$800,000.00 in cash the real estate, land and land rights, mineral rights, leaseholds, rights of way, easements, buildings, structures, pipe lines, pumping, compressing and regulating equipment, gas well structures and equipment, meters, meter installations, furniture, fixtures, transportation, stores, shop, laboratory, communication, drilling, cleaning out and miscellaneous equipment and tools, physical properties, facilities, and contracts, rights and privileges, used in or relating to the natural gas business of Cabot in New York and Pennsylvania, excepting certain production properties known as the Wharton Properties which Cabot is retaining. The Cabot distribution properties in Livingston and Wyoming Counties, New York, consisting of pipe lines, service connections, meters, meter installations, regulators, appurtenant fittings and franchises are being sold by Cabot to The Pavilion Natural Gas Company. The Cabot companies and Applicant are negotiating for sale to a third part of the Cabot distribution properties and facilities in Allegany County, New York. Applicant does not propose to acquire or operate any distribution properties or business. The above stated price of \$800,000 for the Cabot properties will be reduced by the

amount for which the distribution properties are sold.

By Article I, section 4 of the Cabot contract, Applicant assumes the obligations of Cabot under certain described contracts, including the following contracts for the wholesale sale of natural gas:

Cabot Gas Corporation with The Pavilion Natural Gas Company, dated July 2, 1936, and Supplements dated January 7, 1937, September 23, 1937, January 2, 1942, April 14, 1942, May 22, 1942, June 16, 1942, and July 25, 1942, being Cabot Gas Corporation Rate Schedule FPC No. 1 and Supplements Nos. 1 to 7, inclusive;

Godfrey L. Cabot, Inc. with Producers Gas Company, dated November 10, 1944, being Godfrey L. Cabot, Inc. Rate Schedule FPC No. 19;

Godfrey L. Cabot, Inc. with Southern Tier Gas Corporation, dated July 22, 1938, and Supplement dated May 31, 1941, being Godfrey L. Cabot, Inc. Rate Schedule FPC No. 17 and Supplement No. 1 thereto;

An oral agreement dated October 22, 1937, between Godfrey L. Cabot, Inc. and Empire Gas & Fuel Company, Ltd., reduced to writing and filed as Godfrey L. Cabot, Inc. Rate Schedule FPC No. 2.

Applicant has made new contracts with The Pavilion Natural Gas Company, dated March 27, 1946, Southern Tier Gas Corporation, dated March 19, 1946, and with Empire Gas and Fuel Company, Ltd., dated April 4, 1946 for sale of gas to them. All three contracts will take effect with the consummation of the purchase of the Cabot properties and terminate November 1, 1964, or thereafter upon twelve months written notice.

Applicant has made a contract, dated February 21, 1946, with Rochester Gas and Electric Corporation (hereinafter referred to as the "Rochester contract") to sell natural gas at wholesale to that company in such quantities, with in the limitations of the contract, as buyer desires to use at Rochester, New York, for the purpose of replacing enriching oil now used in that corporation's production of water gas and for supplying certain consumers with natural gas in Scottsville and other points in the southern and western parts of Monroe County, New York, and counties adjacent thereto in which it may elect and be authorized to supply natural gas.

Applicant's statement with respect to proposed service, facilities and rates

Applicant proposes, upon acquisition of the Cabot properties, to operate the gas producing properties, to continue to purchase gas from local sources under the purchase contracts which Cabot has, to supplement that gas with gas obtained by Applicant from its present sources and to deliver gas at wholesale in the quantities and at the terms specified by contract to all wholesale customers now dependent upon Cabot for their gas supply or any part thereof.

Applicant also proposes to transport natural gas to the northern extremity of the pipe line system acquired from Cabot at the Monroe-Livingston County boundary line and there deliver natural gas to Rochester Gas and Electric Corporation in accordance with the Rochester contract.

Except for gas to be delivered to Rochester Gas and Electric Corporation

the proposal will not involve service to any other community than those now served with gas supplied by applicant. Rochester Gas and Electric Corporation is the only one of the above named distributing companies which is not rendering natural gas service now and there is no other gas company rendering any gas service in the franchise territory which it supplies.

Applicant does not propose to serve gas directly to any main line industrial customer.

Applicant's existing facilities, together with those being acquired from Cabot are adequate for the service proposed except that applicant must (1) install a connection at the Monroe-Livingston County line between the north end of the fourteen inch line acquired from Cabot and the south end of the fourteen inch line of Rochester Gas and Electric Corporation and a measuring station at that point, and (2) install a measuring station at Rosburg in the Town of Hume, Allegany County, for measuring gas to be delivered to the local distribution system. Applicant estimates that it can install said connection and both measuring stations for \$7,000.00.

Godfrey L. Cabot, Inc. now pays applicant 37½ cents per Mcf for the gas which it purchases. Godfrey L. Cabot, Inc. sells gas to Producers Gas Corporation for 43 cents, to Southern Tier Gas Corporation for 50 cents, to Cabot Gas Corporation for 40 cents per Mcf and to Empire Gas and Fuel Company, Ltd., for its eight isolated domestic consumers for 20 cents per Mcf. Godfrey Cabot, Inc. also pays Cabot Gas Corporation a transportation charge of 2 cents per Mcf for gas delivered at Belmont and Angelica to Producers Gas Corporation. Cabot Gas Corporation sells gas to The Pavilion Natural Gas Company for 44 cents per Mcf.

The transaction for which approval is sought will terminate all of the above described purchases and sales of gas by Godfrey L. Cabot, Inc. and Cabot Gas Corporation. Under the new contracts above referred to, Applicant will sell and make direct delivery of gas at wholesale for 43 cents per Mcf to The Pavilion Natural Gas Company, Southern Tier Gas Corporation, and Empire Gas and Fuel Company, Ltd. and will continue to sell gas to Producers Gas Company under the contract which it has with Godfrey L. Cabot, Inc. The present distribution business of Cabot as Corporation in Wyoming, Livingston and Allegany Counties, New York, will be taken over by The Pavilion Natural Gas Company and otherwise, as stated above.

Applicant's statement with respect to necessity for proposed acquisition

Applicant can coordinate the operation of the Cabot properties, after they have been acquired, with the operation of its present pipeline and storage facilities in a manner not now possible. An adequate supply of natural gas can be obtained from Applicant's affiliate, Hope Natural Gas Company, and the Applicant believes and avers that the integrated operation of the combined facilities will enable it to render better and more economical service to the distributing companies and to the ultimate con-

sumers than is now enjoyed by them. The same integrated operation will also enable Applicant to supply natural gas to Rochester Gas and Electric Corporation for the purpose of replacing enriching oil now used in that corporation's production of water gas and for supplying certain consumers in its territory with natural gas, and will insure a stable and economical supply of gas for said purposes.

Applicant's proposed plan of financing

Applicant proposes to finance the purchase of Cabot's properties with funds realized by issuing capital stock to Consolidated Natural Gas Company at par for cash.

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 said application of New York State Natural Gas Corporation should, on or before the 5th day of May, 1946, file with the Federal Power Commission, Washington 25, D. C., 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. 46-6717; Filed, Apr. 22, 1946; 11:38 a. m.]

[Docket No. C-717]

NATURAL GAS PIPELINE COMPANY OF AMERICA

NOTICE OF APPLICATION

APRIL 19, 1946.

Notice is hereby given that on April 10, 1946, an application was filed with the Federal Power Commission by Natural Gas Pipeline Company of America (Applicant), a corporation organized under the laws of the State of Delaware, and having its principal place of business at Chicago, Illinois, and authorized to do business in the States of Oklahoma, Kansas, Nebraska, Iowa and Wisconsin, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional facilities to its existing natural gas transmission system as hereinafter described.

Applicant proposes to construct and operate the following facilities in relation to its existing pipeline system, to wit: A pipeline 2 inches in diameter extending from a connection with Applicant's present 26-inch main trunk pipeline, at a point in section 12, Township 6 South, Range 3 West, Cloud County, Kansas, northerly approximately 240 feet to a regulating and metering station to be there

constructed; and all necessary appurtenances thereto. The said proposed facilities are intended to serve the plant of General Finance, Incorporated, a Kansas corporation, which will utilize the natural gas so sold and delivered in drying and burning clay products.

Applicant estimates that the annual and peak day sales of natural gas to the said General Finance, Incorporated through the proposed facilities will be 75,000 Mcf (annual) and 350 Mcf (peak day) for the first year; and 90,000 Mcf (annual) and 350 Mcf (peak day) for the second and third years after the commencement of operations. Revenues are estimated to amount to \$13,500 for the first year and \$16,200 for each of the second and third years following the commencement of operations.

Applicant estimates the cost of the proposed pipeline, meter house, meter and appurtenances thereto to be \$6,310.

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 said application of Natural Gas Pipeline Company of America should, on or before the 6th day of May 1946, file with the Federal Power Commission, Washington 25, D. C., 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. 46-6718; Filed, Apr. 22, 1946; 11:38 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5031]

ZONITE PRODUCTS CORP. AND ERWIN, WASEY & COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1946.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence in this proceeding begin on Thursday, May 9, 1946, at ten o'clock in the fore-

noon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence on behalf of the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-6705; Filed, Apr. 22, 1946; 11:12 a. m.]

[Docket No. 5139]

IRENE KAROL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1946.

In the matter of Max Orenstein and Louis Karpf, individually and as copartners, trading and doing business as Irene Karol.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, April 30, 1946, at two o'clock in the afternoon of that day (central standard time), in Room 516, U. S. Court House and Custom House, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-6706; Filed, Apr. 22, 1946; 11:12 a. m.]

[Docket No. 5167]

NATIONAL DRESS GOODS CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April, A. D. 1946.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, April 30, 1946, at ten o'clock in the forenoon of that day (central standard time), in Room 516, U. S. Court House and Custom House, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-6707; Filed, Apr. 22, 1946;
11:12 a. m.]

[Docket No. 5198]

BEACON MFG. CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1946.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 7, 1946, at ten o'clock in the forenoon of that day (eastern standard time), in Hearing Room, Federal Building, Asheville, North Carolina.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-6708; Filed, Apr. 22, 1946;
11:13 a. m.]

[Docket No. 5221]

DARESH GARMENT CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1946.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, May 1, 1946, at two o'clock in the afternoon of that day (Central Standard Time), in Room 516, U. S. Court House and Custom House, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-6709; Filed, Apr. 22, 1946;
11:13 a. m.]

[Docket No. 5223]

FRELICH, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1946.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, May 1, 1946, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 516, U. S. Court House and Custom House, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case

and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-6710; Filed, Apr. 22, 1946;
11:13 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 396, Special Permit 36]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (11 F.R. 2193), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, April 17, 1946, by I. Metzger of following cars of potatoes, now on the Pennsylvania Produce Terminal (PRR):

SFRD 38157 to Washington, D. C. (PRR).
ART 16968 to Baltimore, Maryland (PRR).
PFE 62905 to Pittsburgh, Pennsylvania (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of April 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-6720; Filed, Apr. 22, 1946;
11:50 a. m.]

[S. O. 396, Special Permit 37]

RECONSIGNMENT OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (11 F.R. 2193), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, April 18, 1946, by Louis J. Decarlo & Son, of car SFRD 25774, lettuce, now on the A., T. & S. F. Railway to Louis J. Decarlo & Son, Buffalo, New York (Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of April 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-6721; Filed, Apr. 22, 1946;
11:50 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order P 18]

FEDERATED INVESTMENT CO., INC.

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 of a total of 50,000 shares of subscribed and fully paid \$100 par value capital stock of Federated Investment Co., Inc., a corporation organized under the laws of the Commonwealth of the Philippines and a business enterprise in the United States, 33,333 shares (66.66%) are registered in the names of and are owned by Mitsui Bussan Kaisha, Ltd., and Onoda Cement Company, Ltd., and are evidence of control of Federated Investment Co., Inc.;

2. That Mitsui Bussan Kaisha, Ltd., and Onoda Cement Company, Ltd., are corporations organized under the laws of, and having their principal places of business in, Japan and are nationals of a designated enemy country (Japan);

and determining:

3. That Federated Investment Co., Inc., is controlled by Mitsui Bussan Kaisha, Ltd., and Onoda Cement Company, Ltd., or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

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

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

hereby vests in the Alien Property Custodian the 33,333 shares of stock of Federated Investment Co., Inc., more fully described in subparagraph 1 hereof, to-

gether with all declared and unpaid dividends on said stock, including all right, title and interest of whatsoever kind or nature of each and all other nationals, whomsoever they may be, of Germany and Japan in and to said property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

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 vary the extent of or terminate such direction, management, supervision or control, or 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 29, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6586; Filed, Apr. 19, 1946;
10:59 a. m.]

[Vesting Order P19]

NIPPON CLUB

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 Nippon Club, Manila, Commonwealth of the Philippines, a membership corporation organized under the laws of the Commonwealth of the Philippines by Japanese subjects who formerly resided in Manila, and the membership of which was limited to Japanese subjects resident in Manila, is a business enterprise within the United States which is controlled by the persons described in subparagraph 2 hereof;

2. That all of the members of The Nippon Club are Japanese subjects whose names and present whereabouts are unknown, are believed to be residents of Japan and are nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. Real property situated in the District of Malate, City of Manila, Commonwealth of the Philippines, therein registered and particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All other property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, The Nippon Club, Manila, Commonwealth of the Philippines,

is property of The Nippon Club, Manila, Commonwealth of the Philippines;

and determining:

4. That The Nippon Club is controlled by the persons described in subparagraph 2 hereof or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

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

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

hereby vests in the Alien Property Custodian the property described in subparagraph 3-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 3-b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

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 vary the extent of or terminate such direction, manage-

ment, supervision or control, or 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 29, 1946.

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

EXHIBIT A

TRANSCRIPT OF TRANSFER CERTIFICATE OF
TITLE NO. 46061, BOOK NO. T-143, PAGE 51

It is hereby certified that certain land situated in the City of Manila, Philippines, bounded and described as follows:

A parcel of land (Lot No. 2-A of the subdivision plan Psd-6457, being a portion of Lot No. 2, Block No. 573 of the Cadastral Survey of Manila, GLRO Cad Rec No. 368), situated in the district of Malate, City of Manila. Bounded on the NE by Lot No. 3, the Mitanao Club, on the SE by Lot No. 2-B of the subdivision plan, on the SW by Estero Maytubig, on the NW by Lot No. 3, Mitanao Club. Containing an area of four hundred twenty three square meters and sixty square decimeters (423.60), more or less.

is registered in accordance with the provisions of the Land Registration Act in the name of The Nippon Club.

This certificate is a transfer from T. C. T. No. 45857, Book No. T-142, in the name of Conrado Benitez.

EXHIBIT B

TRANSCRIPT OF TRANSFER CERTIFICATE OF
TITLE NO. 46064, BOOK NO. 143, PAGE 54

It is hereby certified that certain land situated in the City of Manila, Philippines, bounded and described as follows:

A parcel of land (Lot No. 3-C-2, of the subdivision plan Psd-6459, being a portion of Lot No. 3-C of Psd-3500 of the Cadastral Survey of Manila, GLRO Cad. Rec. No. 368), situated in the district of Malate, City of Manila. Bounded on the NE by Lot No. 3-A, the Japan Club; on the SE by Lot No. 4-B City of Manila, Lot No. 3-C-1 of the subdivision plan and Lot No. 2-A Conrado Benitez; on the SW by Estero de Maytubig and on the NW by Lot No. 9, Block No. 573, La Salle College. Containing an area of five thousand three hundred sixty square meters and ten square decimeters (5,360.10), more or less.

is registered in accordance with the provisions of the Land Registration Act in the name of the Nippon Club.

This certificate is a transfer from T. C. T. No. 45901, Book No. T-142, in the name of the Nippon Club.

[F. R. Doc. 46-6587; Filed, Apr. 19, 1946;
10:59 a. m.]

[Vesting Order P 20]

PHILIPPINE HIKAKU KABUSHIKI KAISHA

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 of the total of 5,000 outstanding shares of ₱100 par value capital stock of Philippine Hikaku Kabushiki Kaisha, a corporation organized and doing business under the laws of the Commonwealth of the Philippines and a business enterprise within the United States, 2,500 shares (50%) are registered in the names of and are owned by the following persons in the amount appearing opposite each name and are evidence of control of Philippine Hikaku Kabushiki Kaisha:

<i>Name and Number of Shares</i>	
Genyo Akimoto.....	1,500
Kunitaro Kojima.....	600
Yoshiaki Hiraishi.....	90
Haru Takashi.....	300
Toshio Fukamachi.....	10
Total	2,500

2. That Genyo Akimoto and Kunitaro Kojima, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

3. That Yoshiaki Hiraishi, Haru Takahashi and Toshio Fukamachi are subjects of Japan whose present whereabouts are unknown, are believed to be residents of Japan and are nationals of a designated enemy country (Japan); and determining:

4. That Philippine Hikaku Kabushiki Kaisha is controlled by the persons named in subparagraphs 2 and 3 hereof, or is acting for or on behalf of a designated enemy country (Japan) or persons within such country, and is a national of a designated enemy country (Japan);

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

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

hereby vests in the Alien Property Custodian the 2,500 shares of the ₱100 par value capital stock of Philippine Hikaku Kabushiki Kaisha, more fully described in subparagraph 1 hereof, together with all declared and unpaid dividends thereon, including all right, title and interest of whatsoever kind or nature of each and all other nationals, whomsoever they may be, of Germany and Japan in and to said property hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

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 vary the extent of or terminate such direction, management, supervision or control, or 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 29, 1946.

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

[F. R. Doc. 46-6588; Filed, Apr. 19, 1946;
10:59 a. m.]

[Vesting Order P 21]

THE SHOKO SHIMPO SHA, INC.

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

1. Having determined in Vesting Order Number P-14, dated March 11, 1946, that Japanese Association of Manila, Inc., is a national of a designated enemy country (Japan);

2. Finding that T. Mitsuda, G. Tamada, S. Kanegae, S. Takahashi, M. Mori, S. Murase and M. Nishino, subjects of Japan, whose present whereabouts are unknown and who are believed to be residents of Japan, are nationals of a designated enemy country (Japan);

3. Finding that of the total of 27 subscribed and fully paid shares of the ₱1,000 par value capital stock of The Shoko Shimpō Sha, Inc., a corporation organized under the laws of the Commonwealth of the Philippines and a

business enterprise within the United States, 7 shares are owned by the following persons in the amount appearing opposite each name which shares, together with the 20 shares owned by Japanese Association of Manila, Inc., prior to vesting said 20 shares of stock by Vesting Order Number P-14, are evidence of ownership and control of The Shoko Shimpo Sha, Inc.:

Name:	Number of shares
T. Mitsuda.....	1
G. Tamada.....	1
S. Kanegae.....	1
S. Takahashi.....	1
M. Mori.....	1
S. Murase.....	1
M. Nishino.....	1
Total	7

4. Finding that G. Tamada has a claim against The Shoko Shimpo Sha, Inc., which is represented on the records of The Shoko Shimpo Sha, Inc., as a loan payable in the amount of ₱2,000 as of January 1, 1941, subject to any accruals or deductions thereafter, and which represents an interest in The Shoko Shimpo Sha, Inc.;

and determining:

5. That The Shoko Shimpo Sha, Inc., is controlled by the persons named in subparagraphs 1 and 2 hereof, or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

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

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

hereby vests in the Alien Property Custodian the 7 shares of ₱1,000 par value capital stock of The Shoko Shimpo Sha, Inc., more fully described in subparagraph 3 hereof, together with all declared and unpaid dividends thereon, and the interest of G. Tamada in The Shoko Shimpo Sha, Inc., more fully described in subparagraph 4 hereof, and all right, title and interest of whatsoever kind or nature of each and all other nationals, whomsoever they may be, of Germany and Japan in and to said property hereinafter more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

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 Prop-

erty Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 29, 1946.

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

[F. R. Doc. 46-6589; Filed, Apr. 19, 1946; 10:59 a. m.]

[Vesting Order P 22]

GUI HING PLANTATION CO.

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 Public Land Lease Application Number 913, dated April 8, 1921, filed by Gui Hing Plantation Company, under Act No. 2921 of the Commonwealth of the Philippines, in the Davao Office, Bureau of Lands of said Commonwealth, recites that all of the stockholders of Gui Hing Plantation Company are subjects of Japan;

2. That a memorandum dated September 24, 1935, addressed to the Secretary of Agriculture and Commerce of the Commonwealth of the Philippines by the Director of Lands of said Commonwealth, recites that the Special Investigation Committee which investigated alien land holdings in the Commonwealth of the Philippines found that Gui Hing Plantation Company was organized and is wholly owned by subjects of Japan;

3. That all of the stockholders, names unknown, of Gui Hing Plantation Company are subjects of Japan whose present whereabouts are unknown, are believed to be residents of Japan and are nationals of a designated enemy country (Japan);

4. That all of the capital stock of Gui Hing Plantation Company, a corporation organized under the laws of the Commonwealth of the Philippines and a business enterprise within the United States, is owned by the persons described in subparagraph 3 hereof and is evidence of

control of Gui Hing Plantation Company;

and determining:

5. That Gui Hing Plantation Company is controlled by the persons described in subparagraph 3 hereof, or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

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

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

hereby vests in the Alien Property Custodian all of the capital stock of the Gui Hing Plantation Company, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

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 vary the extent of or terminate such direction, management, supervision or control, or 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 1, 1946.

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

[F. R. Doc. 46-6590; Filed, Apr. 19, 1946; 10:59 a. m.]

[Vesting Order P 23]

YONEZO KAJITA AND EDA KAJITA

In re: Real and personal property owned by Yonezo Kajita and Eda Kajita.

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 Yonezo Kajita and Eda Kajita are subjects of Japan, whose present whereabouts are unknown, are believed to be residents of Japan, and are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated in San Miguel, City of Manila, Commonwealth of the Philippines, therein registered and particularly described in Exhibits A to E, inclusive, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. Personal property described in Exhibit F, attached hereto and by reference made a part hereof,

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

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

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

hereby vests in the Alien Property Custodian the property described 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 1, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

TRANSCRIPT OF TRANSFER CERTIFICATE OF TITLE
NO. 51480, BOOK NO. 164, PAGE 220

It is hereby certified that certain land situated in the City of Manila, Philippines, bounded and described as follows:

A parcel of land (Lot No. 8-B, Block No. 2617 of the subdivision plan Psd-10055, being a portion of Lot No. 8, Block No. 2617 of the Cadastral Survey of the City of Manila, G. L. R. O. Cad. Record No. 239), situated in the District of San Miguel, City of Manila. Bounded on the N. by lots Nos. 8-D and 8-C, Block No. 2617 of the subdivision plan; on the E. by Lot No. 9, Block No. 2617, Manila Cadastre, on the S. by Calle General Solano; and on the W. by Lot No. 8-A, Block No. 2617 of the subdivision plan. * * * containing an area of two hundred eighty five square meters and ten square decimeters (285.10), more or less. * * *

is registered in accordance with the provisions of the Land Registration Act in the name of:

Yonezo Kajita, married to Eda Kajita, Japanese.

This certificate is a transfer from Transfer Certificate of Title No. 51473, issued on June 12, 1937.

EXHIBIT B

TRANSCRIPT OF TRANSFER CERTIFICATE OF TITLE
NO. 64876, BOOK NO. T-215

It is hereby certified that certain land situated in the City of Manila, Philippines, bounded and described as follows:

A parcel of land (Lot No. 8-C, Block No. 2617, of the subdivision plan Psd-10055, being a portion of Lot No. 8, Block No. 2617 of the Cadastral Survey of the City of Manila, G. L. R. O. Cad. Record No. 239), situated in the District of San Miguel, City of Manila. Bounded on the N. by Novaliches Street; on the E. by Lot No. 9, Block No. 2617, Manila Cadastre; on the S. by Lot No. 8-B, Block No. 2617 of the subdivision plan; and on the W. by Lot No. 8-D, Block No. 2617 of the subdivision plan. * * * Containing an area of two hundred three square meters and four decimeters (203.4), more or less. * * *

is registered in accordance with the provisions of the Land Registration Act in the name of:

Yonezo Kajita, married to Eda Kajita, Japanese.

This certificate is a transfer from Transfer Certificate of Title No. 45988, Book T-142, issued February 26, 1943 in the name of Santiago Layoc.

EXHIBIT C

TRANSCRIPT OF TRANSFER CERTIFICATE OF TITLE
NO. 64776, BOOK NO. T-218, PAGE 26

It is hereby certified that certain land situated in the City of Manila, Philippines, bounded and described as follows:

A parcel of land (Lot No. 8-D, Block No. 2617, of the subdivision plan Psd-10055, being a portion of Lot No. 8, Block No. 2617 of the Cadastral Survey of the City of Manila, G. L. R. O. Cad. Record No. 239), situated in the District of San Miguel, City of Manila. Bounded on the N. by Novaliches Street; on the E. by Lot No. 8-C, Block No. 2617 of the subdivision plan; on the S. by Lots No. 8-B and 8-A, Block No. 2617 of the subdivision plan; and on the W. by Lot No. 8-A, Block No. 2617 and Lot No. 7, Block No. 2617, Manila Cadastre. * * * Containing an area of one hundred ninety four square meters and ninety decimeters (194.90), more or less. * * *

is registered in accordance with the provisions of the Land Registration Act in the name of:
Yonezo Kajita, married to Eda Kajita, Japanese.

This certificate is a transfer from Transfer Certificate of Title No. 60364, Book T-200 issued on February 22, 1943, Manila, in the name of Leandro G. Concepcion.

EXHIBIT D

TRANSCRIPT OF TRANSFER CERTIFICATE OF TITLE
NO. 64647, BOOK NO. T-217, PAGE 147

It is hereby certified that certain land situated in the City of Manila, Philippines, bounded and described as follows:

A parcel of land (Lot No. 9-A, Block No. 2617, of the subdivision plan Psd-10898, being a portion of Lot No. 9, Block No. 2617 of the Cadastral Survey of the City of Manila, G. L. R. O. Cad. Rec. No. 239), situated in the District of San Miguel, City of Manila. Bounded on the N. by Novaliches St.; on the E. by Lot No. 9-B, Block No. 2617 of the subdivision plan; on the S. by Lot No. 9-D, Block No. 2617 of the subdivision plan; and on the W. by Lots No. 8-B and 8-C, Block No. 2617, Psd-10055. * * * Containing an area of two hundred eighty-one square meters and ten decimeters (281.10). * * *

A parcel of land (Lot No. 9-D, Block No. 2617, of the subdivision plan Psd-10898, being a portion of Lot No. 9, Block No. 2617 of the Cadastral Survey of the City of Manila, G. L. R. O. Cad. Rec. No. 239), situated in the District of San Miguel, City of Manila. Bounded on the N. by Lot No. 9-A, Block No. 2617 of the subdivision plan; on the E. by Lot No. 9-C, Block No. 2617 of the subdivision plan; on the S. by General Solano St.; and on the W. by General Solano St. and Lot No. 8-B, Block No. 2617, Psd-10055. * * * Containing an area of two hundred eighty-three square meters and thirty decimeters (283.30).

is registered in accordance with the provisions of the Land Registration Act in the name of:

Yonezo Kajita, married to Eda Kajita, Japanese.

This certificate is a transfer from Transfer Certificate of Title No. 46959, Book No. T-146 issued on February 12, 1943, in the name of Presentacion Roxas.

EXHIBIT E

TRANSCRIPT OF TRANSFER CERTIFICATE OF TITLE
NO. 59537, BOOK NO. 198, PAGE 77

It is hereby certified that certain land situated in the City of Manila, Philippines, bounded and described as follows:

A parcel of land (Lot No. 11, of Block No. 2617 of the Cadastral Survey of the City of Manila), situated on the N. Line of Calle General Solano, District of San Miguel. Bounded on the N. by Lot No. 8-B of Block No. 2617; on the E. by Lot No. 9-D of Block No. 2617; and on the S. and W. by Calle General Solano. * * * containing an area of thirty two square meters and seventy square decimeters (32.70), more or less. * * *

is registered in accordance with the provisions of the Land Registration Act in the name of:

Yonezo Kajita, married to Eda Kajita, Japanese.

This certificate is a transfer from Transfer Certificate of Title No. 7384 issued on September 17, 1940.

(Annotation on the back of Transfer Certificate of Title 59837)

ENCUMBRANCES

Kind: Promise to resell. Executed in favor of the City of Manila.

Conditions: At P20.00 per square meter, should the City of Manila need the land herein registered for street purposes. Doc. No. 213, page 6, Book VII, of Atanacio R. Ombac of Manila).

Date of instrument: September 16, 1940.
Date of inscription: September 17, 1940.

EXHIBIT F

(a) Furniture stored in the building located No. 250 General Solano St., Manila.

- First floor:
- 1 wooden round table, regular size.
 - 1 small telephone table, with drawers.
 - 1 small wooden square table.
 - 2 small wooden tables.
 - 2 chairs upholster.
 - 2 rattan chairs.

- Second floor:
- 1 large nara table.
 - 10 chairs wooden.
 - 1 dresser.
 - 1 large wooden wardrobe.
 - 3 big pictures.
 - 1 large wooden wardrobe.
 - 1 large wooden wardrobe with drawers.
 - 1 large wardrobe.
 - 1 large wardrobe with drawers.
 - 1 large wooden wardrobe with drawers.
 - 1 regular sized wooden wardrobe.
 - 1 small wooden wardrobe.
 - 1 large wardrobe with glasses.
 - 1 bookshelf.
 - 1 big iron stove.
 - 1 cabinet for food.
 - 1 Frigidaire.

(b) Furniture stored in building located at 268 General Solano St., Manila.

- 1 large wooden bench.
 - 1 bookshelf.
- (c) Property stored in the garage and storeroom of the premises 250-268 General Solano St., Manila.
- 1 matrimonial iron bed.
 - 1 telephone booth, with 4 doors.
 - 1 motor marked EXH in 4 separate parts, various old tires and cables.

(d) Property stored in the yard of 250 General Solano St., Manila.

- 1 bulldozer marked Bucyrus Erie.
- [F. R. Doc. 46-6591; Filed, Apr. 19, 1946; 11:00 a. m.]

[Vesting Order P 24]

NISSHIN BOSEKI KABUSHIKI KAISHA

In re: Real property owned by Nisshin Boseki Kabushiki Kaisha.

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 Nisshin Boseki Kabushiki Kaisha is a corporation organized under the laws of, and having its principal place of business in, Japan and is a national of a designated enemy country (Japan);
2. That the property described as follows: Real property situated in the District of Makati, City of Manila, Commonwealth of the Philippines, particularly described in Exhibit A, attached hereto and by reference made a part hereof, to-

gether with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, 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 in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, 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, to 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 1, 1946.

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

EXHIBIT A—PROVISIONAL TECHNICAL DESCRIPTION

A parcel of land (Lot No. 1, Block No. 1 of the subdivision plan, Psd—, being a portion of the subdivision plan of Lot No. 53-B-2-B-1, Psd-16611 and Lot No. 53-B-2-A-1-A-1-A, Psd-17564, GLRO, Rec. No. 2029), situated in the District of Makati, City of Manila. Bounded on the N. by Lot No. 3,

Block No. 1 and Street Lot No. 1 of the subdivision plan and Lot No. 53-B-2-B-2, Psd-16611; on the NE. by Proposed Road (12 m. wide); on the S. and W. by Lot No. 3, Block No. 1 of the subdivision plan. Beginning at a point marked "1" on plan, being S. 67°09' E., 470.56 m. more or less from BLIM. No. 1, Makati,

- thence S. 45°34' E., 4.00 m. to point "2";
- thence N. 88°53' E., 6.90 m. to point "3";
- thence N. 86°41' E., 9.84 m. to point "4";
- thence N. 84°25' E., 9.76 m. to point "5";
- thence N. 82°13' E., 9.83 m. to point "6";
- thence N. 79°58' E., 9.76 m. to point "7";
- thence N. 77°47' E., 9.83 m. to point "8";
- thence N. 75°35' E., 9.76 m. to point "9";
- thence N. 73°20' E., 9.83 m. to point "10";
- thence N. 71°02' E., 9.84 m. to point "11";
- thence N. 68°53' E., 6.97 m. to point "12";
- thence N. 23°18' E., 4.00 m. to point "13";
- thence S. 22°16' E., 200.00 m. to point "14";
- thence S. 22°16' E., 175.22 m. to point "15";
- thence West, 212.73 m. to point "16";
- thence West, 250.00 m. to point "17";
- thence North, 127.04 m. to point "18";
- thence North, 200.00 m. to point "19";
- thence East, 39.48 m. to point "20";
- thence East, 17.83 m. to point "21";
- thence East, 90.93 m. to point "22";
- thence East, 62.83 m. to point "23";
- thence N. 83°55' E., 15.08 m. to the point of

beginning; containing an area of one hundred thirty thousand square meters (130,000) more or less. All points referred to are indicated on the plan; and on the ground points 1 to 13 inclusive are marked by old PLS. cylindrical concrete monuments 15 x 60 diameter and points 14 to 23 inclusive are by PLS. cylindrical concrete monuments 15 x 60 cm.; bearing true; declination 0°37' E.; date of the original survey, Dec. 10, 1923, to Jan. 9, 1924, and that of the subdivision survey August 18 to 24 and October 23 to 30, 1943.

[F. R. Doc. 46-6592; Filed, Apr. 19, 1946; 11:00 a. m.]

[Vesting Order 6149]

NAGAHARU YASUO

In re: Bank account owned by Nagaharu Yasuo.

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 Nagaharu Yasuo, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Nagaharu Yasuo, by The National City Bank of New York, New York, New York, arising out of a checking account, entitled Nagaharu Yasuo, maintained at the branch office of the aforesaid bank located at 9 West 51st Street, 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, 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 April 3, 1946.

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

[F. R. Doc. 46-6593; Filed, Apr. 19, 1946;
11 a. m.]

[Vesting Order 6151]

ADLER, WESTPUTAB & Co.

In re: Bank account owned by Adler, Westputab & Co.

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 Adler, Westputab & Co., the last known address of which is Leipzig, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Adler, Westputab & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Adler, Westputab & Co., 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 April 5, 1946.

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

[F. R. Doc. 46-6594; Filed, Apr. 19, 1946;
11 a. m.]

[Vesting Order 6152]

AUSLANDS INCASSO BANK G. M. B. H.

In re: Bank account owned by Auslands Incasso Bank G. m. b. H.

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 Auslands Incasso Bank G. m. b. H., the last known address of which is Schliessfach 68, Berlin W. 8.

Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Auslands Incasso Bank G. m. b. H., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Auslands Incasso Bank, G. m. b. H., 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 April 5, 1946.

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

[F. R. Doc. 46-6595; Filed, Apr. 19, 1946;
11:01 a. m.]

[Vesting Order 6153]

LINA BATZ

In re: Bank account owned by Lina Batz, also known as Lena Batz.

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 Lina Batz, also known as Lena Batz, whose last known address is Kassel, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Lina Batz, also known as Lena Batz, by The National Bank of Bay City, Bay City, Michigan, arising out of a blocked account, entitled Lina Batz, 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 April 5, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6596; Filed, Apr. 19, 1946;
11:01 a. m.]

[Vesting Order 6154]

BIRKENFELDER LANDESBANK, OEFFENTLICHES BANKINSTITUT, FILIALE IDAR

In re: Bank accounts owned by Birkenfelder Landesbank, Oeffentliches Bankinstitut, Filiale Idar.

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 Birkenfelder Landesbank, Oeffentliches Bankinstitut, Filiale Idar, the last known address of which is Idar a. d. Nahe, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Birkenfelder Landesbank, Oeffentliches Bankinstitut, Filiale Idar, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Birkenfelder Landesbank, Oeffentliches Bankinstitut, Filiale Idar, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Birkenfelder Landesbank, Oeffentliches Bankinstitut, Filiale Idar, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Birkenfelder Landesbank, Oeffentliches Bankinstitut, Filiale Idar, 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 April 5, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6597; Filed, Apr. 19, 1946;
11:01 a. m.]

[Vesting Order 6155]

BODEN & HAAC

In re: Bank account owned by Boden & Haac.

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 Boden & Haac, the last known address of which is Postfach 118, Bremen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Boden & Haac, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Boden & Haac, 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 April 5, 1946.

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

[F. R. Doc. 46-6598; Filed, Apr. 19, 1946;
11:01 a. m.]

[Vesting Order 6156]

**BRANDENBURGISCHE PROVINZIALBANK UND
GIROZENTRALE-OEFFENTLICHE BANKAN-
STALT**

In re: Bank account owned by Brandenburgische Provinzialbank und Girozentrale-Oeffentliche Bankanstalt.

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 Brandenburgische Provinzialbank und Girozentrale-Oeffentliche Bankanstalt, the last known address of which is 130-132 Jakobstrasse, Berlin S. W. 68, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Brandenburgische Provinzialbank und Girozentrale-Oeffentliche Bankanstalt, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Brandenburgische Provinzialbank, 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 April 5, 1946.

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

[F. R. Doc. 46-6599; Filed, Apr. 19, 1946;
11:01 a. m.]

[Vesting Order 6157]

BREMEN-AMERIKA BANK, A. G.

In re: Bank account owned by Bremen-Amerika Bank, Aktiengesellschaft.

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 Bremen-Amerika Bank, Aktiengesellschaft, the last known address

of which is Postfach 117, Bremen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Bremen-Amerika Bank, Aktiengesellschaft, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Bremen American 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 April 5, 1946.

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

[F. R. Doc. 46-6600; Filed, Apr. 19, 1946;
11:01 a. m.]

[Vesting Order 6158]

BRINCKMANN, WIRTZ & CO.

In re: Bank accounts owned by Brinckmann, Wirtz & Co.

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 Brinckmann, Wirtz & Co., the last known address of which is Hamburg, Germany, is a national of a designated enemy country (Germany):

2. That the property described as follows:

a. That certain debt or other obligation owing to Brinckmann, Wirtz & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Brinckmann, Wirtz & Co., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Brinckmann, Wirtz & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an old checks outstanding account, entitled Brinckmann, Wirtz & Co., and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Brinckmann, Wirtz & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed deposit account, entitled Brinckmann, Wirtz & Co., 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 April 5, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6601; Filed, Apr. 19, 1946;
11:02 a. m.]

[Vesting Order 6159]

ERNST CLAR

In re: Bank account owned by Ernst Clar.

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 Ernst Clar, whose last known address is St. Georgenthal, Bei Warnsdorf, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Leonard Levin Company, by Industrial Trust Company, 111 Westminster Street, Providence, Rhode Island, arising out of a blocked account, entitled Leonard Levin Company, in trust for Ernst Clar, St. Georgenthal, Bei Warnsdorf, 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 April 5, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6602; Filed, Apr. 19, 1946;
11:02 a. m.]

[Vesting Order 6160]

DROSTE & TEWES

In re: Bank account owned by Droste & Tewes.

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 Droste & Tewes, the last known address of which is Muenster, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Droste & Tewes, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Droste & Tewes, 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 in-

terest and for the benefit of the United States.

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

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 5, 1946.

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

[F. R. Doc. 46-6603; Filed, Apr. 19, 1946; 11:02 a. m.]

[Vesting Order 6161]
DUERENER BANK

In re: Bank account owned by Duerener Bank.

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 Duerener Bank, the last known address of which is 2 A Bismarckstrasse, Dueren, Germany, is a national of a designated enemy country (Germany);
2. That the property described as follows: That certain debt or other obligation owing to Duerener Bank, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Duerener 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 April 5, 1946.

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

[F. R. Doc. 46-6604; Filed, Apr. 19, 1946; 11:02 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Order 279]

MARSHALL-WELLS 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. 54, and section 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of the Models KZ-E-15 and TZ-E-41 electric ranges sold by Marshall-Wells Company to retail dealers. The maximum prices, including the Federal excise tax, are those set forth below:

Electric range (model)	Quantity	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
KZ-E-15...	1 to 4.....	\$119.56	\$121.56	\$123.31	\$125.34
	6 or more...	115.62	117.57	119.21	121.17
TZ-E-41...	1 to 4.....	78.77	79.86	80.96	82.02
	6 or more...	76.12	77.32	78.22	79.24

These maximum prices are f. o. b. seller's warehouse; and they are subject to its 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
Electric range.	KZ-E-15...	\$178.75	\$181.95	\$184.75	\$187.95
	TZ-E-41...	118.50	120.25	121.95	123.75

These maximum prices include delivery; a one year warranty; and installation with connection to electric facilities to be provided by the consumer where such connection does not require any additional materials. If a range cord set (customarily referred to in the industry as a "pigtail") is required and is furnished by the retail dealer, he may add \$3.50 to the above OPA retail ceiling price. In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) *Labeling.* Marshall-Wells Company, prior to delivering any range covered by this order to a retail dealer, shall cause to be affixed securely to the outside panel of the oven door of each range a label, showing the model number of the range, its OPA retail ceiling price for sales to ultimate consumers in each zone, and a list of states included in each zone. The label shall also contain a statement that the retail ceiling price includes the Federal excise tax, delivery, a one year warranty, and installation where such installation requires only that the range be connected to electric facilities to be provided by the purchaser and such connection does not require any additional materials. The label shall further state that if the installation requires the use of a range cord set (customarily referred to in the industry as a "pig-tail") and such a set is furnished by the retail dealer, he may add \$3.50 to the OPA retail ceiling price of the range. This label may not be removed until after the range has been sold to an ultimate consumer.

(c) *Zones.* For the purposes of this order, Zones 1, 2, 3, and 4 comprise the following states:

- Zone 1: Michigan.
- Zone 2: Wisconsin, Minnesota and Iowa.
- Zone 3: North Dakota, South Dakota, Montana, and Wyoming.
- Zone 4: Washington, Oregon and Idaho.

(d) *Revocation or amendment:* This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6627; Filed, Apr. 19, 1946; 11:43 a. m.]

[MPR 64, Order 280]

TENNESSEE STOVE WORKS

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 one model of gas range listed below manufactured by the Tennessee Stove Works, Chattanooga 1, Tennessee. 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
6500-9H.....	Each \$78.95	Each \$81.50	Each \$83.95	Each \$86.50

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. If the retailer sells a stove equipped with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	Amount which may be added
Light and timer.....	\$7.75
Pyrex over door panel.....	5.75
Cover top.....	1.50
Simmer burner cock.....	.75
Set of four simmer burner cocks.....	2.75

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 applicable OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone and the area included in each zone. The label shall also state that the retail ceiling 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: Tennessee, Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi.

Zone 2: Maine, Massachusetts, Vermont, Connecticut, Rhode Island, New Hampshire, New Jersey, Arkansas, Louisiana, Wisconsin, Iowa, Minnesota, Missouri, New York, Michigan, Pennsylvania, Delaware, Illinois, Indiana, Ohio, West Virginia, Virginia, Maryland and the District of Columbia.

Zone 3: North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, New Mexico, Texas and Oklahoma.

Zone 4: Washington, Oregon, Montana, Idaho, California, Nevada, Utah and Arizona.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of April 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6628; Filed, Apr. 19, 1946; 11:43 a. m.]

[MPR 64, Order 281]

J. ROSE & 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 section 11 of Maximum Price Regulation No. 64, It is ordered:

(a) This order establishes maximum prices for sales of four models of gas ranges manufactured for J. Rose & Company, Inc., 68 Jay Street, Brooklyn 1, New York.

(1) For sales in each zone by J. Rose & Company, Inc., to retail dealers the maximum prices, including the Federal excise tax, are those set forth below:

Model	Article	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
360.....	Gas range.....	Each \$47.95	Each \$48.90	Each \$50.45	Each \$52.17
360 L. P.....	do.....	50.22	51.17	52.72	54.44
360 H. C.....	do.....	54.19	55.14	56.69	58.41
360 H. C. L. P.....	do.....	56.44	57.39	58.94	60.67

These prices are f. o. b. Brooklyn, New York. If J. Rose & Company, Inc., sells any of the above models equipped with any of the items listed below, it may add to the applicable maximum price for the stove shown above, in amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	Amount which may be added
Special handles.....	\$1.35
Chrome plated burners.....	1.35
Porcelain top grates.....	1.35
Porcelain enameled burners.....	1.35
Top burner cover.....	1.27

In all other respects these prices are subject to J. Rose & Company, Inc.'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	Article	Maximum prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
360.....	Gas range.....	Each \$78.50	Each \$79.95	Each \$82.50	Each \$85.25
360 L. P.....	do.....	81.95	83.50	85.95	88.75
360 H. C.....	do.....	87.95	89.50	91.95	94.75
360 H. C. L. P.....	do.....	91.25	92.75	95.25	97.95

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 for sales on an installed basis. If the retailer sells any of the above models equipped with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	Amount which may be added
Special handles.....	\$2.25
Chrome plated burners.....	2.25
Porcelain top grates.....	2.25
Porcelain enameled burners.....	2.25
Top burner cover.....	1.95

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) J. Rose & Company, Inc., 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: Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, West Virginia, Virginia, North Carolina, South Carolina, District of Columbia.

Zone 2: Wisconsin, Michigan, Iowa, Illinois, Indiana, Missouri, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, Florida.

Zone 3: North Dakota, Minnesota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Arkansas, Texas.

Zone 4: Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, New Mexico.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 3d day of May 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6629; Filed, Apr. 19, 1946; 11:44 a. m.]

[Gen. Order 71]

GROCERY ITEMS IN HAWAII

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

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.

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, it is hereby ordered:

(a) *Authority to fix community dollars-and-cents ceiling prices for food items*—(1) *Sales at retail.* The Hawaii Territorial Office of the Office of Price Administration may, by order, fix community dollars-and-cents ceiling prices for sales at retail of any food items by all sellers in any area or locality within its jurisdiction. No person may sell or offer to sell any such food item at prices higher than the dollars-and-cents ceiling prices fixed by any order issued hereunder.

(2) *Other sales.* The Hawaii Territorial Office of the Office of Price Administration may, by order, fix dollars-and-cents ceiling prices for sales, other than at retail, in any area or locality within its jurisdiction of any food items.

(b) *Posting*—(1) *Selling prices.* Every person selling food items at retail must post his selling price for each food item for which a community dollars-and-cents ceiling price is fixed by any order issued hereunder. The selling price must be posted either on the item or at or near the place where the item is offered for sale.

(2) *Ceiling prices.* Every person selling food items at retail must also obtain from the Office of Price Administration and post, in a conspicuous place in the store or place of sale, a list of the community dollars-and-cents ceiling prices fixed hereunder for such food items, when that list is supplied by the Office of Price Administration. If the dollars-and-cents ceiling prices established hereunder do not replace the ceiling prices of a seller, he must continue to post his ceiling prices as required by any other applicable regulation.

(c) *Taxes.* Any tax upon or incident to the sale of any food item covered by any order issued hereunder, which the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting separately from the selling price, may be collected by the seller in addition to his selling price, if he states the tax separately.

(d) *Indirect price increases.* No person shall evade any of the provisions of any order issued hereunder by any stratagem, scheme or device. He must not, as a condition of selling any food, require a customer to buy anything else.

(e) *Sales slips and receipts.* Every person selling food items at retail must, if he has customarily given a sales slip, receipt or similar evidence of purchase, continue to do so. Furthermore, regardless of custom, every person must give any customer who asks for it a receipt

showing the date of the sale, the name and address of the seller, the customer's name, the name of each food item sold (including the grade, weight, quantity, size and any other specification affecting the maximum price), and the price charged for the item.

(f) *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 order or any order issued hereunder. 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.

(g) *Penalties.* On and after the effective date of any order issued hereunder, any person who sells or offers to sell at a price higher than the ceiling price fixed by such order, or who otherwise violates any provisions of this order or any order issued hereunder, shall be 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 at a price higher than the ceiling price fixed by any order issued hereunder is subject to the criminal penalties and civil enforcement actions provided for by that act.

(h) *Force and effect of orders.* Any order issued or action taken in accordance with this order shall have the same force and effect as if issued or taken by the Price Administrator.

(i) *Geographical applicability.* This order shall apply to the Territory of Hawaii.

(j) *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the applicable provisions of Revised Maximum Price Regulation 373 (e. g. section 21 in the case of fresh fruits and vegetables), shall apply to the terms used herein.

This order shall become effective as of February 19, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6616; Filed, Apr. 19, 1946;
11:50 a. m.]

[Rev. SO 119, Amdt. 1 to Order 40]

C. V. HILL AND CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

Amendment 1 to Order No. 40 Under Revised Supplementary Order No. 119. Adjustment of maximum prices for sales of refrigerated counter and display cases and mechanically operated refrigerators over 16 cubic feet capacity (reach-in—walk-in) manufactured by C. V. Hill and Company, Inc., 360 Pennington Avenue, Trenton 1, New Jersey. Docket No. 6123-SO 119-56.

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 ordered:*

Paragraph (a) (1) of Order No. 40 under Revised Supplementary Order No. 119, is amended by adding a new subparagraph (i) as follows:

(i) The above manufacturer may determine his maximum prices for his line of Refrigerated Counter and Display Cases and Mechanically Operated Refrigerators over 16 cubic feet capacity (reach-in—walk-in) by increasing by 5 percent his list prices on these items in effect on October 1, 1941, to each class of purchaser.

This amendment shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6649; Filed, Apr. 19, 1946;
11:48 a. m.]

[Rev. SO 119, Order 168]

BARCALO MFG. CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Barcalo Manufacturing Company, Buffalo, New York, may compute its adjusted ceiling prices for all articles of summer metal household furniture which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 18 per cent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with Note 3 in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Reseller's ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling price under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a selling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale prices under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price", the reseller shall calculate his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller

shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) All requests for adjustment of maximum prices not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6650; Filed, Apr. 19, 1946;
11:49 a. m.]

[Rev. SO 119, Order 169]

RIVAL MFG. CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Rival Manufacturing Company, 2423 East 15th Street, Kansas City, Missouri, may compute its adjusted ceiling prices to apply to its sales of all juice extractors, which it manufactures, from February 28, 1946, as follows:

(1) For an article which has a properly established ceiling price in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by 11 percent.

(2) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(3) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

A reseller who determines his maximum resale price under the General Maximum Price Regulation shall calculate his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulations.

(d) *Change in resellers' margins.* Resellers' maximum prices adjusted in accordance with this order are subject to further adjustments which may result from any change in resellers' margins which may be effected by the Office of Price Administration to obtain absorption by resellers of any industry-wide increase in manufacturers' maximum prices.

(e) The provisions of Supplementary Order No. 153 shall not apply to sales covered by this order.

(f) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(g) This order may be revoked or amended by the Price Administrator at any time.

(h) This order shall become effective on the 20th day of April 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6651; Filed, Apr. 19, 1946;
11:41 a. m.]

[RMPR 136, Amdt. 1 to Order 536]

H. P. RANDALL MFG. CO.

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 sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136, *It is ordered:*

Order 536 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. The narrative in paragraph (a) preceding subparagraph (1) is amended to read as follows:

(a) H. P. Randall Company, Demopolis, Alabama, may sell, f. o. b. plant, each trailer described in subparagraph (1) below at a price not to exceed \$124.26 plus federal excise tax, and state and local taxes on its sale or delivery of the trailer and the cost of transporting the trailer to the purchaser, if any,

2. The suggested resale price of \$170.00 contained in paragraph (b) (1) is amended to read as follows:

(1) Suggested Resale Price----- \$177.51

This amendment shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6630; Filed, Apr. 19, 1946;
11:47 a. m.]

[RMFR 136, Order 608]

NATIONAL AUTOMATIC TOOL CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136, *It is ordered:*

(a) National Automatic Tool Co., Inc., Richmond, Indiana, may sell, f. o. b. plant, each utility trailer described in subparagraph (1) below at a price not to exceed the prices contained in subparagraph (2) below, plus federal excise tax, and state and local taxes on the sale or delivery of the trailer and the cost of transporting it to the purchaser, if any.

(1) *Description.* Model 100, two-wheel utility trailer and body $\frac{1}{2}$ ton capacity, welded tubular steel construction, chassis dimensions 4' wide x 6' long, with 6.00 x 9, 4-ply synthetic rubber tires and tubes and additional detailed specifications included in the report filed with this Office.

Model 101, extension rack all welded steel construction.

Model 102, canopy top, canvas with tubular bows.

(2) Prices:

Model 100-----	\$114.46
Model 101-----	12.62
Model 102-----	26.05

(b) National Automatic Tool Company, Inc., is authorized to suggest to resellers a resale price for the utility trailer described in paragraph (a) (1) consisting of the following:

(1) Suggested resale prices:

Model 100-----	\$152.61
Model 101-----	16.83
Model 102-----	34.73

(2) *Charges.* (i) A charge for transportation, if any, not to exceed the actual

rail freight charge from the factory at Richmond, Indiana, to the railroad freight receiving station nearest to the place of business of the reseller.

(ii) A charge equal to the charge made by National Automatic Tool Company, Inc. to cover federal excise taxes.

(iii) A charge equal to reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the utility trailer.

(c) A reseller of National Automatic Tool Company, Inc., utility trailers in any of the territories or possessions of the U. S. is authorized to sell the utility trailer described in paragraph (a) at a price not to exceed the price established in paragraph (b) to which it may add a sum equal to the expense incurred or charged to it for payment of territorial and insular taxes, on the purchase, sale or introduction of the utility trailer; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(d) All requests not granted herein are denied.

(e) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 8 of Revised Maximum Price Regulation 136, due to substantial changes in design, specification or equipment of the utility trailer, the reseller may add to its price under paragraph (b) the increase in price, plus its customary markup on such a cost increase, but in case of a decrease in the price, the reseller must reduce its price under paragraph (b) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6632; Filed, Apr. 19, 1946;
11:45 a. m.]

[RMFR 136, Order 609]

TROTWOOD TRAILERS, 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 sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136, *It is ordered:*

(a) Trotwood Trailers, Inc., Trotwood, Ohio, may sell, f. o. b. plant, each Trotwood trailer coach described in subparagraph (1) below at a price not to exceed \$692.63 plus federal excise tax, and state and local taxes on the sale or delivery of the trailer coach, and the cost of transporting it to the purchaser, if any.

(1) *Description.* Trotwood Model "40 Economy" trailer coach body size 14'6" long x 7'1" wide, x 8'4" high, with all steel chassis and standard Trotwood individual wheel suspension, 6.50 x 16, 6-ply synthetic rubber tires—and tubes

and additional detailed specifications included in the report filed with this Office.

(b) Trotwood Trailers, Inc. is authorized to suggest to resellers a resale price for the trailer coach described in paragraph (a) (1) consisting of the following:

(1) *Suggested resale price,* \$923.84.

(2) *Charges.* (i) A charge for transportation, if any, not to exceed the actual rail freight charge from the factory at Trotwood, Ohio, to the railroad freight receiving station nearest to the place of business of the reseller.

(ii) A charge equal to the charge made by Trotwood Trailers, Inc. to cover federal excise taxes.

(iii) A charge equal to reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the trailer coach.

(c) A reseller of Trotwood trailer coaches in any of the territories or possessions of the U. S. is authorized to sell the trailer coach described in paragraph (a) at a price not to exceed the price established in paragraph (b) to which it may add a sum equal to the expense incurred or charged to it for payment of territorial and insular taxes, on the purchase, sale or introduction of the trailer coach; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(d) All requests not granted herein are denied.

(e) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 8 of Revised Maximum Price Regulation 136, due to substantial changes in design, specification or equipment of the trailer coach, the reseller may add to its price under paragraph (b) the increase in price, plus its customary mark-up on such a cost increase, but in case of a decrease in the price, the reseller must reduce its price under paragraph (b) by the amount of the decrease and its customary mark-up on such an amount.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6633; Filed, Apr. 19, 1946;
11:45 a. m.]

[SO 142, Order 81]

AUSTIN-WESTERN CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 81 under Supplementary Order No. 142—Adjustment provisions for sales of industrial machinery and equipment. Austin-Western Company Docket No. 6083—S. O. 142-136-316.

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 Austin-Western Company, Aurora, Ill.—

nois, of its line of manufactured items shall be determined by increasing by 15.0% the maximum prices for these products in effect 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 same percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Austin-Western 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, 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 April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6652; Filed, Apr. 19, 1946;
11:46 a. m.]

[SO 142, Order 82]

BARBER-GREENE CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 82 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Barber-Greene Company. Docket No. 6083-S. O. 142-136-303.

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 Barber-Greene Company, Aurora, Illinois, of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142 except Conveyors of the stationary fixed type for which price control has been suspended by Amendment No. 13 to Supplementary Order No. 129, shall be determined by increasing by 18.0% the maximum prices for these products in effect just prior to September 28, 1945.

(b) For sales of Conveyors of the stationary fixed type delivered by the Barber-Greene Company to any purchasers after March 11, 1946, the Barber-Greene Company may collect up to but not in excess of the price which the purchaser has specifically contracted to pay.

(c) 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.

(d) The Barber-Greene 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, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6653; Filed, Apr. 19, 1946;
11:42 a. m.]

[SO 142, Order 83]

KOEHRING CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 83 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Koehring Company. Docket No. 6083-SO 142-136-347.

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 Koehring Company, Milwaukee, Wisconsin, of its line of manufactured items shall be determined by increasing by 5.3% the maximum prices for these products in effect 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 same percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Koehring 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, 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 April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6654; Filed, Apr. 19, 1946;
11:41 a. m.]

[SO 142, Order 84]

JEFFERSON ELECTRIC CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 84 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Jefferson Electric Company. Docket No. 6083-S. O. 142-136-253.

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 Jefferson Electric Company, Bellwood, Illinois, shall compute maximum prices for sales of radio transformers and other radio parts under the provisions of section 19 (i) (3) of Revised Maximum Price Regulation 136, substituting the figure 32.7% for the percentage applicable to the part being priced which is set forth in that section.

(b) The maximum prices for sales by the Jefferson Electric Company, Bellwood, Illinois, of specialty transformers, fluorescent transformers, and fuses (other than fuses for use as radio parts and plug-type fuses) shall be the current price (as defined in this order) increased by 32.7% of that price.

The phrase in this order, "current prices" shall mean the maximum prices established under section 7 of Revised Maximum Price Regulation 136, or computed under sections 8, 9 or 10 of Revised Maximum Price Regulation 136, before the addition of any increase provided by Order No. 572 under Revised Maximum Price Regulation 136 or amendments thereto.

(c) 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.

(d) The Jefferson Electric Company shall notify each purchaser, who buys the products listed in paragraph (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.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6655; Filed, Apr. 19, 1946;
11:44 a. m.]

[SO 142, Order 85]

STAMSVIK MFG. CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 85 under Supplementary Order No. 142. Adjustment provisions for

sales of industrial machinery and equipment. Stamsvik Manufacturing Corporation. Docket No. 6083-S. O. 142-136-408.

For the reasons set forth in an opinion issued simultaneously and filed with the Division of the Federal Register and pursuant to section 2 (c) of Supplementary Order No. 142, *It is ordered:*

(a) (1) The maximum list price for sales by the Stamsvik Manufacturing Corporation, Pittsburgh, Pennsylvania, of the Model 48 Milk Filter shall be \$152, subject to the discounts, allowances and other deductions in effect to a purchaser of the same class just prior to the issuance of this order.

(2) The maximum net price for sales to resellers by the Stamsvik Manufacturing Corporation, Pittsburgh, Pennsylvania of Milk Filter repair parts shall be determined as follows: The manufacturer shall deduct a 20% discount and all other allowances in effect just prior to the issuance of this order from the maximum list prices in effect just prior to the issuance of this order to resellers.

(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 by which his net invoiced cost has been increased by reason of this order.

(c) The Stamsvik Manufacturing Corporation shall notify each purchaser who buys the products listed in paragraph (a) above 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.

(d) On or before September 15, 1946, the Stamsvik Manufacturing Corporation shall file with the Machinery Branch, Office of Price Administration, Washington, D. C. a statement of sales for the first six months of 1946 of the items listed in paragraph (a) and the dollar value of these sales in effect just prior to the issuance of this order.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 19, 1946.

Issued this 19th day of April 1946.
PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6656; Filed, Apr. 19, 1946; 11:46 a. m.]

[MPR 188, Order 4965]

ENDER MFG. CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ender Manu-

facturing Corp., 260 West Street, New York 13, 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.	Maximum prices for sales by any seller to—				
		Distrib- utor	Jobber who stocks	Jobber who drop- ships	Retailer	Con- sumer
Germeldal lamp.....	MG15C.....	Each \$6.30	Each \$7.42	Each \$8.25	Each \$9.90	Each \$16.50
	MG30C.....	8.61	10.13	11.25	13.50	22.50

These maximum prices are for the articles described in the manufacturer's application dated April 3, 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. These prices are f. o. b. factory. The cash discount is 2% 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$-----
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 20th day of April 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6634; Filed, Apr. 19, 1946; 11:44 a. m.]

[MPR 188, Order 4966]

VAN CLEFF

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 Van Cleff, 36 West 25th 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	Mod- el No.	For sale by manufac- turer to—		For sale by any person to con- sumer
		Job- ber	Re- tailer	
Double figure Dresden China table lamp, mounted on plated base with 17" oval hand sewn sheer taffeta over crepe shade, trimmed with bias fold at bottom and double sheer taffeta puff ruching at top. (A collector or decorator item—the china figures present intricate detail and the shade beauty and artistry in design and workmanship).....	922	Each \$63.75	Each \$75.00	Each \$135.00

These maximum prices are for the articles described in the manufacturer's application dated March 11, 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 20th day of April 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
 Administrator.

[F. R. Doc. 46-6635; Filed, Apr. 19, 1946;
 11:41 a. m.]

[MPR 260, Amdt. 2 to Order 1291]

IRWIN MARKLEY CIGAR CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered, That:*

The maximum prices for the "Garcia Imperial-Imperial" cigars set forth in paragraph (a) of Order No. 1291 under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Garcia Imperial..	Imperial.....	50	Per M \$75.00	Cents 110

* Attention of the manufacturer is directed to the average retail price ceiling requirement of Maximum Price Regulation 260.

This amendment shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
 Administrator.

[F. R. Doc. 46-6636; Filed, Apr. 19, 1946;
 11:46 a. m.]

[MPR 260, Order 2144]

KERNELS CIGAR CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Kernels Cigar Company, 213 S. Broadway L, Los Angeles, Calif. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maxi-

mum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Kernels.....	Juniors.....	10	Per M \$28.00	Cents 10 for 35

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
 Administrator.

[F. R. Doc. 46-6637; Filed, Apr. 19, 1946;
 11:46 a. m.]

[MPR 260, Order 2145]

THREE BEES CIGAR CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Grace Quigley, Mable Jones and Tennie James, d/b/a Three Bees Cigar Company, 1002½ E. 2nd Street, Joplin, Missouri (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Three-Bees Cigar Co.	Queens.....	50	Per M \$75.00	Cents 10
	Juniors.....	50	60.00	2 for 15
	Coronas.....	50	97.50	13

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand

and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6638; Filed, Apr. 19, 1946; 11:46 a. m.]

[MPR 260, Order 2146]

ELIZABETH BRENEMAN

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Elizabeth Breneman, 90 East Main Street, Windsor, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Pettys Best.....	Corona.....	50	Per M \$75.00	Cents '10

¹ Attention of manufacturer is directed to average retail price ceiling requirement of Maximum Price Regulation 260.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are es-

tablished by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6639; Filed, Apr. 19, 1946; 11:43 a. m.]

[MPR 260, Order 2147]

CORRAL, WODISKA Y CA

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Corral, Wodiska y Ca, 1302-1312 19th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Diligencia....	Bouquets.....	50	Per M \$90.00	Cents 12
Regreso.....	do.....	50	90.00	12
La Mareva.....	do.....	50	90.00	12
Julia Marlowe.....	do.....	50	90.00	12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class

to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6640; Filed, Apr. 19, 1946; 11:43 a. m.]

[MPR 260, Order 2148]

HARRY A. MYERS

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Harry A. Myers, R. D. 7, York, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of

the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
"S77".....	Large Invin- cible.	50	Per M \$75.00	Cents 110

Attention of manufacturer is directed to average retail price ceiling requirements of Maximum Price Regulation 260.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6641; Filed, Apr. 19, 1946;
11:43 a. m.]

[MPR 591, Amdt. 1 to Rev. Order 78]

J. A. ZURN MFG. CO.

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 16 (b) (1) of Maximum Price Regulation 591; *It is ordered:*

In Revised Order 78 under section 16 (b) (1) of Maximum Price Regulation 591, paragraph (a) (1) is amended to read as follows:

(a) (1) The J. A. Zurn Manufacturing Co. may increase its maximum prices in effect prior to October 28, 1945 to each class of purchaser for its line of plumbing and drainage staples and fittings by 19.6 percent.

This amendment is effective April 19, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6645; Filed, Apr. 19, 1946;
11:42 a. m.]

[MPR 477, Order 22]

PANTHER PANCO RUBBER CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9a (e) of Maximum Price Regulation 477, it is ordered:

(a) *What this order does.* This order establishes maximum prices for all sales by the manufacturer, by wholesalers and retailers in the home replacement trade of the composition half soles bearing the brand names, Panco, Panco Corrugated, Sure Step, Pancrom and Monogram in the sizes and irons listed herein which are manufactured by the Panther Panco Rubber Company, Inc., Chelsea, Massachusetts.

(b) *Maximum prices for all sellers.* The manufacturer's, wholesalers', and retailers' maximum prices for sales in the home replacement trade of the composition half soles described in paragraph (a) shall be as follows:

Brand, color, and size	Manu- fac- turer's prices (per dozen pairs)	Whole- saler's prices (per dozen pairs)	Re- tailer's prices (per pair)
GEN. PANCO TAPS—BLACK			
Men's:			
9 iron—size 9-11.....	\$2.10	\$2.30	\$0.35
10½ iron—size 9-11.....	2.21	2.95	.40
10½ iron—size 13-15.....	2.40	3.20	.40
10½ iron—size 17-19.....	2.59	3.45	.40
12 iron—size 9-11.....	2.33	3.10	.40
12 iron—size 13-15.....	2.51	3.35	.40
12 iron—size 17-19.....	2.70	3.60	.45

Brand, color, and size	Manu- fac- turer's prices (per dozen pairs)	Whole- saler's prices (per dozen pairs)	Re- tailer's prices (per pair)
Boys'			
10½ iron—sizes 5 and 7.....	\$2.03	\$2.70	\$0.35
12 iron—size 5.....	2.03	2.70	.35
12 iron—size 7.....	2.10	2.80	.35
Little gents 10½ iron— size L.G.....	1.88	2.50	.35
PANCO CORRUGATED TAPS— BLACK			
Women's:			
9 iron—size W.....	1.50	2.00	.25
10½ iron—size W.....	1.65	2.20	.30
SURESTEP TAPS—BLACK			
Men's:			
9 iron—size 9 and 11.....	1.31	1.75	.20
9 iron—size 13.....	1.43	1.90	.25
10½ iron—size 9 and 11.....	1.84	2.45	.30
10½ iron—size 13.....	1.95	2.60	.35
12 iron—size 9 and 11.....	1.95	2.60	.35
12 iron—size 13.....	2.06	2.75	.35
Boys':			
9 iron—size 7.....	1.31	1.75	.20
9 iron—size 5.....	1.20	1.60	.20
10½ iron—size 7.....	1.65	2.20	.30
10½ iron—size 5.....	1.65	2.20	.30
12 iron—size 5 and 7.....	1.73	2.30	.30
Little gents:			
9 iron—size L.G.....	1.20	1.60	.20
10½ iron—size L.G.....	1.50	2.00	.25
PANCROM AND MONOGRAM TAPS—BLACK			
Men's:			
12 iron—size 13-15.....	2.06	2.75	.35
12 iron—size 9-11.....	1.95	2.60	.35
10½ iron—size 13-15.....	1.95	2.60	.35
10½ iron—size 9-11.....	1.84	2.45	.30
Boys':			
12 iron—size 7.....	1.73	2.30	.30
12 iron—size 5.....	1.73	2.30	.30
10½ iron—size 7.....	1.65	2.20	.30
10½ iron—size 5.....	1.65	2.20	.30
Little gents:			
10½ iron—size L.G.....	1.50	2.00	.25
9 iron—size L.G.....	1.20	1.60	.20

The above maximum prices for sales by manufacturers are subject to a 2% 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.

The above maximum prices for sales by wholesalers are subject to any cash discount and transportation allowances the wholesaler had in effect to a purchaser of the same class during March 1942.

All other discounts, allowances and trade practices of the seller which were in effect in March 1942 shall apply to sales covered by this order.

(c) *Notification of maximum prices.* With or prior to the first delivery to a wholesaler or a retailer of any of the half soles covered by this order, the seller shall notify the purchaser in writing of the maximum prices for retailers' sales to consumers of the half soles. If the purchaser is a wholesaler, the notification shall include the maximum prices applicable to the wholesalers' resales to wholesalers and retailers and a statement that such purchaser is required by his order to notify any retailers to whom he sells of the maximum prices for sales by retailers of these half soles as established by paragraph (b) of this order.

(d) All provisions of Maximum Price Regulation 477 that are not inconsistent with this order shall apply to sales covered by this order.

(e) This order may be revoked or amended by the Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6642; Filed, Apr. 19, 1946;
11:42 a. m.]

[MPR 591, Order 430]

FOX WATER SOFTENER 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 domestic water softeners manufactured by the Fox Water Softener Company, P. O. Box 411, Burbank, California and as described in its application dated February 1, 1946 which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Water softeners and Zeolite type

Model and grain capacity:		
V-1—single—hand valve type—	12,500.....	\$100.00
V-2—single—hand valve type—	25,000.....	125.00
V-3—single—hand valve type—	37,500.....	145.00
V-4—single—hand valve type—	50,000.....	165.00
V-5—single—hand valve type—	62,500.....	240.00
F-1—twin—solo valve type—	32,500.....	160.00
F-2—twin—solo valve type—	43,750.....	215.00
F-3—twin—solo valve type—	55,500.....	250.00
F-4—twin—solo valve type—	70,000.....	325.00
F-5—twin—solo valve type—	86,500.....	405.00

(b) The maximum net prices, f. o. b. point of shipment for sales by any persons to jobbers shall be the maximum prices specified in (a) above, less a discount of 40 percent.

(c) The maximum net prices, f. o. b. point of shipment for sales by any persons to dealers shall be the maximum prices specified in (a) above less successive discounts of 40 and 20 percent.

(d) The maximum net prices established by this order shall be subject to such further discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(e) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) Each seller covered by this order, except in sales to consumers, shall notify each of his purchasers in writing, at or

before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(g) The Fox Water Softener Company shall attach to each water softener covered by this order a tag containing the following:

OPA maximum retail price not installed—\$-----
(Do Not Detach)

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6646; Filed, Apr. 19, 1946;
11:45 a. m.]

[MPR 591, Order 431]

BARNES MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, for sales by any person of the following Model W B 101—Gas Conversion Burner manufactured by Barnes Manufacturing Company, 2230 East Ninth Street, Cleveland, Ohio, and as described in the application dated February 16, 1946 which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C. shall be:

	On sales to—			
	Distributors	Dealers	Consumers uninstalled	Consumers installed
Barnes model W-B 101 gas conversion burner:				
Each				
Lots of 1 to 24.....	\$68.00	\$83.00	\$115.00	\$160.00
Lots of 25 to 99.....	66.00			
Lots of 100 to 1,000...	62.50			

¹ Each in any quantity.

All above prices are f. o. b. point of manufacture, except on sales to consumers.

(b) The maximum net prices established by this order shall be subject to a cash discount of 1 percent in 10 days and all other 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 commodities within the same general category.

(c) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing,

at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except on sales to consumers, upon resale.

(d) The maximum prices established by this order reflect the increase permitted by Amendment 8 to Order 48 under Maximum Price Regulation No. 591, and may not be further increased.

(e) Barnes Manufacturing Company of Cleveland, Ohio, shall stencil on each Gas Conversion Burner covered by this order, the following:

OPA Maximum Retail Price \$115.00 Uninstalled—\$160.00 Installed Complete.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 20, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6647; Filed, Apr. 19, 1946;
11:45 a. m.]

[MPR 188, Order 11]

METAL COMMERCIAL FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

SECTION 1. *Purpose of this order.* Metal commercial furniture as set forth below, has been found to be a reconversion product in accordance with the standards set forth in § 1499.159e of Maximum Price Regulation No. 188.

This order specifies a price increase factor to be used by manufacturers of this product; and it sets forth the specific pricing provisions which all sellers are to follow in calculating their maximum prices for resales of the product.

SEC. 2. *Articles covered by this order.* This order covers all articles of metal commercial furniture, fixtures, equipment and accessories covered by Maximum Price Regulation No. 188, except those whose maximum prices were established under the "cost method" of Order No. 4332 or Revised Order No. 4332 under Maximum Price Regulation No. 188. "Metal commercial furniture" as used in this order means all furniture, fixtures, equipment and accessories set forth in Appendix C of Maximum Price Regulation No. 188, except those listed below, when primarily designed and generally used for non-household purposes, and when made with metal which accounts for, at least, 50% of the total cost of materials used.

This order does not cover articles of scientific and professional equipment such as dentist's and physician's examination chairs and tables, and hospital operating-room equipment; cooking utensils; and business and store machines.

SEC. 3. Manufacturers' maximum prices.—(a) *Determination of maximum prices.* Manufacturers shall continue to determine their maximum prices for articles covered by this order under the same regulation and pricing provisions applicable before this order was issued.

(b) *Increase factor.* Manufacturers may increase, by 10.5 percent their maximum prices (exclusive of any permitted increases) properly established under Maximum Price Regulation No. 188 of the "comparability method" of Order No. 4332 of Revised Order No. 4332 under that regulation for sales to all persons except users. On sales by manufacturers direct to users, manufacturers may increase by 6.7 percent, their maximum prices (exclusive of any permitted increases) properly established under Maximum Price Regulation No. 188 or the "comparability method" of Order No. 4332 of Revised Order No. 4332 under that regulation.

(c) *"Adjusted maximum price."* A manufacturer's "adjusted maximum price" is the highest of the following amounts:

(1) His maximum price properly established under Maximum Price Regulation No. 188 of the "comparability method" of Order No. 4332 of Revised Order No. 4332 under that regulation increased by 10.5 percent in accordance with paragraph (b) of this section.

(2) His maximum price properly established under Maximum Price Regulation No. 188, or Order No. 4332 or Revised Order No. 4332 under that regulation, plus any increases in that maximum price permitted by an OPA order¹ other than this order.

(3) His maximum price properly established under section 5 of Supplementary Order No. 118.

A manufacturer may make sales and deliveries at or below his adjusted maximum price computed under this section. Therefore, the term "selling price" as used in this order means the price at or below the adjusted maximum price at which the manufacturer makes a sale or delivery.

(d) *"Unadjusted maximum price."* In order to provide his purchasers for resale with the basis for determining their maximum prices under the applicable regulation, the manufacturer must state an "unadjusted maximum price" on his invoice. This section explains how he computes that "unadjusted maximum price."

A manufacturer finds his "unadjusted maximum price" for any article covered by this order which he sells at a maximum price adjusted under this order or any other adjustment provision or order, as follows:

(1) If his selling price for the article is not more than 10.5 percent above its properly established maximum price to a particular class of purchaser, exclusive of all permitted increases, his unadjusted maximum price to that class of purchaser is that properly established maximum price exclusive of all permitted increases.

Example of how a manufacturer finds his "unadjusted maximum price" when his selling price is not more than 10.5 percent above his previously established maximum price. A manufacturer has a properly established maximum price, exclusive of all permitted increases, of \$30.00 for a metal filing cabinet. Although he may, under this order increase that price by 10.5 percent or up to \$33.50, his actual selling price is only \$32.50. Since his selling price is not more than 10.5 percent above \$30.00 (his properly established maximum price exclusive of all permitted increases) the figure which he shows on his invoice as his "unadjusted maximum price" is \$30.00.

(2) If his selling price for the article is more than 10.5 percent above its properly established maximum price to a particular class of purchaser, exclusive of any permitted increases, he finds his unadjusted maximum price to that class of purchaser as follows:

Step 1. He determines the percentage amount by which his actual selling price exceeds his properly established maximum price, exclusive of all permitted increases.

Step 2. He deducts 10.5 percentage points from the percentage found in Step 1.

Step 3. He adds to his maximum price, exclusive of all permitted increases, the percentage amount found in Step 2. The resulting amount is his "unadjusted maximum price".

Example of how a manufacturer finds his "unadjusted maximum price" when his selling price is more than 10.5 percent above his previously established maximum price. A manufacturer has a properly established maximum price, exclusive of all permitted increases, of \$30.00 for a metal filing cabinet. He has received an order under Revised Supplementary Order No. 119 permitting him to increase his maximum prices by 16 percent or \$4.80 resulting in a maximum price of \$34.80. However, his actual selling price on a particular sale is only \$33.75. The steps by which he finds his "unadjusted maximum price" are as follows:

Step 1. His actual selling price is \$3.75 above his maximum price exclusive of all permitted increases. This he finds to be 12.5 percent above that maximum price.

Step 2. He deducts 10.5 percentage points from 12.5 percent, and the result is 2 percent.

Step 3. He adds 2 percent to his maximum price exclusive of all permitted increases of \$30.00, or 60¢. The "unadjusted maximum price" which he shows on his invoice for that sale is therefore \$30.60.

(3) If a manufacturer's new maximum price for a particular article was properly established under section 5 of Supplementary Order No. 118, he first finds a price exclusive of all permitted increases, by the following steps:

Step 1. He finds the increase factor permitted under section 4 of Supplementary Order No. 118 on his most comparable 1941 article (which he used in calculating his maximum price under section 5 of that order), by dividing the new maximum price of that comparable article by its maximum price in effect before Supplementary Order No. 118 was issued.

Step 2. He divides his new maximum price for the article priced under section 5 of Supplementary Order No. 118, by that increase factor.

The result is the figure he uses as the properly established maximum price (exclusive of all permitted increases) in calculating his "unadjusted maximum price" under subparagraphs (1) or (2) above, whichever is applicable.

SEC. 4. Adjusted maximum prices of resellers. A reseller finds his "adjusted" and "unadjusted maximum prices" as follows:

(a) If the reseller had a maximum price for the article established before April 19, 1946 his "adjusted maximum price" is the total of his previously established maximum price, exclusive of all permitted increases, plus the dollar-and-cent difference between his supplier's "unadjusted maximum price" and his actual invoice cost as they appear on his purchase invoice.

(b) A reseller who cannot find his adjusted maximum price under paragraph (a) above and who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall find his adjusted maximum price according to the method and procedure set forth in that section by the following steps:

Step 1. He determines the mark-up which he had on that comparable article.

Step 2. He finds the price which results from applying that mark-up to his supplier's unadjusted maximum price as it appears on his purchase invoice for the article being priced.

Step 3. His "adjusted maximum price" is the total of the amount found in Step 2 and the dollar-and-cent difference between his supplier's unadjusted maximum price and his actual invoice cost.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA Form No. 620-759, with regard to how he determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(c) If a reseller cannot determine his adjusted maximum price by either of the methods set forth above, he shall apply to the Office of Price Administration for the establishment of his adjusted maximum price under § 1499.3 (a) of the General Maximum Price Regulation, in accordance with the provisions of that section. The application shall, in addition to the information specifically required by that section, also give the following information:

(1) His supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) His actual invoice cost.

An adjusted maximum price established in this way will be in line with reseller's adjusted maximum price established generally under this order.

(d) A reseller may make sales and deliveries at prices at or below his adjusted maximum prices computed in this way.

SEC. 5. Wholesalers' unadjusted maximum prices. In order to provide his pur-

¹This refers to Supplementary Order No. 118, and to orders issued under Revised Supplementary Orders Nos. 119 and 133, and Orders A-3 under Maximum Price Regulation No. 188.

chasers for resale with the basis for determining their maximum resale prices the wholesaler must state an "unadjusted maximum price" on his invoice. This section explains how he computes that "unadjusted maximum price."

A wholesaler finds his "unadjusted maximum price" for any article covered by this order as follows:

(a) If the wholesaler had a maximum price for the article established before April 19, 1946, his "unadjusted maximum price" is that properly established maximum price, exclusive of all permitted increases.

(b) A wholesaler who cannot find his unadjusted maximum price under paragraph (a) above and who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall find his "unadjusted maximum price" according to the method and procedure set forth in that section by applying the same percentage markup which he had on that comparable article to his supplier's unadjusted maximum price as it appears on his purchase invoice.

(c) If the wholesaler cannot determine his unadjusted maximum price by either of the methods set forth above, he shall, at the time he applies for an adjusted maximum price to the Office of Price Administration under section 4 (c) of this order also apply for the establishment of an unadjusted maximum price. Unless such an unadjusted maximum price is established, he may not make sales of the article even though his adjusted maximum price is properly established.

SEC. 6. Invoice to purchasers for resale. (a) Any person making a sale of an article covered by this order to a purchaser for resale must furnish such purchasers for resale with an invoice containing the following:

(1) His name and address and the date of the invoice.

(2) The purchaser's name and address.

(3) The model designation of the article and such other description as may be necessary to identify the article on his pricing records.

(4) His "unadjusted maximum price." (As defined in section 3 or 5, whichever is applicable.)

(5) The actual selling price of the article.

(6) The nature and amount of any additional charges.

(7) Terms of sale.

(8) The following notice:

NOTICE OF CEILING PRICES

If you resell the articles for which unadjusted maximum prices are shown on this invoice you must find your resale ceiling prices under section 4 of Order No. 11 under § 1499.159e of Maximum Price Regulation 188.

If a seller who must furnish the invoice described in this paragraph fails to state separately both the "unadjusted maximum price" and the selling price, or fails to identify the "unadjusted maxi-

imum price" his maximum price for that sale is his properly established maximum price exclusive of all adjustment charges or permitted increases.

(b) Every seller must keep available for inspection by the Office of Price Administration a copy of each such invoice for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(c) The provisions of this section supersede all provisions with respect to the furnishing of invoices contained in any order previously issued by the Office of Price Administration applicable only to the products of an individual manufacturer covered by this order.

SEC. 7. Manufacturers' reports. (a) On or after May 8, 1946, before delivering or offering for delivery an article covered by this order at a maximum price increased under this order or under any other adjustment provision or order, every manufacturer shall file a report with the Office of Price Administration, Washington, D. C. That report shall set forth the following:

(1) The date of the report.

(2) The manufacturer's name and address.

(3) The following information, unless already filed:

A copy of the price list, if any, which the manufacturer issued to the trade and which was effective during March 1942, and a statement of the class or classes of purchasers to which the prices shown thereon were applicable. (If this information has already been filed, the report shall give the date of filing and the location of the Office of Price Administration office with which it was filed.)

(4) A list of all articles of metal commercial furniture as defined in section 2, produced by the manufacturer showing for each article:

(i) His properly established maximum price (exclusive of all permitted increases) to each class of purchaser to whom he customarily makes sales. If his new maximum prices were established under section 5 of Supplementary Order No. 118, he shall report the prices exclusive of all permitted increases computed under section 3 (d) of this order.

(ii) His adjusted maximum price to each class of purchaser to whom he customarily makes sales, stating the adjustment provision under which the adjusted maximum price was determined. (For example, Order No. — under § 1499.159e of Maximum Price Regulation 188, Supplementary Order No. 118, Revised Supplementary Order No. 119, Orders A-2 or A-3 under Maximum Price Regulation No. 188).

(iii) The pricing provision under which his maximum price exclusive of all permitted increases was established, the date of approval if any, the section number of the regulation, and the order number, if any.

(b) If a manufacturer fails to file the information required by subparagraph (4) above with respect to any particular article, his maximum price for any sale of that article is his properly established maximum price for the article ex-

clusive of all adjustment charges or permitted increases.

(c) Every manufacturer must keep available for inspection by the Office of Price Administration a copy of each report filed under paragraph (a) of this section for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 8. Terms of sale. Every seller of an article covered by this order must maintain all of his terms, discounts, allowances, and other price differentials in effect during March 1942, or which have been subsequently properly established under Office of Price Administration regulations or orders.

SEC. 9. Relationship of this order to other orders or regulations—(a) *Maximum Price Regulation No. 188.* The provisions of this order supersede the provisions of Maximum Price Regulation No. 188 only to the extent that they are inconsistent with the provisions of that regulation.

(b) *Supplementary Order No. 118, Revised Supplementary Order No. 119 and 133, and Orders A-2 or A-3 under Maximum Price Regulation No. 188.* If a manufacturer is eligible for an adjustment under Supplementary Orders No. 118 or 133, Revised Supplementary Order No. 119, or Second Revised Order A-3 under Maximum Price Regulation No. 188, he may nevertheless adjust his maximum prices under this order instead of under those provisions.

Manufacturers may continue to adjust their maximum prices in accordance with any increases permitted under Supplementary Orders Nos. 118, 119 or 133, Revised Supplementary Order No. 119, or Orders A-2 or A-3 under Maximum Price Regulation No. 188, instead of the increase factor specified in section 3.

In all cases, however, the manufacturer must furnish the invoice required by section 6 of this order. The provisions of that section supersede any contrary provisions contained in any individual order issued to the manufacturer.

SEC. 10. Revision of maximum prices. Any maximum price adjusted under this order may be revised by the Price Administrator whenever he determines that such adjusted maximum price is not in line with the level of October 1941 prices increased by 10.5 percent, giving due consideration to the manufacturer's customary price relation to other manufacturers in the industry.

SEC. 11. Revocation or amendment. This order may be revoked or amended by the Price Administrator at any time.

SEC. 12. Effective date. This order shall become effective on April 19, 1946.

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

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6666; Filed, Apr. 19, 1946; 4:41 p. m.]

[MPR 188, Rev. Order 4441]

W. H. WEPPLER

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: Order No. 4441 under Maximum Price Regulation No. 188 is revised and amended to read as set forth herein.

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by W. H. Weppler, P. O. Box 69, South Ashburnham, Massachusetts.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Scotty dog lamp, pine scotty dog figure with black finish and covered with plaid cloth...	15	\$1.70	\$2.00	\$3.60

These maximum prices are for the article described in the manufacturer's application dated September 19, 1945.

(2) For sales by all persons the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, 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 the revised 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 revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this revised order shall be established under the Provisions of section 4.5 of SR 14J.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 20th day of April 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6667; Filed, Apr. 19, 1946; 4:42 p. m.]

[MPR 591, Amdt. 9 to Order 1]

WARM AIR FURNACES AND FLOOR AND WALL FURNACES

ESTABLISHMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 5.1 of Order 1 under section 22 of Maximum Price Regulation No. 591 is amended and revised to read as follows:

SEC. 5.1 Modification of maximum prices for warm air furnaces, floor and wall furnaces, and repair parts and sub-

assemblies therefor—(a) Scope of the section. This section establishes maximum prices for the sales by manufacturers and resellers of warm air, floor and wall furnaces and repair parts and sub-assemblies therefor.

(b) Manufacturers maximum prices—
(1) Furnaces having a "base date maximum price". The manufacturers maximum price for any furnace, repair part and sub-assembly therefor covered by this section having a "base date maximum price" shall be determined by increasing the maximum net price in effect on the base date to each class of purchaser for each furnace, repair part and sub-assembly therefor by the percentage set forth in Column I below.

(2) Furnaces not having a "base date maximum price". The manufacturers maximum price for any furnace, repair part, and sub-assembly therefor not having a "base date maximum price" shall be determined by increasing the maximum price in effect just prior to January 14, 1946, to each class of purchaser for each such furnace, repair part, and sub-assembly therefor by the percentages set forth in Column II below.

TABLE OF COMPARABILITY

Cast iron coal-fired wood-fired (diameter of firepot, inches)	Cast iron steel gas-fired (A. G. A. ratings input)	Cast iron steel oil-fired with vaporizing oil burner (B. t. u. input)	Cast iron steel oil-fired with pressure atomizing burner (burner capacity in gallons per hour)	Column	
				I	II
				Percent	Percent
WARM AIR FURNACES AND SUB-ASSEMBLIES					
Inches					
20.....	Up to 100,000 B. t. u.....	Up to 100,000 B. t. u.....	1	25	16
21.....	100,001 to 110,000 B. t. u.....	100,001 to 110,000 B. t. u.....		22½	14
22.....	110,001 to 125,000 B. T. U.....	110,001 to 125,000 B. T. U.....	1½	20	12
23.....	125,001 to 135,000 B. T. U.....	125,001 to 135,000 B. T. U.....		17½	10
24.....	135,001 to 150,000 B. T. U.....	135,001 to 150,000 B. T. U.....	1½	16½	7½
All other sizes, gravity type.				9	0
All other sizes, forced air type.				9	3
FLOOR AND WALL FURNACES					
All sizes.....				17½	17½
REPAIR PARTS					
For all sizes of warm air furnaces.				17½	17½
For all sizes of floor and wall furnaces.				17½	17½

1 Manufacturers who sell repair and service parts on a list and discount basis may determine their new maximum prices by reducing the applicable discount rounded to the nearest percentage point.

As used in this section, the term "base date maximum price" shall be the highest price which a manufacturer had in effect to each class of purchaser for each type of furnace, repair part and sub-assembly therefor, on the "base dates" set forth below. The term "maximum price in effect just prior to January 14, 1946" shall mean the maximum price established for a new or modified furnace, repair part and sub-assembly under Maximum Price Regulation No. 188 or Maximum Price Regulation No. 591 subsequent to the "base date," and prior to January 14, 1946, ("base date" being the date stated below for the type of furnace, etc., within which the new or modified item is classified).

Type of furnace	Base date
(1) Wall and floor furnaces.....	Mar. —, 1942
(2) Cast iron coal-fired warm air furnaces.....	Aug. 3, 1943
(3) Steel coal-fired warm air furnaces and subassemblies.....	Nov. 1, 1943
(4) Cast iron, oil, gas, and wood-fired warm air furnaces.....	June 23, 1944
(5) Steel, oil, gas, and wood-fired warm air furnaces and subassemblies.....	June 23, 1944
(6) Repair parts.....	June 23, 1944

(c) Optional use of this section. The maximum prices established by this section shall not operate to decrease any price established for a manufacturer by an individual price adjustment under Maximum Price Regulation No. 188 or Maximum Price Regulation No. 591.

(d) *Resellers maximum prices.* The maximum price for sales by any reseller of Furnaces, sub-assemblies, and repair parts therefor, shall be his maximum price to each class of purchaser in effect on April 18, 1946, except that on any item for which his acquisition cost is increased as a result of the increase permitted manufacturers under this section, his maximum price for such item shall be his maximum price in effect to each class of purchaser on April 18, 1946, plus the actual dollar-and-cent increase in his current acquisition cost resulting from the increase put into effect by his supplier pursuant to the provisions of this section.

(e) *Notification.* On sales of any commodity covered by this section to a customer purchasing for resale, any seller subject to this section, shall give notice in writing at or before the issuance of the first invoice after April 19, 1946 of the actual dollar-and-cents increase for each size of furnace, repair part and sub-assembly therefor over his maximum price to that class of purchaser in effect on April 18, 1946, and the method by which such customer is authorized to determine his maximum price pursuant to the provisions of this section.

(f) *Definitions—(1) Warm Air Furnace.* For the purposes of this section, the term warm air furnace includes any direct coal-fired, gas-fired, oil-fired, or wood-fired central plant, warm air heating unit made either of cast iron or wholly or partially of steel, with a BTU output at the register or outlet of 900,000 or less which is designed for the purpose of heating the interior of any structure. It is commonly known as a gravity or forced air warm air furnace, for use with or without air distribution pipes.

(2) *Floor and wall furnaces.* Floor or wall furnaces mean a completely self-contained unit furnace excluding those having additional or separate returns and is suspended from the floor or built into the wall of a space being heated.

Neither term (1) or (2) includes unit heaters, portable or fixed space heaters or domestic heating stoves.

(3) *Sub-assemblies and repair parts.* The term sub-assemblies as used in this section is limited to steel shells and steel radiators. The term repair parts shall be confined to those parts specifically designed for incorporation with any of the types of the furnaces covered by this section.

(g) *Reporting provisions; manufacturers.* Any manufacturer who increases his maximum price as permitted under this section shall within 5 days after such a maximum price has been increased submit to the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C. a report stating the following:

(1) Plate number or other identification for each commodity whose price has been increased.

(2) Its maximum price in effect on the "base date".

(3) Its maximum price in effect just prior to increase in accordance with this order.

(4) Its maximum price in accordance with this order.

(5) Dollar-and-cent difference between (iii) and (iv), which is the amount resellers can add pursuant section (d).

This amendment shall become effective April 19, 1946.

Issued this 19th day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-6669; Filed, Apr. 19, 1946; 4:43 p. m.]

[RMPR 136, Order 605]

INDUSTRIAL POWER TRANSMISSION
EQUIPMENT

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 31 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) As used in this order, the phrase "industrial power transmission equipment" shall be defined to include only industrial power transmission equipment described in Appendix A of Revised Maximum Price Regulation 136.

(b) As used in this order, the phrase "current prices" shall mean the maximum prices established under section 7 of Revised Maximum Price Regulation 136, or computed under sections 8, 9 or 10 of Revised Maximum Price Regulation 136 before the addition of any increase provided to an individual manufacturer by any individual adjustment under the provisions of Revised Maximum Price Regulation 136 or Supplementary Order No. 142.

(c) The maximum prices for sales by manufacturers of new industrial power transmission equipment shall be the current prices increased by 7.8%.

(d) The maximum prices for sales of industrial power transmission equipment, by resellers, shall be the maximum prices in effect just prior to the issuance of this order increased by the same percentage

by which their net invoice cost has been increased by reason of the issuance of this order.

(e) All prices established under paragraphs (c) and (d) of this order shall be subject to the same discounts, deductions and other allowances in effect to any purchasers and classes of purchasers just prior to the issuance of this order.

(f) Every manufacturer of industrial power transmission equipment shall give written notice to its resellers of the percentage amount by which this order permits the reseller to increase his maximum prices.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 19, 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6665; Filed, Apr. 19, 1946; 4:41 p. m.]

[SO 94, Order 114]

WAR ASSETS ADMINISTRATION ET AL.

SPECIAL MAXIMUM PRICES FOR CERTAIN NON-RENEWABLE FUSES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with the provisions of section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new non-renewable cartridge fuses hereinafter described may be sold and delivered by the War Assets Administration or any other United States Government agency, and the herein designated subsequent resellers.

(b) *Maximum prices.* The maximum prices (f. o. b. shipping point) of the hereinafter described new non-renewable cartridge fuses shall be as follows:

Volts	Amperes	Length (inches)	Diameter of tube (inches)	Price for all sales to wholesalers and industrial users	Price for all sales to retailers
250	1-3-6-10-15-20-25.....	Ferrule end 2	3/4	\$1.50 per 100.....	\$2.43 per 100.
	35-40-45-50-60.....	3	3/4	\$3.00 per 100.....	\$4.86 per 100.
250	70-80-90-100.....	Knife end 5 7/8	1	\$13.50 per 100.....	\$22.50 per 100.
	110-125-150-175-200.....	7 1/2	1 1/2	\$30.00 per 100.....	\$50.00 per 100.
	225-250-300-350-400.....	8 3/4	2	\$0.54 each.....	\$0.80 each.
	450-500-600.....	10 3/8	2 1/2	\$0.83 each.....	\$1.37 each.
600	3-6-10-15-20-25-30.....	Ferrule end 5	3/4	\$7.50 per 100.....	\$12.50 per 100.
	35-40-45-50-60.....	5 1/2	1	\$12.00 per 100.....	\$20.00 per 100.
600	70-80-90-100.....	Knife end 7 1/4	1 1/4	\$0.27 each.....	\$0.45 each.
	110-125-150-175-200.....	9 3/4	1 3/4	\$0.53 each.....	\$0.90 each.
	225-250-300-350-400.....	11 1/2	2 1/4	\$1.05 each.....	\$1.75 each.
	450-500-600.....	13 3/8	3	\$1.50 each.....	\$2.50 each..

(c) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulations or orders previously issued by the Office of Price Administration.

(d) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective April 23, 1946.

Issued this 22d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6738; Filed, Apr. 22, 1946; 11:41 a. m.]

[Rev. SO 119, Order 170]

MULLINS MFG. CORP.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Mullins Manufacturing Corporation, Salem, Ohio, may compute its adjusted ceiling prices for all articles of Metal Wall and Base Kitchen Cabinets, which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 13 per cent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling price under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a selling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale price under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price", the

reseller shall calculate his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) All requests for adjustment of maximum prices not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 19th day of April 1946.

Issued this 19th day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-6672; Filed, Apr. 19, 1946; 4:42 p. m.]

[MPR 188, Amdt. 2 to Order 7]

CERTAIN RECONVERSION PRODUCTS

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

Order 7 issued under § 1499.159e of Maximum Price Regulation No. 188 is amended in the following respects:

1. Paragraph (a) is amended by adding "Metal burial vaults" to the list of products covered by the order.

2. Paragraph (d) is amended by adding the following industry and its profit factor in the appropriate columns, as follows:

Industry:	Half industry average profit margin percent
Miscellaneous durable products -----	3.6

This amendment shall become effective on the 19th day of April 1946.

Issued this 19th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6668; Filed, Apr. 19, 1946; 4:42 p. m.]

[MPR 591, Amdt. 13 to Order 48]

SPECIFIED MECHANICAL BUILDING EQUIPMENT

MODIFICATION OF MAXIMUM PRICES

For the reasons stated in opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 22 of Maximum Price Regulation No. 591, it is ordered:

Section 2.5 of Order 48 under section 22 is amended in the following respects:

1. The terms "gas-fired and liquid petroleum fired furnaces" or "gas-fired and liquefied petroleum fired furnaces", wherever they appear, are deleted.

2. In paragraph (g) the first sentence is deleted.

This amendment shall become effective April 19, 1946.

Issued this 19th day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-6670; Filed, Apr. 19, 1946; 4:43 p. m.]

Regional and District Office Orders.

[Syracuse Order G-1 Under Supp. Service Reg. 44 to RMPR 165]

DRY CLEANING AND PRESSING SERVICES IN SYRACUSE, N. Y., AND VICINITY

For the reasons stated in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration for Region II by section 8 of Supplementary Service Regulation No. 44, and by him delegated to the District Director of the Syracuse District Office, this order is hereby issued.

1. *What the order docs.* This order establishes maximum ceiling prices which certain named dry cleaning establishments located in the City of Syracuse, New York, and vicinity may charge for the services set out in the appendix attached hereto. The order applies to all sales of the named services by these establishments, and no additions may be made for such additional services as pick-up and delivery or for any service distinguished only by new features, improvements or other changes.

2. *What sales by dry cleaning establishments are covered by this order.* The prices established by this order are for sales at retail only.

3. *Applicability of Order No. 42 Under Revised Maximum Price Regulation No. 165.* All of the provisions of Order No. 42 under Revised Maximum Price Regulation No. 165 are adopted in this order, and are just as much a part of this order as if printed here. Your prices on the poster required by Order No. 42 must be the same prices as are set out in the appendix to this order. In case the prices now set out on the poster in your establishment are in excess of the prices contained in this order, you must replace your old poster with a new one which will be furnished by your War Price and Rationing Board. This replacement must be made within ten days after the effective date of this order.

4. *Establishments to whom this order applies.* (a) This order applies to the following establishments:

- Ace Cleaners, 1045 South Salina St., Syracuse, N. Y.
- Air Spun Laundries, 4615 South Salina St., Syracuse, N. Y.
- Apikiau Bros., 216 West Genesee St., Syracuse, N. Y.
- Barych, John, 301 LaForte Ave., Syracuse, N. Y.
- Baskin, Ben, 209 East Genesee St., Syracuse, N. Y.
- Bilt-Well Dry Cleaners, 948 East Genesee St., Syracuse, N. Y.
- Birchler, J. S., 802 Butternut St., Syracuse, N. Y.
- Brenner Bros., 120 South Warren St., Syracuse, N. Y.
- Brigardi's Dry Cleaning, 900 First North St., Syracuse, N. Y.
- Burrella, Louis, 932 North Salina St., Syracuse, N. Y.
- Cassetta, Frank, 524 North Salina St., Syracuse, N. Y.
- Centores Tailoring & Cleaners, 1414 Grant Blvd., Syracuse, N. Y.
- Cierek, Adam, 905 Park Ave., Syracuse, N. Y.
- City Levy, 737 Burnet Ave., Syracuse, N. Y.
- Dexter Cleaners, 2136 South Salina St., Syracuse, N. Y.
- Dwyer, Patrick Joseph, 109 Milton Ave., Syracuse, N. Y.
- Elmwood Tailoring & Dry Cleaning Co., 1921 South Ave., Syracuse, N. Y.
- Empire Lancaster Dry Cleaning & Dyeing, 1005 Lancaster Ave., Syracuse, N. Y.
- Fibison, P. T., 1329 South Salina St., Syracuse, N. Y.
- Frenchie's Tailor Shop, 534 Westcott St., Syracuse, N. Y.
- Genesee Dry Cleaning & Dyeing Co., 212 Cherry St., Syracuse, N. Y.
- Goldstein, Jacob, 116 South Townsend St., Syracuse, N. Y.
- Henniger & Thomas, 711 South Geddes St., Syracuse, N. Y.
- Hurwitz, A., 552 Westcott St., Syracuse, N. Y.
- John's Tailor Shop, 152 Oak St., Syracuse, N. Y.

- Joseph's, 302 Park St., Syracuse, N. Y.
- Kallet, Louis, 319 Cortland Ave., Syracuse, N. Y.
- Koolakian Tailors, 216 East Genesee St., Syracuse, N. Y.
- Kurtz Tailor Shop, 612 North Salina St., Syracuse, N. Y.
- Lavine, Joseph, 306 South Franklin St., Syracuse, N. Y.
- Miller, Harry, 204 Loma Ave., Syracuse, N. Y.
- New York Dry Cleaning Co., 1622 East Fayette St., Syracuse, N. Y.
- Nichols Tailor, 210 Helen St., Syracuse, N. Y.
- Notarthemias, Joseph, 400 Hawley Ave., Syracuse, N. Y.
- Paris Dry Cleaning, 123 Lillian Ave., Syracuse, N. Y.
- Peerless Dry Cleaners, 503 East Jefferson St., Syracuse, N. Y.
- Porcaro, Joseph, 528 Pearl St., Syracuse, N. Y.
- Remnele, Ernst & Emelie, 1016 Butternut St., Syracuse, N. Y.
- Rensin Dry Cleaners, 709 South Crouse Ave., Syracuse, N. Y.
- Rose, Eugene, 522 South Warren St., Syracuse, N. Y.
- Royal Champion Dry Cleaning Co., 101 North Warren St., Syracuse, N. Y.
- Sauda, Louis, 1623 Milton Ave., Solvay, N. Y.
- Schwanz, Fred A., 268 West Ostrander Ave., Syracuse, N. Y.
- Shindler's 620 Tallman St., Syracuse, N. Y.
- Spence Dry Cleaners, Inc., 1501 South Salina St., Syracuse, N. Y.
- Spring St. Tailoring & Cleaning, 1300 Spring St., Syracuse, N. Y.
- Stevens, John, 4705 South Salina St., Syracuse, N. Y.
- Tian, John Enfe, 209 Dennison Bldg., Syracuse, N. Y.
- Union Dry Cleaning Co., 109 East Genesee St., Syracuse, N. Y.
- Victory Dry Cleaning Co., 132 East Genesee St., Syracuse, N. Y.
- Wardrobe, The, 357 South Warren St., Syracuse, N. Y.

5. *Protest.* You may, within sixty days of the effective date of this order, and upon submission in writing of facts showing that, by reason of the type of service rendered by you, your establishment is not comparable to other establishments whose maximum prices are properly established at the above prices, make application for review thereof in the manner provided by Revised Procedural Regulation No. 1.

6. *Effective date.* This order shall become effective on May 21, 1945.

Issued this 14th day of May 1945.

STEPHEN P. TOADVINE,
District Director.

APPENDIX A—REVISED MASTER PRICE LIST

	Cleaning and pressing—cash and carry, called for and delivered	Pressing only—cash and carry, called for and delivered
Men's wear:		
Suits, 2- or 3-piece.....	\$0.70	\$0.35
Suits, white.....	1.00	.50
Suits, tuxedo.....	1.00	.50
Suits, full dress.....	1.00	.50
Suit coat.....	.40	.20
Trousers.....	.35	.20
Trousers, white.....	.50	.25
Overcoats, lightweight.....	.75	.40
Overcoats, heavyweight.....	.75	.40
Raincoats.....	1.00	.50
Wool shirts.....	.35	.20
Slacks.....	.35	.20

APPENDIX A—REVISED MASTER PRICE LIST—Con.

	Cleaning and pressing—cash and carry, called for and delivered	Pressing only—cash and carry, called for and delivered
Men's wear—Continued		
Sweaters, short sleeves or sleeveless.....	\$0.35	\$0.20
Sweaters, long sleeves.....	.50	.25
Woolen bathrobes.....	.75	.40
Ties, each.....	.10	.05
Gloves, pair.....	.35	.....
Hats.....	.50	.....
Overalls.....	.35	.....
Military work:		
Shirts.....	.35	.20
Blouses.....	.40	.20
Trousers.....	.35	.20
Overcoats.....	1.00	.50
Field jackets.....	.50	.25
Pea jackets.....	.50	.25
Raincoats, rewaterproofed, and cleaned.....	1.00	.....
Raincoats.....	.75	.40
Naval officers' 2-piece white uniforms.....	1.00	.50
Women's wear:		
Suits, 2-piece, no fur.....	.70	.35
Suits, 2-piece, furred.....	1.00	.50
Suits, 3-piece.....	1.00	.50
Dresses, silk.....	.70	.35
Dresses, silk, pleated skirt.....	1.00	.50
Dresses, 2-piece.....	.70	.35
Dresses, wool.....	.70	.35
Evening dresses, plain skirt.....	1.00	.50
Evening dresses, pleated skirt.....	1.50	.75
Evening wraps, short.....	.75	.40
Evening wraps, long.....	1.50	.75
Skirts, plain (up to 4 pleats).....	.35	.20
Skirts, pleated.....	.50	.25
Jackets.....	.50	.25
Coats, lightweight.....	.75	.40
Coats, heavyweight.....	.75	.40
Coats, fur trimmed.....	1.00	.50
Women's wear:		
Fur coats, short.....	1.50	.....
Fur coats, long.....	3.00	.....
Fur scarves.....	1.00	.....
Blouses, short sleeves.....	.35	.20
Blouses, long sleeves.....	.35	.20
Sweaters, short sleeves.....	.35	.20
Sweaters, long sleeves.....	.35	.20
Knit dress, 1-piece.....	.75	.40
Knit dress, 2-piece.....	1.00	.50
Bathrobes.....	.75	.40
N negligees, silk.....	1.00	.50
Gloves, pair.....	.50	.....
Hats.....	.50	.....
Purses.....	.50	.....
Children's wear:		
Dresses, silk.....	.50	.25
Dresses, wool.....	.50	.25
Skirts, plain (up to 4 pleats).....	.25	.15
Skirts, pleated.....	.50	.25
Suits, silk.....	.55	.....
Snow suits, small.....	.50	.25
Snow suits, large.....	.75	.40
Sweaters.....	.35	.20
Knickers.....	.25	.15
Household list:		
Curtains, plain.....	.60	.....
Curtains, pleated or ruffled.....	.75	.....
Curtains, rayon or silk.....	.75	.....
Drapes, unlined.....	.75	.....
Drapes, lined.....	1.00	.....
Bedsprads, plain.....	1.00	.....
Bedsprads, fancy.....	1.25	.....
Blankets, single, cotton.....	.60	.....
Blankets, double, cotton.....	.75	.....
Blankets, single, wool.....	.75	.....
Blankets, double, wool.....	1.00	.....
Quilts.....	1.00	.....
Comforts.....	1.00	.....
Slip covers, chair.....	.75	.....
Slip covers, couch.....	1.00	.....

[F. R. Doc. 46-6659; Filed, Apr. 19, 1946; 3:20 p. m.]

[Region II Rev. Order G-41 Under RMPR 122]

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:

(a) *What this order does—(1) Dealers' maximum prices: area covered.* If you are a dealer in solid fuels, this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania Anthracite" and "Virginia Anthracite", and for certain sizes, quantities and types of bituminous coal delivered to or at any point in the zones comprising State of Maryland—Coal Area II. That area consists of five zones, as follows:

Zone 1. Zone 1 includes Anne Arundel County, except election district 5.

Zone 2. Zone 2 includes Howard County.

Zone 3. Zone 3 includes Carroll County and election districts 4, 5, and 6 of Baltimore County.

Zone 4. Zone 4 includes Harford County and election districts 7, 8, 10 and 11 of Baltimore County.

Zone 5. Zone 5 includes Cecil County.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated kinds, sizes and quantities of coal delivered within Zones 1, 2, 3, 4 and 5 are set forth in Schedules I, II, III, IV and V, respectively.

(3) *To what sales this order applies.* If you are a dealer in solid fuels, you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Zones 1, 2, 3, 4 and 5.

You shall determine the maximum price for "Direct-Delivery" sales, as hereinafter defined, by reference to the appropriate Schedule of this order covering the zone to which delivery is made, whether or not you are located in one of the five zones.

You shall determine your maximum price for a "Yard" sale, as hereinafter defined, by reference to the appropriate Schedule of this order covering the zone in which the purchaser takes physical possession or custody of the solid fuel.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy solid fuels of the kinds, sizes, and in the quantities set forth in the Schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by—

(i) Changing the discounts authorized herein, or (ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the Schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum prices as follows:

(1) *Use the schedule which covers your sale.* (Schedule 1 applies to sales on a "Direct-Delivery" basis, "Yard Sales", and sales of Virginia Anthracite in 19 lb. paper bags, within Zone 1. In like manner, Schedules II, III, IV, and V apply to "Direct-Delivery" sales and "Yard Sales" in Zones 2, 3, 4, and 5, respectively. You will find Schedule 1 in paragraph (d), Schedule II in paragraph (e), Schedule III in paragraph (f), Schedule IV in paragraph (g), and Schedule V in paragraph (h)).

(2) Take the dollars-and-cents figure given in the applicable table of the applicable Schedule, for the kind, size and quantity of solid fuel you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified therein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in the Schedules.

(5) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable Schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable Schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 75¢ per ton, you shall not add more than 56¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I.* Schedule I establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 1. There is a separate table of prices for "Direct-Delivery" sales, "Yard Sales", and sales of Virginia Anthracite in 19 lb. paper bags.

(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
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$15.60	\$8.05	\$0.90
Pea.....	13.65	7.10	.80
Buckwheat.....	11.85	6.20	.75
Rice.....	10.75	5.65	-----
Barley.....	9.50	5.00	-----
Screenings.....	4.85	2.45	-----
Virginia anthracite:			
Egg, stove, nut.....	12.70	6.60	.78
Pea.....	11.25	5.90	.67
Buckwheat.....	10.60	5.55	.62
Bituminous coal (from underground mines)—low volatile:			
Producing district 1:			
Lump or egg (size group 1, price classification D and E).....	10.75	5.65	.65
Nut and slack (size group 4, price classification G).....	8.80	4.65	.55
Run-of-mine (size group 3, price classification E and G).....	9.45	5.00	.60
Producing district 2: Run-of-mine (size group 6, price classification D)....			
9.30	4.90	.60	
Producing district 3:			
Lump (size group 3, price classification "DE").....	9.03	4.77	.55
Stoker (size group 4, price classification E).....	8.88	4.72	.55

Required discounts. You shall deduct from the prices set forth in table (1) of this Schedule, on sales and deliveries of all sizes except screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser

"Carry" or "wheel" (except for sales amounting to less than ½ ton): 50¢ per net ton, 25¢ per net ½ ton.

Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel": 50¢ per net ton, 25¢ per net ½ ton.

For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than ½ ton). This charge shall apply only to deliveries from yards in State of Maryland—coal area II: 50¢ per net ton for each 5 miles or fraction thereof beyond seven miles from dealer's yard.

(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
Pennsylvania anthracite:		
Broken, egg, stove, nut.....	\$14.50	\$0.80
Pea.....	12.55	.70
Buckwheat.....	10.75	.65
Rice.....	9.65	-----
Barley.....	8.40	-----
Screenings.....	3.75	-----
Virginia anthracite:		
Egg, stove, nut.....	11.60	.68
Pea.....	10.15	.57
Buckwheat.....	9.50	.52

FOR SALES OF COAL OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED—Continued

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
Bituminous coal (from underground mines)—low volatile:		
Producing district 1:		
Lump or egg (size group 1, price classification D and E).....	\$9.65	\$0.55
Nut and slack (size group 4, price classification G).....	7.70	.45
Run-of-mine (size group 3, price classification E and G).....	8.35	.50
Producing district 2: Run-of-mine (size group 6, price classification D).....	8.20	.50
Producing district 3:		
Lump (size group 3, price classification "DE").....	7.93	.45
Stoker (size group 5, price classification E).....	7.78	.45

Required discounts. You shall deduct from the prices set forth in table (2) of this Schedule, on sales and deliveries of all sizes except screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(3) Virginia anthracite in 19 lb. paper bags (¼ bushel).

Size	Delivered at dealer's yard to—		Delivered to retail stores	Sales to ultimate consumers
	Dealers	Consumers		
Stove or nut.....	\$0.12	\$0.14	\$0.14	\$0.16

(e) **Schedule II.** Schedule II establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 2. There is a separate table of prices for "Direct-Delivery" sales and "Yard Sales".

(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
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$15.05	\$7.80	\$0.90
Pea.....	13.25	6.90	.80
Buckwheat.....	11.25	5.90	.70
Rice.....	10.15	5.35	-----
Barley.....	8.65	4.60	-----
Screenings.....	4.85	2.45	-----
Bituminous coal (from underground mines)—low volatile:			
Producing district 1:			
Lump (size group 1, price classification D and E).....	9.25	4.50	.60
Run-of-mine (size group 3, price classification E).....	9.45	5.00	.60
Producing district 7: Stove (size group 3, price classification A and D).....	10.20	5.35	.60

Required discounts. You shall deduct from the prices set forth in table (1) of this Schedule, on sales and deliveries of all sizes except Pennsylvania Anthracite screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein re-

quires that you sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES
Special service rendered at the request of the purchaser

"Carry" or "wheel" (except for sales amounting to less than ½ ton): 50¢ per net ton, 25¢ per net ½ ton.

Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel": 50¢ per net ton, 25¢ per net ½ ton.

For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than ½ ton). This charge shall apply only to deliveries from yards in State of Maryland—coal area II: 50¢ per net ton for each 5 miles or fraction thereof beyond seven miles from dealer's yard.

(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
Pennsylvania anthracite:		
Broken, egg, stove, nut.....	\$13.95	\$0.80
Pea.....	12.15	.70
Buckwheat.....	10.15	.60
Rice.....	9.05	-----
Barley.....	7.55	-----
Screenings.....	3.75	-----
Bituminous coal (from underground mines)—low volatile:		
Producing district 1:		
Lump (size group 1, price classification D and E).....	8.15	.50
Run-of-mine (size group 3, price classification E).....	8.35	.50
Producing district 7: Stove (size group 3, price classification A and D).....	9.10	.55

Required discounts. You shall deduct from the prices set forth in table (2) of this Schedule, on sales and deliveries of all sizes except Pennsylvania Anthracite screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(f) **Schedule III.** Schedule III establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 3. There is a separate table of prices for "Direct-Delivery" sales and "Yard Sales".

(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
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$14.55	\$7.55	\$0.85
Pea.....	12.75	6.65	.75
Buckwheat.....	10.70	5.60	.70
Rice.....	9.00	5.05	-----
Barley.....	8.10	4.20	-----
Screenings.....	4.35	2.20	-----
Anthracite briquettes.....	9.60	5.05	.60
Bituminous coal (from underground mines)—low volatile:			
Producing District 1:			
Lump (size group 1, price classification A, C, D, E, G, and H).....	9.10	4.80	.55
Run-of-mine (size group 3, price classification D and E).....	8.75	4.05	.55

FOR SALES OF COAL OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED—Continued

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
Bituminous coal (from underground mines)—low volatile—Con.			
Producing district 3:			
Lump (size group 1, price classification G).....	\$7.73	\$4.12	\$0.50
Producing district 7:			
Egg (size group 2, price classification D).....	10.95	5.75	.65
Stove (size group 3, price classification A).....	11.15	5.85	.65
Stove (size group 3, price classification C and D).....	10.65	5.60	.65
Nut (size group 4, price classification A).....	10.85	5.70	.65
Pea (size group 5, price classification A).....	9.90	5.20	.60

Required discounts. You shall deduct from the prices set forth in table (1) of this Schedule, on sales and deliveries of all sizes except Pennsylvania Anthracite screenings, in quantities of one ton or more, a discount of 25¢ per net ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special Service Rendered at the Request of the Purchaser

"Carry" or "wheel" (except for sales amounting to less than ½ ton): 50¢ per net ton, 25¢ per net ½ ton.

Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carrying" or "wheel": 50¢ per net ton, 25¢ per net ½ ton.

For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than ½ ton). This charge shall apply only to deliveries from yards in State of Maryland—coal area II: 50¢ per net ton for each 5 miles or fraction thereof beyond seven miles from dealer's yard.

(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
Pennsylvania anthracite:		
Broken, egg, stove, nut.....	\$13.45	\$0.75
Pea.....	11.65	.65
Buckwheat.....	9.60	.60
Rice.....	8.50	-----
Barley.....	7.00	-----
Screenings.....	3.25	-----
Anthracite briquettes.....	8.60	.50
Bituminous coal (from underground mines)—low volatile:		
Producing district 1:		
Lump (size group 1, price classification A, C, D, E, G, and H).....	8.00	.45
Run-of-mine (size group 3, price classification D and E).....	7.65	.45
Producing district 3: Lump (size group 1, price classification G).....	6.63	.40
Producing district 7:		
Egg (size group 2, price classification D).....	9.85	.55
Stove (size group 3, price classification A).....	10.05	.55
Stove (size group 3, price classification C and D).....	9.55	.55
Nut (size group 4, price classification A).....	9.75	.55
Pea (size group 5, price classification A).....	8.80	.50

(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 1/2 ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than 1/2 ton
Pennsylvania anthracite: Broken, egg, stove, nut.....	\$13.80	\$0.75
Fee.....	11.90	.70
Buckwheat.....	9.60	.60
Rice.....	8.45	.....
Barley.....	6.95	.....
Screenings.....	3.25	.....
Bituminous coal (from underground mines)—low volatile producing district 1: Lump (size group 1, price classification C and H).....	10.05	.55
Run-of-mine (size group 3, price classification E and H).....	8.65	.50
High volatile producing district 2: Lump 5' x 2" (size group 2, price classification F).....	9.45	.55
Lump 6" and larger x 1 1/4" and smaller (size group 4, price classification D).....	8.50	.50
Producing district 3: Double screened coal 2" and smaller (size group 5, price classification F).....	8.35	.50

Required discounts. You shall deduct from the prices set forth in table (2) of this Schedule, on sales and deliveries of all sizes except Pennsylvania Anthracite screenings, in quantities of 1/2 ton or more, a discount of 50¢ per net ton and 25¢ per net 1/2 ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(i) Permitted additions on "yard sales" to other than resellers. On "Yard Sales" to persons other than resellers, there may be added to the maximum per net ton prices set forth in the tables of prices in paragraph (d) (2), (e) (2), (f) (2), (g) (2) and (h) (2) of this order covering "Yard Sales" only, 10¢ per net ton on the kinds and sizes specified in the schedule.

(j) Addition by dealers of charges for oil or chemical treatment of bituminous coal. Notwithstanding other provisions of this order, if you are a dealer charged a price for oil or chemical treatment of bituminous coal from District 2, 3, and 7, you may, on sales of such treated coal, add to the maximum prices set by this Order the treatment charge made by supplier, provided that it does not exceed 10¢ per net ton. This treatment charge may be added only if the treated coal is kept separate and is not mixed with other untreated coal. You need not sep-

fuel, delivered to or at any point within Zone 5. There is a separate table of prices for "direct-delivery" sales and "yard sales".

(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 100 lbs. for sales of 100 lbs. or more but less than 1/2 ton
Pennsylvania anthracite: Broken, egg, stove, nut.....	\$14.90	\$0.85
Fee.....	13.00	.80
Buckwheat.....	10.70	.70
Rice.....	9.55	.....
Barley.....	8.05	.....
Screenings.....	4.35	.....
Bituminous coal (from underground mines)—low volatile producing district 1: Lump (size group 1, price classification C and H).....	11.15	.65
Run-of-mine (size group 3, price classification E and H).....	9.75	.60
High volatile producing district 2: Lump 5' x 2" (size group 2, price classification E).....	10.55	.65
Lump 6" and larger x 1 1/4" and smaller (size group 4, price classification D).....	9.60	.60
Producing district 3: Double screened coal 2" and smaller (size group 5, price classification F).....	9.48	.60

Required discounts. You shall deduct from the prices set forth in table (1) of this Schedule, on sales and deliveries of all sizes, except Pennsylvania Anthracite screenings, in quantities of 1/2 ton or more, a discount of 50¢ per net ton and 25¢ per net 1/2 ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHANGES
Special service rendered at the request of the purchaser

"Carry" or "wheel" (except for sales amounting to less than 1/2 ton): 50¢ per net ton, 25¢ per net 1/2 ton.

Carrying upstairs, for each full flight above the ground floor (except for sales amounting to less than 1/2 ton). This charge shall be in addition to any charge for "carry" or "wheel". 50¢ per net ton, 25¢ per net 1/2 ton.

For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than 1/2 ton). This charge shall apply only to deliveries from yards in State of Maryland—coal area II: 50¢ per net ton for each 5 miles or fraction thereof beyond seven miles from dealer's yard.

to less than 1/2 ton). This charge shall be in addition to any charge for "carry" or "wheel". 50¢ per net ton, 25¢ per net 1/2 ton.

For deliveries involving hauling beyond seven miles from dealer's yard (except for sales amounting to less than 1/2 ton). This charge shall apply only to deliveries from yards in State of Maryland—coal area II: 50¢ per net ton for each 5 miles or fraction thereof beyond seven miles from dealer's yard.

(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 1/2 ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than 1/2 ton
Pennsylvania anthracite: Broken, egg, stove, nut.....	\$13.85	\$0.75
Fee.....	11.85	.70
Buckwheat.....	10.00	.60
Rice.....	7.60	.....
Barley.....	3.25	.....
Screenings.....	.....	.....
Bituminous coal (from underground mines)—low volatile producing district 1: Lump (size group 1, price classification D and F).....	8.50	.50
Double screened coal 2" and smaller (size group 2, price classification E and F).....	8.15	.45
Run-of-mine (size and group 3, price classification E and F).....	8.15	.45
Producing district 7: Stove (size group 3, price classification A).....	10.00	.55
Pea (size group 4, price classification A).....	8.45	.50

Required discounts. You shall deduct from the prices set forth in table (2) of this Schedule, on sales and deliveries of all sizes except Pennsylvania Anthracite screenings, in quantities of 1/2 ton or more, a discount of 50¢ per net ton and 25¢ per net 1/2 ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(3) Special provision for sales from yards located in Cockeysville, Maryland. You shall determine the maximum prices for "direct-delivery" sales and "yard" sales in accordance with Schedules I and II of Second Revised Order No. G-15. However, you may add to the prices set out in said Schedules I and II of Second Revised Order No. G-15, 50¢ per net ton for sales in quantities of more than 1/2 ton, and 25¢ for sales in quantities of 1/2 ton.

(h) Schedule V. Schedule V establishes a specific maximum price for certain kinds, sizes and quantities of solid

Required discounts. You shall deduct from the prices set forth in table (2) of this Schedule, on sales and deliveries of all sizes except Pennsylvania Anthracite screenings, in quantities of one ton or more, a discount of 25¢ per net ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

(g) Schedule IV. Schedule IV establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 4. There is a separate table of prices for "Direct-Delivery" and "Yard Sales".

(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 100 lbs. for sales of 100 lbs. or more but less than 1/2 ton
Pennsylvania anthracite: Broken, egg, stove, nut.....	\$14.95	\$0.85
Fee.....	12.95	.80
Buckwheat.....	11.10	.70
Rice.....	10.20	.....
Barley.....	8.70	.....
Screenings.....	4.35	.....
Bituminous coal (from underground mines)—low volatile: Producing district 1: Lump (size group 1, price classification D).....	9.60	.60
Double screened coal 2" and smaller (size group 2, price classification E).....	9.25	.55
Run-of-mine (size group 3, price classification A).....	9.25	.55
Producing district 7: Stove (size group 3, price classification A).....	11.10	.65
Pea (size group 4, price classification A).....	9.55	.60

Required discounts. You shall deduct from the prices set forth in table (1) of this Schedule, on sales and deliveries of all sizes except Pennsylvania Anthracite screenings, in quantities of 1/2 ton or more, a discount of 50¢ per net ton and 25¢ per net 1/2 ton, where payment is made within ten days after delivery. Nothing herein requires that you sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHANGES
Special service rendered at the request of the purchaser

"Carry" or "wheel" (except for sales amounting to less than 1/2 ton): 50¢ per net ton, 25¢ per net 1/2 ton.

Carrying upstairs, for each full flight above the ground floor (except for sales amounting

arately state the amount of this treatment charge if you clearly indicate on the invoice that the coal is so treated. Provisions of this paragraph shall not apply to sales of solid fuels in less than ¼ ton lots, unless requested by the purchaser.

(k) *Commingling.* If one size or kind of coal is sold commingled with another size or kind of coal, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes or for the least expensive kind of coal so commingled, whichever is lower, whether the sale be a "Delivered Sale" or "Yard Sale", except in the following situation: Where a purchaser requests that two or more sizes or kinds of fuels be commingled in one delivery, then, and in that event, if these sizes and kinds are separately weighed at the point of loading, the dealer may commingle those sizes and kinds in the truck or other vehicle, in which the delivery is made. The price for coal so commingled shall be calculated on the basis of the applicable per net ton price for each size and kind in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size and kind in the combination.

(l) *Ex Parte 148; freight rate increase.* Since the Ex Parte 148 Freight Rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any Schedule price on account of freight rates.

(m) *Addition of increase in supplier's maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(n) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or any amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the State of Maryland or any political subdivision thereof, you need not state this tax separately.

(o) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time

after delivery of the solid fuel has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(p) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(q) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(r) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(s) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of solid fuel hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(t) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than ½ ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of coal sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(u) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Maryland District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(v) *Definitions and explanations.* When used in this Revised Order No. G-41, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "Sale", "selling", "sold", "seller", "buy", "purchase" and "purchased", shall be construed accordingly.

(3) "Dealer" means any person selling coal of the kinds and sizes set forth in the Schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Direct delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or other vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the points nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(5) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space, in baskets or other containers, or by wheelbarrow or barrel, from the seller's truck or other vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which coal is discharged from the seller's truck in the course of "direct delivery".

(6) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(7) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(8) The sizes of Pennsylvania anthracite described as "broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings" shall refer to the same sizes of the same fuel as were sold and delivered in the State of Maryland—Coal Area II with such designation during December 1941.

(9) "Virginia anthracite" means non-bituminous coal produced in the State of Virginia.

(10) "Egg, stove, nut, pea and buckwheat" sizes of Virginia anthracite refer to the sizes of such coal as prepared by the producer during the period December 15-31, 1941.

(11) "District No." refers to the geographical coal-producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they have been modified as of midnight, August 23, 1943.

(12) "Low volatile bituminous coal" is produced in the low volatile sections of the producing districts specified herein.

(13) "High volatile bituminous coal" is produced in the high volatile section of the producing districts specified herein.

(14) "Underground mine coal" means coal that is taken entirely from underground seams from which the overburden is not removed, and does not include coal from a mine which takes coal from the ground by the stripping method.

(15) All designations in this order of sizes, classifications, etc., applicable to bituminous coal, refer to the sizes, classifications, etc., as set forth in the minimum price schedules for the various producing districts issued by the Bituminous Coal Division of the United States Department of Interior, as in effect midnight, August 23, 1943. (See appendix for definitions of pertinent size groups.)

(16) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(w) Effect of order on Revised Maximum Price Regulation No. 122. To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

(x) Effect of orders on Order No. G-41 as originally issued. Order No. G-41 under Revised Maximum Price Regulation No. 122 as issued on May 15, 1944, is hereby revoked in full as of the effective date of this order.

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

This Revised Order No. G-41 shall become effective April 11, 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 this 10th day of April 1946.

LEO F. GENTNER,
Regional Administrator.

APPENDIX

Definitions of size groups, in the several production districts established in the Bituminous Coal Act of 1937 as Amended, and defined in the minimum price schedules of the Bituminous Coal Division of the Department of the Interior and in effect August 23, 1943:

Production district	Size group	Size	Definition
1	1	Lump and egg...	All lump coal. All double screened coal having a top size over 2 inches.
	2	2" and smaller...	All double screened coal with top size not exceeding 2 inches.
	3	Run-of-mine.....	Run-of-mine, modified run-of-mine and minus resultant with top size over 2 inches.

APPENDIX—Continued

Production district	Size group	Size	Definition
1	4	Nut and slack...	All minus resultant with top size over 3/4 inch and not exceeding 2 inches.
2	2	Lump or egg....	Lump coal larger than 2 inches but not exceeding 5 inches bottom size. Double screened coal with a bottom size larger than 2 inches.
	4	do.....	Lump coal with bottom size 1 1/4" and smaller. Double screened coal with a bottom size of 1 1/4" and smaller and a top size larger than 2 inches.
2	6	Run-of-mine.....	Straight run-of-mine and resultants larger than 2" x 0 and any altered mine run, or altered screenings, from which any intermediate size has been removed.
3	1	Lump.....	Lump coal larger than 5" bottom size.
	3	do.....	Lump coal larger than 1 1/4" but not exceeding 2" bottom size. Double screened coal with a bottom size larger than 1 1/4" but not over 2", and atop size larger than 2".
	5	Stoker.....	All double screened coal with a top size 2" and smaller.
7	2	Egg.....	Egg: Top size larger than 3"; bottom size no limit.
	3	Stove.....	Stove or dedusted screenings; top size larger than 1 1/4" but not exceeding 3"; bottom size smaller than 3".
	4	Nut.....	Nut or dedusted screenings; top size larger than 3/4" but not exceeding 1 1/4". bottom size smaller than 1 1/4".
	5	Pea.....	Pea or dedusted screenings; top size not exceeding 3/4"; bottom size smaller than 3/4".

[F. R. Doc. 46-6660; Filed, Apr. 19, 1946; 3:20 p. m.]

[Syracuse Order G-1 Under Supp. Service Reg. 44 to RMPR 165, Amtd. 1]

DRY CLEANING AND PRESSING SERVICES IN SYRACUSE, N. Y., AND VICINITY

Order No. 1 under section 6 of Supplementary Service Regulation No. 44 to Revised Maximum Price Regulation No. 165, as amended—Services, is amended in the following respects:

1. Paragraph 4 is amended to delete the names of the following establishments:

- Bilt-Well Dry Cleaners, 948 East Genesee St., Syracuse.
- Elmwood Tailoring & Dry Cleaning Co., 1921 South Ave., Syracuse.
- Fibison, P.-T., 1329 South Salina St., Syracuse.
- Notarthemas, Joseph, 400 Hawley Ave., Syracuse.
- Spence Dry Cleaners, Inc., 1501 South Salina St., Syracuse.
- Spring St. Tailoring & Cleaning, 1300 Spring St., Syracuse.
- Union Dry Cleaning Co., 109 East Genesee St., Syracuse.
- Victory Dry Cleaning Co., 132 East Genesee St., Syracuse.

2. The establishments set out above shall be required to refile with the Onondaga County War Price and Rationing

Board those filings which have been approved by the Syracuse District Office. All of the provisions of Order No. 42 under Revised Maximum Price Regulation No. 165 as amended—Services, shall apply to these revised filings and the sellers shall post in their establishments, within ten days after the effective date of this amendment, a new poster setting out these prices.

This amendment to Syracuse Order No. 1 under Supplementary Service Regulation No. 44 shall become effective June 11, 1945.

Issued this 7th day of June 1945.

STEPHEN P. TOADVINE,
District Director.

[F. R. Doc. 46-6658; Filed, Apr. 19, 1946; 3:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1216]

CITIES SERVICE POWER & LIGHT CO., ET AL.

NOTICE OF FILING OF AMENDMENT AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of April, A. D., 1946.

In the matter of Cities Service Power & Light Company, Ohio Public Service Company, The Marion-Reserve Power Company, Ohio River Power, Inc., File No. 70-1216.

On January 22, 1946 this Commission issued a notice of filing and notice of and order for hearing in the above-captioned matters filed under the Public Utility Holding Company Act of 1935. That order (Holding Company Act Release No. 6379) directed that a hearing be held on February 4, 1946, regarding a filing of Cities Service Power & Light Company (Power & Light), a subsidiary of Cities Service Company, both registered holding companies, and its subsidiaries, the Ohio Public Service Company (Public Service), The Marion-Reserve Power Company (Marion-Reserve), and Ohio River Power, Inc. (Power Company), which proposed a comprehensive plan for refinancing Public Service and its two subsidiaries, Marion-Reserve and Power Company.

Notice is hereby given that Power & Light, Marion-Reserve, and Power Company have filed an amendment to their original filings. This amendment is primarily concerned with the elimination from the original proposals of the merger of Marion-Reserve and Power Company into Public Service and the exchange of the outstanding preferred stocks of Public Service and Marion-Reserve held by others than Power & Light for shares of 4% cumulative preferred stock to be issued by Public Service as the surviving company.

All interested persons are referred to the said amendment which is on file in the office of this Commission, for a statement of transactions therein proposed, which may be summarized as follows:

Public Service proposes to issue and sell, pursuant to the competitive bidding

provisions of Rule U-50, \$32,000,000 principal amount of its First Mortgage Bonds—% Series due 1976, the interest rate and the price to Public Service are to be determined by competitive bidding.

Public Service proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, \$5,500,000 principal amount of its Serial Notes due 1947 through 1956, the interest rate is to be determined by competitive bidding and the price to Public Service is to be the principal amount thereof.

Public Service proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, 156,300 shares of its \$100 par value—% cumulative preferred stock, the dividend rate and the price to Public Service are to be determined by competitive bidding.

The net proceeds from the sale of the aforementioned securities, together with other company funds, to the extent needed, exclusive of accrued interest and dividends, and after allowance for total expenses payable by Public Service are to be applied as follows:

(a) To the redemption of \$28,900,000 principal amount of the First Mortgage Bonds, 4% Series due 1962, of Public Service (exclusive of interest) at 104½% of the principal amount: \$30,128,250.00.

(b) To the redemption of \$320,000 principal amount of Serial Notes (4% due serially to August, 1947) of Public Service (exclusive of interest) at 102% of principal amount: \$326,400.00.

(c) To the redemption of \$614,000 principal amount of promissory notes (2% due serially to January 1948) of Public Service (exclusive of interest) at 101% of principal amount: \$620,140.00.

(d) To the payment of \$6,836,441.36 principal amount (as at December 31, 1945) of the 4% promissory note dated May 1942 of Power Company, due in installments to May 1957 (exclusive of interest): \$6,944,901.22.

(e) To the redemption of \$15,161,400 aggregate par value of First Preferred Stock of Public Service and \$3,230,600 par value of preferred stock of Marion-Reserve at the redemption prices applicable thereto (exclusive of accrued dividends): \$20,307,715.00.

Total: \$58,327,406.22.

In addition, the net proceeds will be applied to the payment of the expenses incurred in connection with such redemption, including overlapping interest and dividends.

Public Service proposes to issue and sell to Power & Light \$5,208,300 aggregate par value of common stock for \$5,000,000 in cash and \$208,300 par value of its outstanding preferred stock to be surrendered by Power & Light and retired. The cash proceeds therefrom not required to retire any of the outstanding securities as aforementioned, will be held in the treasury of Public Service for general corporate purposes.

Public Service proposes to authorize the new preferred stock and to change each share of its outstanding common stock and of its authorized common stock of \$100 par value, into 20 shares of common stock of \$5 par value by amending its articles of incorporation.

Marion-Reserve and Power Company proposes to join in the mortgage securing the bonds to be issued and sold as aforementioned in consideration of the payment by Public Service of the amount required to redeem the preferred stock of Marion-

Reserve and the 4% promissory note of Power Company as set forth above. Thereafter, it is proposed that Marion-Reserve and Power Company be liquidated and all of their assets transferred to Public Service.

Power & Light propose to pledge the common stock of Public Service to be acquired as aforesaid with The Chase National Bank of the City of New York, as custodian, under the custodian agreement dated March 15, 1944, as security for the bank loan notes of Power & Light in accordance with the terms of the said notes and of the loan agreement dated January 5, 1944.

Public Service proposes, pending consummation of the transactions above described, to provide funds to enable Power Company to pay expenses and costs becoming due and payable for capital expenditures by purchasing, with treasury funds, shares of common stock of Power Company.

The filing has designated sections 6, 7, 9, 10, and 12 of the act and Rules U-42, U-43, U-44, and U-50 as being applicable to the proposed transactions. It is stated in the filing that the issuance and sale by Public Service of the bonds, notes, and preferred stock will be solely for the purpose of financing its business and will be expressly authorized by the Public Utilities Commission of Ohio.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing be reconvened with respect to the matters set forth in said applications and declarations, as amended, and that the transactions therein proposed should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said applications and declarations, as amended, under the applicable provisions of said act and the rules of the Commission promulgated thereunder be held at 11:00 a. m., e. s. t., on the 24th day of April 1946, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission, on or before April 22, 1946, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by such filing, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed issue and sale of securities by Public Service is solely for the purpose of financing the business

of said company and has been expressly authorized by the State Commission of the state in which it is organized and doing business.

2. Whether the terms and conditions of the securities proposed to be issued are detrimental to the public interest and the interest of investors or consumers.

3. Whether the proposed alteration of the priorities, preferences and other rights of the holders of securities of Public Service comply with the applicable provisions and requirements of section 7 of the act.

4. Whether the proposed acquisition of shares of common stock of Public Service by Power and Light meets the applicable statutory standards of sections 9 and 10 of the act.

5. Whether the fees, commissions or other remunerations to be paid in connection with the proposed transactions are reasonable.

6. Whether the accounting entries to be made in connection with the proposed transactions are proper and in accordance with sound accounting principles.

7. Whether it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

8. Generally, whether the proposed transactions comply with all of the applicable provisions of the act and the rules and regulations promulgated thereunder.

It is further ordered, That notice of said hearing is hereby given to the applicants-declarants and to all other persons; said notice to be given to Cities Service Power & Light Company, The Ohio Public Service Company, The Marion-Reserve Power Company, Ohio River Power, Inc., Federal Power Commission, and the Public Utilities Commission of the State of Ohio, by registered mail, and to all other persons by general release of this Commission, distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-6677; Filed, Apr. 22, 1946;
9:47 a. m.]

[File No. 70-1261]

AMERICAN GAS AND ELECTRIC CO., SCRANTON
ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pa., on the 18th day of April, A. D. 1946.

American Gas and Electric Company ("American"), a registered holding company, and its subsidiary, The Scranton Electric Company ("Scranton"), having filed a joint application and declaration, and amendments thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, regarding the following transactions: (1) Amendment by Scranton of its charter to effect

(a) a reduction in its presently authorized 100,000 shares of no par value \$6 cumulative preferred stock to 75,000 shares of cumulative preferred stock having a par value of \$100 per share, and (b) a reclassification of its authorized 2,500,000 shares of no par value common stock into 1,500,000 shares of \$5 par value common stock; (2) the sale by Scranton, pursuant to the competitive bidding provisions of Rule U-50, of 53,248 shares of \$100 par value cumulative preferred stock; (3) the redemption by Scranton of its presently outstanding shares of no par value \$6 cumulative preferred stock; (4) the sale by American, at competitive bidding, pursuant to the provisions of Rule U-50, of 1,214,000 shares of the \$5 par value common stock of Scranton; (5) the sale and transfer to Scranton of American's investments in West Pittston-Exeter Railroad Company; and (6) the transfer by Franklin Real Estate Company to Scranton of title to certain lands presently held in Scranton's benefit.

By its order dated December 26, 1945, the Commission pursuant to section 11 (b) of the act ordered American to limit the operation of its holding company system by severing its relationship with Scranton, West Pittston-Exeter Railroad Company, and certain of its other subsidiaries by disposition of its interests in such companies. In this connection American has requested that the order of this Commission granting said application and permitting said declaration to become effective contain the recital and other provisions necessary to meet the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

A public hearing having been held on said application and declaration, as amended, after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein.

It is ordered, That said application and declaration, as amended, be, and the same is hereby granted and permitted to become effective forthwith, subject to the terms and conditions provided in Rule U-24 and to the further condition that the proposed issuance and sale of securities shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses of all counsel in connection with the proposed transactions.

It is further ordered and recited, That the sale by American of 1,214,000 shares of \$5 par value common stock of Scranton is necessary or appropriate to the integration or simplification of the holding company system of which American is a member and is necessary or appropriate to effect the provisions of section

11 (b) of the Public Utility Holding Company Act of 1935.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 46-6678; Filed, Apr. 22, 1946; 9:48 a. m.]

[File Nos. 54-129, 59-80]

KINGS COUNTY LIGHTING CO. ET AL

NOTICE OF FILING ORDER RECONVENING PROCEEDINGS AND ORDER FOR HEARING IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of April 1946.

In the matter of Kings County Lighting Company, File No. 54-129; Kings County Lighting Company, Long Island Lighting Company, File No. 59-80.

Kings County Lighting Company ("Kings"), a subsidiary of Long Island Lighting Company ("Long Island"), a registered holding company, having heretofore filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), a plan for the revision of its capitalization (designated as File No. 54-129); and

The Commission having heretofore instituted a proceeding (designated as File No. 59-80) under section 11 (b) (2) of the act directed to Long Island and Kings in order to determine whether voting power is unfairly and inequitably distributed among the security holders of Kings and whether an appropriate order should be entered pursuant to said section; and

It appearing that the proceedings with respect to the plan filed by Kings under section 11 (e) of the act and the proceedings instituted under section 11 (b) (2) of the act were consolidated, and that hearings in the consolidated proceedings were held from time to time, and that the hearings are now in recess subject to call:

Notice is hereby given that Kings has now filed, pursuant to section 11 (e) of the act, an amended plan for the revision of its capitalization (designated as File No. 54-129). The stated purposes of the amended plan are to (a) arrange the financial structure of Kings so that its dividend requirements will be brought into proper relation to its earning power, (b) effect a fair and equitable distribution of voting power among its security holders, and (c) reduce its capital so as to create a capital surplus to be used for adjustments of its accounts.

All interested persons are referred to said amended plan, which is on file in the offices of this Commission for a full statement of the transactions and terms proposed therein which may be summarized as follows:

Kings has outstanding \$4,200,000 principal amount of 3½% First Mortgage Bonds due 1975; 17,871 shares of \$100 par value series B 7% cumulative preferred stock; 1,129 shares of \$100 par value series C 6% cumulative preferred stock; 25,000 shares of \$100 par value series D 5% cumulative preferred stock; and 50,000 shares of no par value com-

mon stock having a value for capital purposes of \$40 per share. Long Island owns 48,868 shares (97.736%) of the common stock and no other securities of Kings. As of February 28, 1946, cumulative dividend arrearages on the preferred stocks aggregated \$672,145.78, equivalent to \$18.316 on the series B 7% stock, \$15.70 per share on the series C 6% stock, and \$13.083 per share on the series D 5% stock.

The plan proposes that Kings continue to have outstanding the \$4,200,000 principal amount of 3½% First Mortgage Bonds due 1975, but that its capital structure be revised so that there will be outstanding 44,000 shares of \$50 par value 4% cumulative preferred stock, having an aggregate par value of \$2,200,000; and 440,000 shares of no par value common stock (with a stated value of \$5 per share), having an aggregate stated value of \$2,200,000. In connection with such reduction in the capitalization, there will be created an unearned (capital) surplus of \$1,808,516 which will be used solely for the purpose of making such adjustments in the accounts of Kings as may be specified by its Board of Directors and directed by the Public Service Commission of the State of New York with respect to depreciation and other reserves.

The plan provides that the holders of the presently outstanding shares of common and cumulative preferred stocks will, upon surrendering the certificates representing the shares held by them, receive the following in return for such surrendered certificates:

1. For each share of common stock outstanding at present, 88/100 of one share of the new common stock.

2. For each share of preferred stock outstanding at present, (a) one share of the new \$50 par value 4% cumulative preferred stock, (b) nine shares of the new common stock and (c) as a return of capital, the following amounts of cash:

For each share of 7% cumulative preferred stock.....	\$9 in cash
For each share of 6% cumulative preferred stock.....	\$5 in cash
For each share of 5% cumulative preferred stock.....	\$1 in cash

In accordance with the above, the present preferred shareholders would receive all of the 44,000 shares of the new \$50 par value 4% cumulative preferred stock, 396,000 shares (or 90.00%) of the 440,000 shares of new common stock, and, as a return of capital, cash in the aggregate amount of \$191,484. The present common stockholders would receive 44,000 shares (or 10.00%) of the new common stock. Long Island, as the present holder of 48,868 shares (or 97.736%) of common stock, would receive 43,003.84 shares (or 9.77%) of the new common stock.

No fractional shares of the new common stock will be issued, but in lieu thereof non-dividend paying non-voting scrip certificates will be used. Such scrip certificates when combined with addition scrip certificates together equalling one or more full shares of the new common stock will be exchangeable for full share certificates of such new stock, together with dividends, if any, theretofore payable on such full shares of new common stock.

Kings has requested that the order or orders of this Commission approving the plan, as filed or as modified, contain the recitals and other provisions necessary to meet the applicable requirements of the Internal Revenue Code, as amended.

The amended plan will be submitted to the Public Service Commission of the State of New York for its consent and approval thereto and for authority to issue the securities to carry out the amended plan.

The amended plan states that it will be submitted to the stockholders for approval in accordance with the laws of the State of New York, but in the event the required percentage of stockholders of Kings entitled to vote do not approve the amended plan, Kings reserves the right to request this Commission to apply to a court of competent jurisdiction for an appropriate decree enforcing and carrying out the terms and provisions of the amended plan.

The amended plan further provides that it will become effective upon the date upon which the amended Certificate of Incorporation providing for the changes and issuance of stock called for under the amended plan is filed in the office of the Secretary of State of the State of New York, and thereupon all the rights, privileges, and preferences of the presently outstanding preferred and common stocks, including the right to dividend arrearages, will cease and come to an end, and the rights, privileges, and preferences of the new preferred and new common stock will become effective.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the amended plan filed by Kings pursuant to section 11 (e) of the act and that such amended plan should not be approved except pursuant to further order of the Commission; and

It appearing appropriate to the Commission that the proceedings instituted pursuant to section 11 (b) (2) of the act be reconvened for the purpose of affording an opportunity to the parties and any interested persons to complete the presentation of evidence on such proceedings:

It is hereby ordered, That a hearing on such consolidated proceedings under the applicable provisions of the said act and the rules and regulations promulgated thereunder be held on the 20th day of May, 1946, at 11 a. m., e. d. s. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk will advise as to the room where such hearing will be held. Any person desiring to be heard or otherwise wishing to participate therein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules or practice on or before May 17, 1946.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 13 (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 the consolidated proceedings, particular attention will be directed at the hearing on the amended plan to the following matters and questions:

1. Whether the amended plan, as proposed, or as modified, is necessary to effectuate the provisions of section 11 (b) of the act.

2. Whether the treatment proposed to be accorded to the various persons affected by the amended plan is in all respects fair and equitable.

3. Whether the issuance by Kings of the new preferred stock and new common stock conforms to the standards and requirements of the applicable provisions of the act.

4. Whether the proposed reduction in the stated and par values of the capital stocks of Kings, and the creation of unearned (capital) surplus in connection therewith satisfies the applicable standards of the act.

5. The propriety of the proposed accounting treatment on the books of Kings.

6. Whether the amended plan should be modified so as to include a provision for the payment by Kings of such expenses, fees, and reimbursements in connection with the amended plan or the proceedings relating thereto as the Commission may determine, award, or allow.

7. Whether the provision relating to the proposal that, in the event the required percentage of stockholders of Kings entitled to vote do not approve the amended plan, Kings reserves the right to request this Commission to apply to a court of competent jurisdiction for an appropriate decree enforcing and carrying out the terms and provisions of the amended plan, is in all respects appropriate.

8. Generally, whether the proposed transactions in connection with the amended plan are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and Rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

It is further ordered, That notice of said hearing be given to Kings, to Long Island, to the Public Service Commission of the State of New York, to the Secretary of State of the State of New York, and to all other interested persons, said notice to be given to Kings, to Long Island, to the Public Service Commission of the State of New York, and to the Secretary of State of the State of New York by registered mail, and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That Kings give notice of said hearing to each of its holders of record of its common and preferred stocks (insofar as the identity of such security holders is available or

known to Kings), by mailing postage prepaid to each such security holder to his last known address, a copy of this notice and order, together with a copy of the amended plan, at least fifteen (15) days prior to the date of said hearing.

It is further ordered, That jurisdiction be, and is hereby, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-6679; Filed, Apr. 22, 1946; 9:48 a. m.]

[File No. 70-1274]

WISCONSIN POWER AND LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of April A. D. 1946.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-42 thereunder, by Wisconsin Power and Light Company ("Wisconsin"), a public utility subsidiary of North West Utilities Company ("North West"), a registered holding company; and

Notice is further given that any interested person may, not later than May 2, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, 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 transactions as provided in Rules U-20 (a) and Rule 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 the declaration, which is on file in the offices of the Commission, for a statement of the transaction therein proposed, which is summarized as follows:

Wisconsin proposes to call for redemption at the call price of \$107 per share 20,000 shares of its 4½% Preferred Stock, par value \$100 per share, using for the purpose \$1,500,000 to be received from North West as paid-in surplus (as approved by order of the Commission dated April 4, 1946, Company Act Release No. 6531) and such additional funds of its own as may be required. The shares to be redeemed will be selected from the holdings of the stockholders pro rata as nearly as may be without calling fractional shares.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-6681; Filed, Apr. 22, 1946;
9:48 a. m.]

[File Nos. 54-144, 54-40, 59-40, 54-53, 59-49]

CENTRAL PUBLIC UTILITY CORP. ET AL.

NOTICE OF FILING, ORDER FOR HEARING ON
PLAN FILED, ORDER POSTPONING HEARING,
AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of April, A. D. 1946.

In the matters of Central Public Utility Corporation, Applicant, File No. 54-144; Consolidated Electric and Gas Company, Applicant, File No. 54-40; Central Public Utility Corporation, Consolidated Electric and Gas Company, Respondent, File No. 59-40; Christopher H. Coughlin, W. T. Crawford, and Raleigh Warner, Voting Trustees Under Voting Trust Agreement Dated August 1, 1932, Relating to Common Stock of Central Public Utility Corporation, Applicants, File No. 54-53; Christopher H. Coughlin, W. T. Crawford, and Raleigh Warner, Voting Trustees Under Voting Trust Agreement Dated August 1, 1932, Relating to Common Stock of Central Public Utility Corporation, Respondents, File No. 59-49.

Notice is hereby given that an application has been filed with this Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Central Public Utility Corporation ("Central Public"), a registered holding company and a subsidiary company of Christopher H. Coughlin, W. T. Crawford and Raleigh Warner, Voting Trustees under Voting Trust Agreement dated August 1, 1932, relating to Common Stock of Central Public ("Voting Trustees"), also a registered holding company.

All interested persons are referred to said document which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

As at December 31, 1945, Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a direct subsidiary company of Central Public, had outstanding \$14,500,000 principal amount of notes owed to banks, due November 29, 1948, and the following equity securities:

(a) 183,719 shares of \$6 Cumulative Preferred Stock, without par value and with an aggregate stated value of \$18,359,300;

(b) 1,480,000 shares of Class A Non-Cumulative Stock having a par value of \$1 per share and a liquidation preference of \$25 per share; and

(c) 1,000,000 shares of Common Stock having a par value of \$1 per share.

Of the outstanding shares of \$6 Cumulative Preferred Stock, 182,963 shares were issued in August 1932, 12 shares were issued in February 1933, and 744 shares were issued in December 1945. On December 31, 1945, accrued unpaid divi-

dends on the 182,963 shares issued in 1932 amounted to \$79.85 per share, or an aggregate of \$14,609,595.55 (representing accrued dividends from July 1, 1932, less \$1.15 per share paid in 1932), accrued unpaid dividends on the 12 shares issued in 1933 amounted to \$78 per share, or an aggregate of \$936, and accrued unpaid dividends on the 744 shares issued in 1945 amounted to \$1.50 per share, or an aggregate of \$1,116.

Central Public owned, on December 31, 1945, and presently owns, the following shares of Consolidated's capital stocks: 68,856 shares (37.5%) of the \$6 Cumulative Preferred Stock (all issued in August 1932), 1,480,000 shares (all) of the Class A Non-Cumulative Stock and 1,000,000 shares (all) of the Common Stock. The Common Stock has at all times been pledged with, and now is held by, Baltimore National Bank, Baltimore, Maryland ("Baltimore National") as Successor Trustee under Central Public's Trust Indenture dated August 1, 1932, securing Central Public's 20-year 5½% Income Bonds ("Income Bonds"). The Income Bonds are outstanding in the principal amount of \$42,101,202.44. Interest thereon is cumulative, and no payments of interest thereon have ever been made. At December 31, 1945, the unpaid interest applicable to said bonds approximated \$29,885,000.

On December 31, 1945, Consolidated controlled 22 subsidiary companies. Of these subsidiary companies, six were public utility companies operating in the United States, their properties being located in Maine, Pennsylvania, Indiana, Michigan and Georgia; eight were engaged in transportation, coal and ice businesses located in the United States; seven were engaged principally in electric and gas operations located outside of the United States; and one was an intermediate holding company over four of the foreign subsidiaries.

Central Public represents that it intends to eliminate itself from the holding company system of which it and Consolidated are members, and that to effectuate such elimination Central Public proposes to file with this Commission, after a recapitalization of Consolidated has been approved, a plan for the dissolution and liquidation of Central Public. Central Public indicates that such plan will provide, among other things, that Central Public will distribute to the holders of its Income Bonds the shares of capital stock of Consolidated which it will receive in connection with the recapitalization of Consolidated, that Central Public will thereupon be liquidated, and that there will be nothing available for distribution to holders of its Preferred Stock, Class A Stock or Common Stock.

Pursuant to section 11 (e) of the act, Central Public now proposes a plan for Consolidated, stated to be predicated on Consolidated's holding company system as constituted on December 31, 1945, and on the current and prospective earnings of Consolidated and the subsidiaries which it owned on that date, as follows:

1. Consolidated's presently authorized capital stock is to be reclassified into 2,158,775 shares of common stock, having a par value to be determined at a later date by an appropriate amendment to

the plan and subject to the approval of this Commission.

2. Consolidated, as soon as practicable after the proposed reclassification of its capital stocks, is to issue and distribute shares of such new common stock to the holders of its presently outstanding stocks as follows:

(a) To the holders, other than Central Public, of shares of the \$6 Cumulative Preferred Stock issued in 1932 and 1933, 10 shares of new common stock for each share of the \$6 Cumulative Preferred Stock now held, or an aggregate of 1,141,190 shares (52.9%) of its new common stock;

(b) To the holders of the shares of the \$6 Cumulative Preferred issued in December 1945, 7 shares of the new common stock for each share of the \$6 Cumulative Preferred Stock now held, or an aggregate of 5,208 shares (.2%) of the new common stock; and

(c) To Central Public, as the owner of 68,856 shares of the \$6 Cumulative Preferred Stock and all of the outstanding shares of the Class A and Common Stocks of Consolidated, 1,012,377 shares (46.9%) of the new common stock of Consolidated.

3. Central Public, as soon as practicable after the issuance and distribution to it of the aforementioned 1,012,377 shares of Consolidated's new common stock, is to assign in blank the certificate or certificates representing all of said shares, and deposit such certificate or certificates with Baltimore National in substitution for the 1,000,000 shares of common stock of Consolidated now pledged with the Baltimore National. Baltimore National is to retain the substituted certificate or certificates pending an order of this Commission directing what further disposition shall be made of the shares represented thereby.

Central Public, as the owner of 68,856 shares of the Cumulative Preferred Stock of Consolidated and all of the outstanding shares of the Class A and Common Stocks of Consolidated, proposes to vote such shares in favor of the proposed reclassification of Consolidated, and anticipates that, if the Commission enters an order approving such reduction and reclassification, the change will be effected by amending Consolidated's Certificate of Incorporation pursuant to the provisions of the Delaware Corporation Law. If such method proves to be not feasible then Central Public states that it will request the Commission to apply to an appropriate Federal court pursuant to the provisions of section 11 (e) and 18 (f) of the act to enforce and carry out the terms and provisions of the instant plan.

Central Public requests that the final order or orders of this Commission, if approving said plan, be in conformity with the requirements of section 373 (a) of the Internal Revenue Code, as amended, and contain the recitals, itemizations and specifications prescribed in sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended.

On December 18, 1945, the Commission entered an order postponing until April 18, 1946, a public hearing concerned with proceedings on applications pursuant to section 11 (e) of the act filed by Consolidated (File No. 54-40) and by the Vot-

ing Trustees (File No. 54-53), and proceedings instituted by this Commission pursuant to section 11 (b) of the act and directed to Consolidated and Central Public (File No. 59-40) and to the Voting Trustees (File No. 59-49), all of said proceedings having been consolidated. The plan of Consolidated as heretofore amended (File No. 54-40) provides, among other things, that the debt of Consolidated be discharged by use of the proceeds from sales of certain of Consolidated's assets, that the equity securities of Consolidated be reclassified into a single class of common stock, and that 94.5% of the new common stock be distributed to the present preferred stockholders and 5.5% to the Class A stockholder of Consolidated. It appears that under that plan Central Public would receive, in exchange for its holdings of Consolidated's securities, 40.9% of the new common stock of Consolidated, and that other holders of the preferred stock of Consolidated would receive 59.1% of the new common stock. The filing of the Voting Trustees (File No. 54-53) requests that the Voting Trustees be authorized to deliver the Common Stock of Central Public to the record holders of the outstanding voting trust certificates, and in the alternative submits a plan providing, among other things, that the Voting Trustees surrender to Central Public for cancellation all of Central Public's outstanding Common Stock, remove the agent and depository under said Voting Trust Agreement, and terminate the Voting Trust Agreement.

It appearing that these pending proceedings involve common questions of law and fact with the instant filing by Central Public, and that accordingly the proceeding on the plan filed by Central Public should be consolidated with the pending proceedings and heard together, and that the consolidated hearing in all these matters should be held at a date subsequent to April 18, 1946;

It is hereby ordered, That said proceedings be and they are hereby consolidated, that the hearing previously scheduled herein for April 18, 1946, (File Nos. 54-40, 59-40, 54-53 and 59-49) be and it is hereby postponed to May 27, 1946, and that on that date a hearing be held in the proceedings hereby consolidated (File Nos. 54-144, 54-40, 59-40, 54-53 and 59-49), such hearing to commence at 10:00 a. m., e. d. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That jurisdiction be and it is hereby reserved to separate, either for hearing in whole or in part, or for determination in whole or in part, any issues or questions which may arise in these proceedings, or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for the purpose shall preside at the hearing above ordered. The officer so designated

to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

Notice is hereby given of said hearing to the above named applicants and respondents and to all interested persons, said notice to be given to said applicants and respondents and to the Public Service Commission of the State of Maine, Public Service Commission of the Commonwealth of Pennsylvania, Public Service Commission of Indiana, Public Service Commission of Michigan, Public Service Commission of Georgia and Baltimore National Bank, Baltimore, Maryland, as Successor Trustee, by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission, copies of which are to be furnished to the press and mailed to all persons on the Commissions mailing list to receive copies of releases under the Public Utility Holding Company Act of 1935. Any person desiring to be heard in these proceedings should file with the Secretary of this Commission on or before May 23, 1946, an appropriate request or application to be heard as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Central Public, Consolidated and Voting Trustees shall give additional notice of said hearing by publication, in appropriate form, of a notice at least twice, at intervals of not less than seven days, in a newspaper of general circulation in each of the Cities of New York, New York, Chicago, Illinois, and San Francisco, California, the last publication to occur not later than seven days prior to May 27, 1946, and that Consolidated notify its preferred stockholders, to the extent that their addresses are known or are available to Consolidated, by mailing a copy of this notice and order to said security holders not later than fifteen days prior to May 27, 1946.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceedings, particular attention shall be directed at the hearing to the following matters and questions:

(1) Whether the plan of Central Public (File No. 54-144) or the plan of Consolidated (File No. 54-40) as presently on file, or as either plan may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby;

(2) Whether the allocation of the new common stock of Consolidated among Central Public, other holders of Consolidated's \$6 Cumulative Preferred Stock issued during 1932 and 1933, and the holders of Consolidated \$6 Cumulative Preferred Stock issued in December 1945, as proposed either in the plan of Central Public (File No. 54-144) or in the plan of Consolidated (File No. 54-40) is in all respects fair and equitable to said security holders, and, if not, what allocation thereof would be fair and equitable;

(3) Whether the proposed transfer of the common stock of Central Public by

the Voting Trustees to the holders of Voting Trust Certificates is detrimental to the public interest or the interest of investors or consumers or permits the circumvention of the provisions of said act and the rules, regulations, or orders of the Commission thereunder;

(4) Whether the plan of the Voting Trustees (File No. 54-53), as submitted or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby;

(5) Whether the plans or any of them, presently on file or as they may hereafter be modified, make appropriate provision for the payment of expenses, fees, and remunerations in connection with the effectuation thereof, in what amounts such fees and remunerations should be paid, and the fair and equitable allocation thereof;

(6) Generally, whether the proposed transactions are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and of the rules thereunder and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards;

(7) Whether the allegations set forth in sections numbered II, III, IV and V of this Commission's order herein dated September 27, 1941 (Holding Company Act Release No. 3225) and in sections numbered III and IV of this Commission's order herein dated June 15, 1942 (Holding Company Act Release No. 3615) are true and accurate;

(8) Whether the corporate structure or continued existence of Voting Trustees, Central Public or Consolidated, or any of them, unduly or unnecessarily complicates the structure or unfairly or inequitably distributes voting power among security holders of the holding company system of which they are members, and if so what action should be required with respect thereto pursuant to section 11 (b) (2) of the act;

(9) What action, if any, is necessary and should be required to be taken by respondents herein, or any of them, pursuant to section 11 (b) (2) of the act, to ensure that Voting Trustees and Central Public shall each cease to be a holding company with respect to each of its subsidiary companies which itself has a subsidiary company which is a holding company;

(10) What action, if any, is necessary and should be required to be taken by respondents herein, or any of them, to confine the holding company system of Central Public, Consolidated and their subsidiary companies to a single integrated public-utility system, together with such additional public-utility systems and such other businesses as may appropriately be retained under the requirements of section 11 (b) (1) of the act.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-6680; Filed, Apr. 22, 1946;
9:48 a. m.]