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**Regulations**

**TITLE 6—AGRICULTURAL CREDIT**  
**Chapter I—Farm Credit Administration**  
**PART 5—SURPLUS PROPERTY DISPOSAL**  
**MISCELLANEOUS AMENDMENTS**

Sections 5.301-01, 5.303-01, 5.307-02, 5.307-03, 5.307-08, 5.307-09, 5.308-01, 5.402-04, 5.501-03, 5.502-03, 5.503-04, 5.504-03, 5.506-03, 5.507-04 and 5.508-04 of Chapter I, Title 6, Code of Federal Regulations are hereby amended, and a new section, 5.602-02, is hereby added to Chapter I, Title 6, Code of Federal Regulations, so that said amended and added sections will read as follows:

§ 5.301-01 *Receipt of declaration by disposal agency.* After real property is declared surplus by the owning agency, reported to the WAA, and classified by it, two copies of the declaration (WAA Form 1005 or Form SPB 5), with accompanying schedules, will be forwarded by the WAA to the FCA, either to the central office or in care of one of the Federal land banks. If the copies of the declaration are sent to the central office, it will reproduce such information as it deems necessary for its use and forward both copies of the declaration to the district supervisor. Date of assignment will be the date the declaration is received by the FCA.

§ 5.303-01 *Assumption of custody and control of property.* When any surplus real property is assigned to the disposal agency, the district supervisor will immediately contact the owning agency to work out by agreement mutually satisfactory arrangements for the disposal agency's assumption of the physical custody and control of and accountability for the property covered by the declaration or assignment. This acceptance of accountability should be signed by the district vice president of the FFMC. This may be done by letter describing the property. Such assumption shall be completed within sixty (60) days after the disposal agency received the declaration, unless additional time is allowed by

order of the WAA. The copy of the declaration will show the names and addresses of the representatives of the owning agency to be contacted. Where the property is owned by the War Department, the real estate office in the Division Engineer's office should be contacted. Where at the time of assignment to the disposal agency a regional office of the WAA is charged with the responsibility for care and handling, the disposal agency shall assume custody and control of, and accountability for, the property from the WAA regional office instead of the owning agency.

§ 5.307-02 *Publication of notice.* Except where a transfer is requested by a Government agency, the disposal agency, upon receipt of a declaration of surplus real property, shall promptly and widely publicize the property, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising and also may include press releases, display advertisements, and other appropriate means which it is customary to use in advertising public notices of sale. Public advertising shall consist of a sale notice containing substantially the matter set forth in exhibit 34, including a reservation of fissionable materials, as provided in § 8305.12 (f) (5), Chapter XXIII, Title 32. With respect to other than section 23 real property, including structures to be disposed of separate from land, such notice shall be published one or more times during the 10 days following the date of the first publication. With respect to section 23 real property, exclusive of structures to be disposed of separate from land, such notice shall be published at least three times during the 90 days following the date such notice is first published, at approximate intervals of 21 days, unless a Government agency or State or local government exercises its priority to acquire the property within the prescribed 10-day priority period for such claimants. The priority chart set forth in exhibit 35 hereof may be used as a guide in preparing the notice for publi-

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cation. Ordinarily it will not be necessary to include all the information in the chart in any one notice. For example, if the declaration indicates that all tracts within the project area were acquired by the Government on or before December 31, 1939, it will not be necessary in preparing the notice to call attention to the priorities applicable only to section 23 real property acquired after that date.

§ 5.307-03 *Notice of sale.* In the "Notice of Sale" the FFMC shall be indicated as the disposal agency. If an office is established on the site, the address of the office, and ordinarily the name of the project manager, shall be shown in the

notice for the benefit of persons seeking information about the project. If no project office is established on the site and a project manager will not be available there, such other address shall be indicated as will enable all persons to obtain information readily. The notice of sale shall be signed by the district vice president of the FFMC authorized by order of the Secretary of Agriculture to contract with the newspaper for advertising space.

§ 5.307-08 *Notice by mail.* Where (a) a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, or (b) a transfer is requested by the National Housing Administrator pursuant to Public Law 292, 79th Congress, no notice to other Government agencies is required. In all other cases where a transfer is requested by a Government agency, the disposal agency shall send (not publish) a notice of availability by mail to all Government agencies listed in exhibit 36 of the regulations in this part. When publication is required, as provided by § 5.307-02, at the time of the first publication of the notice, the disposal agency shall send a copy of the notice by mail to all Government agencies listed in exhibit 36 hereof, to the State and the political subdivision in which the property is located, and to the former owner when he is entitled to priority. The notice to the former owner shall be sent by registered mail to his last known address with return receipt requested. Where the former owner shall be sent by registered mail to States, a copy of the notice to the former owner may be sent to the spouse at the last known address. Notices to the State governments shall be addressed to the Secretary of State, and those to political subdivisions of a State should be addressed to appropriate officers. In order to bring to the attention of the proper officials the special priority of State and local governments in reestablishing highways or streets, a covering letter to the Secretary of State should be sent with the notice of sale, advising him that no additional notice has been mailed to the other State officers and requesting that he bring this matter to the attention of the appropriate State officials who might be interested. Also a copy of the notice should be sent by registered mail to the county highway commissioners and other appropriate officials of incorporated cities or municipalities or other political subdivisions in which the property is located. Such notices should be accompanied by a covering letter, which may be a circular letter, calling attention to the special priorities provided by the act and regulations and quoting the pertinent portion of WAA Regulation 5, section 11 (32 CFR, 8305.11). If there is any question as to the political subdivisions within a State, information should be requested from the Secretary of State prior to sending out notices.

§ 5.307-09 *Form of notice by mail.* Where publication is not required, as provided in §§ 5.307-02 and 5.307-08, the form of notice shall be prepared in sub-



stantially the same form as that prescribed for publication. Where publication is required, a copy of the notice published in newspapers will be sufficient to constitute appropriate notice by mail. In order that these notices may be mailed as of the date of publication in newspapers, the district office should request preprints from the newspapers in sufficient quantity to cover its needs for all notices by mail. One preprint of each notice as first published shall be mailed to the central office for its records, and one should be retained in the project file in the district supervisor's office. In the event preprints cannot be obtained, copies of the notice may be prepared in appropriate form and substituted for the preprints in meeting the requirements of this section.

§ 5.308-01 *Time when, and nature of, information to be made available.* Every effort shall be made to have available in the office of the officer having charge of the disposal, as soon as possible after notice of availability is first published, all necessary information concerning the property. This shall include the appraised value of the property, the unit sizes in which the property will be sold to various classes of purchasers, the priorities and the time and method of exercising them, the maximum prices which may be charged different priority buyers, and all other terms and conditions of sale. Any person shall be entitled, upon request, to receive such information or have access thereto at all reasonable times, as well as information concerning offers, exercises of priorities, and sales that have been made at the time of the inquiry.

§ 5.402-04 *Fair value.* Government agencies are accorded the right to acquire surplus real property at a price equal to the fair value. Fair value is defined as the maximum price a well-informed buyer acting intelligently and voluntarily would be warranted in paying if he were acquiring the property as a long-term investment or for continued use with the intention of devoting it to the best or most productive type of use for which the property is suitable or capable of being adapted. The appraiser shall give consideration to the character of the property, and if income-producing, the estimated earning capacity thereof. This value in no event shall be greater than the current market value and may be further defined as a price that is justified on the basis of expected returns with appropriate consideration given to present conditions and current commodity prices as well as to normal conditions and prices. In making the appraisal of fair value to be used in disposal to Government agencies, neither the original cost to the Government nor the purposes for which it is being acquired shall be taken into account. For the purpose of appraisal of "Section 23 real property", the term "fair value" is considered virtually synonymous with the "price to veterans" as defined in § 5.402-03.

§ 5.501-03 *Time and method of exercise of priority by Government agencies.* Government agencies shall have a period

of ten (10) days in which to exercise their priorities after the date notice of availability is first published, as provided in § 5.307-02, or the date on which notice of availability is mailed to them, as provided in § 5.307-08. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the priority holder files a written statement of its desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those that have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a Government agency shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay (or that a transfer without reimbursement or transfer of funds is authorized by law), the length of time, if any, needed to acquire funds to purchase the property, and all pertinent facts pertaining to the needs of applicant for the property. If the applicant shall require time to obtain funds, or authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such an application containing such a statement, the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude such purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except where the priority period has expired and applicant's price is less than the fair value and either a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.502-03 *Time and method of exercise of State and local government priorities.* State and local governments shall have a period of ten (10) days in which to exercise their priority after the date notice of availability is first published, as provided in § 5.307-02. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by an appropriate deposit if funds are available at the time for this purpose, it being in the discretion of the district office to determine the amount and whether funds are available. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the State or local government files a written statement of its desire to acquire the prop-

erty or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those who have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay for the property, the length of time, if any, needed to acquire funds to purchase the property, and all pertinent facts pertaining to the needs of applicant for the property. If the applicant shall require time to obtain funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such application containing such a statement, the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude the purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except when the priority period has expired and applicant's price is less than the current market value and a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.503-04 *Time and method of exercise of priority by former owners.* The time for exercise of the former owner's priority shall be a period of ninety (90) days after the date given in the notice required by these regulations, or such additional period as the WAA may allow where necessary or appropriate to facilitate a sale of the property to a former owner entitled to priority; and an additional period of thirty (30) days shall automatically be allowed if the disposal agency determines that the former owner is outside the Continental United States. Within such period the former owner shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by an appropriate deposit as determined by the district office. When, however, an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a former owner files a written statement of his desire to acquire the property. As soon as the necessary information becomes available (whether during or after the priority period or in the extension thereof), a former owner who has filed such a statement shall be so advised in writing and given 15 days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.504-03 *Time and method of exercise of tenants' priority.* The time for exercise of a tenant's priority shall be a period of ninety (90) days after the date given in the notice required by the regu-



lations in this part. Within such period the tenant shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase accompanied by an appropriate deposit as determined by the district office. When, however, an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a tenant files a written statement of his desire to acquire the property. After the necessary information becomes available, a tenant who has filed such a statement shall be so advised in writing and be given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.506-03 *Time and method of exercise of veteran's priority.* To exercise this priority a veteran or the spouse and children of a deceased serviceman must within the ninety (90) days after publication of the notice required by these regulations or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof: *Provided*, That the disposal agency may in its discretion permit veterans, or the spouse and children of deceased servicemen, to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the veteran's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a veteran files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, a veteran who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.507-04 *Time and method of exercise of owner-operators' priority.* To exercise this priority, an owner-operator must within the ninety (90) days after publication of the notice required by the regulations in this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof: *Provided*, That the disposal agency may in its discretion permit owner-operators to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the owner-operator's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if an owner-operator files a written statement of his desire to acquire the property. As soon as the necessary information becomes

available, an owner-operator who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.508-04 *Time and method of exercise of nonprofit institutions' priority.* Nonprofit institutions shall have a period of ten (10) days after notice of availability is first published in which to exercise their priority with respect to other than section 23 real property and shall have a period of ninety (90) days from the date notice of availability is first published in which to exercise their priority with respect to section 23 real property. Within the applicable period, a nonprofit institution shall file a written offer to purchase or statement of desire to acquire the property, accompanied by such deposit as the disposal agency may require. Such an offer or statement, even if restricted by its terms to a specifically identified tract, shall preserve the nonprofit institution's priority with respect to any and all tracts of the project. When an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a nonprofit institution files a written statement of its desire to acquire the property. As soon as the necessary information becomes available, a nonprofit institution which has filed such a statement shall be notified in writing and given fifteen (15) days or, in the case of section 23 real property, the remainder of the priority period if that is longer, within which to make an offer.

§ 5.602-02 *Offers to purchase.* (a) During the applicable priority period, the project manager shall receive offers from priority and nonpriority prospective buyers. However, no offer shall be accepted during any priority period except in the following cases:

(1) Where an immediate transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, or

(2) Where an immediate transfer is requested by the National Housing Administrator pursuant to Public Law 292, 79th Congress, and no application has been received from another Government agency offering the maximum priority price and showing a greater need for the property, or

(3) Where surplus section 23 real property is to be advertised for 90 days and a Government agency or State or local government exercises its priority within the prescribed 10-day period, the offer of the Government agency or State or local government may be accepted after the 10-day period and before the termination of the 90-day period.

(b) Offers by Government agencies, and offers by State and local governments where funds are not available, shall be made as provided in §§ 501.03 and 502.03. All other offers shall be made on the "Offer to Purchase" form accompanied by a reasonable earnest money deposit ordinarily not less than 10 percent of the purchase price, in the form of cash, certified check, or post

office money order payable to the Treasurer of the United States. Submission of offers to purchase by anyone entitled to priority shall not preclude any other party from submitting an offer.

The foregoing amendments have been approved by the Secretary of Agriculture. (58 Stat. 765, 50 U. S. C. App. Supp. 1611; WAA Reg. 1; WAA Reg. 5 as amended; Order of the Secretary of Agriculture 10 F. R. 4647)

[SEAL] I. W. DUGGAN,  
Governor.

[F. R. Doc. 46-17743; Filed, Oct. 2, 1946; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

FORMS AND INSTRUCTIONS

By virtue of the authority vested in me by the rules and regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (11 F. R. 7932), it is hereby ordered as follows:

§ 55.101 *Form of application requesting authority to use official identification and grade labels; effective date.* (a) Whenever any person desires that authority be granted to package any product, graded pursuant to the regulations in this part, and to use official identification, pursuant to §§ 55.53 to 55.63, inclusive, he shall apply for such authority by submitting to the Administrator a properly completed application, in triplicate, in the following form:

APPLICATION FOR THE PRIVILEGE TO USE OFFICIAL IDENTIFICATION AND GRADE LABELS ON GRADED PRODUCTS

Application is hereby made, in accordance with the provisions of § 55.52 of the rules and regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (11 F. R. 7932), issued by the Acting Secretary of Agriculture on July 19, 1946, for the privilege of using, subject to such rules and regulations, official identification and grade labels on the following products:

- (1) -----
- (2) -----
- (3) -----

In requesting this privilege, the applicant agrees to conform to the aforesaid rules and regulations and such instructions covering grading and inspection of the products listed as may be issued by the Administrator of the Production and Marketing Administration. The applicant further agrees to furnish the official identification and grade labels at no cost to the Government, and to place them in the custody of the supervisor of packaging who is designated for such purpose by the Administrator.

The applicant further agrees not to package any graded or inspected product bearing official identification or grade label under a trade name other than that of the applicant unless such trade name is submitted, together with the proper address, to the Administrator at the time approval is requested of the cartons, packaging material, grade labels, and official identification to be used in packaging such graded or inspected products.

In the event the privilege to use official identification or grade labels on graded or inspected products is withdrawn in accordance with the provisions of § 55.64 of the aforesaid rules and regulations, the applicant agrees promptly to deliver or cause to be delivered into the custody of the immediate superior officer of the supervisor of packaging all supplies of the official identification and of the grade labels, together with all packaging and packing materials bearing printed reference to the graded or inspected character of the products for such subsequent use by the applicant as may be approved by the Administrator.

All terms which are used herein shall have the meaning applicable to such terms when used in the aforesaid rules and regulations.

This application is submitted in triplicate.

-----  
(Applicant)

By -----  
Street No. -----  
Dated at -----  
This \_\_\_\_ day of \_\_\_\_\_ 194\_\_

Approved:  
Date -----  
Name -----  
Title -----  
Production and Marketing Administration.

(b) The provisions hereof shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

(Public Law 422, 79th Congress; 11 F. R. 7932)

Done at Washington, D. C., this 30th day of September 1946.

[SEAL] ROBERT H. SHIELDS,  
Administrator.

[F. R. Doc. 46-17739; Filed, Oct. 2, 1946;  
8:52 a. m.]

#### Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[ACP-1947-1]

#### PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1947

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1947 Agricultural Conservation Program is amended to read as follows:

Section 701.806 (c) is amended to read as follows:

§ 701.806 *Conservation materials and services.* \* \* \* (c) *Deduction.* A deduction shall be made for materials or services furnished by the Field Service Branch from the payment of the producer to whom the material or service is furnished. The deduction shall be the sum of the credit value of the conserva-

tion materials and services furnished and any amount of small payment increase advanced to the producer, except that where the cost to the Field Service Branch is less than the credit rate, the deduction shall be equal to the cost. If the producer misuses any material or service furnished, an additional deduction equal to the original amount of the deduction, excluding any amount of small payment increase advanced to the producer, for the material or service misused shall be made.

Materials or services will be considered as misused for the purposes of this section in the following instances:

(1) Where the county committee determines that any conservation material has been applied to crops which are not set forth as eligible crops in the State and county handbooks, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the county committee determines that a structure, such as a terrace or dam, has been wilfully or negligently destroyed by a producer in the program year in which the structure was completed.

(3) Where the county committee determines that material has been wilfully or negligently destroyed, or has been rendered unusable, by the producer.

(4) Where the county committee determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(5) Where the county committee is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by Regional Director for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

If the deduction for the materials or services exceeds the payment for the producer to whom the material or service is furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

Any producer to whom materials are furnished shall be responsible to the Field Service Branch for any damage to the materials unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may at the option of the Field Service Branch be transferred to another producer or otherwise disposed of by the Field Service Branch at the expense of the producer who abandoned or failed to use the materials, or retained by the producer for use in a subsequent program year.

(49 Stat. 1148, 16 U. S. C. and Sup., 590g-590q)

Done at Washington, D. C., this 27th day of September 1946.

Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 46-17737; Filed, Oct. 2, 1946;  
8:51a. m.]

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

##### PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

##### TEMPORARY AMENDMENT TO RULES AND REGULATIONS ISSUED BY MARKET ADMINISTRATOR UNDER ORDER 27, AS AMENDED

Pursuant to the provisions of Order No. 27 (7 CFR, 1945 Supp., 927.1 et seq.), as amended, regulating the handling of milk in the New York metropolitan milk marketing area, it is hereby found and determined that, in order to effectuate the terms and provisions of said order, as amended and as further amended effective October 1, 1946, an emergency exists requiring the immediate adoption of the temporary amendment to the rules and regulations (7 CFR, 1945 Supp., 927—Appendix A), set forth in Appendix A attached hereto and made a part hereof, issued by the Market Administrator, New York metropolitan milk marketing area, on September 19, 1946, to become effective October 1, 1946. Approval is hereby given, therefore, to the said temporary amendment to the rules and regulations.

It is hereby further found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when the temporary amendment to the rules and regulations was issued and the effective date of such temporary amendment (October 1, 1946) necessary to effectuate the terms and provisions of said order, as amended and as further amended effective October 1, 1946, is insufficient for such compliance.

Copies of the temporary amendment to the rules and regulations may be procured from the Market Administrator, 205 East 42nd Street, New York, N. Y.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, 1945 Supp., 927.1 et seq.)

Done at Washington, D. C., this 27th day of September 1946.

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

##### Appendix A—Rules and Regulations Issued by Market Administrator

Amending rules and regulations which became effective on November 1, 1945 (7 CFR, 1945 Supp., 927—Appendix A).

1. Delete paragraphs (q) and (r) of section 1 and insert, in lieu thereof, the following:

(a) "Other concentrated milk products" mean the products named and described as follows:

(1) Malted milk powder, the product which is made by combining milk with liquid separated from mash of ground barley malt and wheat flour, with or without the addition of other products, and by removing water, and which contains not less than 7.5 percent butterfat and not more than 5 percent of moisture.

(2) Ice cream powder, the product containing milk solids, sugar (or other sweetening agent), and other ingredients, prepared for use in making frozen desserts. It shall contain not less than 26 percent butterfat and not more than 5 percent moisture.

2. Delete the first sentence of section 3 and insert, in lieu thereof, the following: "As used in this section, the terms Class I-A, Class II-A, Class II-B, and Class V-A are deemed to exclude any such classification based on some product leaving or on hand at the plant in some form other than milk, cream, plain condensed milk, frozen desserts or homogenized mixtures, skim milk, or other than cultured or flavored milk drinks shipped to or distributed in the marketing area."

3. Delete subparagraph (2) of section 3 (b) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled plain condensed milk shall be assigned pro rata, as far as possible, to the classes, except Class II-B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II-B.

4. Delete subparagraph (2) of section 3 (c) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled cream shall be assigned pro rata, as far as possible, to the classes, except Class I-A, Class II-A, and Class II-B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II-B, as far as possible, then to Class II-A, and finally to Class I-A.

5. Delete subparagraph (2) of section 3 (d) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled milk, including nonpooled milk from dairy farmers, shall be assigned pro rata, as far as possible, to the classes, except Class I-A, Class II-A, and Class II-B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II-B, as far as possible, then to Class II-A, and finally to Class I-A.

[F. R. Doc. 46-17736; Filed, Oct. 2, 1946; 8:51 a. m.]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

Approval has been given to the following rules and regulations, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.) and of the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of fresh Tokay grapes grown in the State of California, hereinafter referred to as the "marketing agreement" and the "order," respectively. These rules and regulations were

adopted by the Industry Committee established under the marketing agreement and the order as the agency to administer the terms and provisions thereof.

- Sec.
- 951.100 General.
- 951.101 Definitions.
- 951.104 Regulation by grades and sizes.
- 951.105 Regulation of daily shipments.
- 951.108 Limitation of shipments by truck.
- 951.107 Reports.
- 951.110 Grapes for charitable purposes.

AUTHORITY: §§ 951.100 to 951.110, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.1 et seq.

§ 951.100 *General*. Unless otherwise provided in the marketing agreement and the order or by specific direction of the Industry Committee, all reports, applications, submittals, requests and communications in connection with the agreement and the order shall be addressed to Industry Committee, 1910 Eye Street, Sacramento 14, California.

§ 951.101 *Definitions*. Terms defined in the marketing agreement and the order shall, when used herein, have the same meaning as set forth in the marketing agreement and the order. In addition, the following terms shall have the following meanings:

(a) "Standard package" means the standard display lug No. 27 specified in paragraph 6 of section 829.5 of the Agricultural Code of California.

(b) "Crop" means a person's total production of Tokay grapes for any year, exclusive of the grapes of a size, grade, or quality ordinarily sold for conversion into byproducts or unharvested.

(c) "Railroad assembly points" means the railroad assembly points designated as follows:

SOUTHERN PACIFIC RAILROAD

- (1) Stockton.
- (2) Sacramento.
- (3) Gerber.
- (4) Roseville and Colten.

WESTERN PACIFIC RAILROAD

- (1) Stockton and Sacramento.
- (2) Marysville.

SANTA FE RAILROAD

- (1) Stockton.
- (2) Bakersfield.

(d) "Time of arrival at a cold storage assembly point" means 48-hours subsequent to the actual delivery of a car of grapes or the equivalent thereof at a cold storage assembly point, and the time of arrival of a car of grapes which were received at said cold storage assembly point in diverse quantities shall be computed as 48-hours subsequent to the actual hour and date the last package of said grapes is delivered to such cold storage assembly point.

(e) "Billing date" with respect to a car of grapes or the equivalent thereof at a cold storage assembly point means the second calendar day subsequent to the day of actual delivery of such grapes at the cold storage assembly point, and any car of grapes which were received at the cold storage assembly point in diverse quantities shall have its billing date computed as the second calendar day subsequent to the day the last package of said

car is delivered to the cold storage assembly point.

(f) "Cold storage grapes" means (1) grapes placed in cold storage and designated storage grapes by the shipper thereof; (2) any shipment of grapes placed in a cold storage assembly point for pre-cooling which is not reported to the Industry Committee or its designated agent within 48-hours after actual delivery time to said cold storage assembly point and (3) any shipment of grapes which is released from cold storage assembly points in accordance with (f) of § 951.5 and (f) of section 5 of the Marketing Agreement and not loaded for shipment within 48-hours after the shipper is notified of its release from said cold storage assembly point.

(g) "Cold storage warehouse" means any cold storage warehouse within or without the State of California. If a cold storage warehouse outside the State of California is used by any shipper for the cold storage of grapes, such shipper shall authorize such cold storage operator outside the State of California to release such grapes only upon the direction of the Industry Committee or its manager. No grapes placed in cold storage shall be shipped therefrom except as provided by §§ 951.5 and 951.6, or sections 5 and 6 of the Marketing Agreement.

(h) "Car or carload of grapes" means any lot of grapes consisting of not less than 301 standard packages, nor more than 1,226 standard packages.

§ 951.104 *Regulation by grades and sizes*—(a) *Notice of recommendation*. Notice of any recommendation with respect to regulation by grades and sizes made by the Industry Committee to the Secretary shall be given by the Industry Committee by having a general statement of the contents of the recommendation published once as a news item in a newspaper of general circulation in the City of Lodi, California, and once in a newspaper of general circulation in the City of Sacramento, California.

(b) *Notice of regulation*. Notice of any regulation by grades and sizes issued by the secretary shall be given by the Industry Committee by having a general statement of the contents of the regulation deposited in the United States mail in a stamped envelope addressed one to each handler whose name appears on the records of the Industry Committee for the current year, and by having a general statement of the contents of the regulation published once as a news item in a newspaper of general circulation in the City of Lodi, California, and once in a newspaper of general circulation in the City of Sacramento, California.

(c) *Exemption certificates*—(1) *Announcement of Procedural rules*. Procedural rules with respect to the issuance of exemption certificates shall be announced by the Industry Committee by depositing a general statement of the contents of the rules in the United States mail in a stamped envelope addressed one to each handler whose name appears on the records of the Industry Committee for the current year, and by having a general statement of the contents of the rules published once as a news item in a newspaper of general circulation in the city of Lodi,



California, and in a newspaper of general circulation in the city of Sacramento, California.

(2) *Application.* Applications for exemption certificates shall be submitted to the Industry Committee and shall contain the following information on Form E-1, "Grower Application for Exemption Certificate," which may be obtained from the Industry Committee:

(i) Location of vineyard from which grapes are to be shipped pursuant to the exemption certificate.

(ii) The number of acres and age of vines of Tokay grapes for which exemption is requested.

(iii) Total crop of Tokay grapes for which exemption is requested in units of standard packages.

(iv) The number of standard packages of Tokay grapes applicant has available for shipment during the remainder of the regulation period, grading U. S. No. 1 grade or better, and the number grading below U. S. No. 1 grade.

(v) Number of standard packages of Tokay grapes grading U. S. No. 1 grade or better, and the number grading below U. S. No. 1 grade, which applicant has sold or otherwise disposed of from the date the grade and size order (from which exemption is requested) became effective to the date of the application.

(vi) The reasons why the quantity of Tokay grapes for which exemption is requested do not meet the requirements of the grade and size regulation.

(vii) Name of shipper if different from applicant.

(viii) Quantity of Tokay grapes of the applicant shipped during the previous season by any or all shippers.

(ix) Proportion of the crop of the applicant for each year of the 3 years immediately preceding the current season sold by the applicant for conversion into by-products or unharvested.

(x) Such additional information as the Industry Committee may require in order to determine whether the applicant is entitled to an exemption certificate.

(3) The Industry Committee shall promptly verify all statements contained in the application for an exemption certificate, and determine whether an application shall be approved or disapproved. Such decision shall be evidenced by the issuance to the applicant of an exemption certificate or, in the case of disapproval, by a written notice of such disapproval.

(4) In the event the Industry Committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of an exemption certificate, which shall permit the respective applicant to ship a quantity of the restricted or prohibited grades or sizes sufficient to enable said grower to ship as large a proportion of his crop of Tokay grapes as the average for all growers, or for all growers in the district in which is located the vineyard(s) for which an application has been made for an exemption certificate.

(5) Each exemption certificate issued by the Industry Committee shall be on Form E-2, "Grower Exemption Certifi-

cate." The exemption certificate shall be signed by the secretary or assistant secretary of the Industry Committee. Each exemption certificate shall be issued in quadruplicate: one copy shall be delivered to the grower; one copy shall be delivered to the shipper designated by the grower to receive a copy; one copy shall be delivered to the field representative of the Industry Committee; and one copy of the exemption certificate shall be retained as part of the permanent records of the Industry Committee.

(6) Each shipper handling Tokay grapes pursuant to an exemption certificate shall keep an accurate record of all shipments, made pursuant to the certificate, in the appropriate blank spaces provided for therein. Such record shall include with respect to each shipment, the date, the number of the railroad car or license number of the truck in which such shipment is made, the name of the shipper, the shipping point, the consignment number, and the quantity of each size and grade of Tokay grapes in such shipment. When the quantity of grapes authorized by the exemption certificate has been shipped or shipments pursuant to an exemption certificate have been completed, the exemption certificate containing the record of shipments shall be submitted promptly to the Industry Committee or its duly authorized representative.

§ 951.105 *Regulation of daily shipments*—(a) *Shipments from assembly points.* (1) Any handler having one or more carloads of grapes at assembly points which have priority on a given date and one or more carloads of grapes at assembly points which do not have priority, may substitute a carload without priority for a carload having priority only if such substitution is made before 10:00 a. m. of that day.

(2) Any handler having one or more carloads of grapes in cold storage and one or more carloads of grapes eligible to be released from assembly points or from cold storage, may at any time substitute a carload in cold storage and not eligible for release for a carload in assembly point or in cold storage and eligible for release if application therefor is made to the Industry Committee, setting forth identifying information concerning the several lots of grapes for which the substitution is to be made.

(b) *Regulation of Loading or Packaging*—(1) *Application for storage permit.* Any handler who desires to ship grapes to cold storage or to package grapes for shipment to cold storage, for the purpose of storage, during a loading or packaging limitation period, may make application for a permit therefor to the Industry Committee. Such application shall be in writing and contain the following information: the name and place of business of said shipper, the grower from whom such grapes are to be received, number of packages received, or shipped to storage and number of packages for which application for storage is made, and place where such grapes are to be stored.

(2) *Issuance of storage permit.* The Industry Committee, or its authorized agent, upon receipt of application and

evidence satisfactory to the committee that information submitted in said application is true and correct, shall issue a permit on the form, "Storage Permit." Said permit shall be issued in triplicate; two copies to be furnished the shipper, and one copy retained by the committee.

§ 951.106 *Limitation of shipments by truck*—(a) *Permit to load or transport grapes*—(1) *Application for permit.* Any person may apply to the Industry Committee for a permit to load and transport Tokay grapes by truck during a limitation period completely limiting the packing of Tokay grapes, if such grapes were packaged prior to the time such limitation period became effective. Such application shall contain the following information:

(i) The name and place of business of such applicant.

(ii) The number of packages for which permit is requested.

(iii) The time when such grapes were packaged.

(iv) The location of such grapes so that packaging prior to the time of the limitation period may be established.

(v) The destination, truck license number, and name of trucker who is expected to transport such shipment.

(2) *Issuance of permit.* The committee shall grant such permit only (i) if application is made to the committee or its authorized agent prior to the beginning of a limitation period, (ii) if the information submitted with such application is properly substantiated, and (iii) if the grapes to be shipped had been packaged prior to the effective time of such limitation period.

(b) *Base period.* A period of 10 days immediately preceding any period of regulation limiting the loading of grapes shall be the base period for computing the daily average quantity of Tokay grapes which any handler may ship by truck during any day of such limitation period.

(c) *Exemption*—(1) *Application for exemption.* Handlers who ship by truck, but who have made no shipments during the current season prior to the beginning of a regulation period limiting the loading of grapes may apply to the Industry Committee for a certificate authorizing shipment of grapes by truck during such a regulation period. The application must show:

(i) The name and place of business of such applicant.

(ii) That such applicant is a shipper in good faith, who has shipped grapes by truck within the 3 years last past.

(iii) The time of such previous shipments and the source, destination, and quantity thereof.

(iv) That the grapes for which such certificate is sought have not been received from any other shipper.

(v) That the grapes for which such certificate is sought are not to be shipped on account of or as common carrier for any other shipper and that no other shipper is either directly or indirectly interested therein or will receive any benefit therefrom.

(vi) Quantity of grapes for which application is made.

(2) *Granting of exemption.* An exemption shall be granted only upon it

appearing to the Industry Committee that all matters required to be stated in such application are set forth therein and are correct and that the quantity of grapes for which the exemption is sought is equitable.

Each application shall be considered separately, and in determining whether an exemption shall be granted and in determining an equitable quantity for which said exemption shall be granted, the Industry Committee, in addition to considering the information submitted in the application, shall give due recognition to the following:

(i) Whether the applicant has made any shipment of Tokay grapes by truck during the then current marketing season.

(ii) The quantity of grapes which the applicant usually has shipped in each truck load and the quantity of grapes which said applicant has shipped by truck in comparable 4-day periods during each of the previous 3 seasons.

(iii) The trend in volume of the applicants truck shipments during each of the previous 3 seasons; and

(iv) Whether the applicant has any bona fide orders for grapes to be shipped by truck during the limitation period.

Upon the basis of the information available, the Industry Committee shall grant or deny a certificate which will permit the applicant to ship by truck a quantity of grapes during the limitation period.

(d) *Delivery of grapes to cold storage*—  
(1) *Application.* Any handler who desires to deliver grapes to cold storage during a loading or packaging limitation period, for subsequent shipment by truck, may make application for a permit therefor to the Industry Committee. Such application shall be in writing and contain the following information: The name and place of business of said shipper, the grower from whom such grapes are to be received, number of packages received, or shipped to storage and number of packages for which application for storage is made, and place where such grapes are to be stored.

(2) *Issuance of storage permit.* The Industry Committee, or its authorized agent, upon receipt of application and evidence satisfactory to the committee that information submitted in said application is true and correct, shall issue a permit on the form "Storage Permit." Said permit shall be issued in triplicate; two copies to be furnished the shipper and one copy retained by the committee.

§ 951.107 *Reports.* Each shipper of Tokay grapes shall promptly furnish and authorize and direct any railroad, transportation or cold storage company to promptly furnish without further request, to the confidential employee of the Industry Committee, complete daily information with respect to each shipment of Tokay grapes and particularly as follows:

(1) Manifests or reports covering such shipment of such grapes, including the name and address of the shipper, number of, railroad car or license number of, truck, the carrier thereof, point of origin of such shipment, number of packages, sizes, grades and billing weight of such

grapes, and the destination, diverted destination, and routing of each such shipment to an auction market;

(2) Whenever a regulation of daily shipments is in effect, such reports shall include billing date, and the time of arrival of each shipment of grapes at railroad and cold storage assembly points, and the destination or diverted destination of each shipment, sufficient in detail for the committee to determine whether such shipment is destined to a point within the State of California or off the continent of North America;

(3) In addition to all other information required to be supplied by said shipper as herein set forth, every shipper who shall ship such grapes for which an exemption certificate is required under the provisions of § 951.4 and section 4 of the marketing agreement shall promptly furnish to the confidential employee of the Industry Committee complete daily information with respect to each such shipment and more particularly as follows:

(i) The name of the grower for whom such grapes are shipped;

(ii) The grade and size of such grapes; and

(iii) The number of the exemption certificate under which such grapes are shipped.

§ 951.110 *Grapes for charitable purposes.* Any person who ships Tokay grapes for consumption by charitable institutions or for distribution by relief agencies, shall first deliver to the Industry Committee or its designated agent, evidence satisfactory to the committee or its designated agent that said grapes actually will be used for one or more of the aforesaid purposes.

Done at Washington, D. C. this 27th day of September 1946.

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

[F. R. Doc. 46-17738; Filed, Oct. 2, 1946;  
8:51 a. m.]

#### PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

##### DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1946-47 SEASON

Pursuant to the provisions of the marketing agreement, as amended, and of the marketing order, as amended (7 CFR, Cum. Supp. 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.), it is hereby found and determined that:

§ 951.201 *Budget of expenses and rate of assessment for the 1946-47 season.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the marketing agreement, as amended, and of the marketing order, as amended (7

CFR, Cum. Supp., 951.1 et seq.), for the maintenance and functioning of the said committee for the season beginning April 1, 1946, and ending March 31, 1947, both dates inclusive, will amount to \$17,065, and the rate of assessment to be paid by each handler upon Tokay grapes shipped by such handler as the first shipper thereof during the said period shall be 12 mills per each 100 pounds, billing weight, of Tokay grapes grown in the State of California, which rate of assessment is hereby approved as each handler's pro rata share of the aforesaid expenses.

It is hereby further found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) is impracticable, unnecessary, and contrary to the public interest, in that: (1) most shipments of Tokay grapes grown in the State of California will be completed by October 15, 1946, and the shipping season is already well advanced; (2) marketing conditions have been such as to preclude an earlier decision as to whether the operation of this regulatory program, during this season, will tend to effectuate the declared purpose of the Agricultural Marketing Agreement Act of 1937, as amended; and (3) in order for regulatory assessments to be collected, especially from those handlers who do not have definite or established places of business in the production area, it is essential that the specification of the assessment rate be issued immediately so as to enable the Industry Committee to begin performing its duties and functions under the marketing agreement, as amended, and order, as amended.

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

Done at Washington, D. C., this 27th day of September 1946.

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

[F. R. Doc. 46-17740; Filed, Oct. 2, 1946;  
8:53 a. m.]

#### TITLE 10—ARMY: WAR DEPARTMENT Subtitle A—Organization, Function and Procedures

##### PART 2—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

###### QUARTERMASTER GENERAL

Pursuant to the provision of section 3 (a) (1) and (2) of the Administrative Procedure Act of 11 June 1946, Subtitle A, Code of Federal Regulations, is hereby amended by the addition of paragraphs (j), (k) and (l) to § 2.162 of Subpart D as follows:

§ 2.162 *Delegations of authority, procurement activities.* \* \* \*

(j) Under the provisions of section 40, Act of 2 February 1901 (31 Stat. 758); 10 U. S. C. 724 the President is authorized to prescribe the kind and quantities of the component Army ration, and to direct the issuance of substitutive equivalent

articles in place of any such components whenever in his opinion economy and due regard to the health and comfort of the troops may so direct. This authority has been delegated to the Quartermaster General.

(k) Under the provisions of R. S. 1296; 10 U. S. C. 831; 10 U. S. C. 139 the President may prescribe the quantity and kind of clothing which shall be issued annually to the troops of the United States. This authority has been delegated to the Quartermaster General.

(l) Under the provision of R. S. 1241; 10 U. S. C. 1261 the President may cause to be sold any military stores which, upon proper inspection or survey, appear to be damaged or unsuitable for public service. Such inspection or survey shall be made by officers designated by the Secretary of War, and sales shall be made under regulations prescribed by him. Authority to act under these provisions has been redelegated by the Secretary of War to the Quartermaster General. (60 Stat. 237)

[SEAL] H. B. LEWIS,  
Brigadier General,  
Acting The Adjutant General.

[F. R. Doc. 46-17730; Filed, Oct. 2, 1946;  
8:53 a. m.]

#### TITLE 14—CIVIL AVIATION

##### Chapter II—Administrator of Civil Aeronautics

###### DELEGATION OF AUTHORITY

CROSS REFERENCE: For the addition of regional executive officers to the officials authorized to make specified appointments, see Title 15, Part 12, *infra*.

#### TITLE 15—DEPARTMENT OF COMMERCE

##### Subtitle A—Office of the Secretary

###### PART 12—DELEGATIONS OF AUTHORITY APPOINTING AUTHORITY

Section 12.1 (d) (2) of Subtitle A, Title 15, Code of Federal Regulations (11 F. R. 177A-303), is amended by adding the words "and Regional Executive Officers" after the words "Regional Managers."

Dated: September 24, 1946.

[SEAL] ALFRED SCHINDLER,  
Acting Secretary of Commerce.

[F. R. Doc. 46-17744; Filed, Oct. 2, 1946;  
8:50 a. m.]

#### TITLE 24—HOUSING CREDIT

##### Chapter VI—Federal Public Housing Authority

###### PART 603—FINAL DELEGATIONS OF AUTHORITY

###### REDELEGATION TO REGIONAL HAWAIIAN REPRESENTATIVE

Section 603.2 (1) (11 F. R. 11132) is amended by designating the text thereof

subparagraph (1) and by adding the following subparagraph (2):

§ 603.2 *Delegations to regional office officials.* \* \* \*

(1) \* \* \*

(2) *Redelegation of authority to the Regional Hawaiian Representative.* In connection with the development of projects in Hawaii under Title V of the Lanham Act, 54 Stat. 1125; 42 U. S. C. 1521, as amended, the Regional Hawaiian Representative is redelegated the authority, effective as of October 2, 1946, and pursuant to subparagraph (1) of this paragraph, to exercise any or all of the specific powers delegated in paragraph (d) of this section [Signed, Frank W. Rose, Acting Director, Region VII].

[SEAL]

D. S. MYER,  
Commissioner.

SEPTEMBER 28, 1946.

[F. R. Doc. 46-17712; Filed, Oct. 2, 1946;  
8:52 a. m.]

#### Chapter VIII—Office of Housing Expediter [Premium Payments Reg. 8 as Amended]

##### PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

###### CAST IRON SOIL PIPE

*Purpose and findings.* This general regulation is issued to stimulate additional production of cast iron soil pipe, cast iron soil fittings and cast iron accessories for stacks and drainage purposes, by providing for premium payments with respect to units of additional production above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the Veterans' Emergency Housing Act of 1946.

All available means of increasing the supply of cast iron soil pipe, cast iron soil fittings and cast iron accessories for stacks and drainage purposes, for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration the Expediter finds that premium payments are temporarily necessary to increase the supply of such materials and to stimulate additional production with greater rapidity, economy, and certainty than other available methods. The payment of a uniform rate of premium in this industry is not feasible. The rate of premium payable under Premium A is uniform. The rate of premium under Premium B is varied because of differences in the amounts of such premium applicable to each producer. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

- (a) Definitions.
- (b) Eligibility.
- (c) Establishment of quota.
- (d) Application for quota.
- (e) Rate and computation of premium payments.
- (f) Claim for payment.
- (g) Payment.
- (h) Records.
- (i) Reports.
- (j) Official interpretations.
- (k) Termination.
- (l) Effective date.

§ 805.8 *Cast iron soil pipe*—(a) *Definitions.* As used in this section:

(1) "Cast iron soil pipe" means gray iron castings used for non-pressure flow of drainage and waste fluids in residential, commercial and industrial building construction.

(2) "Victory pipe" means cast iron soil pipe of the type described as Class B in "Federal Specification for Pipe and Pipe Fittings; Soil, Cast Iron" as amended by Amendment No. 2 issued December 20, 1945, and published in section IV Part 5 of the Federal Standard Stock Catalog and identified as document number WW-P-401.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(4) "Producer" means a person who operates a plant for the production of cast iron soil pipe and cast iron soil fittings.

(5) "Plant" means a manufacturing establishment occupying a single site within the United States, its Territories, possessions, or the District of Columbia, which is in operation for the production of cast iron soil pipe and cast iron soil fittings on the effective date of this section or which may be so operated at any time while this section remains in effect.

(6) "Operating plant" means a plant that was in operation for at least three full operating months during the period from January 1, 1946 through May 31, 1946.

(7) "Month" means a calendar month, *Provided, however,* That any producer on whom this provision works a hardship may apply by letter to the Expediter, Washington, D. C., for authorization to submit his application for quota and claims for payments on the basis of a stipulated fiscal month. With respect to a producer who has received such authorization this section shall become effective on the first day of his fiscal month beginning on or after August 1, 1946, and shall terminate on the same date as this section terminates as to other producers.

(8) "Full operating month" means a month during which a plant operated at least eighteen working days except for February, during which the plant must have operated at least sixteen working days.

(9) "Production" means the number of short tons of merchantable cast iron soil



pipe, cast iron soil fittings and cast iron accessories for stacks and drainage purposes manufactured by a producer.

(10) "Saturday production" means production attained on any Saturday which is the sixth day worked in a calendar week or on any Saturday which is the fifth day worked in a calendar week which includes a national holiday.

(11) "Shipments" means the number of short tons of cast iron soil pipe, cast iron soil fittings, and cast iron accessories for stacks and drainage purposes manufactured by a producer and shipped by such producer.

(12) "New producer" means with respect to a plant which prior to the effective date of this section was not operated for the production of cast iron soil pipe and cast iron soil fittings, a person who operates such plant after the effective date of this section, and who did not operate, prior to the effective date of this section, any plant for the production of cast iron soil pipe and cast iron soil fittings.

(13) "Claim" means a claim for payment filed pursuant to this section.

(14) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(15) "OHE" means the Office of the Housing Expediter.

(16) "Premium A" means a premium which is computed in accordance with subparagraphs (1) and (2) of paragraph (e) of this section.

(17) "Premium B" means a premium which is computed in accordance with subparagraph (3) of paragraph (e) of this section.

(b) Eligibility—(1) Premium A. Any producer is eligible for payment of a premium under this section designated as Premium A if he meets all of the following conditions:

(i) His production during the month covered by the claim is in excess of quota, except as otherwise provided in paragraph (e) (2) (ii) (d) of this section;

(ii) His shipments during the month covered by the claim exceed 75 percent of his production for the month; and

(iii) His shipments during the month covered by the claim and the immediately preceding month exceed 90 percent of his combined production during those two months.

(2) Premium B. A producer is eligible for payment of a premium under this section designated as Premium B if both of the following conditions exist:

(i) The producer consumed in his production, pig iron of foundry or malleable grades which he bought from a seller whose maximum price for sales to such producer is higher, by virtue of an individual adjustment or exception granted by the Office of Price Administration pursuant to § 1306.55 of its Revised Price Schedule 10, as amended, than the maximum price which would be applicable,

in the absence of such adjustment or exception, under § 1306.56 of said Revised Price Schedule for sales of such pig iron to such producer. (For the purpose of this provision, the special exceptions recognized in § 1306.56 for Struthers Iron & Steel Company and Pittsburgh Coke & Iron Company shall be disregarded.)

(ii) The price at which the producer purchased such pig iron from such seller was at or below the applicable maximum price established by virtue of an adjustment or exception granted pursuant to § 1306.55 of Revised Price Schedule 10, as amended.

(c) Establishment of quota. (1) A monthly quota shall be established for each and every operating plant of a producer which shall be the higher of the following:

(i) The average monthly production of the latest three full operating months during the period January 1, 1946 through May 31, 1946: *Provided, however*, That any producer who operated during those months on a week of more than 40 hours shall adjust to a 40-hour week for each shift in operation during the three months, or

(ii) 90 percent of the production, on the same adjusted basis, in the full operating month of highest production during the period January 1, 1946 through May 31, 1946.

(2) With respect to all other plants a monthly quota shall be established by the Expediter on application. *Provided, however*, That no such quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of the producer's selling price) of the total output of said producer.

(3) If production in any plant is below quota in any claim period the producer's quota for the next succeeding claim period shall consist of his established quota plus the amount of the deficit in the preceding claim period. *Provided, however*, That if on application by the producer on form NHA 14-65 to the Expediter he determines that the deficit was due to unusual circumstances beyond the control of the producer, such deficit shall not be added to the established quota.

(4) In the case of producers with two or more plants which are in operation, if the production in any plant falls below the quota in that plant in any month, the Expediter may establish a combined quota for any or all plants if he determines that production has been shifted among such plants so as to increase the producer's total claim without a corresponding increase in total output.

(5) (i) The quota for each operating plant, as established under paragraph (c) (1) of this section, shall be reduced by the excess, if any, of the total amount of 5" and larger pipe sizes produced by such plant during the month of August, 1946 over 7% of its total production during that month. Such reduction in quota shall apply only with respect to claims filed for the months determined as follows:

(a) For an operating plant whose August 1946 production of 5" and larger pipe sizes represented more than 7%, but less than 10%, of its total production for that month, the reduced quota for such plant shall be applied only with respect to claims filed for the month of September 1946 and for no other month.

(b) For an operating plant whose August 1946 production of 5" and larger pipe sizes represented 10% or more, but less than 20%, of its total production for that month, the reduced quota for such plant shall be applied only with respect to claims filed for each of the months of September and October 1946 and for no other month.

(c) For an operating plant whose August 1946 production of 5" and larger pipe sizes represented 20% or more of its total production for that month, the reduced quota for such plant shall be applied only with respect to claims filed for each of the months of September, October and November 1946 and for no other month.

(ii) In the case of any producer with two or more plants, none of the plants of such producer will be eligible for the reduction in quota provided for in this subparagraph (c) (5) unless the total combined production in all the plants of such producer of 5" and larger pipe sizes during the month of August, 1946 exceeded 7% of the total combined production in all such plants during that month.

(d) Application for quota. Every producer who wishes to receive premium payments under this section shall file promptly with the Expediter an application for quota for each of his plants. All applications for quota shall be filed on form NHA 14-64 which may be obtained from any Reconstruction Finance Corporation Loan Agency. A producer may find out in which RFC Loan Agency district he is located by consulting his bank.

(e) Rate and computation of premium payments. (1) Payments of premium A shall be made only on production in excess of quota except as provided in subparagraph (2) (ii) (d) of this paragraph. For the purpose of computing production for a month covered by a claim production shall not include cast iron soil fittings and cast iron accessories for stacks and drainage purposes in excess of 120% of production of cast iron soil pipe.

*Example 1.* Producer A has a quota of 400 tons. His total production in August 1946 is 500 tons of which 200 tons are cast iron soil pipe and 300 tons are cast iron soil fittings and cast iron accessories for stacks and drainage purposes. In computing his claim A includes all of his production of cast iron soil pipe—200 tons—plus cast iron soil fittings and cast iron accessories up to 120% of his production of cast iron soil pipe—240 tons. His production is therefore 440 tons and his production in excess of quota 40 tons. A therefore receives a premium payment on 40 tons.

(2) Payments of premium A shall be made at the following rates:

(i) Ten dollars per ton on all production in excess of established quota except where a premium at the rate of \$40.00 per

ton is payable under other provisions of this section.

(i) Forty dollars per ton on all Saturday production subject to the following conditions:

(a) If Saturday production is equal to or more than the total production in excess of established quota, \$40.00 per ton on all production in excess of established quota.

(b) If Saturday production is less than the total production in excess of established quota, \$40.00 per ton on Saturday production and \$10.00 per ton on all remaining production in excess of established quota.

(c) Premium payments at the rate of \$40.00 per ton for Saturday production shall not be made on a percentage of total production greater than the percentage arrived at by dividing the number of Saturdays in the month by the total number of days in the month exclusive of Sundays and national holidays.

(d) If production during any month is not in excess of a producer's established quota but the producer had Saturday production during that month premium payments at the rate of \$40.00 per ton may be made on such production if, on the producer's application on Form NHA 14-65, the Expediter determines that the producer's failure to produce in excess of his established quota was due to unusual circumstances beyond the producer's control.

*Example 2.* Producer W has a quota of 400 tons. In August 1946 he produces 440 tons operating on a five-day week. Since he has no Saturday production he receives a premium at the rate of \$10.00 per ton on the 40 tons which are in excess of his established quota.

*Example 3.* Producer X has a quota of 400 tons. In August 1946 he produces 440 tons of soil pipe, of which 80 tons were produced on Saturday. X receives a premium payment at the rate of \$40.00 per ton on his production in excess of quota, that is, on forty tons.

*Example 4.* Producer Y has a quota of 400 tons. In August 1946 he produced 520 tons of soil pipe of which 80 tons were produced on Saturday. He receives a premium payment at the rate of \$40.00 per ton on 80 tons and \$10.00 per ton on the remaining 40 tons in excess of quota.

*Example 5.* Producer Z has a quota of 400 tons. In August 1946 he produces 520 tons of which 100 tons were produced on Saturdays. Since August has 27 working days, of which 5 are Saturdays, Z may not receive premium payments at the rate of \$40.00 per ton on more than  $\frac{5}{27}$ ths of his total production. Since Z's production is 120 tons in excess of quota he will receive a premium payment at the rate of \$40.00 per ton on  $\frac{5}{27}$ ths of 520 tons, that is, on 96 tons and at the rate of \$10.00 per ton on the remaining 24 tons which are in excess of quota.

(3) Payments of Premium B shall be made to a producer qualifying under subparagraph (2) of paragraph (b) in an amount equal to the excess, if any, of:

(i) The purchase price of the pig iron bought by such producer under the conditions set forth in subparagraph (2) of paragraph (b) of this section which is actually consumed in his production of cast iron soil pipe, cast iron soil fittings and cast iron accessories for stacks and

drainage purposes during the month covered by his claim for Premium B, over

(ii) The maximum price established by OPA under § 1306.56 of Revised Price Schedule 10, as amended, for the sale of pig iron to such producer without regard to any individual adjustment or exception granted pursuant to § 1306.55 of said Revised Price Schedule.

(f) *Claim for payment.*

(1) Claims for Premium A and Premium B shall be filed on form NHA 14-65. Producers who claim both Premium A and Premium B for the same month shall incorporate both claims on the same form NHA 14-65. These forms may be obtained from any RFC Loan Agency.

(2) Each claim for payment of Premium A shall be filed on or before the last day of the month following the end of the month in which the production occurred; provided, however, that claims for payment on account of production during the month of August, 1946, may be filed not later than October 31, 1946. Each claim for payment of Premium A shall include all of the production of the month for which claim is made and no other. Any producer whose production in any month is insufficient to permit the payment of a Premium A shall nevertheless file form NHA 14-65 as an information return. Each claim for payment of Premium B shall be filed on or before the last day of the month following the end of the month in which the pig iron, for whose purchase such claim is made, was consumed in production and such claim shall include all of the pig iron so consumed in such month and no other.

(3) Each claim or information return on form NHA 14-65 shall be filed with RFC at the Loan Agency for the district in which the main office of the plant is located, except that a producer operating more than one plant shall simultaneously file the claims or information returns for all of his plants at the Loan Agency for the district in which his main office is located.

(4) No claim under this section shall be assignable except as a part of the bona fide transfer of the plant to a legal successor.

(g) *Payment—(1) Review by RFC.* In reviewing claims, the RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted; *Provided, however,* That with respect to claims for the last two months during which this section is in effect RFC may require that bond be furnished in form and amount satisfactory to it before making payment.

Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may:

(i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or,

(ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4% per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid, in whole or in part, any claim of a producer, and such producer shall upon demand refund to RFC any payment on such claim, or part thereof, if the Expediter finds that the producer:

(i) Has failed to comply with any of the requirements of this section, or

(ii) Has failed to comply with directives, orders or regulations of the Civilian Production Administration or OHE on cast iron soil pipe or has sold cast iron soil pipe at prices in excess of the ceiling prices established by the applicable Office of Price Administration regulations or orders.

(iii) Has failed to maintain substantially the same ratio of production of Victory pipe to production of other pipe as the producer maintained during the period on the basis of which his quota was established.

(iv) Has filed a claim for premium payment in which the amount of production for which claim is made at the rate of \$40.00 per ton when divided by total production results in a percentage which is substantially greater than the percentage arrived at by dividing the overtime man-hours worked by the total man-hours worked.

In such cases the Expediter may recompute the claim by applying to all or part of the production in excess of quota a premium rate of \$10.00 per ton instead of \$40.00 per ton.

(h) *Records.* Every producer shall prepare and preserve for inspection for a period not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of its claim for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in the producer's claim for payment or as may be required by the Expediter.

(i) *Reports.* Producers must furnish such reports as may be required by the



Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(k) *Termination.* This section shall terminate on June 30, 1947. In the event the Expediter finds that any substantive amendments, including but not limited to an amendment of the termination date, have become necessary, no such amendments will be issued until after adequate notice to and discussion with representatives of the producers covered by this section.

Termination shall not preclude the filing of claims for payment during the month following such termination on account of production during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated. In the event that OPA price ceilings cease to be applicable to the sale of cast iron soil pipe, cast iron soil fittings and cast iron accessories for stacks and drainage purposes, the Expediter may terminate this section on such terms and conditions as he may deem proper.

(l) *Effective date.* This section as amended shall become effective as of September 1, 1946.

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

(60 Stat. 207)

Issued this 30th day of September 1946.

JOSEPH L. RAUH,  
Acting Housing Expediter.

#### INTERPRETATION 1

##### QUANTITY OF CAST IRON SOIL PIPE FITTINGS REQUIRED TO BE PRODUCED IN A MONTH

In order to be a "producer" as defined in paragraph (a) (4) of EPPR-8, as amended, a person must produce both cast iron soil pipe and cast iron soil fittings. The quantity of fittings which a person must produce for the purpose of coming within the definition is approximately that amount which is needed to complement his additional output of soil pipe in addition to the amount of fittings which he produced during the period of time on the basis of which his quota was established. (Issued Sept. 21, 1946.)

[F. R. Doc. 46-17965; Filed, Oct. 2, 1946; 11:51 a. m.]

## TITLE 29—LABOR

### Chapter I—United States Employment Service, Department of Labor

#### PART 21—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Pursuant to the authority vested in me by the act approved June 6, 1933, as

amended (48 Stat. 113), Title IV of the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 284), the Labor-Federal Security Appropriation Act, 1947 (Pub. L. 549, 79th Cong., 2nd Sess.), and Executive Order No. 9617 (10 F. R. 11929), and for the purpose of maintaining an effective national system of public employment offices, Title 29, Chapter I, Bureau of Employment Security: Social Security Board, Federal Security Agency, is redesignated United States Employment Service, Department of Labor, and Part 21, §§ 21.1 to 21.14, inclusive, of the Code of Federal Regulations, entitled "Cooperation of the Social Security Board and States in Establishing and Maintaining a National System of Public Employment Offices" is hereby rescinded and the following new regulation promulgated.

Sec.	
21.1	Definitions.
21.2	Placement services.
21.3	Employment counseling and selective placement services.
21.4	Occupational analysis and industrial services.
21.5	Special service for veterans.
21.6	Labor market information service.
21.7	Participation in community programs.
21.8	Services and facilities.
21.9	Organization.
21.10	Arrangements between United States Employment Service and related Federal agencies.
21.11	Employment service manual.
21.12	Personnel administration.
21.13	Fiscal affairs.
21.14	Advisory councils.
21.15	Confidential character of records.
21.16	Reports and studies.
21.17	State plans of operations.
21.18	Delegation of authority.
21.19	Amounts and purposes of grants.
21.20	Notice and opportunity for hearing to State agency prior to withdrawal of Federal funds.

AUTHORITY: §§ 21.1 to 21.20, inclusive, issued under 48 Stat. 113; 29 U. S. C. 49-49f; Reorg. Plan No. I, secs. 201, 203, effective July 1, 1939, 53 Stat. 1424; 58 Stat. 293; 38 U. S. C. 695-695f; E. O. 9247, 9617; 7 F. R. 7379, 10 F. R. 11929; Pub. Law 549, 79th Cong.

§ 21.1 *Definitions.* In this part, the following words shall, unless the context requires otherwise, have the following meanings:

(a) "Wagner-Peyser Act" means the act of June 6, 1933, as amended, (48 Stat. 113), and all rules, regulations, and standards promulgated thereunder.

(b) "State" includes the several States, the District of Columbia and the Territories of Alaska and Hawaii.

(c) "State agency" means the agency designated under Section 4 of the Wagner-Peyser Act as the agency to cooperate with the United States Employment Service.

(d) "State Director" means the individual responsible, subject to the overall direction and supervision of the chief official of the State agency or department in which the State service is located, for the proper and efficient administration of the State-wide system of public employment offices.

(e) "The United States Employment Service" means the Bureau in the Department of Labor established pursuant to the Wagner-Peyser Act.

(f) "Director of the United States Employment Service" means the chief

official of the United States Employment Service, responsible, subject to the supervision of the Secretary of Labor, for the administration of the Bureau in the Department of Labor known as the United States Employment Service.

(g) "State Veterans' Employment Representative" means the individual assigned by the United States Employment Service to each State public employment service system, who is administratively responsible to the Chief of the Veterans' Employment Service of the United States Employment Service, for the execution, through the public employment service in the State, of the policies of the Veterans' Placement Service Board.

§ 21.2 *Placement services.*—(a) *Functions.* Each State agency shall maintain, through its State and local employment offices, a placement service for the free use of employers, workers, and veterans and for the purpose of assisting employers to secure the number of workers possessing the occupational qualifications such employers require, and of assisting all workers to find promptly, jobs for which they are occupationally qualified and which are most advantageous to them. The State service shall promote the full use of its placement facilities, for the purpose of assuring the maximum of job opportunities for veterans and other workers and the maximum recruitment and placement assistance for employers.

(b) *Referrals in labor dispute situations.* No person shall be referred to a position the filling of which will aid directly or indirectly in filling a job which (1) is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or (2) the filling of which is an issue in a labor dispute. With respect to positions not covered by subparagraph (1) or (2) of this paragraph, any individual may be referred to a place of employment in which a labor dispute exists, provided he is given written notice of such dispute prior to or at the time of his referral.

(c) *Inter-area and interstate clearance of labor.* Each State agency shall cooperate with the United States Employment Service in the interstate recruitment and transfer of workers. Each State agency shall maintain an adequate system for the recruitment and transfer of workers between areas within the State.

(d) *Multi-State labor market areas.* With respect to any single labor market area covering parts of two or more States, the State agencies involved shall establish and maintain adequate arrangements and procedures to assure that workers and employers have full access to job opportunities and the available labor supply within the area, without regard to State boundaries.

§ 21.3 *Employment counseling and selective placement services.* Each State agency shall maintain an adequate local office employment counseling service for veterans and other applicants of employable age. Such employment counseling service shall assist the applicant to evaluate his potential abilities in relation to job requirements and employment opportunities. Local employment



offices shall provide such special services and utilize such selective placement techniques as may be necessary to assist handicapped veterans and other applicants to secure employment in occupations which are suited to their physical capacities, interest, and abilities. Local offices shall establish and maintain cooperative relationships with other community and State agencies and organizations for the coordination and mutual improvement of vocational adjustment services. In those States where State boards, departments, or agencies exist which are charged with the administration of State laws for the vocational rehabilitation of handicapped persons, the State agency shall make provision for cooperation with such boards, departments, or agencies.

§ 21.4 *Occupational analysis and industrial services.* Each State agency shall maintain, through its State administrative office and local employment offices, an adequate occupational analysis and industrial service to render assistance in connection with problems which involve the recruitment, selection, assignment, transfer and promotion of workers with a view to promoting stability of employment and the most effective use of workers' skills and abilities. In connection therewith, each State agency shall cooperate with the United States Employment Service in the development and use of the occupational analysis and related materials of the United States Employment Service.

§ 21.5 *Special service for veterans.* Each State agency shall maintain, through its State administrative office and local employment offices, effective placement and counseling services for veterans, to carry out the provisions of the Wagner-Peyser Act and of Title IV of the Servicemen's Readjustment Act of 1944. In connection therewith, each State agency shall carry out the policies as determined by the Veterans Placement Service Board and promulgated through the United States Employment Service. The State veterans employment representative shall be consulted on all matters affecting veterans' employment activities and shall be invited to attend staff meetings of the senior employment service staff. Each State agency shall make available adequate and appropriate space and facilities for the representatives of the Veterans Employment Service located within the State, and shall assure that State and local employment offices cooperate with field personnel of the Veterans Employment Service. The State Director shall, after consultation with the State veterans employment representative, designate one or more employees (preferably veterans) in each local employment office as veterans' employment representatives who shall, under the administrative direction of the local office manager, carry out the services and functions prescribed in section 602 of the Servicemen's Readjustment Act of 1944.

§ 21.6 *Labor market information service.* Each State agency shall maintain, through its State administrative office and local employment offices, an

effective labor market information service, through which it shall provide for the collection, analysis and public issuance of information on current labor market developments, employment trends and opportunities for employment.

§ 21.7 *Participation in community programs.* Each State agency, through its State administrative office and local employment offices, shall cooperate with other agencies and organizations concerned with employment problems and shall participate in developing programs for increasing employment opportunities and stabilizing employment.

§ 21.8 *Services and facilities.* Each State agency shall provide in an efficient and effective manner, the public employment services described in §§ 21.2 to 21.7, inclusive, through adequate local employment office facilities. Each State agency shall maintain local employment office facilities of such number, size, and location as may be necessary in view of the population distribution and industrial employment pattern of the State and of communities within the State.

§ 21.9 *Organization — (a) Official name.* The official name of the State-wide system of public employment offices and the name on all official signs, stationery and documents used in connection with the State-wide system of public employment offices shall be "State Employment Services" to which shall be added the words "Affiliated with the United States Employment Service."

(b) *State director.* Each State-wide system of public employment offices shall be under the supervision and direction of a State director who shall devote his full time to employment service activities and other designated activities which are closely related to, and will not impede the proper and efficient administration of, employment service activities.

(c) *Local managers.* Each local public employment office shall, with respect to all its employment service activities, be under the direction and supervision of a local office manager, who shall be responsible to the State Director for the proper and efficient administration of the employment service activities performed in such local office, and may be responsible for other designated activities in the local office which are closely related to and will not impede the proper and efficient administration of, the employment service activities of a local employment office.

(d) *Unemployment compensation claims activities.* For the purposes of this section, the taking of unemployment compensation claims (but not the making of decisions on or the payment of such claims) shall be deemed activities which are closely related to and do not impede the proper and efficient administration of employment service activities.

(e) *Maintenance of employment service activities in local offices.* Under emergency circumstances, personnel required for the performance of local office employment service functions may assist in the performance of unemployment compensation claims activities for lim-

ited periods of time but only if the rendition of such assistance will not impede the proper and efficient performance of employment service activities. Under emergency circumstances and for limited periods of time the services of unemployment compensation personnel in local offices may be accepted to assist in the performance of local office employment service activities.

(f) *Other forms of administrative organization or divisions of administrative responsibility.* Notwithstanding the other provisions of this Part of this Chapter relating to forms of administrative organization and divisions of administrative responsibility, the Director of the United States Employment Service may approve other forms of administrative organization and divisions of administrative responsibility which he finds are reasonably calculated to carry out the purposes of the Wagner-Peyser Act and maintain the identity of the state-wide system of public employment offices as a part of the nation-wide system of public employment offices.

§ 21.10 *Arrangements between United States Employment Service and related Federal agencies.* The Director of the United States Employment Service is authorized to enter into appropriate arrangements with other Federal agencies for the coordination of activities and the exchange of services which relate to the purposes and program of the Federal-State cooperative national system of public employment offices provided for in this chapter. Each State agency shall comply with and carry out such arrangements.

§ 21.11 *Employment service manual.* The Director of the United States Employment Service shall establish and maintain an Employment Service Manual as a comprehensive guide on all matters pertinent to the Federal-State cooperative program for the maintenance of a national system of public employment offices.

§ 21.12 *Personnel administration.* Each State shall maintain, with respect to personnel employed in the State system of public employment office, a merit system of personnel administration which complies with the "Standards for Merit System of Personnel Administration in State Employment Service Administration" as prescribed by the Secretary of Labor.

§ 21.13 *Fiscal affairs.* Each State shall comply with the requirements of "Instructions to State Agencies Relative to Fiscal Affairs in Connection with Grants Made for Expenses of Employment Service Administration", as prescribed by the Secretary of Labor.

§ 21.14 *Advisory councils.* Each State agency shall maintain a state advisory council constituted in the manner and for the purpose described in section 11 (a) of the Wagner-Peyser Act, and shall maintain local advisory councils, in such communities and constituted in such manner as the State agency deems necessary to promote and assist in the carrying out of the services and activities described in the regulations in this part.

§ 21.15 *Confidential character of records.* Each State agency shall assure that all information contained in the records of the State employment service and secured from workers, employers or other persons or groups as an incident to the State public employment service program, is used solely for the purpose of administering the State system of public employment offices as part of a national system of public employment offices, except that such information may be disclosed for other purposes in accordance with policies promulgated by the Director of the United States Employment Service to assure that such disclosures will not impede the operation of or be inconsistent with the purposes of the public employment service program.

§ 21.16 *Reports and studies.* Each State agency shall file with the United States Employment Service and keep current, such information and reports on local labor market conditions and the State agency's operations, activities, workload and expenditures as the Director of the United States Employment Service may from time to time require to carry out the provisions of the Wagner-Peyser Act, and in connection therewith, shall maintain the procedures and programs and carry out the instructions set forth in Part III of the Employment Service Manual and such other instructions as the Director of the United States Employment Service may from time to time approve. Each State agency shall cooperate in the making of such studies, surveys and investigations by the Director of the United States Employment Service or his representatives, and in the carrying out of such studies, procedures and programs, as the Director of the United States Employment Service from time to time finds necessary to carry out the Wagner-Peyser Act.

§ 21.17 *State plans of operation.* Each State desiring to receive the benefits of the Wagner-Peyser Act shall submit detailed plans for carrying out the provisions of the Act in accordance with United States Employment Service "Instructions to State Agencies for Preparation and Submittal of State Plan(s) of Operation Under the Wagner-Peyser Act" prescribed by the Secretary of Labor. If such plans are found in compliance with this section, they shall be approved and due notice thereof communicated to the State agency.

§ 21.18 *Delegation of authority.* The Director of the United States Employment Service is hereby authorized, except as otherwise provided in this chapter, to issue any standard or instruction or take any other action provided for in this Chapter and to further delegate any authority so delegated to him.

§ 21.19 *Amounts and purposes of grants.* Grants to States under the Act of July 26, 1946 (Public Law No. 549, 79th Congress, 2d session), shall be in such amounts and shall be available for expenditure for such purposes as are determined to be necessary for the proper and efficient administration of the State-wide system of public employment offices

as part of the national public employment office system, in accordance with the provisions of the Wagner-Peyser Act, and such instructions as may be issued from time to time thereunder.

§ 21.20 *Notice and opportunity for hearing to State agency prior to withdrawal of federal funds.* Whenever the Director of the United States Employment Service has reason to believe, that in the administration of a State-wide system of public employment offices (a) there has occurred a substantial failure to comply with the State's detailed plan of operations as approved under the Wagner-Peyser Act, or (b) the cooperating State agency has not expended the moneys paid to it in accordance with the provisions of said Act, the Director of the United States Employment Service shall give the State agency a written notice, approved by the Secretary of Labor which shall state specifically wherein the State has failed to comply or failed properly to expend. The Director of the United States Employment Service shall accord to the State agency a reasonable opportunity to appear and be heard thereon. If, after such opportunity to be heard, the Director finds that the State has substantially failed to comply with its detailed plan of operations as approved under the Wagner-Peyser Act, or has not expended the moneys paid to it in accordance with said Act, the Director shall submit a summary of the evidence, his written findings and recommendations to the Secretary of Labor. A copy of the Director's summary of the evidence, findings and recommendations shall be promptly furnished to the State agency, which within fifteen days after receipt thereof, shall submit to the Secretary of Labor its comments or objections with respect to such summary, findings and recommendations. The Secretary of Labor will thereafter render his decision in the matter, with such directions as he shall consider proper.

L. B. SCHWELLENBACH,  
Secretary of Labor.

SEPTEMBER 25, 1946.

[F. R. Doc. 46-17715; Filed, Oct. 2, 1946; 8:48 a. m.]

PART 22—INSTRUCTIONS TO STATE AGENCIES FOR PREPARATION AND SUBMITTAL OF STATE PLAN OF OPERATION UNDER THE WAGNER-PEYSER ACT

Pursuant to the authority vested in me by the Act approved June 6, 1933, as amended (48 Stat. 113), Title IV of the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 284), and Executive Order No. 9617 (10 F. R. 11929), and for the purpose of maintaining an effective national system of public employment offices, the following instructions are hereby promulgated.

SUBPART A—LETTER OF TRANSMITTAL

- Sec. 22.101 Request for approval.
- 22.102 List of documents.
- 22.103 Amendments of the plan.
- 22.104 Signature.

SUBPART B—LEGAL MATERIAL

- Sec. 22.201 Opinion of the State Attorney General.
- 22.202 Organization and enabling laws.
- 22.203 Fiscal laws.
- 22.204 Personnel laws.

SUBPART C—ORGANIZATION

- 22.301 Official Name.
- 22.302 Organization of the State agency.
- 22.303 Description of functions.
- 22.304 Local office organization.
- 22.305 Description of functions and activities.
- 22.306 Area office organization.
- 22.307 Description of responsibilities.
- 22.308 Location of local offices and itinerant points.
- 22.309 State and local advisory councils.

SUBPART D—ACTION TAKEN TO CARRY OUT UNITED STATES EMPLOYMENT SERVICE REGULATION

- 22.401 Effectuation of regulations.

SUBPART E—PROGRAM

- 22.501 Nature of program of the State agency.
- 22.502 Operating instructions.
- 22.503 Inter-State labor market areas.
- 22.504 Inter-State clearance of labor.
- 22.505 Agreement with the State vocational rehabilitation agency.
- 22.506 Agreement with the State extension service.
- 22.507 Provision for field supervision and evaluation of local employment offices.
- 22.508 Staff training policy and program.
- 22.509 State program for handicapped workers and other special applicant groups.

SUBPART F—SERVICE TO VETERANS

- 22.601 Effectuation of special services for veterans.

SUBPART G—LABOR MARKET, OPERATING AND ACTIVITY REPORTING

- 22.701 Maintenance of reporting requirements.

SUBPART H—INSTRUCTIONS AND TRAINING MATERIALS

- 22.801 Inclusion of United States Employment Service Offices on mailing lists.

SUBPART I—PERSONNEL ADMINISTRATION

- 22.901 Merit system plan.
- 22.902 Documentation.
- 22.903 Personnel reports.

SUBPART J—FISCAL ADMINISTRATION

- 22.1001 Budget.
- 22.1002 Fiscal standards.

AUTHORITY: §§ 22.101 to 22.1002, inclusive, issued under 48 Stat. 113; 29 U. S. C. 49-49f; Reorg. Plan No. I, secs. 201, 203, effective July 1, 1939, 53 Stat. 1424; 58 Stat. 293; 38 U. S. C. 695-695f; E. O. 9247, 9617; 7 F. R. 7379, 10 F. R. 11929; Pub. Law 549, 79th Cong.

SUBPART A—LETTER OF TRANSMITTAL

§ 22.101 *Request for approval.* The letter should state that the accompanying statements and attachments are submitted as a Plan of Operation, pursuant to the provisions of the Wagner-Peyser Act as amended. The Secretary of Labor should be requested to approve the plan as submitted and to so notify the State agency.

§ 22.102 *List of documents.* The letter should list each section of the plan and the documents being submitted thereunder.



§ 22.103 *Amendments of the plan.* The letter should state that the plan is submitted as a continuing plan, should designate the effective date and certify that the plan will be kept current by the submission for incorporation in the plan of necessary amendatory materials.

§ 22.104 *Signature.* The letter should bear the signature and title of the State official or officials authorized under the State law, to submit the plan of operation.

#### SUBPART B—LEGAL MATERIAL

§ 22.201 *Opinion of State Attorney General.* The legal material must include an opinion of the State Attorney General or other appropriate State official stating that the State statutes authorize the State agency to submit the plan and administer the State employment service, in accordance with the Act of June 6, 1933 (48 Stat. 113) as amended, Title IV of the Servicemen's Readjustment Act of 1944 as amended and the pertinent provisions of the Labor-Federal Security Appropriation Act, 1947.

(a) *Nature of other legal materials.* Legal material submitted as a part of the plan should include constitutional and statutory provisions, proclamations, executive orders, administrative orders, rules and regulations, court decisions, legal opinions and any other materials which constitute or determine the legal basis for the plan. The legal material must include the State statute accepting the Wagner-Peyser Act and creating the State agency to administer the State-wide system of public employment offices in cooperation with the United States Employment Service. The legal material should also include legislation creating the Department or Agency of State Government in which the State public employment office system is located.

(b) *Certification of documents.* At least one copy of each submittal described above should bear the written signature or printed authentication of the Secretary of State or other official authorized to certify as to the accuracy of copies of the particular type of document.

(c) *New legal material.* All legal materials should be kept current. Any newly adopted legal material, and any rescission or amendment of legal material previously incorporated in the plan, should be submitted currently, for approval as a part of the plan. Each new item of legal material should be accompanied by a statement identifying the previously incorporated legal material, including the page and section of the plan where it occurs, which the new legal material amends or renders obsolete.

(d) *Court decisions and legal opinions.* When any legal opinions affecting any part of the plan are rendered, they should be submitted promptly. Opinions of appropriate State officials will be requested, for incorporation in the plan, when the intent of a statute or constitutional provision is not clear or if there is any question as to the authority of an agency to issue a rule or regulation or take any other action provided for in the plan.

The plan should include any judicial interpretation or other amplification of existing law by a court, which in any way affects the powers, functions or activities of any State agency with respect to any provisions of the plan. The United States Employment Service Regional Director should be kept currently informed of any legislative or judicial proceedings involving a legal issue of substantial consequence to any part of the plan.

(e) *Classification of legal material.* For purposes of convenience the legal materials in the plan should be classified into three sections, captioned:

- (1) Organization and enabling laws,
- (2) Fiscal laws, and
- (3) Personnel laws.

§ 22.202 *Organization and enabling laws.* Organization and enabling laws include constitutional, statutory and administrative legal materials relating to the establishment of the State agency and its program, accepting the provisions of the Wagner-Peyser Act, defining the relationships between the State agency and the department or other agency of State Government in which it is located, and constituting the legal authority for the material required under all provisions of the plan which cannot appropriately be classified as fiscal laws or personnel laws.

§ 22.203 *Fiscal laws.* Fiscal laws include constitutional, statutory and administrative legal materials relating to or governing the fiscal activities of the State agency, including such matters as budget procedures, bonding, fiscal controls (irrespective of by whom exercised), disbursements, accounting and auditing.

§ 22.204 *Personnel laws.* Personnel laws include all constitutional, statutory and administrative legal materials relating to civil service, merit system administration, classification and compensation plans, residence requirements, veterans preferences, and all other matters governing personnel administration applicable to the State agency and its personnel.

#### SUBPART C—ORGANIZATION

§ 22.301 *Official name.* Submit a statement giving the official name of the State employment service as used on all official signs, stationery, and documents.

§ 22.302 *Organization of the State agency.* Submit a chart showing the organization of the State employment services. The chart should show the manner in which authority and responsibility are delegated from the chief executive of the State agency, through intermediate areas of supervision, to the smallest group having a permanently assigned supervisor whose activities relate to employment service operations. The chart should show every organizational unit within the State agency which renders a service to the State employment service. In this chart, the organization structure within local employment offices need not be shown, but the line

of administrative authority over local offices should be shown. The chart should also show the staff if any, assigned to the area, district or field supervisors. The chart should also show the position and relationships of the State Veterans Employment Representative (of the Veterans Employment Service of the United States Employment Service) in the State employment service organization.

§ 22.303 *Description of functions.* Supplement the chart with a statement describing the specific employment service function performed by each organizational unit illustrated on the organizational chart.

A revised chart and statement should be submitted for approval as part of the plan, whenever the functions or responsibilities of the Employment Service Director are significantly changed.

§ 22.304 *Local office organization.* Prior to November 16, 1946, and from time to time thereafter, the Regional Director will designate the local employment offices within the State for which organization charts are to be submitted as part of the State plan. Each chart should show the line of authority from the local office manager, through any intervening supervisory levels, to each employee in the local office. Each chart should also show the position and relationship of the local Veterans Employment Representative to the other organizational units in the local office.

§ 22.305 *Description of functions and activities.* Supplement the charts by statements describing the functions or activities performed by each employee or group of employees performing a distinct function or activity. Also indicate specifically the nature of the local office manager's responsibility in relation to unemployment compensation activities and the assignment of these activities to staff under the administrative direction of the local office manager.

§ 22.306 *Area office organization.* If the State includes one or more area offices which administers a metropolitan area in which more than one local office serves the single market, submit an organization chart for a typical area office.

§ 22.307 *Description of responsibilities.* Supplement the chart by a statement describing the responsibilities of the area office and the division of responsibility among separate positions or organizational units in the area office.

§ 22.308 *Location of local offices and itinerant points.* Submit a map of the State showing the location of all local employment offices, the geographic area served by each office, and the location of itinerant points within the geographic area of each office. Show the office numbers on the map and supplement the map by a list showing office number, city and street address of each local office. If no designation is regularly used for itinerant points, designate such points A, B, C, etc., for each office area and include them on the supplementary list. Also indicate on the map the areas into which the State is divided for purposes of field supervision.



Submit a statement amending the State plan each time there is a change affecting the full-time service to any community, either through the opening or closing of a full-time office.

§ 22.309 *State and local advisory councils.* Submit a statement showing the composition of the State Advisory Council when organized, the number of members representing employers, employees and the public, and the frequency of regularly scheduled meetings. Submit the same information for any local advisory councils.

#### SUBPART D—ACTION TAKEN TO CARRY OUT UNITED STATES EMPLOYMENT REGULATION

§ 22.401 *Effectuation of regulations.* Submit a statement that the State will comply with and carry out the regulation prescribed by the Secretary of Labor under the Wagner-Peyser Act (Part 21 of this Chapter), and entitled "Cooperation of United States Employment Service and States in Establishing and Maintaining a National System of Public Employment Offices."

#### SUBPART E—PROGRAM

§ 22.501 *Nature of program of the State agency.* Submit a statement indicating the program or activities which the State agency will carry out, in addition to the national six-point program set forth in §§ 21.2 to 21.7 of this chapter.

§ 22.502 *Operating instructions.* Submit a statement that the State will adhere to the basic standards set forth as United States Employment Service Policies in Part II of the United States Employment Service Manual and will maintain procedures necessary to effectively carry out such policies. The statement should indicate one of two types of action by the State agency to make such policies and procedures effective:

(a) The adoption of the Manual as issued by the United States Employment Service as the vehicle for issuing instructions to local offices; or

(b) The issuance of instructions to local offices through a State agency manual or bulletin series.

A revised statement shall be submitted for approval as a part of the plan at any time there is a change in the method of issuing instructions to local employment offices.

§ 22.503 *Inter-State labor market areas.* Submit a copy of any arrangement made with an adjoining State or States with respect to a labor market area which includes parts of two or more States.

At any time a new arrangement or a revision in an existing arrangement is made, submit a copy of the new or revised arrangement for incorporation in the plan.

§ 22.504 *Inter-State clearance of labor.* Submit a statement that the State will maintain the procedures and programs set forth in items 1800 to 1899 of the United States Employment Service Manual with respect to the inter-State clearance of labor.

§ 22.505 *Agreement with the State vocational rehabilitation agency.* Sub-

mit a copy of arrangements made for cooperation between the State employment service and the State boards, departments or agencies charged with the administration of State laws for the vocational rehabilitation of handicapped persons. Submit a revised copy for incorporation in the plan at any time there is a revision in any such arrangement.

§ 22.506 *Agreement with the State extension service.* If there is an arrangement with the State extension service for the provision by the State agency of placement service to agricultural workers and employers, submit a copy of that arrangement.

Whenever there is a change in such an arrangement, submit a copy of the new or revised arrangement for incorporation as part of the plan.

§ 22.507 *Provision for field supervision and evaluation of local employment offices.* Describe the State program for field supervision designed to maintain adherence to policies and efficiency of Employment Service operations including therein the nature of such supervision, the manner in which it is exercised, and the methods used to evaluate local office operations.

§ 22.508 *Staff training policy and program.* Submit a statement that the State will make provision to carry out an adequate personnel training program. The statement should indicate one of two types of action by the State agency to make such program effective:

(a) The adoption of United States Employment Service Employment Office Training Program, Unit 28, as the State statement on staff training policy and program; or

(b) The development and adoption of a State staff training policy and program.

A revised statement shall be submitted for approval as part of the plan at any time the State adopts a policy or program materially different from that described in the previously incorporated statement.

§ 22.509 *State program for handicapped workers and other special applicant groups.* Describe the State program for meeting the needs of handicapped workers and other special applicant groups, including therein the organizational and administrative arrangements made to assure the efficient and effective execution of such program.

#### SUBPART F—SERVICE TO VETERANS

§ 22.601 *Effectuation of special services for veterans.* Submit a statement that the State will maintain special services for veterans, in accordance with the provisions of the Wagner-Peyser Act, Title IV of the Servicemen's Readjustment Act of 1944, and policies of the Veterans Placement Service Board, and will carry out such organizational and administrative actions as may be necessary in connection therewith.

#### SUBPART G—LABOR MARKET, OPERATING AND ACTIVITY REPORTING

§ 22.701 *Maintenance of reporting requirements.* Submit a statement that the State reports concerning its opera-

tions, employment office activities and information relating to labor supply and demand within the State, will be made in accordance with Part III of the United States Employment Service Manual, and such requests as the Director of the United States Employment Service may from time to time approve.

#### SUBPART H—INSTRUCTIONS AND TRAINING MATERIALS

§ 22.801 *Inclusion of United States Employment Service offices on mailing lists.* Submit a statement that the State agency will include the regional and headquarters offices of the United States Employment Service on all mailing lists, each to receive three copies of all instructions issued to local employment offices and all revisions of United States Employment Service training units or new training materials developed in the State agency.

#### SUBPART I—PERSONNEL ADMINISTRATION

§ 22.901 *Merit system plan.* Submit a statement that in the State employment service, a system of personnel administration on a merit basis will be carried out in accordance with the "United States Employment Service Standards for a Merit System of Personnel Administration in State Employment Service Administration."

§ 22.902 *Documentation.* Submit currently, for approval as a part of the plan, copies of all documents and materials constituting the merit system plan governing the State employment service. To the extent that any of such documents are set forth in the laws, rules and regulations submitted under Part II (Legal), a cross reference to the personnel laws in that part will suffice. In addition, submit copies of the following personnel materials relating to the merit system program for the State employment service:

(a) The classification plan covering all positions concerned with the administration of the Employment Service program. The classification plan should show class specifications, each class title, a description of the duties and responsibilities of all positions in each class, and a statement of the minimum qualifications established for each class in terms of experience, training, knowledges, traits, and abilities. Revisions of the classification plan involving significant changes in functional assignments or organizational structure, overall revisions to the total plan, or the establishment of new classes, should be submitted currently for approval as a part of the plan. Other revisions may be cumulated and submitted for incorporation in the plan at the beginning of each quarter. [902.1]

(b) The compensation plan, showing:

(1) Salary ranges for all classes in the classification plan, consisting of minimum, maximum, and intervening steps for each range, and

(2) Methods and procedures for determining individual salaries under such salary schedule, including entrance salary, salary advancements within a given range, and salary adjustments resulting from personnel actions, revisions

in the salary range or any overall bonus plan or cost-of-living adjustment.

Revisions in the compensation plan should be submitted currently for approval as a part of the plan. [902.2]

(c) Appeals materials, showing the types of personnel actions that may be appealed, describing provisions for hearing before an impartial body, and indicating the official or body responsible for final decisions. Revisions in the appeals procedures may be cumulated and submitted quarterly for incorporation in the plan. [902.3]

(d) Separation and suspension materials, including materials relating to (1) the conditions under which an employee may be separated or suspended, (2) administrative procedures for effecting such action, and (3) data on notification to the employee, showing method, type of notice, and information furnished. In respect to separations resulting from reduction in force, the procedures should show the factors governing, or to be considered in determining, the order of separation. Revisions in separation and suspension procedures, excluding changes in rules and regulations, may be cumulated and submitted quarterly for incorporation in the plan. [902.4]

§ 22.903 *Personnel reports.* Submit a statement that such regular and special reports will be made concerning personnel administration in the State agency as the Director of the United States Employment Service may from time to time request.

#### SUBPART J—FISCAL ADMINISTRATION

§ 22.1001 *Budget.* Submit a statement that, upon final approval by the Director of the United States Employment Service, each budget request and any change or adjustment in a budget is to be incorporated as a part of the State plan.

§ 22.1002 *Fiscal standards.* Submit a statement that the State will carry out the United States Employment Service Fiscal Standards, set forth in Part IV of the United States Employment Service Manual.

L. B. SCHWELLENBACH,  
Secretary of Labor.

SEPTEMBER 25, 1946.

[F. R. Doc. 46-17713; Filed, Oct. 2, 1946; 8:48 a. m.]

#### PART 23—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

Pursuant to the authority vested in me by § 21.18 of this chapter the following United States Employment Service Policies are hereby promulgated.

- Sec.
- 23.1 The placement process.
  - 23.2 Inter-area placement.
  - 23.3 Employment counseling.
  - 23.4 Special service to veterans.
  - 23.5 Service to youth.
  - 23.6 Service to the handicapped.
  - 23.7 Service to minority groups.
  - 23.8 Preparation and use of labor market information.
  - 23.9 Occupational testing.

- Sec.
- 23.10 Industrial services.
  - 23.11 Community participation.
  - 23.12 Rural industries and migratory labor.
  - 23.13 Foreign labor.
  - 23.14 Employer relations.
  - 23.15 Information service.
  - 23.16 Disclosure of information.

AUTHORITY: §§ 23.1 to 23.16, inclusive, issued under 48 Stat. 113; 29 U. S. C. 49-49f; Reorg. Plan No. I, secs. 201, 203, effective July 1, 1939; 53 Stat. 1424; 58 Stat. 293; 38 U. S. C. 695-695f; E. O. 9247, 9617; 7 F. R. 7379; 10 F. R. 11929; Pub. Law 549, 79th Cong.; § 21.18 of this chapter.

§ 23.1 *The placement process.* It is the policy of the United States Employment Service:

(a) To accept an application from any applicant, legally qualified to work, without regard to his place of residence, current employment status, or occupational qualifications.

(b) To obtain from an applicant only that information which is necessary to determine his qualifications for employment and facilitate his placement on a job, except that information concerning race will be obtained for reporting purposes.

(c) To classify an applicant in terms of the Dictionary of Occupational Titles on the basis of an evaluation of all of his occupational qualifications as shown by work experience, training, and personal characteristics.

(d) To give priority in selection and referral to qualified veterans and to give disabled veterans priority over other veterans.

(e) To extend no preference in referral to any applicant or group of applicants except in accordance with legal requirements.

(f) To ensure so far as practicable that workers are placed on jobs which utilize their highest skills.

(g) To ensure insofar as practicable that applicants suitably qualified for job openings are referred to employers.

(h) To make no referral as a result of which a charge would be made either to the worker or the employer for filling the job.

(i) To make no referral which will aid directly or indirectly in filling a job:

(1) Which is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or

(2) The filling of which is an issue in a labor dispute; But, with respect to positions not covered by subparagraph (1) or (2) of this paragraph, an individual may be referred to a place of employment in which a labor dispute exists provided he is given written notice of such dispute prior to or at the time of his referral.

(j) To make no referral to a position where the services to be performed or the terms or conditions of employment are contrary to federal, State, or local law.

(k) To recruit no workers for employment if the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(l) To give equitable consideration on the basis of qualifications insofar as

practicable to all applicants who have indicated their availability for employment without regard to their presence in the office at the time of selection.

§ 23.2 *Inter-area placement.* It is the policy of the United States Employment Service:

(a) To facilitate the mobility of labor by encouraging and guiding necessary migration of workers between geographical areas, and necessary shifts of workers across occupational and industrial lines.

(b) To recruit qualified workers from all practicable local sources before resorting to inter-area recruitment.

(c) To extend for inter-area recruitment only those employer orders on which at least minimum compensation is specified.

(d) To establish immediate areas of recruitment within States when ease of transportation, similarity of industrial activity and customary migration patterns warrant.

(e) To establish with adjoining States immediate areas of recruitment which cut across boundaries of two or more States.

§ 23.3 *Employment counseling.* It is the policy of the United States Employment Service:

(a) To provide employment counseling service to any applicant of employable age who requires and wishes such assistance in becoming vocationally adjusted.

(b) To limit employment counseling to the provision of information and assistance needed by the applicant to enable him to make a sound vocational plan.

(c) To obtain information concerning the applicant's interests, aptitudes, abilities, and personal characteristics needed to assist him in making a valid vocational choice and plan.

(d) To use tests or techniques for the measurement of aptitudes and interests only when developed or approved by the United States Employment Service.

(e) To provide information concerning a training course or other services for which a fee is charged only when the applicant understands that providing the information does not constitute a recommendation.

(f) To cooperate with schools, organizations, and other agencies to:

(1) Plan the most effective use of services and to avoid duplication.

(2) Undertake cooperative projects of mutual use.

(3) Obtain and provide information needed in the counseling process.

(4) Establish and maintain procedures for referring individuals between agencies.

(5) Provide for mutual assistance in strengthening counseling services by inter-changing special methods which have proved successful in counseling.

§ 23.4 *Special service to veterans.* It is the policy of the United States Employment Service:

(a) To provide veterans with the maximum of job opportunity in the field of gainful employment through the use of total employment service staff and

facilities in supplying counseling and placement services to veterans.

(b) To maintain a program for developing job opportunities for veterans with special emphasis on the disabled veterans.

(c) To give priority in selection and referral to qualified veterans; and to give priority to disabled veterans over other veterans.

(d) To provide preferential treatment in all local office services to disabled veterans.

(e) To provide registration and employment counseling services to discharges at such military hospitals as will make available physical capacities information.

(f) To provide to military separation centers information concerning employment service operations and assistance in the use of employment service tools and materials.

(g) To encourage and to participate in the establishment of community advisory centers for veterans where needed.

(h) To provide information to veterans concerning appropriate agencies through which benefits and services may be obtained.

(i) To cooperate with employers in establishing on-the-job training programs when justified by the actual or anticipated needs of the employer for skilled workers and in consideration of the long-term occupational opportunity afforded the trainee upon completion of the course.

(j) To cooperate closely with other agencies of the government, public and private organizations, employers, and workers by making available such specific technical and statistical information and materials as are pertinent and useful in the planning, operation, and control of on-the-job training programs.

(k) To enlist the cooperation of veterans' organizations in promoting programs for the employment and vocational adjustment of veterans.

§ 23.5 *Service to youth.* It is the policy of the United States Employment Service:

(a) To facilitate employment of youth entering the labor market by promoting employer acceptance on the basis of qualifications.

(b) To refer young workers to jobs which are not injurious to their health and welfare, and which insofar as practicable offer opportunity for advancement.

(c) To maintain cooperative relations with the schools, training agencies, and other community groups to facilitate the entry of young workers into employment.

§ 23.6 *Service to the handicapped.* It is the policy of the United States Employment Service:

(a) To provide such selective placement services to handicapped applicants as are necessary to promote for them equal opportunity for employment at equal wages in competition with other workers.

(b) To determine the occupational qualifications of handicapped applicants by obtaining complete information concerning work experience, training, and personal characteristics, including physi-

cal capacities and working conditions to be avoided.

(c) To obtain only such information about disabilities as is significant for counseling and placement purposes.

(d) To provide service without requiring a medical report, but to seek the assistance of medical sources in appraising the physical capacities of handicapped applicants when necessary for providing effective service.

(e) To refer handicapped applicants to jobs suited to their physical capacities and which will not aggravate their disabilities or endanger others.

(f) To conduct educational programs with employers, employer groups, labor unions, and the community to promote and develop employment opportunities for handicapped workers.

(g) To coordinate its selective placement activities with those of other groups and agencies serving the handicapped.

§ 23.7 *Service to minority groups.* It is the policy of the United States Employment Service:

(a) To promote employment opportunity for all applicants on the basis of their skills, abilities and job qualifications.

(b) To make definite and continuous effort with employers with whom relationships are established, to the end that their hiring specifications be based exclusively on job performance factors.

§ 23.8 *Preparation and use of labor market information.* It is the policy of the United States Employment Service:

(a) To collect and analyze labor market information on a regular basis in all local offices as a part of the employment service operation.

(b) To maintain uniformity and comparability in the reporting of labor market data derived from employment service operations through adherence to definitions of reporting items, use of specified forms, and observance of reporting due dates as prescribed by the United States Employment Service.

(c) To use appropriate labor market data and activity reports in the formulation of employment service policies and program and in the management and supervision of employment office operations.

(d) To provide labor market information for public dissemination.

(e) To provide available labor market information to representatives of federal, State and local government agencies for their use, subject to applicable non-disclosure policies, in the performance of their official duties.

§ 23.9 *Occupational testing.* It is the policy of the United States Employment Service:

(a) To use objective tests and techniques for the measurement of skills and aptitudes when such use will contribute to sound vocational counseling and placement.

(b) To use tests only when developed or approved by the United States Employment Service.

(c) To use tests in accordance with the applicable standards.

(d) To establish a testing service in those local offices in which a need for such facilities exists.

(e) To make cooperative arrangements for the testing of employment service applicants by other agencies only with the approval of the United States Employment Service.

(f) To release test materials to private employers and non-profit vocational guidance and placement agencies, upon approval by the United States Employment Service.

§ 23.10 *Industrial services.* It is the policy of the United States Employment Service:

(a) To develop and promote the use of materials and methods in the field of occupational analysis which will advance the stability of employment.

(b) To cooperate with interested employers, workers, educational and training organizations, other government agencies, and community groups, and to make available such information, technical materials, and assistance as constitute personnel management aids.

(c) To offer only those materials and techniques which have been developed or recommended by the United States Employment Service.

(d) To refrain from participation or involvement in wage disputes or bargaining agreements.

§ 23.11 *Community participation.* It is the policy of the United States Employment Service:

(a) To cooperate with other agencies of government, and private and community organizations to improve the employment process in the community and to participate in community programs for the same purposes.

(b) To make the facilities and technical resources of the employment service available to other government agencies and public or private non-fee charging agencies in accomplishing objectives which relate to the placement or vocational adjustment of workers or potential workers.

§ 23.12 *Rural industries and migratory labor.* It is the policy of the United States Employment Service:

(a) To assure adequate facilities for meeting the labor requirements or rural industries including, when necessary, provision for special recruitment and referral programs and for the orderly and expeditious movement of migrant workers to successive job opportunities.

(b) To encourage employers, with respect to migratory workers, to arrange for transportation, medical examinations, adequate housing, and subsistence while en route to place of employment and return to place of recruitment.

(c) To engage in farm placement activities only when such service is performed under the provisions of a reimbursable agreement executed with the State Extension Service and approved by the United States Employment Service.

§ 23.13 *Foreign labor.* It is the policy of the United States Employment Service:

(a) To import foreign workers only when such importation is in accordance with provisions of an agreement or arrangements between the United States Employment Service and a foreign government.



(b) To refrain from referral to non-agricultural employment of workers imported for agricultural purposes by the United States Department of Agriculture except in accordance with procedures established by the United States Employment Service.

§ 23.14 *Employer relations.* It is the policy of the United States Employment Service:

(a) To promote the maximum use of employment office facilities and services by employers in the recruitment and retention of their required labor force.

(b) To make the services of the local office available on an equitable basis to all employers in the local office area except those for whom other agencies are directed by law to provide free employment service.

(c) To remain impartial in disputes between employer and worker.

(d) To give information to employers concerning labor market conditions and legislation affecting employment but to refrain from making interpretations of such laws.

§ 23.15 *Information service.* It is the policy of the United States Employment Service:

(a) To keep the public informed through the fair use of all normal media of public information about employment office operations and services and to advise workers, employers and the general public concerning conditions and fluctuations of the labor market.

(b) To make no unauthorized public mention of names and addresses of applicants or employers.

§ 23.16 *Disclosure of information.* It is the policy of the United States Employment Service to permit disclosure of information from the files and records of the employment service:

(a) To individual applicants and employers to the extent necessary for the efficient performance of recruitment, placement, employment counseling, and other employment service functions.

(b) To any properly identified claimant for benefits or payments under a State, territorial, or federal unemployment compensation or readjustment allowance law or to his duly authorized representative, information which directly concerns the claimant and as is reasonably necessary for the proper presentation of his claim.

(c) To any officer or employee of any agency of the Federal Government or of a State or territorial government, lawfully charged with the administration of a federal, State or territorial unemployment compensation or readjustment allowance law, but only for purposes reasonably necessary for the proper administration of such law.

(d) To any officer or employee of any agency of the Federal Government or a State or territorial government, lawfully charged with the administration of a law providing for old age assistance, or other public assistance, work relief, pension, retirement, or other benefit payments, but only for purposes reasonably necessary for the proper administration of such law.

(e) To applicants, employers, and the public, general information concerning employment opportunities, employment

levels and trends, and labor supply and demand, provided such release or publication does not include information identifiable to individual applicants, employers, or employing establishments.

(f) To individuals, organizations, and agencies or for purposes other than as specified in paragraphs (a), (b), (c), (d), or (e) of this section if such disclosure will not impede the operation of, and is not inconsistent with the purposes of, the public employment service program, and is authorized in writing in individual cases by the State agency official responsible for the employment service program.

ROBERT C. GOODWIN,  
*Director,*

*United States Employment Service.*

SEPTEMBER 25, 1946.

[F. R. Doc. 46-17714; Filed, Oct. 2, 1946;  
8:48 a. m.]

## Chapter VI—National Wage Stabilization Board

### PART 801—ORGANIZATION AND JURISDICTION

#### ORGANIZATION OF REGIONAL BOARDS

Effective October 1, 1946 the National Wage Stabilization Board has abolished the Regional Board for the IX Region (Denver) and allocated the States of Colorado and Wyoming to the Regional Board for the VII Region (Kansas City) and the States of New Mexico, Utah, Idaho, and Montana to the Regional Board for the X Region (San Francisco). Section 801.3 (a) of its Rules of Organization and Jurisdiction is accordingly amended to read as follows:

§ 801.3 *Organization of Regional Boards.* (a) Regional Boards, as established by the National Board, shall have authority to act on any matters within the jurisdiction of the National Board to the extent provided by the rules of procedure set forth in Part 802 of this chapter. There are 11 Regional Boards. The location of each and the geographical regions which they serve are set out below.

Region I. 209 Washington Street, Boston 8, Mass.: Maine, New Hampshire, Massachusetts, Vermont, Connecticut and Rhode Island.

Region II. 165 West Forty-sixth Street, New York 19, N. Y.: New York, the Northern part of New Jersey (including the following counties: Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Middlesex, Somerset, Union, Monmouth, Hunterdon).

Region III. 309 Stephen Girard Building, 21 South Twelfth Street, Philadelphia, Pa.: Pennsylvania, Maryland, Delaware, District of Columbia, Southern part of New Jersey (including the following counties: Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May).

Region IV. First Federal Building, 44 Pryor Street, Atlanta, Ga.: Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida, Virginia.

Region V. Guardian Building, 629 Euclid Avenue, Cleveland 1, Ohio: Ohio, Kentucky, West Virginia.

Region VI. 332 S. Michigan Avenue, Chicago, Ill.: Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota.

Region VII. Room 1100 Fidelity Building, 911 Walnut Street, P. O. Box 2718, Kansas

City, Mo.: Missouri, Arkansas, Kansas, Iowa, Nebraska, Colorado and Wyoming.

Region VIII. Room 222-1114 Commerce Street, Dallas, Tex.: Texas, Oklahoma, Louisiana.

Region X. 1355 Market Street, San Francisco 3, Calif.: California, Nevada, Arizona, New Mexico, Utah, Idaho, Montana and Territory of Hawaii.

Region XI. 421 Penobscot Building, Detroit 26, Mich.: Michigan.

Region XII. New World Life Building, Second and Cherry Streets, Seattle, Wash.: Washington, Oregon, Territory of Alaska.

(E. O. 9672, 11 F. R. 221)

B. M. JOFFE,  
*Executive Director.*

[F. R. Doc. 46-17792; Filed, Oct. 2, 1946;  
8:47 a. m.]

### PART 802—RULES OF PROCEDURE

#### SELECTION OF TRI-PARTITE PANELS

The National Wage Stabilization Board has amended paragraph (b) of § 802.2 of its Rules of Procedure to read as follows:

(b) If a wage or salary increase or decrease affects any employees represented by a union, the application may be signed both by the employer and the union. If the application is signed by the employer alone, it shall state (1) the name and address of any affected union which has not signed the application and (2) whether or not the application covers a wage or salary adjustment based on an existing agreement between the employer and such union. If the adjustment is based upon an existing agreement, a copy of such agreement shall be attached to the application, whereupon the application will be processed. Before any action is taken on an application which is not based on an existing agreement, and which is not signed by the union, notice of the filing of the application shall be sent by the Wage and Hour Office to any affected union (unless such union has already made known in writing its position with respect to the application) requesting such union to state whether it has any objection to action being taken on the application. Unless the union, within seven days from the date such notice is sent, files a statement objecting to action being taken on the application, the application will be processed.

(E. O. 9672, 11 F. R. 221)

Approved by the National Wage Stabilization Board September 25, 1946.

B. M. JOFFE,  
*Executive Director.*

[F. R. Doc. 46-17793; Filed, Oct. 2, 1946;  
8:47 a. m.]

## Chapter IX—Department of Agriculture (Agricultural Labor)

[Supp. 36, Amdt. 2]

### PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

#### WORKERS ENGAGED IN PICKING AND SNAPPING OF AMERICAN UPLAND COTTON IN CERTAIN COUNTIES

Supplement 36 of this chapter as amended (9 F. R. 13035; 11 F. R. 227)

is hereby further amended as follows:  
 § 1102.15 (b) (1) shall read:

(1) *Picking*. \$3.00 per 100 pounds of seed cotton.

At the end of paragraph (c) and before paragraph (d), the following paragraph is added:

Requests for adjustments or appeals for relief from hardships as provided in the specific wage ceiling regulations shall be submitted on form LR 1701-2 to the California USDA Wage Board or its designated representatives. Blank forms LR 1701-2 may be secured from the California USDA Wage Board, 210 Post Office Building, Berkeley 1, California.

*Termination date.* This Amendment 2 to Supplement 36 shall expire at 11:59 p. m. Pacific Standard Time, May 31, 1947: *Provided, however,* That the provisions of this amendment after that time shall continue to remain in force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding theretofore or thereafter commenced with respect to any violation committed, or right or liability accruing under or pursuant to the terms of the provisions of this amendment.

*Effective date.* This Amendment 2 to Supplement 36 shall become effective at 12:01 a. m., Pacific Standard Time, September 13, 1946.

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

Issued this 27th day of September 1946.

[SEAL] HOWARD A. PRESTON,  
 Acting Director, Labor Branch,  
 Production and Marketing  
 Administration.

[F. R. Doc. 46-17742; Filed, Oct. 2, 1946;  
 8:53 a. m.]

[Supplement 28, Amdt. 2]

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

WORKERS ENGAGED IN HARVESTING POTATOES IN COOK AND DESCHUTES COUNTIES, OREGON

Correction

In Federal Register Document 46-17589, appearing at page 11132 of the issue for Tuesday, October 1, 1946, the signature at the end of the document should read: "Howard A. Preston".

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 Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-979]

LEONARD BLUMENTHAL

Leonard Blumenthal, 1705 South Durango, Los Angeles, California, on April 22, 1946, without authorization from the Federal Housing Administration began the construction of a single family residence and garage at 9310 Sawyer Avenue, Los Angeles, California, at an estimated cost of \$20,000, which amount exceeded the \$400 limit permitted by Veterans' Housing Program Order 1. Leonard Blumenthal was familiar with the restrictions on construction and his actions constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.979 *Suspension Order No. S-979.* (a) Neither Leonard Blumenthal, his successors or assigns, nor any other person, shall do any construction on the premises located at 9310 Sawyer Avenue, Los Angeles, California, including putting up, completing or altering structures thereon, unless otherwise specifically authorized in writing by the Federal Housing Administration.

(b) Leonard Blumenthal shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to prejudice the consideration of any appeal by Leonard Blumenthal now pending before the Federal Housing Administration.

(d) Nothing contained in this order shall be deemed to relieve Leonard Blumenthal, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 1st day of October 1946.

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

[F. R. Doc. 46-17886; Filed, Oct. 1, 1946;  
 4:29 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-980]

G & M BATTERY CO.

Arthur Mayer, doing business as G & M Battery Company, at 4700 John R Street, Detroit, Michigan, is engaged in the manufacture of automotive SLI type replacement batteries. During the four quarters of 1945, he used in the production of automotive SLI type replacement batteries an amount of lead substantially in excess of his quotas for such quarters, in violation of General Preference Order M-38.

These violations have diverted critical materials to uses not authorized by the War Production Board and the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.980 *Suspension Order No. S-980.* (a) During the fourth quarter of 1946, and the first, second and third quarters of 1947, Arthur Mayer shall use in the manufacture of storage batteries 30,000 pounds of lead less than he would otherwise be entitled to use in each of these quarters under the provisions of General Preference Order M-38.

(b) Arthur Mayer shall refer to this order in any application or appeal that he may file with the Civilian Production Administration dealing with his use of lead during the period of this order.

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

(d) The restrictions and prohibitions contained herein shall apply to Arthur Mayer, doing business as G & M Battery Company or under any other name, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 1st day of October 1946.

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

[F. R. Doc. 46-17885; Filed, Oct. 1, 1946;  
 4:29 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-981]

WONCH BATTERY CO.

L. G. Wonch, doing business as Wonch Battery Company, at Okemos, Michigan, is engaged in the manufacture of automotive SLI type replacement batteries. During the third and fourth quarters of 1945 and the first quarter of 1946, he used in the production of storage batteries, an amount of lead substantially in excess of his quotas for such quarters, in violation of General Preference Order M-38.

These violations have diverted critical materials to uses not authorized by the War Production Board and the Civilian

Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.981 *Suspension Order No. S-981.* (a) During the fourth quarter of 1946 and the first, second and third quarters of 1947, L. G. Wonch shall use 20,000 pounds of lead less than he would otherwise be entitled to use in each of these quarters under the provisions of General Preference Order M-38.

(b) L. G. Wonch shall refer to this order in any application or appeal that he may file with the Civilian Production Administration dealing with his use of lead during the period of this order.

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

(d) The restrictions and prohibitions contained herein shall apply to L. G. Wonch, doing business as Wonch Battery Company, or under any other name, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 1st day of October 1946.

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

[F. R. Doc. 46-17887; Filed, Oct. 1, 1946;  
4:29 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-982]

STEPHEN E. SHIGOE

Stephen E. Shigoe, 1937 Tilghman Avenue, Allentown, Pennsylvania, subsequent to March 26, 1946, began construction of a 2½-story residential building at 705 North 27th Street, Allentown, Pennsylvania, at an estimated cost of \$9,500, without authorization of the Civilian Production Administration or the Federal Housing Administration. The beginning and carrying on of this construction without authorization constituted a grossly negligent violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.982 *Suspension Order No. S-982.* (a) The temporary suspension order issued by telegram, dated July 31, 1946, against Stephen E. Shigoe is hereby revoked.

(b) Neither Stephen E. Shigoe, his successors or assigns, nor any other person shall do any construction on the premises located at 705 North 27th Street, Allentown, Pennsylvania, including completing, putting up or the altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administra-

tion or the Federal Housing Administration.

(c) Stephen E. Shigoe shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Stephen E. Shigoe, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 1st day of October 1946.

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

[F. R. Doc. 46-17888; Filed, Oct. 1, 1946;  
4:29 p. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Revocation of  
Direction 28]

#### INCREASED PRODUCTION OF CERTAIN MEN'S WEAR RAYON LINING FABRICS

Direction 28 to Order M-328 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction.

The direction is superseded by Direction 2 to Order M-391, as amended simultaneously with this revocation.

Issued this 2d day of October 1946.

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

[F. R. Doc. 46-17959; Filed, Oct. 2, 1946;  
11:47 a. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, as Amended  
Oct. 2, 1946]

#### SPECIAL PROGRAMS: TEXTILE, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products 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.

##### Scope

Par. (a) Explanation.

##### Definitions

(b) (1) Special programs.  
(b) (2) Priorities assistance.  
(b) (3) Manufacturers.  
(b) (4) Base period.

Par. (b) (5) Base period manufacturers.  
(b) (6) Price.  
(b) (7) Item.  
(b) (8) Orders or purchase orders.  
(b) (9) Veteran.  
(b) (10) Producer.  
(b) (11) Base period price.  
(b) (12) Current price.

##### Obtaining Priorities Assistance

(c) How to apply for priorities assistance.  
(d) Policy in granting priorities assistance.

##### Use of Priorities Assistance

(e) Advance use of CC ratings for fourth quarter of 1946.  
(f) Rules applicable to manufacturers granted priorities assistance.  
(g) Applications and extension of preference ratings.

##### Set-Asides

(h) Set-asides and certificates.

##### Equitable Distribution

(i) Equitable distribution by manufacturers.

##### Miscellaneous Provisions

(j) Records and report.  
(k) Applicability of regulations.  
(l) Appeals.  
(m) Violations.  
(n) Communications.

§ 3290.120 *Conservation Order M-328B*—(a) *Explanation.* This order (including the schedules and supplements) states the rules under which apparel and other textile end-product manufacturers may get preference ratings to make listed essential items under special programs. It also provides a method for retail sellers of over-the-counter piece goods to get certain fabrics. Set-asides are also established on producers of certain cotton and rayon fabrics to channel them to the above uses. This Order M-328B states the general rules including those relating to the obtaining of priorities assistance and the use of such priorities assistance after it has been obtained. Other rules may be specified for a special program in a schedule of this order. If the rules set forth in a schedule differ from those specified in this order the provisions of the schedule govern.

##### Definitions

(b) *Definitions.* For the purpose of this order and its schedules,

(1) "Special program" means a program approved by the Civilian Production Administration for the production with priorities assistance and the distribution of any item on a schedule of this order.

(2) "Priorities assistance" includes preference ratings, allocations and directions.

(3) "Manufacturer" means any person engaged in the United States in manufacturing for sale any item listed in a schedule of this order from material which has not been supplied directly or indirectly by the person acquiring the item.

A person is also deemed a "manufacturer" for the purpose of using a preference rating under this order, if he is



engaged in the business of selling and having manufactured in the United States for his account an item listed in a schedule of this order from material which he owns or material which he directly or indirectly supplies to a contractor or contractors. In no event shall more than one person be deemed a "manufacturer" of the same units which one person fabricates in whole or in part and for which another person supplies the material.

(4) "Base period" means the past period of production which a manufacturer uses as a base in applying for priorities assistance under this order or, for a manufacturer having an authorization for the third quarter 1946, it means the past period of production used in his application for that quarter.

(5) "Base period manufacturer" means a manufacturer who applies for priorities assistance to make an item of the same class of material (cotton or rayon) of which he was a manufacturer in the base period for sale at or below the base period price specified in the applicable schedule of this order.

(6) "Price" means the list price (quoted or invoice price before the application of discount) of the manufacturer to an unaffiliated purchaser. A purchaser is deemed affiliated with a manufacturer if he is an owned or controlled outlet or is an outlet which owns, controls or is subject to common control with the manufacturer. "Price" for a manufacturer who sells directly to consumers or to affiliated purchasers is two-thirds of the retail price.

(7) "Item" means the article produced for civilian sale of the type, size, price and other description listed in a schedule.

(8) The terms "orders" or "purchase orders" include orders between branches or divisions of a company as well as orders from other companies.

(9) "Veteran" means any person who was in the Army, Navy, Marine Corps, Coast Guard or Merchant Marine on or after September 16, 1940, and was discharged or released under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(10) "Producer" means any person who weaves or knits fabrics from yarn owned by him or who has fabrics woven or knitted for his account from yarn owned by him whether he delivers them in the grey, finished, or partially finished state.

(11) "Base period price" means the price, specified in a schedule of this order, from which a manufacturer's base period production of an item is determined. Articles produced during any base period for sale at a list price above the base period price shall not be included as a part of his base period production, even if the selling price (list or actual) in the base period was within the current price specified in the schedule.

(12) "Current price" means the price, specified in a schedule of this order, to be used in determining the grade of item, according to its specifications (including

standards of quality and workmanship), that may be produced from materials obtained with priorities assistance under this order and its schedules. The current price may not be used for determining base period production of an item.

(In some instances, the schedules to this order may permit the base period price to be used in determining the grade of item which may be produced from materials obtained with priorities assistance under this order. However, neither the base period price nor the current price fix the price at which the item may be sold.)

#### Obtaining Priorities Assistance

(c) *How to apply for priorities assistance.* (1) Manufacturers who had allocations under Schedule C, F or J, for the third quarter of 1946 need not and may not submit an application for an allocation for the fourth quarter. Allocations to such manufacturers are automatic, providing they meet the requirements of paragraph (e). Applications for priorities assistance under Schedules C, F or J, from manufacturers who did not have an allocation in the third quarter of 1946 must be filed for the fourth quarter of 1946 on Form CPA-3732 (revised 10-1-46) with the Textile Division, Civilian Production Administration, Washington, D. C., and should be postmarked not later than October 22, 1946, except that a veteran who was discharged from the military service on or after September 1, 1946 may file his application at any time before December 1, 1946. Also, if any item is added to a schedule during that quarter, applications for that item may be filed within 20 days after the item is added. Copies of the application Form CPA-3732 (revised 10-1-46) and other CPA forms used under this order may be procured by writing to the Civilian Production Administration, Washington 25, D. C. Applications for items in Schedule K may be made only under the rules in that Schedule.

(2) Each applicant must show on Form CPA-3732 (Revised) his base period and base period production of an item at or below the base period price specified in the applicable schedule under the following rules:

(i) If he was in business during at least 6 months of 1943 or 1944, he may apply for the items of which he was a manufacturer in any calendar quarter of either year, but must use the same quarter as his base period for all items under a single schedule to this order.

(ii) If he entered business after July 1, 1944, he may apply for the items of which he was a manufacturer in any calendar quarter after that. In any event he must use the same quarter as his base period for all items under a single schedule of this order.

(iii) If he is a veteran who closed his business when he entered the military service, he may use as his base period the last full calendar quarter in which he was

a manufacturer of the items before his entry into military service.

(3) [Deleted Oct. 2, 1946.]

(4) An applicant who has never received an allocation under this order must submit with his application a sample of each item he proposes to make, if he does not show on Form CPA-3732 (Revised) any base period production of any item listed in the schedule of this order under which the application is made.

(5) [Deleted Oct. 2, 1946.]

(6) A veteran should submit with his application a certified or photostatic copy of his discharge papers or other written evidence of his military service.

(d) *Policy in granting priorities assistance.* Within the available supply of materials for which ratings may be assigned, the following policy will apply:

(1) Base period manufacturers will generally be granted priorities assistance in proportion to their base period production of an item at or below the base period price specified in the applicable schedule. However, a manufacturer who qualifies under paragraph (d) (3) below may be granted priorities assistance for additional yardage to give him sufficient material to operate at a minimum economic rate.

(2) Applications from persons who are not base period manufacturers of an item will be denied, except where the applicant qualifies under paragraph (d) (3) below. Applicants (including Veterans) who do so qualify, may be given priorities assistance for sufficient material to enable them to operate at a minimum economic rate.

(3) To qualify under paragraph (d) (1) or (d) (2) above for priorities assistance to operate at a minimum economic rate, an applicant must meet both the following conditions:

(i) His total proposed production of all textile products (including items under M-328B programs) does not exceed an annual rate, based on sales, of \$250,000 and

(ii) The cutting, sewing and finishing facilities with which the items will be produced are owned by the applicant, or are leased to him and the facilities are operated by the applicant and the employees are paid by him: *Provided*, That in any case the facilities were not used during any quarter beginning with the 4th quarter of 1945 more than 10% for the account of persons who supplied the applicant with materials.

(iii) Any sample of an item which he proposes to make submitted in accordance with paragraph (c) (4) above must have such specifications, including standards of workmanship and quality, that it conforms to the type which the CPA approves as generally conforming to those items which on June 30, 1946 had an OPA ceiling price no higher than the current price specified in the applicable preference schedules.

(4) Applications for items will be denied where they show selling prices (list) as of June 30, 1946 in excess of the current price for those items in the applicable preference rating schedules.

Applications will also be denied where samples of the items which the applicant proposes to make do not conform to the types approved by the CPA under paragraph (d) (3) (iii) above.

*Use of Priorities Assistance*

(e) *Advance use of CC ratings for fourth quarter of 1946.* A manufacturer may apply a CC rating for the fourth quarter of 1946 before the Civilian Production Administration assigns him a CC rating for that quarter only under the following rules:

(1) A manufacturer who received an allocation for the third quarter of 1946 for an item which is also on the Preference Rating Schedule for the fourth quarter of 1946 in Schedules C, F or J, of this order, may immediately apply a CC rating for body fabric specified for that item under the following rules:

(i) He must file a report on Form CPA-4517 for that item by October 22, 1946.

(ii) He must not use a CC rating for more than 100% of the yardage of body fabric he was authorized to obtain with CC rated orders under his authorization for the third quarter of 1946 for an item on Schedule C, F or J.

(iii) In placing orders under this advance authorization, a manufacturer must show on Form CPA-4412 (revised 10-1-46) (which he must use in accordance with paragraph (g) below) the case number which he was assigned for the third quarter of 1946 unless otherwise directed in writing by the Civilian Production Administration.

(iv) His selling price (list) as of June 30, 1946 for the item must have been at or below the current price specified for that item in the applicable Preference Rating Schedule.

No advance authorization may be used for items in Schedule K.

(2) A base period manufacturer of an item on the Preference Rating Schedule for the fourth quarter of 1946 in Schedules C, F or J of this order, who did not submit an application for the third quarter of 1946 for that item may apply a CC rating for the purchase of fabrics in the fourth quarter of 1946 for that item as soon as the Civilian Production Administration assigns him a case number in writing after receipt of his application on Form CPA-3732 (revised 10-1-46) for that item. He may not use this rating for a total yardage of fabrics of more than 50% of the total yardage under this paragraph for items in Schedule of fabric he used in making that item in the base period at or below the base period price (list) specified in the applicable schedule. No rating may be used ule K.

(3) Fabrics purchased on an advance authorization under paragraphs (e) (1) or (e) (2) above shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted pursuant to his application on Form CPA-3732 (Revised). If the applicant does not receive a grant for the entire quantity thus rated, he shall upon notification of his grant by the Civilian Production Administration immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

(f) *Rules applicable to manufacturers granted priorities assistance.* (1) A manufacturer who is assigned a preference rating under a schedule of this order may use that rating only to get the fabrics specified and may not use the fabrics for any purpose except to make the item for which the rating was assigned.

(2) All persons receiving priorities assistance for any quarter under a schedule of this order must as far as practicable complete in that quarter all the items for which assistance was given. A manufacturer may, however, use valid CC ratings to get in a calendar quarter any undelivered cotton, rayon, or wool fabric for which he was assigned a CC rating under this order for the previous quarter and for which he was unable to get delivery in that quarter. He may not, however, use CC ratings assigned under this order to get fabrics in any calendar quarter except the one for which the ratings were assigned, and the next one after that.

(3) All items produced from material obtained with a rating assigned under a schedule of this order must have the same basic specifications, including standards of quality and workmanship, as the item produced by the applicant in the base period for sale at the base period price specified in the applicable schedule. An applicant who was not a base period manufacturer and submitted a sample in accordance with paragraph (c) (4) above, must use all material he obtains with a rating assigned under this order to produce items with the same basic specifications, including standards of quality and workmanship, as the sample he submitted.

(4) No manufacturer who uses a rating assigned under a schedule of this order may accept delivery of any finished material which is suitable for an item for which priorities assistance has been granted whether rated or unrated if together with material on hand it will give him more than the smaller of the following:

(i) A practicable minimum working inventory, or

(ii) The quantity required by him during the next 45 days on the basis of his current or scheduled rate of production. Such material on hand includes material wherever located if title has passed to the manufacturer except material in transit to him from his supplier.

No manufacturer who uses a rating assigned under a schedule of this order may make an item if his inventory of the item in the form in which he sells it is or will be more than a practicable mini-

mum working inventory or the quantity which he produced during the previous 21 working days, whichever is less.

(5) Items produced from material procured with priorities assistance shall, to the extent called for by the customers' orders, be made in the same size ranges and in the same proportion of size ranges and assortment of sizes as the manufacturer produced in the base period. If he did not produce the item in the base period, he must comply with the size ranges and assortments of sizes which the Civilian Production Administration may specify for the particular item.

(6) Every manufacturer who is entitled to use a CC rating under this order to get fabric in any quarter must apply this rating to orders already placed before he places any additional rated orders for that fabric. If he is unable to use all his CC ratings on outstanding orders he must place rated orders for the balance before he places any unrated orders for that fabric.

(7) Whenever a Preference Rating Schedule is deleted, fabric obtained with CC ratings to make an item on that schedule must be used to make the item as shown on the Preference Rating Schedule before it was deleted, subject to any different rules which may be stated in the schedules to this order.

(g) *Application and extension of preference ratings.* The preference ratings assigned under this order shall be applied and extended in accordance with the provisions of Priorities Regulation No. 3 but subject to the limitations stated below:

(1) No person may use, apply, or extend any CC rating or accept any CC rated order if he knows or has reason to believe the rating was assigned under Order M-328B unless the purchase order is accompanied by the proper Rating Extension Form indicating the quarter for which the rating was assigned as specified in the following table:

NOTE: Table amended Oct. 2, 1946.

CPA-4412 (revised 10-1-1946)	Third and Fourth Quarters 1946
(2) A supplier of fabric who does not extend the rating must complete the Rating Extension Form in accordance with its instructions and forward one copy immediately to the Textile Division, Civilian Production Administration, Washington 25, D. C.	
(3) [Deleted Apr. 3, 1946.]	

(2) A supplier of fabric who does not extend the rating must complete the Rating Extension Form in accordance with its instructions and forward one copy immediately to the Textile Division, Civilian Production Administration, Washington 25, D. C.

(3) [Deleted Apr. 3, 1946.]

*Set-Asides and Certificates*

(h) *Set-asides and certificates.* (1) Some of the schedules of this order have set-asides which apply to producers and suppliers of fabric. These set-asides are of two kinds, one for orders rated CC under this order or for orders certifying the fabrics will be used in a program under this order, and one for piece goods for over-the-counter sale at retail. Every producer and supplier of fabrics subject to these set-asides must deliver his fabrics in accordance with the rules stated below and the provisions of the applicable schedule to persons who fur-



nish the rating or certificate specified, even though he may have higher rated orders for other purposes.

(2) *List of forms.* The following forms contain certificates which finished

goods suppliers may use to get fabrics under the set-asides of this order. The forms may only be used for the purpose specified below and must indicate the applicable quarter:

NOTE: Table amended Oct. 2, 1946.

Form number	Purpose	Set-aside
CPA-4413 (revised 10-1-46)	Delivery on M-328B CC rated orders	Third and fourth quarters, 1946.
CPA-4414 (revised 10-1-46)	Ultimate delivery as over-the-counter piece goods.	Do.

(3) *Rules for producers.* A producer may charge to a set-aside for a particular quarter a purchase order accompanied by the appropriate Form listed in paragraph (h) (2) above, or (only for his set-aside for M-328B CC rated orders) the appropriate Rating Extension Form listed in paragraph (g) (1) above. Orders accompanied by these forms may be charged against set-aside obligations only for the same quarter designated on the form. As soon as a producer accepts any order accompanied by one of these forms, he must fill out a copy in accordance with its instructions and send it to the Textile Division, Civilian Production Administration, Washington 25, D. C. After a producer has accepted an order accompanied by a form listed in paragraph (h) (2) above, he must schedule it for delivery as if it bore a CC rating, and then fill all such orders and orders which do bear M-328B CC ratings in accordance with Priorities Regulation 1 to the extent of the applicable set-asides.

(4) *Rules for finished goods suppliers.* Every supplier of finished fabric making a certification on a Form listed above in paragraph (h) (2) must comply with the following rules:

(i) If he uses a form specified for delivery on M-328B CC rated orders, he must, if possible, deliver during the applicable quarter on M-328B CC rated orders for that quarter (which is identified on the proper rating extension form listed in paragraph (g) (1) above) finished fabric of the type covered by his purchase order in a yardage at least equal to the yardage which he orders for delivery in that quarter on orders accompanied by the form specified for that quarter. Within this quantity, M-328B CC rated orders must be accepted and filled in accordance with Priorities Regulation 1.

(ii) If he uses one of the forms specified for ultimate delivery as over-the-counter piece goods, he must, if possible, deliver during the applicable quarter to persons who furnish the piece goods certificate set forth in the applicable schedule finished fabric of the type covered by his purchase order in a yardage at least equal to the yardage which he orders for delivery in the applicable quarter on orders accompanied by the proper form for that quarter. He may not, however, sell to any person using the retailer's certificate more yardage of any fabric than 10 percent of the total yardage of

his set-aside obligation for that fabric for the quarter.

(iii) In calculating the yardage of a particular fabric which he is required to deliver, a supplier of finished fabric may take into consideration actual processing loss in finishing the fabric.

(iv) Any supplier who does not deliver the full yardage required during the applicable quarter must deliver in the next quarter for the same purpose a yardage of finished fabric equal to the undelivered yardage (in addition to the yardage he is required to deliver on certificates for that next quarter).

(v) No supplier of finished fabric who uses one of the forms listed in paragraph (h) (2) above is required to accept or fill M-328B CC rated or over-the-counter piece goods certified orders for a greater yardage of any type of finished fabric than the yardage he is required to deliver under the rules stated in this paragraph (h) (4).

(vi) After a supplier of finished fabric uses the form specified in paragraph (h) (2) above for M-328B CC rated orders for a particular quarter for any fabric, he must not extend any M-328B CC ratings to any supplier on orders for that fabric for delivery in that quarter.

(vii) A supplier of finished fabric who obtains delivery of fabric subject to a set-aside obligation through the use of Form CPA-4413 (revised 10-1-46) or by using Form CPA-4412, may finish or have finished the fabric so purchased or a yardage equal to the fabric so purchased, only in a manner which will make the finished fabric suitable for incorporation into the items listed in a Preference Rating Schedule of Order M-328B and must deliver the fabric so finished in accordance with paragraph (h) (4) (i) above. In placing his orders for the finishing of such fabric with his own or a contract finishing plant, he shall place a certification substantially as follows on his order:

The fabric covered by this order will be delivered on M-328B CC rated orders.

(5) Any supplier of finished fabric who does not use for any quarter the form specified in paragraph (h) (2) above for M-328B CC rated orders for a fabric, must accept and fill all M-328B CC rated orders for that fabric calling for delivery in that quarter in accordance with the provisions of Priorities Regulation 1.

(6) No person may deliver or accept any fabric on an order accompanied by a Form or certificate prescribed by this

order or its schedules if he knows or has reason to believe that the fabric will not be used for the purpose specified on the Form or certificate.

(7) Producers of cotton or rayon grey fabric may apply to the Textile Division, Civilian Production Administration, Washington 25, D. C., on Form CPA-4351 for relief from the set-aside requirements for fabrics if:

(i) A fabric which they are required to set-aside is unsuitable because of construction or price for the purpose for which it is set aside, or

(ii) If its inclusion in the set-aside would work an unreasonable hardship on manufacturers of an item not included in a schedule of Order M-328B. If a grant is made under this provision, the fabric so exempted may be delivered only as specified by CPA in its grant.

Applications for such exemption must be filed not later than October 25, 1946 for exemption from the set-aside for the fourth quarter of 1946. Whenever an application is made to exempt a fabric because of its unsuitability for any item in the program a small sample of each type and construction, bearing the OPA ceiling price in effect on June 30, 1946, must be attached to the application form. When permission for a change in the yardage to be delivered under a set-aside is given to a person who has purchased material on a certification, the Civilian Production Administration may notify the person who filled the certified order of the exemption and direct him to reinstate the exempted yardage in his set-aside.

(8) Each producer of fabric who is required to set aside fabrics under the provisions of a schedule of this order shall, to the extent orders chargeable to the set-aside are offered, accept them by the end of the first month of the applicable quarter. To the extent that customers' orders permit, suppliers of grey fabric and finished fabric shall schedule and make deliveries so that at least two-thirds of the quantity to be delivered during any quarter on M-328B CC rated orders and certificates (including piece goods certificates) will be delivered by the end of the second month of the quarter.

(9) Whenever a Fabric Set-aside Table is deleted, each producer of fabric who is required to set aside fabrics under that table must comply with the provisions of this order and its schedules and the provisions of the Fabric Set-aside Table as shown before it was deleted.

(10) At the end of each month a producer of fabric (or his selling agent acting in his behalf) who, during that month, has accepted certified retailers' orders for such fabric for ultimate sale as piece goods, for delivery during any quarter must report such orders by letter to the Civilian Production Administration, Washington 25, D. C. Attention: Textile Division, Ref. M-328B, not later than the 10th of the following month. The total yardage accepted during the month must be reported separately for each fabric listed on the fabric set-aside tables.



(11) Rules for finishing plants. Each finisher who receives an order from a finished goods supplier bearing the certification set forth in paragraph (h) (4) (vii) shall accept such order and schedule it for delivery as though it were a CC rated order and must fill it regardless of existing contracts and orders in accordance with Priorities Regulation 1.

#### Equitable Distribution

(i) Equitable distribution by manufacturers. All items made with material obtained with a preference rating assigned under this order must be distributed without regard to any preference ratings and each manufacturer must distribute his production of the item (including any production of the same item which he may have made without a rating for civilian sale in the United States, its territories and possessions) as follows:

(1) Up to 90 percent of sales of each item in each calendar quarter must be made to customers who purchased that item or any other textile product for civilian sale in the United States, its territories and possessions, from the manufacturer during the base period, to the extent that orders are received from such customers. However, the manufacturer need not sell any customer an amount which will be a greater percentage of the manufacturer's total sales for the period than the percentage of the manufacturer's total sales which were made to the same customer in the calendar year which includes the base period.

(2) As between such customers, each customer shall be entitled to a dollar share of the sales referred to in (1) above up to the percentage which the customer's total purchases from the manufacturer in the base period was of the manufacturer's total sales in that quarter.

(3) Any manufacturer may base his distribution under this paragraph on his style seasons instead of calendar quarters, but must treat all customers on the same basis. A manufacturer shall not be required to sell smaller than commercial quantities. The manufacturer may not discriminate against any of his customers in notifying the trade that he has the items available for sale or in making deliveries or allocating his production. If the manufacturer was not, in the base period, in the business of manufacturing an item for which a preference rating is assigned under this order, he shall not sell to any one purchaser more than 10 percent of his total production of any item he produces with a rating (including any part of his production of the same item which he may have made without the rating). Purchasers who are subject to common control shall be deemed one purchaser. Further specific directions may be issued as to the distribution of items.

(4) No person may sell for export to a foreign country, or to a person whom the seller has reason to believe will export it to a foreign country, any item which he knows or has reason to believe was produced with priorities assistance granted under a schedule of this order.

#### Miscellaneous Provisions

(j) Records and reports. (1) Each person who uses a preference rating assigned under this order shall maintain at his regular place of business, accurate records of the quantities of material for which he is authorized under this order to apply preference ratings, the quantities ordered with the use of such ratings, the quantities received and the quantities put into process. He shall also maintain records of the quantities of each item manufactured from the material obtained with the rating. He shall also maintain any sample of an item which has been approved and returned to him by the Civilian Production Administration, pursuant to his application for priorities assistance. All these records shall be preserved for a period of not less than two years and shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Civilian Production Administration.

(2) Each person who had an allocation under Schedule C, F or J for the third quarter of 1946 shall, on or before October 22, 1946, file a report on Form CPA-4517, in accordance with the instructions in that form. This report must be filed even if such person does not use a preference rating for the fourth quarter of 1946 in accordance with paragraph (e) (1) above. The reporting and application requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subject to the approval of the Bureau of the Budget under this act, all persons affected by this order shall execute and file with the Civilian Production Administration such other reports as the Civilian Production Administration shall from time to time require.

(k) Applicability of regulations. Except as otherwise provided in this order, this order and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration as amended from time to time.

(l) Appeals. Any person who considers that compliance with any restriction of this order or its schedules, would work an exceptional and unreasonable hardship, may appeal for relief. The appeal shall be made by filing a letter in triplicate with the Appeals Branch, Textile Division, Civilian Production Administration, Washington 25, D. C., referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(m) 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 obtaining further deliveries of or from processing or using material under priority control and may be deprived of priority assistance.

(n) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Textile Division, Civilian Production Administration, Washington 25, D. C., Reference M-328B.

Issued this 2d day of October 1946.

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

#### INTERPRETATION 1

##### ACCEPTANCE AND FILLING OF RATED ORDERS, AND COMPLETION AND DELIVERIES OF APPAREL

(a) Purpose. This interpretation calls particular attention to certain rules concerning the acceptance and filling of rated orders, and their application to orders for textiles assigned CC preference ratings under several schedules to Order M-328B; and also to certain rules requiring apparel manufacturers to complete their operations as rapidly as practicable.

To insure the success of the low cost civilian apparel programs provided by the schedules, these rules must be observed. Any person who willfully violates them, or who, in connection with the rules, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is subject to administrative action and the penalties referred to in § 944.18 of Priorities Regulation 1 and paragraph (m) of Order M-328B.

Any supplier who has inadvertently failed to comply with these and other applicable Civilian Production Administration rules should immediately take any steps necessary to make his operations conform to them.

(b) Compulsory acceptance of rated orders. The rules concerning compulsory acceptance of rated orders (that is, orders carrying an AAA, MM, or CC preference rating) are stated in § 944.2 of Priorities Regulation 1. It must be noted that a rated order which meets the supplier's regularly established prices and terms of sale or payment may not be rejected merely because he would prefer to hold back his goods from sale until a later date when he may hope that tax laws, his OPA ceiling prices, or other factors will change so as to enable him to make a larger profit.

(c) Offering of goods. A supplier may not evade the acceptance and filling of rated orders by withholding his production or offerings of low cost goods suitable for low cost apparel.

In addition, when a person who has a rating asks a supplier of textiles to quote his regularly established prices and terms of sale or payment, or the earliest date on which he could make delivery on that rating, the supplier must do so; he may refuse to quote only if he would have the right under the applicable rules, to reject the rated orders and also knows that he will do so if he receives it.

(d) Rated orders must be given priority over unrated ones. A rated order must be accepted and filled regardless of existing contracts and orders, in accordance with the rules in § 944.2 of Priorities Regulation 1. For example, if a supplier has accepted an unrated order for fabric and has a rated order served upon him, he may not reject the rated order merely because filling it would require him to use some or all of the fabric which he planned to use to fill the unrated order.

(e) Customer's required delivery date must be met, if possible. A supplier must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date, as explained in § 944.7 of Priorities Regulation 1. He must also accept

orders and schedule and make deliveries in accordance with paragraph (h) (8) of M-328B. If he cannot fill all rated and unrated orders, he must give preference to the rated ones.

(f) *Operations of apparel manufacturers; inventories of manufacturers, mills, converters, and other suppliers.* The attention of apparel manufacturers using ratings under M-328B Schedules is particularly called to the production preference and inventory rules in paragraphs (f) (2) and (f) (4) of M-328B, and in Priorities Regulation 32. A manufacturer of items within the programs provided for by these schedules must purchase materials for these programs for delivery before materials to be used for items not within the programs, to the full extent necessary to comply with the rule in (f) (2) of M-328B; and must complete the items within the programs in accordance with that rule, even if this results in postponing or delaying production of items not within the programs. A delay in processing material or in making deliveries of completed apparel may involve a violation of Priorities Regulation 32 and of paragraph (f) (4) of M-328B prohibiting the receipt or accumulation of excessive inventories. Priorities Regulation 32 applies equally to suppliers of gray or finished fabrics and manufacturers of apparel not within these programs.

(g) *Other rules.* All of the rules concerning the acceptance and filling of rated orders and the accumulation of excessive inventories, are, of course, not referred to above, and reference must be made to the Priorities Regulations, orders in the M-328 series, and other orders such as L-99, and M-317. The rules specifically referred to are those to which attention is particularly called at this time, in view of their important current application to orders rated CC under the M-328B programs. Some of these rules are qualified to the extent that a special rule, such as those in Order M-328B or one of its schedules, may permit a supplier to reject rated orders in excess of a specified quantity of his receipts or production. (Issued July 11, 1946.)

[F. R. Doc. 46-17964; Filed, Oct. 2, 1946; 11:48 a. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule K as amended Oct. 2, 1946]

##### SPECIAL ASSISTANCE FOR WOOL CIVILIAN ITEMS

Section 3290.120k Schedule K to Order M-328B as amended July 18, 1946 is amended to read as follows:

§ 3290.120k Schedule K to Order M-328B—(a) *Explanation.* This schedule states the special rules for manufacturers of civilian items manufactured from wool body fabric, to get preference ratings for wool fabric, or for rayon or cotton fabrics for use as linings or components, to make the items listed in this schedule, when any particular manufacturer needs special assistance of this kind.

The provisions of this schedule with respect to applications for and the assignment of ratings for wool fabric apply instead of the rules in paragraphs (c), (d), and (e) of Order M-328B, since general priorities assistance for wool fabric to manufacturers of these items no longer appears necessary. Its provisions with respect to the issuance of CC ratings for rayon and cotton fabrics for linings and components are designed to afford special assistance for the manufacture of these items, in addition to that afforded for the general production of men's and

boys' wear by the set-asides of certain rayon fabrics under Direction 2 to Order M-391, and of cotton fabrics under Order M-317A. In using a rating assigned under this schedule for either of these component materials, the manufacturer must use the certificate required under that direction or order, as well as apply his preference rating in accordance with paragraph (g) of Order M-328B.

Set-asides and preference ratings for wool fabric for the third quarter of 1946 are no longer effective. The rules in Priorities Regulation 28A continue to apply where an applicant is making or wishes to make higher priced men's and boys' wool apparel, or other kinds of apparel.

##### Obtaining Priorities Assistance

(b) *When applications may be made.* Applications should not be made under this schedule for wool, rayon or cotton fabrics unless:

(1) The applicant has not been able, after having made all reasonable efforts to do so, to get the fabric (or in the case of component fabrics, the equivalent components) without a rating, including the placing of certified orders in accordance with Order M-317A or Direction 2 to M-391, with a reasonable number of suppliers who should be in a position to furnish the goods and

(2) A rating is required to obtain the fabric by the latest date and in the minimum quantity practicable (after taking into consideration material in process, or in inventory, and material available without a rating), to avoid serious delays in the sewing and finishing of the number of items which the applicant has scheduled for completion and can reasonably expect to complete with the sewing and finishing facilities available to him, during the fourth quarter of 1946.

A CC rating under this schedule will be denied in all cases where it appears that materials for which the rating would be used are available without a rating, from a supplier other than the applicant's customary supplier, or under different terms of sale from those of the applicant's customary supplier, or that suitable materials, even though they are not the most desirable, are available without a rating.

(c) *How to apply.* An application under this schedule should be made on Form CPA-4526 filled out in accordance with its instructions. Copies of this form may be obtained from the Civilian Production Administration, Washington 25, D. C., and the application should be sent to the same address, marked, "Attention: Textile Division, Ref.: Sch. K. M-328B". Ratings may be applied for at any time to get materials to avoid serious delays in sewing and finishing operations scheduled during the fourth quarter of 1946.

(d) *Policy in granting priorities assistance.* When all of the conditions stated in paragraph (b) are met, the following policy will be applied:

(1) Manufacturers will generally be granted priorities assistance to the extent necessary to assure maximum production of the wool items listed in the attached Preference Rating Schedule.

(2) In the case of a person who did not have an allocation for the item un-

der Schedule K for the third quarter of 1946, he must meet both of the following conditions:

(i) The cutting, sewing and finishing facilities with which the items will be produced must be owned by him, or must be leased to him and the facilities be operated by him and the employees paid by him: *Provided*, That in any case the facilities must not have been used during any quarter beginning with the fourth quarter of 1945 more than 10% for the account of persons who supplied the applicant with materials; and

(ii) He must submit with his application a sample of each item he proposes to make, and such sample must have such specifications, including standards of workmanship and quality, that it conforms to the type which the CPA approves as generally conforming to those items which on June 30, 1946 had an OPA ceiling price no higher than the current price specified in the attached table.

(3) Applications for items will be denied where they show a selling price (list) as of June 30, 1946 in excess of the current price for those items in the attached table. Applications will also be denied where the sample of the item which the applicant proposes to make does not conform to the types approved by the Civilian Production Administration under paragraph (d) (2) (ii) above.

(e) *Rules applicable to manufacturers granted priorities assistance.* The rules in paragraphs (f), (g), and (i) of Order M-328B apply to manufacturers granted CC ratings under this schedule, regardless of whether the ratings are granted for wool, cotton or rayon fabric.

(f) *Expiration of set-asides and certain preference ratings for wool fabrics.*

(1) All authorizations, allocations, preference ratings, certificate, and other written instruments issued to manufacturers or used under this schedule during the second and third quarters of 1946 for the purchase or delivery of wool fabrics are revoked, and the provisions of this schedule for set-asides and deliveries of wool fabrics, as contained in this schedule before its amendment on October 2, 1946, are also revoked.

(2) All material obtained by manufacturers with priorities assistance assigned under Schedule K must still be used by them only to make the wool items for which the ratings were assigned, in accordance with paragraph (f) (1) of Order M-328B, and such items must be distributed in accordance with paragraph (i) of that order.

(3) Producers, wool jobbers and all other suppliers of wool fabric may deliver wool fabric on and after October 2, 1946, without regard to the provisions of Schedule K, Order M-328B, or of any preference rating, certificate or other instrument issued or used under that schedule or order before their amendment on October 2, 1946. However, the production and distribution of wool fabrics in all other respects remain subject to all applicable regulations of the Civilian Production Administration.

Issued this 2d day of October 1946.

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



PREFERENCE RATING SCHEDULE NO. 4—WOOL, COTTON OR RAYON FABRICS FOR CIVILIAN ITEMS; SPECIAL ASSISTANCE FOR FOURTH QUARTER, 1946

Item No.	Size range	Base period price	Current price
<i>Suits</i>			
1. Men's	All sizes	\$22.50	\$23.75
1a. Men's (for tailors-to-the-trade only)	All sizes	28.50	30.00
2. Students'	32-38	15.75	17.25
3. Cadets'	8-16	11.75	12.50
4. Juniors'	3-12	7.50	8.25
<i>Separate trousers</i>			
5. Men's	All sizes	5.50	6.00
6. Students'	25-32	4.25	4.75
7. Cadets'	21-26	3.25	3.50
8. Juniors'	3-12, 6-16	2.50	2.75
<i>Overcoats or topcoats</i>			
9. Men's	All sizes	22.50	23.75
10. Students'	12-24, 32-38	12.75	14.00
11. Boys'	8-20	10.00	11.00
12. Juniors'	4-12	8.50	9.25

[F. R. Doc. 46-17960; Filed, Oct. 2, 1946; 11:47 a. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule C, as Amended Oct. 2, 1946]

#### SPECIAL PROGRAM FOR COTTON FABRICS FOR CIVILIAN APPAREL ITEMS

§ 3290.120c *Schedule C to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of civilian apparel made of cotton fabric to get preference ratings for fabric to make the items listed in this schedule. It also establishes set-asides for certain cotton fabrics for these items and for over-the-counter sale as piece goods. Order M-317A contains other provisions for set-asides and for accepting rated orders for cotton fabrics.

(b) *Definitions.* (1) "Fabric", unless otherwise designated, means a woven fabric twelve inches or more in width.

(2) "Cotton fabric" means any fabric containing less than 25% wool by weight, but of which the remaining fibers are 50% or more cotton by weight.

(3) "Cotton item" means an item of which more than 50% of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is cotton fabric.

(c) *Effect of fabric changes.* (1) When a fabric is removed from the fabric column for any item, each manufacturer must immediately cancel or unrate any unfilled orders for that fabric which he placed with ratings assigned under this schedule for that item.

(2) Whenever a fabric construction is added to a Preference Rating Schedule for any item an applicant who is authorized to use an M-328B CC rating to purchase fabric for that item may use the rating to get the new fabric as long as the total yardage of all fabric obtained for that item does not exceed the quantity authorized.

(3) [Deleted Apr. 3, 1946.]

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get the particular cotton fabrics shown in the fabric column of the preference rating schedule to make the cotton items specified.

(2) Fabrics obtained with CC ratings assigned for any calendar quarter must be used to make an item, the specifications of which, including standards of workmanship and quality, are such, that under Maximum Price Regulations of the Office of Price Administration in effect on June 30, 1946, the item had a maximum price no higher than the "current price" specified in the latest preference rating schedule on which that item appears. However, this rule does not prohibit the fabric from being used to make an item with the same specifications, including standards of quality and workmanship, as those of an item which was being manufactured on June 30, 1946, for sale at a price (list) no higher than the "base period price" specified in the latest preference rating schedule on which that item appears and at or below OPA ceiling prices in effect on June 30, 1946, provided that the item is produced with the same basic specifications required under paragraph (f) (3) of Order M-328B.

(3) Manufacturers who did not manufacture an item in the base period must produce the item in the size assortment listed opposite each item in the size assortment column. Where "normal industry practice" appears, the manufacturer should state his proposed sizes in the remarks section of Form CPA-3732. If his application is granted, he must comply with these size assortments. The use of a rating under an advance authorization in the fourth quarter of 1946 does not relieve him from the requirement that he must produce the item in the size assortment specified by him on his approved application on Form CPA-3732 for the third quarter of 1946.

(4) [Deleted Oct. 2, 1946.]

(5) [Deleted May 16, 1946.]

(e) *Set-asides of cotton fabrics to fill rated or certified orders.* (1) Every producer of a cotton fabric listed in a Fabric Set-Aside Table whether he sells it in the grey or finished state or uses it to manufacture civilian items shall set aside during the quarter stated for the purpose shown in Columns IV and V yardages of that fabric equal to at least the percentage shown of the yardage he produced during the preceding quarter. Any producer who does not deliver the full yardages required during the applicable quarter must deliver in the next quarter a yardage of cotton fabric equal to the undelivered yardage, in addition to the yardage which he is required to deliver in that next quarter.

(2) *Set-asides for civilian apparel.* Only orders accompanied by the proper form as provided in paragraph (h) (3) of order M-328B for delivery on M-328B CC rated orders may be charged to the set-aside for this purpose in the Fabric Set-Aside Tables. No producer need deliver or use to fill these orders more of any fabric than his set-aside for that fabric.

(3) *Set-asides for piece goods for over-the-counter sale.* Only orders accompanied by the proper form as listed in paragraph (h) (2) of Order M-328B for over-the-counter piece goods, or by the following certificate, may be charged to the set-aside for this purpose in the Fabric Set-Aside Tables:

The undersigned certifies, subject to the criminal penalties of section 35 (A) of the United States Criminal Code, that in the \_\_\_\_\_ quarter of 1946 (insert applicable quarter) he will deliver at retail as over-the-counter piece goods cotton fabric in a total yardage at least equal to the yardage he orders for delivery in that quarter on orders bearing this certificate.

In addition the certificate must contain one of the following sentences:

He will not place orders bearing this certificate calling for delivery in this quarter of 1946 of a total of more than 300 yards of cotton fabric.

OR

He will not place orders bearing this certificate calling for delivery in this quarter of 1946 of a total of more cotton fabric than 50% of the yardage he purchased for over-the-counter piece goods sale in the first quarter of 1943 (or 1944)

OR

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more cotton fabric than the greatest yardage he purchased for over-the-counter piece goods sales in any quarter of 1945 or 1946.

OR (for a veteran)

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more cotton fabric than the yardage he purchased for over-the-counter piece goods sale in his last full quarter before he entered the military service.

(4) When a producer has accepted orders accompanied by applicable CPA forms, to the extent of a set-aside for any fabric, he may not require any customer to furnish any of these forms as a condition of filling additional orders for that fabric.

(5) Any person giving a certificate under this schedule, including the certificate set forth in paragraph (e) (3) above and the certificates on applicable CPA forms, must use or dispose of fabric he gets with that certificate in accordance with its terms.

(6) *Shorts, seconds, remnants and mill ends.* Shorts, seconds, remnants and mill ends must be included in total production for the purpose of determining set-asides. Deliveries of shorts, seconds, remnants and mill ends may be credited as deliveries against the set-aside obligations of both producers and finished goods suppliers.

(f) *Delivery by finished goods suppliers.* Finished goods suppliers must comply with the rules stated in paragraph (h) of Order M-328B in accepting and filling orders for fabrics covered by this schedule.

(g) *Restrictions on sale of student nurses' uniforms.* Student nurses' uniforms manufactured under Preference Rating Schedules Nos. 3, 4, 5, or 6 (items 42 through 47) may be sold only to hospitals or nurses' training schools; or to persons who furnish substantially the



following certification on their purchase orders:

The purchaser represents to the seller and to the Civilian Production Administration that the student nurses' uniforms covered by this order will be sold only to hospitals or nurses' training schools or for ultimate delivery to such institutions.

The standard certification provided for in Priorities Regulation 7 must not be used instead of the above.

Issued this 2d day of October 1946.

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

NOTE: Cotton Fabric Set-aside Table No. I for the first quarter deleted May 16, 1946.

NOTE: Cotton Fabric Set-aside Table No. II for the second quarter of 1946 deleted July 11, 1946.

NOTE: Cotton Fabric Set-aside Table No. III for third quarter of 1946 deleted Oct. 2, 1946.

NOTE: Cotton Fabric Set-aside Table No. IV for fourth quarter 1946 added Oct. 2, 1946.

COTTON FABRIC SET-ASIDE TABLE IV FOR FOURTH QUARTER 1946

I Reference No.	II Form CPA-658, Item No.	III Construction of Fabric	IV Percentage of production required	
			V For delivery on M-328B CC rated orders*	For delivery for retail sale as over-the-counter piece goods
1	C3-6	Broadcloths, combed	**60	0
2	C7	Dimities	25	25
3	C11-18	Lawns and organdies, combed, part combed and carded	30	11
4	C23	Oxfords, combed and fine carded	**60	0
5	C24	Piques, combed and fine carded	30	30
6	C26, 27	Poplins, combed	50	0
7	C32	Shirtings, combed (jacquard, grey dobby and colored yarn)	60	0
8	C42	Voiles	0	30
9	C43, 45, B157	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yards per pound	60	12
10	C47	Dotted Swiss, carded undyed yarns	30	25
11	B14-17, 19	Class A sheetings, under 42"	6	0
12	B30-33	Class C sheetings, 36" width	11	5
13	B40, 42	Class C sheetings	11	5
14	B49	Poplins, carded, sheeting yarns	25	0
15	B50	Three-leaf herringbone twills except jeans	2	0
16	B51-54	Drills, under 42"	2	0
17	B56	Jeans	5	0
18	B59-62	Four-leaf twills, under 42"	4	0
19	B71	Print cloth—39" 80 x 80—4.00 yard and pro rata	33	4
20	B72	Print cloth—39" 68 x 64—4.85 yard and pro rata	33	14
21	B73	Print cloth—39" 68 x 72—4.75 yard and pro rata	22	10
22	B74	Print cloth—38½" 64 x 56—5.50 yard and pro rata	33	14
23	B75	Print cloth—38½" 64 x 60—5.35 yard and pro rata	22	10
24	B76	Print cloth—38½" 60 x 48—6.25 yard and pro rata	33	14
25	B78	Print cloth, all other, 36" and wider, 80 sley and higher, except 40" 80 x 84—3.65 yard and 40" 80 x 92—3.50 yard	33	14
26	B79	Print cloth, all other, 36" and wider under 80 sley	**68	0
27	B88-91	Broadcloths, carded, any sley except colored yarn fabrics	**68	0
28	B92	Poplins, carded, print cloth warp yarns	0	60
30	B110	Ginghams, carded, checks and plaids	10	0
31	B111, 112, C50	Seersuckers, carded, checks, plaids, and stripes	60	15
33	B122	Carded chambrays and shirtings	35	10
34	B128	Outing flannels, 4.50 yard per pound and lighter	85	0
35	B131	Canton flannel (glove and mitten)	**75	0
36	B161	Oxfords, carded		

\*CC ratings are assigned under Schedule F for work gloves for some of the fabrics listed in the above table and orders bearing such ratings may be charged to the set-aside in Column IV.

\*\*At least 80% of fabrics set aside under Reference numbers 1, 27, and 28 and 100% of fabrics set aside under Reference Numbers 4 and 36 must be sold or delivered in the grey only to persons who certify in writing that the fabrics will be finished in a manner suitable for incorporation into men's and boy's shirts (not including work or sport shirts) or undershorts and will be sold or delivered by them only to manufacturers who certify they will use these materials to make men's or boys' shirts or undershorts under Schedule C to Order M-328B.

NOTE: Preference Rating Schedule No. 3 deleted May 16, 1946.

NOTE: Preference Rating Schedule No. 4 deleted July 11, 1946.

NOTE: Preference Rating Schedule No. 5 deleted Oct. 2, 1946.

PREFERENCE RATING SCHEDULE NO. 6—COTTON FABRICS FOR CIVILIAN APPAREL PROGRAM FOR FOURTH QUARTER 1946

Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers	Base period price	Current price	Fabric
1 (a)	Street and house dresses: Women's not including jumpers, pinafores, wrap-around type dresses, and brunch coats.	38 to 44	Normal industry practice	\$24.00	\$25.50	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings.
1 (b)	Street and house dresses: Misses' not including jumpers, pinafores, wrap-around type dresses, and brunch coats.	10 to 20	Normal industry practice	24.00	25.50	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings.
1 (c)	Street and house dresses: Juniors' not including jumpers, pinafores, wrap-around type dresses, and brunch coats.	9 to 17	Normal industry practice	24.00	25.50	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings.
1 (d)	Street and house dresses: Misses' women's, and juniors' not including pinafores, and brunch coats.	46 and up and maternity.	Normal industry practice	27.00	33.00	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings.
2 (a)	Slips: Women's	38-44	Normal industry practice	8.50	9.50	Print cloths, sley of 60 or higher.
2 (b)	Slips: Women's	46 and up	Normal industry practice	9.75	11.50	Broadcloths, carded, not more than 100 sley. Print cloths, sley of 60 and higher. Broadcloths, carded, not more than 100 sley.

PREFERENCE RATING SCHEDULE No. 6—COTTON FABRICS FOR CIVILIAN APPAREL PROGRAM FOR FOURTH QUARTER 1946—Continued

Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers	Base period price	Current price	Fabric
3	Nightgowns: Women's	42 and up	Normal industry practice	\$18.50	\$20.25	Lawns, not over 96 sley. Outing flannel.
4 (a)	Shirts (carded cotton): Men's not including work shirts and sport shirts.	13½ to 17	Normal industry practice	16.50	18.75	Print cloth, sley of 60 and higher. Poplins, carded, print cloth warp yarns. Broadcloths, carded. Oxfords, carded. Class "C" sheetings. Print cloths. NOTE: Print cloths less than 64 sley and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings.
4 (b)	Shirts (carded cotton): Men's not including work shirts and sport shirts.	17½ and up	Normal industry practice	21.00	25.75	Poplins, carded, print cloth warp yarns. Broadcloths, carded. Oxfords, carded. Class "C" sheetings. Print cloths. NOTE: Print cloths less than 64 sley and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings.
5 (a)	Shirts (combed cotton): Men's not including work shirts and sport shirts.	13½ to 17	Normal industry practice	24.00	28.50	Broadcloths, combed, any sley. Shirtings, combed (jacquard, gray dobby and colored yarns). Oxfords, combed and fine carded. Class "C" sheetings. Print cloths. NOTE: Print cloths and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may only be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings.
5 (b)	Shirts (combed cotton): Men's not including work shirts and sport shirts.	17½ and up	Normal industry practice	28.50	34.50	Broadcloths, combed, any sley. Shirtings, combed (jacquard, graydobby and colored yarns). Oxfords, combed and fine carded. Class "C" sheetings. Print cloths. NOTE: Print cloths and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may only be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings.
6 (a)	Undershorts (carded cotton): Men's	28 to 44	Normal industry practice	5.50	6.00	Poplins, carded, print cloth warp yarns. Broadcloths, carded, any sley. Oxfords, carded.
6 (b)	Undershorts (carded cotton): Men's	46 and up	Normal industry practice	8.00	9.75	Print cloths, sley of 60 and higher. Poplins, carded, print cloth warp yarns. Broadcloths, carded, any sley. Oxfords, carded.
7 (a)	Undershorts (combed cotton): Men's	28 to 44	Normal industry practice	8.50	9.75	Print cloths, sley of 60 and higher. Oxfords, combed and fine carded.
7 (b)	Undershorts (combed cotton): Men's	46 and up	Normal industry practice	10.50	12.50	Shirtings, combed (jacquard, gray-dobby and colored yarn). Oxfords, combed and fine carded.
8	Creepers, rompers	6 months to 2 years	6 months 1-1½-2; 3-3-3-3	11.00	12.00	Print cloths, sley of 60 to 72. Print cloths, sley of 56 to 65 (Plisse). Chambrays, carded.
9	Pajamas: Button-on with or without feet or button-on with extra pants.	1 to 4	{ 1-2-3-4 3-3-3-3 }	12.50	13.50	Print cloths, sley of 56 to 65 (plisse). Outing flannel.
10	Pajamas: 1-piece with or without feet	2 to 8	{ 2-4-6-8 2-2-4-4 }	12.00	12.75	Print cloths, sley of 60 to 65. Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Outing flannel.
11	Pajamas: 2-piece jacket type	2 to 8	{ 2-4-6-8 2-2-4-4 }	14.00	15.00	Outing flannel. Print cloths, sley of 56 to 65 (plisse). Print cloths, sley of 60 and higher.
12	Pajamas: 2-piece jacket type	8 to 16	{ 8-10-12-14-16 2-2-3-3-2 }	15.75	17.25	Outing flannel. Print cloths, sley of 60 and higher.
13	Nightgown: Infants'	0 to 1	Normal industry practice	4.75	5.25	Print cloths, sley of 56 to 65 (plisse). Print cloths, sley of 56 to 65 (plisse). Lawns not over 96 sley. Outing flannel.
16	Nightgowns	8 to 16	{ 8-10-12-14-16 2-2-3-3-2 }	12.50	13.75	Print cloths, sley of 60 to 65. Lawns, not over 96 sley. Print cloths, sley of 56 to 65 (plisse). Outing flannel.
17	Kimonos: Infants	0 to 1	Normal industry practice	4.50	5.00	Print cloths, sley of 60 to 65. Print cloths, sley of 56 to 65 (plisse). Outing flannel.
18	Gertrudes: Infants'	0 to 1	Normal industry practice	4.75	5.25	Print cloths, sley of 60 to 65. Lawns, not over 96 sley.
19	Dresses: Infants'	0 to 1	Even	10.50	11.00	Outing flannel. Dimities.
20	Dresses: Toddlers' and children's, not including jumpers, pinafores, and wrap-around type dresses.	{ 1 to 3 3 to 6x }	{ 1-2-3 2-4-6 3-4-5-6-6x 1-2-3-3-3 }	15.75	16.50	Lawns and organdies, not over 96 sley. Print cloths, sley of 60 to 65. Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Piques, combed and fine carded. Poplins, carded, 100 sley and less. Lawns and organdies, any sley. Chambrays, carded. Dimities. Dotted swiss, carded undyed yarn. Broadcloth, carded, not more than 100 sley.

PREFERENCE RATING SCHEDULE NO. 6—COTTON FABRICS FOR CIVILIAN APPAREL PROGRAM FOR FOURTH QUARTER 1946—Continued

Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers	Base period price	Current price	Fabric
21.....	Street Dresses: Girls', not including jumpers, pinafores, and wrap-around type dresses.	7 to 14.....	Normal industry practice.....	\$16.50	\$18.00	Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Chambrays, carded. Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Class "C" sheetings.
22.....	Street Dresses: Teen-age Girls' not including jumpers, pinafores, and wrap-around type dresses.	10 to 16.....	Normal industry practice.....	19.75	21.00	Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Chambrays, carded. Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Class "C" sheetings.
24.....	Slips: Girls' Gertrude type.....	2 to 14.....	{ 2-4-6-8-10-12-14..... 1-2-2-3-2-1-1.....	6.75	7.50	Print cloths, sley of 60 and higher. Lawns, not over 96 sley.
26.....	Blouses: Children's.....	2 to 6x.....	Normal industry practice.....	12.00	12.75	Print cloths, sley of 60 and higher. Lawns and organdies, not over 96 sley. Dimities. Dotted Swiss, carded undyed yarn.
27.....	Blouses: Girls'.....	7 to 14.....	{ 7-8-10-12-14..... 2-2-3-3-2.....	18.50	14.50	Print cloths, sley of 60 and higher. Dimities. Lawns and organdies, not over 96 sley. Dotted swiss, carded undyed yarn.
30.....	Overalls, Crawler type.....	6 months to 2 years.	Normal industry practice.....	10.50	11.25	Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Poplins, carded, print cloth warp yarns. Broadcloths, carded. Chambrays, carded.
31.....	Wash suits boys' toddlers.....	{ 1 to 4..... 2 to 8.....	Normal industry practice.....	15.75	16.75	Poplins, carded, print cloth warp yarns. Print cloths, sley of 56 to 65 (plisse). Chambrays, carded. Broadcloth, carded, not more than 100 sley. Print cloths, sley of 60 and higher. Lawns, any sley. Piques, combed and fine carded. Dimities. Poplins, carded, sheeting yarns.
32.....	Boys' shirts and blouses.....	2 to 10.....	{ 2-4-6-8-10..... 2-2-3-3-2.....	9.00	10.00	Print cloths, any sley. Poplins, carded, print cloth warp yarns. Broadcloths, carded.
33.....	Shirts: Boys'.....	11 to 14½.....	Normal industry practice.....	12.00	13.75	Poplins, carded, print cloth warp yarns. Broadcloths, carded. Print cloths, any sley. Class "C" sheetings.
35.....	Undershorts: Boys'.....	6 to 16.....	Normal industry practice.....	4.75	8.25	NOTE: Print cloths less than 64 sley and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings. Poplins, carded, print cloth warp yarns. Broadcloths, carded. Print cloths, sley of 60 and higher. Poplins, carded, print cloth warp yarns. Broadcloths, carded. Print cloths sley of 60 and higher. Piques, combed and fine carded. Chambrays, carded. Poplins, carded, sheeting yarns. Print cloths, sley of 56 to 65 (plisse). Twills (other than three-leaf). Print cloths, sley of 60 and up. Lawns.
37.....	Wash suits: Boys'. Must be made in full size range of at least 3 to 10.	3 to 12.....	Normal industry practice.....	17.25	18.50	Print cloths, sley of 60 and up. Lawns. Poplins, carded, sheeting yarns. Print cloths, sley of 56 to 65 (plisse). Twills (other than three-leaf). Print cloths, sley of 60 and up. Lawns.
38.....	Handkerchiefs: Men's.....			1.25	1.50	Print cloths, sley of 60 and up. Lawns.
39.....	Handkerchiefs: Ladies'.....			1.00	1.25	Print cloths, sley of 60 and up. Lawns.
40.....	Graduate nurses' uniforms.....	All sizes.....	Normal industry practice.....			Poplins, combed. Seersucker, carded. Poplins, carded, print cloth warp yarns. Broadcloths, combed. Broadcloths, carded. Print cloths, sley of 60 or higher (plisse). Lawns, and organdies any sley. Poplins, carded, print cloth warp yarns. Broadcloths, carded. Chambrays, carded. Class "A" sheetings. Jeans.
41.....	Graduate nurses' caps.....	All sizes.....	Normal industry practice.....			Broadcloths, combed. Poplins, combed. Print cloths, 60 sley, or higher (plisse only). Seersucker, carded. Lawns and organdies. Poplins, combed. Broadcloths, combed. Print cloths, 65 sley or higher. Jeans.
42.....	Student nurses' uniforms (colored or white).	All sizes.....	Normal industry practice.....			Class "C" sheetings. Print cloth, 65 sley or higher. Jeans.
43.....	Student nurses' caps.....	All sizes.....	Normal industry practice.....			Class "C" sheetings. Class "A" sheetings. Class "A" sheetings. Class "C" sheetings. Class "A" sheetings. Class "A" sheetings. Class "C" sheetings.
44.....	Student nurses' collars.....	All sizes.....	Normal industry practice.....			Poplins, carded sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
45.....	Student nurses' cuffs.....	All sizes.....	Normal industry practice.....			Poplins, carded, sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
46.....	Student nurses' aprons.....	All sizes.....	Normal industry practice.....			Poplins, carded, sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
47.....	Student nurses' bibs.....	All sizes.....	Normal industry practice.....			Poplins, carded, sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
48.....	Gowns for doctors, dentists, internes, orderlies, druggists, and barbers.	All sizes.....	Normal industry practice.....			Poplins, carded, sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
49.....	Suits for doctors, dentists, internes, orderlies, druggists, and barbers.	All sizes.....	Normal industry practice.....			Poplins, carded, sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.



PREFERENCE RATING SCHEDULE NO. 6—COTTON FABRICS FOR CIVILIAN APPAREL PROGRAM FOR FOURTH QUARTER 1946—Continued

Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers	Base period price	Current price	Fabric
50	Coats for doctors, dentists, internes, orderlies, druggists, and barbers.	All sizes.....	Normal industry practice.....			Poplins, carded sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
51	Coats and apron sets for bakers, butchers, fish-handlers, dairy workers, cooks, waiters, slaughterhouse workers, and other commercial food handlers and processors.	All sizes.....	Normal industry practice.....			Poplins, carded sheeting yarns. Drills. Twills, herringbone. Class "A" sheetings. Twills, 4-leaf.
52	Pants for bakers, butchers, fish handlers, dairy workers, cooks, waiters, slaughterhouse workers, and other commercial food handlers and processors.	All sizes.....	Normal industry practice.....			Poplins, carded sheeting yarns. Drills. Twills, herringbone. Class "A" sheetings. Twills, 4-leaf.
53	Uniform dresses or gowns for hospital patients and workers, commercial food handlers and processing employees and beauticians.	All sizes.....	Normal industry practice.....			Poplins, carded sheeting yarns. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings. Jeans.

\*Shirts, as listed here, mean men's shirts (other than work shirts and sport shirts) made in half-size neck sizes (but not if made only in full-size gradations), and marked accordingly; with a button and button hole at the collar (except on shirts for use with detachable collars); with long sleeves (wrist length); and with a minimum length of 30 inches, measured from the highest part of the yoke to the bottom of the shirts.

[F. R. Doc. 46-17961; Filed, Oct. 2, 1946; 11:47 a. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule J, as Amended Oct. 2, 1946]

##### SPECIAL PROGRAM FOR RAYON CIVILIAN ITEMS

§ 3290.120j *Schedule J to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of civilian items manufactured from rayon fabric to get preference ratings for rayon fabric to make the items listed in this schedule. It also establishes set-asides for rayon fabrics other than marquisettes for these items and for over-the-counter sale as piece goods. Order M-391 contains other provisions for set-asides and for accepting rated orders for rayon fabrics.

(b) *Definitions.* For the purpose of this schedule:

(1) "Fabric," unless otherwise designated, means a woven fabric 12 inches or more in width.

(2) "Rayon fabric" means any fabric containing less than 25% wool by weight but of which the remaining fibers are more than 50% of synthetic fiber (staple or continuous filament) by weight. For example, a fabric containing 20% wool, 41% rayon, and 39% cotton is rayon.

(3) "Rayon item" means an item of which more than 50% of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of rayon fabric.

(c) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get rayon fabrics to make the rayon items specified in the preference rating schedule.

(2) Fabrics obtained with CC ratings assigned for any calendar quarter must be used to make an item, the specifications of which, including standards of workmanship and quality, are such, that under Maximum Price Regulations of the Office of Price Administration in effect on June 30, 1946, the item had a maximum price no higher than the "Current Price" specified in the latest Preference

Rating Schedule on which that item appears. However, this rule does not prohibit the fabric from being used to make an item with the same specifications, including standards of quality and workmanship, as those of an item which was being manufactured on June 30, 1946, for sale at a price (list) no higher than the "base period price" specified in the latest preference rating schedule on which that item appears and at or below OPA ceiling prices in effect on June 30, 1946, provided that the item is produced with the same basic specifications required under paragraph (f) (3) of Order M-328B.

(3) [Deleted Apr. 3, 1946.]

(4) A manufacturer who did not manufacture an item in the base period must state his proposed production by size assortment per dozen in the "Remarks" section of Form CPA-3732. If his application is granted, he must comply with these size assortments. The use of a rating under an advance authorization in the fourth quarter of 1946 does not relieve him from the requirement that he must continue to produce the item in the size assortment specified by him on his application on Form CPA-3732 for the third quarter of 1946.

(d) *Set-asides of rayon fabrics to fill rated or certified orders.* (1) Every producer of rayon fabric listed in a Fabric Set-Aside Table whether he sells it in the gray or in the finished state or uses it to manufacture civilian items shall set aside during the quarter stated for the purpose shown in Columns III and IV yardages of that fabric equal to at least the percentage shown of the yardage he produced during the preceding quarter. Any producer who does not deliver the full yardages required during the applicable quarter must deliver in the next quarter a yardage of rayon fabric equal to the undelivered yardage, in addition to the yardage which he is required to deliver in that next quarter.

(2) *Set-asides for civilian apparel.* Only orders accompanied by the proper form as provided in paragraph (h) (3)

of Order M-328B for delivery on M-328B CC rated orders may be charged to the set-aside for this purpose in the Fabric Set-aside Tables. No producer need deliver or use to fill these orders more rayon fabric than his set-aside for that fabric.

(3) *Set-asides for piece goods for over-the-counter sale.* Only orders accompanied by the proper Form as listed in paragraph (h) (2) of Order M-328B for over-the-counter piece goods, or by the following certificate, may be charged to the set-aside for this purpose in the Fabric Set-aside Tables:

The undersigned certifies, subject to the criminal penalties of section 35 (a) of the United States Criminal Code, that in the \_\_\_\_\_ quarter of 1946 (insert applicable quarter) he will deliver at retail as over-the-counter piece goods rayon fabric in a total yardage at least equal to the yardage he orders for delivery in that quarter on orders bearing this certificate.

In addition the certificate must contain one of the following sentences:

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more than 300 yards of rayon fabric.

or;

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more rayon fabric than 50% of the yardage he purchased for over-the-counter piece goods sale in the first quarter of 1943 (or 1944).

or;

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more rayon fabric than the greatest yardage he purchased for over-the-counter piece goods sales in any quarter of 1945 or 1946.

or (for a veteran)

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more rayon fabric than the yardage he purchased for over-the-counter piece goods sale in his last full quarter before he entered the military service.

(4) When a producer has accepted orders accompanied by the applicable

CPA forms to the extent of a set-aside for rayon fabric he may not require any customer to furnish any of these forms as a condition of filling additional orders for that fabric.

(5) Any person giving a certificate under this schedule, including the certificate set forth in paragraph (d) (3) above and the certificates on the applicable CPA forms must use or dispose of fabric he gets with that certificate in accordance with its terms.

(6) *Shorts, seconds, remnants and mill ends.* Shorts, seconds, remnants, and mill ends must be included in total production for the purpose of determining set-asides. Deliveries of shorts, seconds, remnants and mill ends may be credited as deliveries against the set-asides obligations of both producers and finished goods suppliers.

(e) *Delivery by finished goods suppliers.* Finished goods suppliers must comply with the rules stated in paragraph (h) of Order M-328B in accepting and filling orders for fabrics covered by this schedule.

Issued this 2d day of October 1946.

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

NOTE: Rayon Fabric Set-Aside Table No. I for the first quarter of 1946, deleted May 16, 1946.

NOTE: Rayon Fabric Set-Aside Table No. II for the second quarter of 1946, deleted July 11, 1946.

NOTE: Rayon Fabric Set-Aside Table No. III for third quarter of 1946 deleted Oct. 2, 1946.

NOTE: Rayon Fabric Set-Aside Table No. IV for fourth quarter 1946 added Oct. 2, 1946.

RAYON FABRIC SET-ASIDE TABLE NO. IV FOR FOURTH QUARTER 1946

CPA 655C	Reference No.	Fabric	I	II	III	IV
			Percentage of production required to be set aside			
56-61 63-71 73-75	1	100% filament rayon fabrics (except marquisettes and except twills or serges, 88 to 140 sley)			60	6
76-79 81-86 93-95	2	All other rayon fabrics (except marquisettes and except twills or serges, 88 to 140 sley)			35	6

NOTE: Preference Rating Schedule No. 1 deleted Apr. 3, 1946.

NOTE: Preference Rating Schedule No. 2 deleted May 16, 1946.

NOTE: Preference Rating Schedule No. 3 deleted July 11, 1946.

NOTE: Preference Rating Schedule No. 4 deleted Oct. 2, 1946.

NOTE: Preference Rating Schedule No. 5 added Oct. 2, 1946.

PREFERENCE RATING SCHEDULE NO. 5--RAYON FABRICS FOR CIVILIAN ITEMS

PROGRAM FOR THE FOURTH QUARTER 1946

Item No.	Description of rayon items	Size range	Base period and current price
1(a)	Street dresses: women's	38-44	\$5.75
1(b)	Street dresses: misses'	10-20	5.75
1(c)	Street dresses: juniors'	9-17	8.75
1(d)	Street dresses: women's, extra sizes.	46 and up.	6.75
2	Street dresses: maternity	All sizes	6.75
3	Street dresses: teen-age girls'	10-16	3.75
4	Street dresses: girls'	7-14	3.00
5(a)	Blouses, shirts and waists: women's, misses' and juniors'	9-17, 12-40	Dozen \$22.50
5(b)	Blouses, shirts and waists: women's, extra sizes.	42 and up.	25.50
6	Blouses: teen-age girls'	10-16	16.50
7	Blouses: girls'	7-14	15.75
8(a)*	Slips: women's, misses' and juniors'	9-17, 12-20, 32-44 <sup>1</sup>	15.75
8(b)*	Slips: extra sizes	46 and up.	18.00
9*	Slips: teen-age girls'	10-16	12.00
10*	Slips: girls'	7-14	10.75
11(a)*	Slips: women's, misses' and juniors'	9-17, 12-20, 32-44 <sup>1</sup>	17.50
11(b)*	Slips: extra sizes	46 and up.	120.00

\* This item must be a full length slip, sold as an individual item and must not be used as a component part of another garment.

<sup>1</sup> Base period production for item 11 (a) must cover items produced for sale above \$15.75 and not above \$17.50 and for item 11 (b) above \$18.00 and not above \$20.00.

<sup>2</sup> All manufacturers of slips, women's sizes 32-44, under items 8 (a) and 11 (a) must produce out of materials secured with priorities assistance assigned under this order slips in the size assortments specified below for all of these slips out after October 15, 1946, regardless of paragraph (b) (3) of M-328B, and paragraph (c) (4) of this schedule:

Sizes	32	34	36	38	40	42	44
No. of each size to be produced in each dozen	2	2	2	2	2	1	1

[F. R. Doc. 46-17962; Filed, Oct. 2, 1946; 11:48 a. m.]

PART 3290--TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-391, Direction 2, as Amended Oct. 2, 1946]

RAYON LINING FABRICS FOR MEN'S WEAR  
The following amended direction is issued pursuant to M-391:

(a) *Explanation.* There is a serious shortage in the supply of fabrics suitable for use as linings for men's suits and other men's and boys' wear. Although a substantial increase in production of rayon twills and serges, 88 to 140 sley, has resulted since the issuance of Direction 30 under Order M-328 on February 6, 1946, and certain amendments made by the Office of Price Administration in its regulations concerning the ceiling prices of the fabrics, the shortage cannot be met unless the supply of fabrics suitable for this purpose is further increased.

This direction enables producers of twills and serges, 88 to 140 sley, inclusive, with rayon warp and rayon or cotton filling, to apply for approval by the Civilian Production Administration of their proposed production schedules for the third and fourth quarters of 1946, in order to qualify for such increases in their ceiling prices for these fabrics as may be permitted by regulations of the Office of Price Administration. It also states what action may be taken by the Civilian Production Administration with respect to applications, and production and delivery schedules, and requires producers whose applications are approved by the Civilian Production Administration to file production and delivery reports.

This direction, and the filing or approval of applications under it, do not require any person to produce or prohibit any person from producing any quantity of lining fabrics (in the grey state).

However, paragraphs (e) through (h) of this direction require that rayon twills and serges of the kind described above shall be finished and distributed only on certification for use as linings in certain men's and boys' wear or on MM or AAA rated orders (regardless of whether the fabric was produced on a schedule approved under this direction).

This direction supersedes Directions 28 and 30 to Order M-328, which have been revoked.

Production Program

(b) *Applications.* Any producer of twills and serges (in the grey), 88 to 140 sley, inclusive, with rayon warp and rayon or cotton filling, who wants an approval of his production schedule of such fabrics for the third and fourth quarters of 1946 by the Civilian Production Administration, should file Form CPA-4395 with the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref. M-391, Dir. 2. This form should be filed as promptly as practicable whenever a producer decides that he would like to have approval under this direction. Applications received on or before August 14, 1946, will be considered first, and subsequent applications will be considered only for the balance, if any, of the program not already covered by approved schedules.

(c) *Action by Civilian Production Administration.* (1) The Civilian Production Administration may approve any application, in whole or in part or upon conditions. In general, applications will be approved when it appears that production is being maintained at or increased to the full extent practicable without causing serious shortages in the supply of fabric needed for other essential purposes. In particular cases, approval may be withheld if the production schedule proposed by an applicant would result in a serious decrease in production of other fabric also in short supply and needed for other essential purposes, or approval may be given upon condition that any proposed increase in production is not obtained by decreasing production of other fabrics specified by the Civilian Production Administration.

(2) The Civilian Production Administration will give notice in writing of its action upon each application, to the Office of Price Administration and to the person filing the application.

(3) If the Civilian Production Administration finds (under the conditions explained below) that any producer has failed or is failing to meet any of the following requirements, it may revoke its approval as to that part of his approved production schedule covering the period from the date of revocation to the end of December 1946: (i) The producer must, if practicable, produce at least as much fabric of the kinds covered by his approved production schedule, during the third and fourth quarters of 1946, as indicated in his approved application; (ii) he must dispose of all of such fabric promptly, including all which he sells in the grey state, or finishes or has finished for his account; and (iii) he must file reports with the Civilian Production Administration as required under paragraph (k) below.

In determining whether a producer could have met the first requirement (i), the Civilian Production Administration will take into consideration any work stoppages, inability to obtain sufficient yarn, undue diversion of yarn to other fabrics, or other pertinent cir-

cumstances affecting his productive capacity. In order to afford producers an opportunity to increase or stabilize their production, no finding on the first requirement (i) will be made until after the end of the third quarter, 1946, unless a particular producer's production is very substantially below that proposed in his application.

If the Civilian Production Administration revokes approval under this paragraph (c) (3), it will notify the Office of Price Administration of its determination. Before making such a determination for this purpose, however, the Civilian Production Administration will notify the applicant at least ten days in advance of the proposed determination, and he may offer in writing or in person any explanation as to the reasons why he could not meet these requirements.

If the Civilian Production Administration notifies the Office of Price Administration of its revocation of approval, the Office of Price Administration will then take such action as it finds appropriate with respect to any increase in his ceiling prices which may have been permitted under its regulations by reason of his application to the Civilian Production Administration and the approval of the application under this direction.

(d) *Effect of approval.* (1) The approval of an application by the Civilian Production Administration applies only to any production which is not contrary to any conditions stated in the notice of approval, including any limitation upon the quantity of increased production for which approval is given.

(2) Persons whose applications are approved will thereby qualify for any increases in their ceiling prices permitted by the regulations or actions of the Office of Price Administration, as now or hereafter amended. Applicants should consult Revised Price Schedule No. 23, Amendment 6 or other applicable regulations of the Office of Price Administration as to the price increases which will be permitted by that agency.

*Finishing, Distribution and Use Restrictions*

(e) *Finishing.* No person shall finish, or cause to be finished, any twills or serges, 88 to 140 sley, inclusive, with rayon warp and rayon or cotton filling (whether or not produced on approval under this direction), in a manner which would make the fabric unsuitable for linings for men's or boys' suits, overcoats, topcoats, or separate jackets or trousers.

(f) *Certificate required for sale or delivery by producer.* No producer may sell or deliver twills or serges, 88 to 140 sley, inclusive, with rayon warp and rayon or cotton filling (whether or not produced on approval under this direction), except on purchase orders bearing the following certificate:

The undersigned certifies, subject to the criminal penalties of section 35 (a) of the U. S. Criminal Code, that he will use the material covered by this purchase order as linings for men's or boys' suits, overcoats, topcoats, or separate jackets or trousers, or will deliver it only to persons who give this certificate.

(Authorized signature)

Intra-company deliveries of a producer are subject to this certificate requirement. The standard certificate in Priorities Regulation 7 may not be used instead.

(g) *Restriction on use or resale of fabric received on certification.* A person who has obtained fabric on certification under this direction or under Direction 28 to Order M-328, may use the fabric only as certified, and may resell or redeliver the fabric only on orders similarly certified.

(h) *Export prohibited.* No person may export or deliver for export any fabric which he produced on specific approval under this direction, or which he received on certification under this direction or under Direction 28 to Order M-328. Clothing lined with these fabrics is not controlled by this direction, but may be subject to other export restrictions (see paragraph (i) (4) of Order M-328B).

(i) *Exception for MM and AAA rated orders.* Orders rated MM or AAA are to be accepted and filled regardless of the restrictions and certification requirements of paragraphs (e) through (h) of this direction. However, the fabrics referred to in this direction are subject to a ceiling on compulsory acceptance and filling of MM and CC rated orders, in accordance with the terms of Order M-391.

(j) *Exemption until October 12, 1946, for certain cotton filled fabrics.* Cotton filled rayon fabrics not produced on approval under paragraph (c) of this direction may be finished, sold and delivered by the producer on or before October 12, 1946, without restriction under this direction.

NOTE: Former paragraphs (e) and (f) redesignated (k) and (l) October 2, 1946.

*Other Provisions*

(k) *Reports.* Producers whose applications are approved under this direction shall file reports on Form CPA-4394, at the time and in the manner stated in the form. The reporting requirements of this direction have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(l) *Communications.* All reports, appeals and other communications concerning this direction shall be addressed to: Civilian Production Administration, Textile Division, Washington 25, D. C., Ref.: M-391, Dir. 2.

Issued this 2d day of October 1946.

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

[F. R. Doc. 46-17963; Filled, Oct. 2, 1946; 11:48 a. m.]

Chapter XII—Office of Price Administration

PART 1305—ADMINISTRATION  
[Licensing Order 2, Revocation]

REQUIRING REGISTRATION OF DEALERS LICENSED TO SELL WASTE, SCRAP AND SALVAGE MATERIAL

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the Emergency Price Control Act of 1942, as amended, *It is ordered:*

Licensing Order No. 2 is hereby revoked.

This order shall become effective October 2, 1946.

Issued this 2d day of October 1946.

ROBERT A. NIXON,  
Acting Administrator.

OPINION ACCOMPANYING ORDER REVOKING LICENSING ORDER 2

Licensing Order No. 2 requires dealers selling to a consumer (and in the case of iron and steel scrap to a consumer or his broker) any waste, scrap or salvage material, to register with the Office of Price Administration.

The registration provisions were used to obtain a list of dealers in order to aid the enforcement of the applicable regulations.

The Administrator now has in his possession adequate lists of dealers, and in the future can secure such information through other sources such as present members of the industry.

This revocation does not concern Licensing Order No. 1, which grants licenses to the dealers discussed above, but merely makes inoperative the registration requirements provided for in Licensing Order No. 2.

[F. R. Doc. 46-17940; Filed, Oct. 2, 1946; 11:36 a. m.]

PART 1305—ADMINISTRATION

[Rev. SO 119, Amdt. 17]

INDIVIDUAL ADJUSTMENT FOR RECONVERTING MANUFACTURERS

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

Revised Supplementary Order 119 is amended in the following respect: Appendix D thereof is amended as follows:

(a) In List I, the listing and factors (percent) appearing under the classification "Mattress materials" are changed to read as follows:

Cartons and packing materials.....	37.8
Cover fabrics:	
Damask ticking.....	61.9
Drill printed.....	57.4
Sateen ticking.....	84.0
Sheeting, printed.....	71.5
Woven ticking.....	80.9
Sheeting (grey goods).....	71.0

(b) List II is amended by inserting in alphabetical order the following:

Copper base alloy products.....	21
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(c) List II is further amended by changing the factor for the item "Nuts, bolts, screws and rivets" to read "12".

This amendment shall become effective on the 2d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 17 TO REVISED SUPPLEMENTARY ORDER 119

The present amendment brings up to date sundry materials increase factors as listed in Appendix D. Since the last re-



vision of that list legal price increases have occurred which are hereby recognized. In addition, an appropriate increase factor for "Sheeting (Grey Goods)" is added to the list of mattress materials because of the importance of the commodity in the production of mattresses.

Furthermore, the item "Copper base alloy products" is inserted in List II. This item was inadvertently omitted at the time the appendix was recently revised.

[F. R. Doc. 46-17941; Filed, Oct. 2, 1946; 11:37 a. m.]

PART 1305—ADMINISTRATION

[SO 185 (§ 1305.237)]

REVISED MAXIMUM PRICES FOR CERTAIN PART COTTON TEXTILES

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

SECTION 1. *What this order does.* This order supplements and modifies the price schedule and regulations referred to in section 2 with respect to the goods there designated. Except as they are supplemented and modified by this supplementary order, the provisions of that price schedule and those regulations remain in force.

SEC. 2. *To whom these revised ceilings apply.* (a) Revised maximum prices apply only to a producer who (1) has certified to the Office of Price Administration that he is eligible to use them, and (2) furnishes the information requested in section 5 hereinafter set forth and subject to the restrictions and limitations there outlined.

(b) A producer may certify that he is eligible to charge revised maximum prices only if he is a producer of part cotton fabrics, the "unadjusted" maximum prices for which are established by Maximum Price Regulations 595, 163, 39 (except fabrics containing 50% or more of cotton covered in Supplementary Order 131), Revised Price Schedule 23 or part cotton yarns, the "unadjusted" maximum prices for which are established by the General Maximum Price Regulation (except Merino yarns priced under Revised Price Schedule 58 and covered in amendment 33 to Supplementary Order 131).

SEC. 3. *Definition of "unadjusted" maximum price.* "Unadjusted" maximum price means a price that is computed pursuant to a regulation promulgated for the general use of an industry and that has not been changed as the result of a petition for adjustment or exception by an individual or group of individuals in favor of that individual or group.

SEC. 4. *Revised maximum prices for producers—(a) Part cotton yarns.* The unadjusted maximum price<sup>1</sup> set forth in

the General Maximum Price Regulation for each part cotton yarn is revised by multiplying the factor listed opposite the applicable count of carded or combed yarn, as the case may be, set forth in Table A below for an unadjusted maximum price effective prior to August 5, 1946, and Table B for an unadjusted maximum price effective prior to August 30, 1946, but subsequent to August 4, 1946, by the percentage, by weight, of cotton content in that yarn and adding the result to the unadjusted maximum price for that yarn, computed in accordance with the General Maximum Price Regulation.

(b) *Part cotton fabrics.* The unadjusted maximum price<sup>1</sup> set forth in Maximum Price Regulations 595, 163, 39 (except fabrics containing 50% or more of cotton covered in Supplementary Order 131) or Revised Price Schedule 23 for each part cotton fabric is revised by multiplying the factor listed opposite the applicable count of carded or combed yarn, as the case may be, set forth in Table A below for an unadjusted maximum price, effective prior to August 5, 1946, and Table B for an unadjusted maximum price effective prior to August 30, 1946, but subsequent to August 4, 1946, by the percentage, by weight, of cotton content in that fabric and adding the result to the unadjusted maximum price for that fabric, computed in accordance with the appropriate regulation.

TABLE A

Yarn Nos.	Increase factors (cents per pound)	
	Singles	Plied
Carded yarns:		
All counts.....	12.34	12.34
Combed yarns:		
8's and under.....	13.73	13.98
10's.....	13.73	13.98
12's.....	13.73	13.98
14's.....	13.73	13.98
16's.....	13.73	13.98
18's.....	13.98	13.98
20's.....	13.98	14.23
22's.....	13.98	14.23
24's.....	13.98	14.23
26's.....	13.98	14.23
28's.....	14.23	14.48
30's.....	14.23	14.48
32's.....	14.23	14.48
34's.....	14.23	14.48
36's.....	14.23	14.48
38's.....	14.23	14.48
40's.....	14.23	14.48
42's.....	14.23	14.48
44's.....	14.48	14.73
46's.....	14.73	14.98
48's.....	14.98	15.23
50's.....	15.23	15.48
52's.....	15.23	15.48
54's.....	15.23	15.48
56's.....	15.23	15.48
58's.....	15.23	15.48
60's.....	15.23	15.48
62's.....	15.23	15.48
64's.....	15.23	15.48
66's.....	15.23	15.48
68's.....	15.23	15.48
70's.....	15.48	15.73
72's.....	15.73	15.98
74's.....	15.98	16.23
76's.....	16.23	16.48
78's.....	16.48	16.73
80's.....	16.73	16.98
82's.....	16.98	17.23
84's.....	16.48	16.98
86's.....	16.48	16.98
88's.....	16.48	16.98
90's.....	17.48	17.98
100's.....	18.23	19.23
110's.....	19.48	20.23
120's.....	20.48	21.73
130's.....	22.48	24.23

TABLE B

Yarn Nos.	Increase factors (cents per pound)	
	Singles	Plied
Carded yarns:		
All counts.....	2.34	2.34
Combed yarns:		
All counts.....	2.73	2.73

SEC. 5. *Reports.* (a) The producer's proposed revised maximum prices, computed pursuant to this supplementary order, may be used by a producer after the information set forth in paragraph (b) of this section has been mailed to the Office of Price Administration, Washington 25, D. C., and a carbon copy of such report retained by him. However, this does not constitute an approval. If within 20 days from the receipt of this information (or any additional information which may have been requested) by OPA, the Administrator has not disapproved the proposed maximum price or established a different one or informed the producer that action on his report will take more than 20 days or requested further information, then the producer's proposed revised maximum price is automatically approved. If the revised maximum price, approved before the expiration of 20 days from the receipt by OPA of the application, results in a price which is less than the price at which delivery has been made during that period, a refund equal to the excess shall be made by the producer to the buyer within 10 days of the producer's receipt from OPA of his revised maximum price for any goods delivered prior to the date the revised maximum price became approved. In such event, he must promptly inform OPA that such refunds have been made. However, if before the expiration of 20 days from the receipt by OPA of the application, a producer has been notified that a proposed revised maximum price is disapproved, or that further information is required, he shall make no sale or delivery of the goods at the proposed revised price, until a proposed revised price is approved or the additional information requested has been mailed to the Office of Price Administration. The Price Administrator may at any time approve, disapprove, or revise the maximum prices proposed or established under this supplementary order.

(b) The following information is to be furnished by producers:

- (1) Style No. or description of item being priced.
- (2) Unadjusted maximum price, the regulation under which the item is priced, and the date that price was established.
- (3) Percentage by weight of cotton content in the item being priced.
- (4) Count or counts of yarn used.
- (5) Amount added to the unadjusted maximum price to obtain revised maximum price.
- (6) Revised maximum price.

This supplementary order shall become effective October 2, 1946.

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

Issued this 2d day of October 1946.

GEORGE BAKER,  
Acting Administrator.

<sup>1</sup> It should be noted that an item has a maximum price even if it was determined on "freeze" formula, or on in-line bases or was specifically authorized by the Administrator.

## STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF SUPPLEMENTARY ORDER NO. 185

The accompanying supplementary order is issued to effect a general revision of the unadjusted maximum prices for part cotton yarns priced under the General Maximum Price Regulation and for part cotton fabrics priced under Maximum Price Regulations 39, 163, 595 and Revised Price Schedule 23. This revision permits producers of part cotton yarns and fabrics to increase their ceiling prices by an amount proportionate to the increases allowed in cotton yarn ceilings by amendment to Supplementary Order 131, effective on the 5th and 30th of August 1946.

During the past several years producers of part cotton yarns and textiles have been faced with a steadily increasing cost for their cotton or cotton yarns. Until recently, these cost increases have been readily absorbed inasmuch as cotton or cotton yarn is, in most instances, the minor material constituent of these commodities and since the material cost of the non-cotton elements has remained stationary or has even decreased.

With the passage of the Price Control Extension Act of 1946, which prevented the Office of Price Administration from placing ceilings on raw cotton, and which required a considerable increase in cotton yarn ceilings, the producers of part cotton yarns and textiles have been faced with a sharp increase in the cost of their cotton component. The amount of this cost increase, when added to the previous cotton cost increases which have been absorbed by these producers since 1942, has resulted in a definite squeeze which has led to decreased production of these generally lower-priced goods and a deluge of requests to OPA for off-setting price relief.

While the producers of part cotton yarns and fabrics have made no factual demonstration to the OPA under the industry earnings standard of their current cost-ceiling price relationship comparison with normal pre-war margins, the Administrator is satisfied that to require the absorption of the full extent of the increases in cotton and cotton yarn costs since 1942 would cause an undue hardship on the producers of these goods with resultant detriment to their continued supply. It is the opinion of the Administrator that a pass-through of the sizeable cotton yarn increases granted in Supplementary Order 131 on the 5th and 30th of August will alleviate the squeeze and provide producers of part cotton yarns and fabrics with sufficiently ample margins to ensure continued production of these goods. It is emphasized that the increases permitted by the accompanying supplementary order are in excess of the minimum requirements of law and are being granted for supply reasons. While further increases in cotton yarn prices may be necessary if raw cotton prices continue to rise, no further increase in the maximum prices for part cotton yarns and fabrics is contemplated barring a significant increase in the level of cotton yarn ceilings.

The accompanying supplementary order sets forth two table of adjustment factors in the various counts of carded and combed yarns. Table A shows the cents per pound increase in cotton yarn prices resulting from both the August 5th and August 30th increases. Table B contains only the August 30th cotton yarn increase. A producer of a part cotton yarn or fabric, the unadjusted price for which was established prior to August 5, 1946, will determine the amount of increase permitted by this action by multiplying the increase factor set forth in Table A for the cotton yarn which he uses in the manufacture of the item by the percentage by weight of the cotton content in the fabric or yarn. The appropriate cotton yarn increase factors to be used in determining the amount of adjustment permitted for maximum prices set between August 5 and August 30, 1946, are set forth in Table B.

Producers who adjust their maximum prices pursuant to the accompanying supplementary order are required to mail reports to the OPA, setting forth their new prices and the manner in which they were derived. Sales may be made at the adjusted prices immediately upon filing the reports. However, filing does not constitute an approval and if the adjustment is not satisfactory, OPA will notify the producer of its disapproval, establish a different price, inform the producer that action on his report will take more than 20 days, or request further information. If a correction is made by OPA within 20 days of the receipt of a report, the producer must make refunds within 10 days of his receipt of notification from OPA of his corrected price and must promptly inform OPA that such refunds have been made. Furthermore, if before the expiration of 20 days a producer has been notified of a disapproval or that further information is required, he shall make no sale or delivery at the revised price until his price is approved or the further information is mailed to OPA. If a correction is made by OPA later than 20 days after a report has been received by OPA, the corrected price applies to deliveries and sales made thereafter, but no refunds are required.

[F. R. Doc. 46-17942; Filed, Oct. 2, 1946; 11:37 a. m.]

## PART 1340—FUEL

[MPR 120, Corr. to Amdt. 163]

## BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Amendment No. 163 to Maximum Price Regulation No. 120 (§ 1340.224) is hereby corrected as follows:

In paragraph (b) (5) (i) of § 1340.224, the numeral "522", set opposite the truck price group number designated "12", under size group numbers "4, 5, 6" in the column captioned "Maximum prices by size group numbers", is deleted, and the numeral "532" is inserted in its place and read.

This correction to Amendment No. 163 to Maximum Price Regulation No. 120

(§ 1340.224) shall be effective as of September 17, 1946.

Issued this 2d day of October 1946.

ROBERT A. NIXON,  
Acting Administrator.

[F. R. Doc. 46-17945; Filed, Oct. 2, 1946; 11:38 a. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[RPS 51, Amdt. 10]

## COCOA BEANS AND COCOA PRODUCTS

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

Revised Price Schedule 51 is amended in the following respects:

1. Section 1351.61 (a) (1) is amended to read as follows:

(1) Increases in weighing charges over the weighing charges prevailing prior to the opening of business on December 8, 1941 may be added to the maximum prices, if such charges have actually been incurred by the seller. Decreases in such charges must be subtracted from the maximum prices.

Increases in charges for ocean freight, war risk insurance and marine insurance over those prevailing prior to the opening of business on December 8, 1941 may be added to the maximum prices, if such charges have actually been incurred by the seller, except that increases in such charges shall not be added to the maximum prices on cocoa beans from British West Africa, French West Africa, Cameroons, Belgian Congo and French Equatorial Africa. Decreases in such charges must be subtracted from the maximum prices on cocoa beans except those from British West Africa, French West Africa, Cameroons, Belgian Congo and French Equatorial Africa.

2. Section 1351.61 (b) is amended to read as follows:

(b) The maximum prices for cocoa beans shall be as follows:

	<i>Cents per pound ex dock New York City</i>
F. F. Accra (main crop).....	14.50
F. A. Q. Lagos.....	14.25
Ivory Coast (main crop).....	14.50
F. A. Q. Cameroons.....	14.17
F. F. Belgian Congo (main crop).....	14.42
Fine St. Thome.....	15.07
Superior Bahia.....	14.50
Sanchez.....	14.25
Superior Red Summer Arriba.....	19.15
Superior Seasons Arriba.....	17.90
La Guayra Caracas.....	18.75
Trinidad Caracas.....	20.40
Trinidad Estates.....	23.15
Grenada Estates.....	22.75
Fermented Panama.....	15.58
Fermented Costa Rican.....	15.58
Haiti.....	14.08
Java Estates $\pm$ 1.....	33.75
Ceylon Estates.....	27.90
Samoan.....	27.07

<sup>1</sup> 8 F.R. 2235, 5633, 14216; 9 F.R. 7938, 10 F.R. 11149; 11 F.R. 997.

The maximum prices for cocoa beans imported from any other country, or for grades of better or inferior quality not named, shall be determined by applying the customary trade differentials to the maximum price for the grade listed above which is most closely related in quality.

3. Section 1351.61 (f) is amended to read as follows:

(f) *Gross margins.* On sales of cocoa beans (other than a sale to the importer thereof, or a sale by the exporter's agent) there may be added to the prices set out above an amount not in excess of the following:

In lots of 26 bags or more—2% of the specific prices set out in paragraph (b).

In lots of 25 bags or less—7½% of the specific prices set out in paragraph (b).

4. Section 1351.61 (g) is amended to read as follows:

(g) The above prices shall be the maximum prices for all transactions except for future contracts traded on the New York Cocoa Exchange, Inc. The maximum price for cocoa beans in future contracts traded on the New York Cocoa Exchange, Inc., shall be 14.95 cents per pound, increased or decreased in accordance with the by-laws and rules of the New York Cocoa Exchange, Inc., provided that the total price charged to the buyer for cocoa beans delivered pursuant to such a contract shall not exceed the maximum price which could be charged for the same lot of cocoa beans as determined under this schedule for the sale and delivery of cocoa beans in a transaction other than on the New York Cocoa Exchange, Inc.

5. The heading of § 1351.62 is amended to read as follows: "Appendix B: Maximum prices for imported and domestic cocoa butter."

6. Section 1351.62 (a) is amended to read as follows:

(a) The maximum prices for cocoa butter in bales sold in carload lots shall be:

(1) Imported cocoa butter, 38 cents per pound, ex dock duty paid, any continental United States port or point of entry.

(2) Domestic cocoa butter, 38 cents per pound, f. o. b. factory shipping point.

7. Section 1351.62 (b) is amended to read as follows:

(b) The maximum delivered price for cocoa butter shall in no case exceed the maximum price specified above plus the following:

(1) For imported cocoa butter, actual transportation charges incurred from the port or point of entry in continental United States to the place of destination, or, if the cocoa butter is intended for export, to the place of shiploading.

(2) For domestic cocoa butter, actual transportation charges incurred from the factory shipping point to the place of destination.

8. Section 1351.62 (e) is amended by substituting in the first sentence the phrase "paragraph (a) of § 1351.62" for the phrase "paragraph (a) of § 1351.61."

9. The table of costs contained in § 1351.63 (a) (2) (1) is amended to read as follows:

Cocoa nibs produced from cocoa beans grown in:

Africa.....	\$0.1813
Brazil.....	.1813
Costa Rica.....	.1948
Dominican Republic.....	.1781
Ecuador.....	.2394
Haiti.....	.1760
British West Indies.....	.2894
Panama.....	.1948
Venezuela.....	.2550
Cacao fat.....	.3800
Sugar.....	.0760

Other ingredients—at their respective maximum prices, or actual cost in the event of no maximum prices, f. o. b. United States port of entry.

10. The table of costs contained in § 1351.63 (a) (3) (i) is amended to read as follows:

Cocoa nibs produced from cocoa beans grown in:

Africa.....	\$0.1813
Brazil.....	.1813
Costa Rica.....	.1948
Dominican Republic.....	.1781
Ecuador.....	.2394
Haiti.....	.1760
British West Indies.....	.2894
Panama.....	.1948
Venezuela.....	.2550
Cacao fat.....	.3800
Sugar.....	.0760
Milk solids.....	.3800

Other ingredients—at their respective maximum prices, or actual cost in the event of no maximum prices, f. o. b. United States port of entry.

This amendment shall become effective October 2, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 10 TO REVISED PRICE SCHEDULE 51 AND AMENDMENT NO. 22 TO SUPPLEMENTARY REGULATION NO. 14C

The accompanying amendments No. 10 to Revised Price Schedule 51 and No. 22 to Supplementary Regulation 14C increase the maximum prices for cocoa beans (import and resale price), domestic and imported cocoa butter, and certain listed cocoa products. The amendment to RPS 51 also establishes a percentage markup for pricing sales by importers of cocoa beans in lots of over 25 bags, and, in addition, makes various minor changes in the schedule.

As a result of the world shortage of cocoa beans, selling prices in the producing countries have advanced far above the maximum import prices established in RPS 51. The Secretary of Agriculture has informed the Price Administrator that the domestic inventory of cocoa beans will be exhausted in a few months and that present ceilings prevent United States buyers from competing with other consuming countries in the purchase of cocoa beans. In addition the progressive decline of production, in the face of increased demands of consuming countries, has caused foreign prices to rise from five to ten cents higher than existing ceilings. This price situation has prevented the purchase and importation of adequate supplies by United States importers. Prior to July 1, 1946, purchases for importation of cocoa

beans had practically ceased by reason of the increases in foreign prices. Further advances above the ceiling prices during the period of no price control has resulted in a complete cessation of purchases and a substantial curtailment of the domestic trade in cocoa beans as well as commodities processed directly therefrom.

To correct this situation and to permit the importation of adequate supplies the amendment to RPS 51 increases the maximum prices of African and Brazilian cocoa beans from 8.90 and 8.70, respectively, to 14½ cents, with equivalent percentage increases in other growths. It is believed that these price increases will assure a continued flow of cocoa beans to this country and will thereby comply with the provisions of Section 2 (x) of the Emergency Price Control Act of 1942, as amended.

In establishing the increases for the various growths the Price Administrator has continued the use of Superior Bahia beans as the basic growth. The percentage increase (from \$0.0870, the present maximum price for Superior Bahia, to 14½ cents per pound) amounts to 66.6%. Application of this percentage increase to all except African growths results in increases ranging between \$0.0547 and \$0.1350 per pound. Maximum prices for African Accra beans have been set at the same level as Bahia beans rather than at the prices which would result from use of the percentage increase since they have historically sold at approximately the same level.

The provision relating to trading on the New York Cocoa Exchange has been revised so as to eliminate obsolete portions. The maximum price for cocoa beans in contracts traded on the New York Cocoa Exchange has also been increased to correspond to the increase in maximum prices of the same beans for delivery ex dock New York City.

Prior to the present world shortage of cocoa beans and the resulting upward pressure on prices, it was possible for importers to obtain supplies at prices sufficiently below their maximum selling prices to insure an adequate margin of profit to them in line with their historical margins. However, under the conditions presently prevailing in the world cocoa bean market, it is anticipated that importers in this country will be unable to obtain imports at prices below these established by the accompanying price action, despite the fact that these prices are higher than previously existed.

As a result, without further action on the part of the Office of Price Administration, importers selling in lots of more than 25 bags would receive no margin over their cost of acquisition. Accordingly, the Price Administrator has established, by the accompanying amendment to RPS 51, a gross margin of 2% which importers may charge over the maximum prices listed for cocoa beans for sales of more than 25 bags. This is a fair and equitable margin in line with importers' historical margins.

The amendment to RPS 51 also permits the addition of any increases in weighing charges over those prevailing prior to the opening of business on December 8, 1941, if the seller actually incurs such charges. Increases which have



occurred in weighing charges make this action necessary, for if importers were required to absorb the cost of such increases, it would have the effect of reducing by that amount the 2% margin established by the accompanying amendment.

A further change in RPS 51 is the amendment of the tables of costs of ingredients used in determining maximum prices of certain imported cocoa products under Appendix C of the schedule in order to bring maximum prices for these products in line with maximum prices for their domestically manufactured counterparts.

The maximum prices for cocoa and chocolate products manufactured from cocoa beans are subject to the General Maximum Price Regulation and have remained constant since March, 1942. However, as a result of the above increases in the maximum prices of cocoa beans as well as increased costs of other ingredients, especially sugar and milk, packaging materials and labor, the Administrator has found, after a study of earnings of the cocoa and chocolate products industry, that the maximum prices of cocoa products will no longer be generally fair and equitable.

The Administrator has examined profit and loss statements and other cost information submitted by a representative group of manufacturers who account for over 75 percent of the industry's production. An analysis of these data indicates that the year 1937 was abnormal with respect to earnings. By the elimination of this year the average earnings more closely approximate those of a long prewar period than do the average earnings for the usual base period of 1936-1939. The Administrator has, therefore, excluded the year 1937 from consideration.

A projection of the 1945 profit and loss statements, reflecting cost increases incurred since 1945, indicates that the cocoa and chocolate products industry as a whole would not receive a rate of return on net worth equal to the average rate during the base period. Actually, as a result of the increased costs, the industry as a whole would be operating at a loss. The accompanying amendments, therefore, increase the maximum prices of cocoa butter and other cocoa products, in order that these prices may be generally fair and equitable.

The Administrator has examined the various methods of granting price adjustments on cocoa products. It appears that the variation of products makes flat prices or increases on specific items inappropriate. A percentage increase factor applicable to all products provides the simplest method of restoring base period earnings. However, such a method would result in an abnormal distribution of earnings. Companies which sell large amounts of cocoa butter would receive relatively less benefit than other companies. The margin over bean cost in the cocoa butter price is relatively low. Hence, such a percentage increase when applied to butter is insufficient to cover the increased cost of beans. Furthermore, the ratio of the price of cocoa butter and bean prices would be considerably below the historical relationship. Normally the price

of cocoa butter ranges from 2.4 to 3.8 times the price of Bahia and Accra cocoa beans. To make one percentage increase applicable to both cocoa butter and other products would result in a distortion of the historical ratio.

In view of these considerations, the Administrator has determined that an increase of 13 cents per pound in the maximum price of cocoa butter and a 27 percent increase in the maximum prices of other cocoa products will remove these distortions. The percentage increase on the other cocoa products was determined after the net effect of the increase in the maximum price of butter was deducted from the total sales increase required under the earnings standard. The remaining increase was then related to the net sales of the other cocoa products. As a result of these adjustments, the new maximum prices should return to the industry as a whole earnings on net worth at least equivalent to the rate during the base period.

In the opinion of the Price Administrator, the action taken by the accompanying amendments is generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599, 9651 and 9697.

[F. R. Doc. 46-17943; Filed, Oct. 2, 1946; 11:37 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[MPR 53, Amdt. 73]

FATS AND OILS

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

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

Maximum Price Regulation No. 53 is amended in the following respects:

1. The table of prices in section 3.1 (a) is amended to read as follows:

SEC. 3.1 *Maximum prices.* The maximum prices of cottonseed oil shall be the following prices:

(a) *Crude cottonseed oil.* F. o. b. mill, in tank cars in cents per pound, as follows:

California (except Los Angeles)---	14.875
Los Angeles, Calif.-----	15.15
Arizona-----	14.625
Illinois, North Carolina, South Carolina, Tennessee, Crittenden and Mississippi Counties, Arkansas, New Madrid and Scott Counties, Missouri, Morgan County, Alabama-----	14.50
Alabama (except Morgan County), Arkansas (except Crittenden and Mississippi Counties), Florida, Georgia, Louisiana, Mississippi, Missouri (except New Madrid and Scott Counties), New Mexico, Muskogee and Tulsa Counties, Oklahoma, Bowie, Dallas, El Paso and Tarrant Counties, Texas-----	14.375
Oklahoma (except Muskogee and Tulsa Counties), Texas (except Bowie, Dallas, El Paso, and Tarrant Counties)-----	14.25

2. The table of prices in section 3.1 (b) is amended to read as follows:

(b) *Refined cottonseed oil and bleachable cottonseed oil stearine, domestic or imported, delivered in tank cars, as follows:*

[Cents per pound]

	Bleachable cottonseed oil stearine	Bleachable prime summer yellow oil	Refined bleaches and undecolorized oil	Refined deodorized and unbleached oil	Cooking or deodorized white bleached summer oil	Salad or winterized oil	Hydrogenated or margarine oil	High tircerated oil
Albany, N. Y.-----	16.26	16.51	16.83	16.86	17.18	17.56	17.76	17.91
Atlanta, Ga.-----	15.88	16.13	16.45	16.48	16.80	17.18	17.38	17.53
Baltimore, Md.-----	16.17	16.42	16.74	16.77	17.09	17.47	17.67	17.82
Birmingham, Ala.-----	15.96	16.21	16.53	16.56	16.88	17.26	17.46	17.61
Boston, Mass.-----	16.25	16.50	16.82	16.85	17.17	17.55	17.75	17.90
Buffalo, N. Y.-----	16.29	16.54	16.86	16.89	17.21	17.59	17.79	17.94
Charlotte, N. C.-----	16.00	16.25	16.57	16.60	16.92	17.30	17.50	17.65
Chattanooga, Tenn.-----	16.05	16.30	16.62	16.65	16.97	17.35	17.55	17.70
Chicago, Ill.-----	16.14	16.39	16.71	16.74	17.06	17.44	17.64	17.79
Cincinnati, Ohio.-----	16.14	16.39	16.71	16.74	17.06	17.44	17.64	17.79
Columbus, Ohio.-----	16.19	16.44	16.76	16.79	17.11	17.49	17.69	17.84
Cudahy, Wis.-----	16.16	16.41	16.73	16.76	17.08	17.46	17.66	17.81
Dallas, Tex.-----	15.73	15.98	16.30	16.33	16.65	17.03	17.23	17.38
Denison, Tex.-----	15.77	16.02	16.34	16.37	16.69	17.07	17.27	17.42
Denver, Colo.-----	16.19	16.44	16.76	16.79	17.11	17.49	17.69	17.84
Detroit, Mich.-----	16.23	16.48	16.80	16.83	17.15	17.53	17.73	17.88
Dothan, Ala.-----	15.98	16.23	16.55	16.58	16.90	17.28	17.48	17.63
El Paso, Tex.-----	16.06	16.31	16.63	16.66	16.98	17.36	17.56	17.71
Enterprise, Ala.-----	16.00	16.25	16.57	16.60	16.92	17.30	17.50	17.65
Fort Worth, Tex.-----	15.75	16.00	16.32	16.35	16.67	17.05	17.25	17.40
Houston, Tex.-----	15.79	16.04	16.36	16.39	16.71	17.09	17.29	17.44
Indianapolis, Ind.-----	16.11	16.36	16.68	16.71	17.03	17.41	17.61	17.76
Jacksonville, Fla.-----	15.98	16.23	16.55	16.58	16.90	17.28	17.48	17.63
Kansas City, Mo.-----	16.00	16.25	16.57	16.60	16.92	17.30	17.50	17.65
Los Angeles, Calif.-----	16.41	16.66	16.98	17.01	17.33	17.71	17.91	18.06
Louisville, Ky.-----	16.10	16.35	16.67	16.70	17.02	17.40	17.60	17.75
Macon, Ga.-----	15.88	16.13	16.45	16.48	16.80	17.18	17.38	17.53
Memphis, Tenn.-----	15.90	16.15	16.47	16.50	16.82	17.20	17.40	17.55
New Orleans, La.-----	15.97	16.22	16.54	16.57	16.89	17.27	17.47	17.62
New York, N. Y.-----	16.21	16.46	16.78	16.81	17.13	17.51	17.71	17.86
Oklahoma City, Okla.-----	15.88	16.13	16.45	16.48	16.80	17.18	17.38	17.53
Opelousas, La.-----	15.91	16.16	16.48	16.51	16.83	17.21	17.41	17.56
Philadelphia, Pa.-----	16.19	16.44	16.76	16.79	17.11	17.49	17.69	17.84
St. Louis, Mo.-----	16.05	16.30	16.62	16.65	16.97	17.35	17.55	17.70
San Antonio, Tex.-----	15.79	16.04	16.36	16.39	16.71	17.09	17.29	17.44
San Francisco, Calif.-----	16.41	16.66	16.98	17.01	17.33	17.71	17.91	18.06
Savannah, Ga.-----	15.96	16.21	16.53	16.56	16.88	17.26	17.46	17.61
Seattle, Wash.-----	16.41	16.66	16.98	17.01	17.33	17.71	17.91	18.06
Sherman, Tex.-----	15.75	16.00	16.32	16.35	16.67	17.05	17.25	17.40
Terre Haute, Ind.-----	16.09	16.34	16.66	16.69	17.01	17.39	17.59	17.74
Wichita, Kans.-----	15.95	16.20	16.52	16.55	16.87	17.25	17.45	17.60

3. The table of prices in section 4.1 (a) is amended to read as follows:

SEC. 4.1. *Maximum prices.* The maximum prices of peanut oil shall be the following prices:

(a) Crude peanut oil f. o. b. mill in tank cars:

	Cents per pound
California.....	15.25
Chicago, Ill.....	15.25

[Cents per pound]

	Refined unbleached and undeodorized	Refined bleached and undeodorized	Refined deodorized and unbleached	Deodorized white (bleached) refined peanut oil	Hydrogenated peanut margarine oil	High titre hydrogenated peanut oil
Albany, N. Y.....	16.80	17.12	17.15	17.47	18.05	18.20
Atlanta, Ga.....	16.42	16.74	16.77	17.09	17.67	17.82
Baltimore, Md.....	16.71	17.03	17.06	17.38	17.96	18.11
Birmingham, Ala.....	16.80	16.82	16.85	17.17	17.75	17.90
Boston, Mass.....	16.79	17.11	17.14	17.46	18.04	18.19
Buifalo, N. Y.....	16.83	17.15	17.18	17.50	18.08	18.23
Charlotte, N. C.....	16.54	16.86	16.89	17.21	17.79	17.94
Chattanooga, Tenn.....	16.59	16.91	16.94	17.26	17.84	17.99
Chicago, Ill.....	16.68	17.00	17.03	17.35	17.93	18.08
Cincinnati, Ohio.....	16.68	17.00	17.03	17.35	17.93	18.08
Columbus, Ohio.....	16.73	17.05	17.08	17.40	17.98	18.13
Cudahy, Wis.....	16.70	17.02	17.05	17.37	17.95	18.10
Dallas, Tex.....	16.27	16.59	16.62	16.94	17.52	17.67
Denison, Tex.....	16.31	16.63	16.66	16.98	17.56	17.71
Denver, Colo.....	16.73	17.05	17.08	17.40	17.98	18.13
Detroit, Mich.....	16.77	17.09	17.12	17.44	18.02	18.17
Dothan, Ala.....	16.52	16.84	16.87	17.19	17.77	17.92
El Paso, Tex.....	16.60	16.92	16.95	17.27	17.85	18.00
Enterprise, Ala.....	16.54	16.86	16.89	17.21	17.79	17.94
Fort Worth, Tex.....	16.29	16.61	16.64	16.96	17.54	17.69
Houston, Tex.....	16.33	16.65	16.68	17.00	17.58	17.73
Indianapolis, Ind.....	16.65	16.97	17.00	17.32	17.90	18.05
Jacksonville, Fla.....	16.52	16.84	16.87	17.19	17.77	17.92
Kansas City, Mo.....	16.54	16.86	16.89	17.21	17.79	17.94
Los Angeles, Calif.....	16.95	17.27	17.30	17.62	18.20	18.35
Louisville, Ky.....	16.64	16.96	16.99	17.31	17.89	18.04
Macon, Ga.....	16.42	16.74	16.77	17.09	17.67	17.82
Memphis, Tenn.....	16.44	16.76	16.79	17.11	17.69	17.84
New Orleans, La.....	16.51	16.83	16.86	17.18	17.76	17.91
New York, N. Y.....	16.75	17.07	17.10	17.42	18.00	18.15
Oklahoma City, Okla.....	16.42	16.74	16.77	17.09	17.67	17.82
Opelousas, La.....	16.45	16.77	16.80	17.12	17.70	17.85
Philadelphia, Pa.....	16.73	17.05	17.08	17.40	17.98	18.13
St. Louis, Mo.....	16.59	16.91	16.94	17.26	17.84	17.99
San Antonio, Tex.....	16.33	16.65	16.68	17.00	17.58	17.73
San Francisco, Calif.....	16.95	17.27	17.30	17.62	18.20	18.35
Savannah, Ga.....	16.50	16.82	16.85	17.17	17.75	17.90
Seattle, Wash.....	16.95	17.27	17.30	17.62	18.20	18.35
Sherman, Tex.....	16.29	16.61	16.64	16.96	17.54	17.69
Terre Haute, Ind.....	16.63	16.95	16.98	17.30	17.88	18.03
Wichita, Kans.....	16.49	16.81	16.84	17.16	17.74	17.89

5. The table of prices in section 5.1 (a) is amended to read as follows:

SEC. 5.1 *Maximum prices.* The maximum prices of soybean oil shall be the following prices:

(a) Crude soybean oil—in tank cars:

F. o. b. mills located in:	Cents per pound
California, Oregon and Washington.....	14.25
Arizona.....	13.875
Edgewater, New Jersey; Houston, Texas; New Orleans, Louisiana; Savannah, Georgia.....	13.75
Michigan, New Jersey (except Edgewater), New Mexico, New York, North Carolina, Ohio, Pennsylvania, Virginia.....	13.625

[Cents per pound]

	Refined unbleached and undeodorized	Refined bleached and undeodorized	Refined deodorized and unbleached	Deodorized and bleached soybean oil	Winterized soybean oil	Hydrogenated margarine soybean oil	High titre hydrogenated soybean oil
F. o. b. Decatur, Ill.....	14.73	15.00	15.03	15.30	16.43	15.88	16.03

	Cents per pound
Arizona and Virginia.....	15.00
Tennessee.....	14.875
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina and South Carolina.....	14.75
Texas and Oklahoma.....	14.625

4. The table of prices in section 4.1 (b) is amended to read as follows:

(b) *Refined peanut oil, domestic or imported delivered in tank cars, as follows:*

The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(2) The usual or normal differentials for type of container shall continue to apply.

ARTICLE VI—CORN OIL

7. The table of prices in section 6.1 (a) is amended to read as follows:

SEC. 6.1 *Maximum prices.* The maximum prices of corn oil shall be the following prices:

(a) Crude corn oil—in tank cars:

	Cents per pound
F. o. b. midwestern mills.....	14.50

8. The table of prices in section 6.1 (b) is amended to read as follows:

(b) *Refined corn oil—in tank cars, basis f. o. b. Chicago:*

[Cents per pound]

	Deodorized bleached corn oil	Winterized corn oil	Hydrogenated margarine corn oil	High titre hydrogenated corn oil
F. o. b. Chicago, Ill.....	16.26	16.39	16.84	16.99

9. Section 10.1 of Maximum Price Regulation 53 is amended to read as follows:

SEC. 10.1 *Maximum prices of processors.* The maximum prices of processors for the following shortenings and cooking and salad oils shall be the following prices:

(a) *Standard shortening.* The maximum delivered prices of Swift's "Jewel" and "Sanco"; Armour's "Vegetole"; Lookout's "Domino"; Wilson's "Advance"; Atlantic Lard's "Royal Aster"; Procter and Gamble's "Flakewhite" and "Fluffo"; Southern's "Scoco" and "Kneedit"; South Texas' "Crustene"; Gulf and Valley's "Blue Plate"; Interstate's "Mrs. Tucker"; Lever Brothers' "Hydora" and Humko's "Humko" and all other brands of standard shortening manufactured or distributed by the processors of these brands shall be the following prices:

	North	South	Pacific Coast
Drums, tierces, or fibre containers of more than 45 pounds (per pound).....	Cents 19.00	Cents 18.75	Cents 19.25
Cartons:	Dollars	Dollars	Dollars
(1) 12/4 lbs. (per case).....	9.30	9.20	9.40
(2) 48/1 lbs. (per case).....	9.45	9.35	9.55

(b) *Hydrogenated shortening.* (1) The maximum delivered prices of Procter and Gamble's "Primex"; Lever Brothers' "Cove"; Southern's "Heavy Duty MFB"; Swift's "Vream"; Armour's "Kremite"; and Wilson's "Bakerite" shall be the following prices:

	North	South	Pacific Coast
Drums, tierces or fibre containers of more than 45 pounds (per pound).....	Cents 20.25	Cents 20.25	Cents 20.25

(2) The maximum delivered prices of Procter and Gamble's "Sweetex"; Lever Brothers' "Cove Super Mix"; Southern's "Quik Blend"; Swift's "Vreamay"; Armour's "Kremor"; and Wilson's "Bakerite 140" shall be the following prices:

	North	South	Pacific Coast
Drums, tierces, or fibre containers of more than 45 pounds (per pound).....	Cents 21.25	Cents 21.25	Cents 21.25

(3) The maximum delivered prices of Lever Brothers' "Spry" and Procter and Gamble's "Crisco" shall be the following prices:

	North	South	Pacific Coast
Three and six pound airtight containers (per case).....	\$8.65	\$8.65	\$8.65

(c) *Salad oil.* The maximum delivered prices of Southern's "77" and "Angela Mia"; Gulf and Valley's "Blue Plate"; Procter and Gamble's "Puritan" and "Fluffo"; Swift's "Jewel"; Armour's "Star"; Wilson's "Certified"; South Texas' "Crustene"; Interstate's "Mrs. Tucker" and Humko's "Humko" shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound).....	Cents 19.00	Cents 19.00	Cents 19.50
(2) 1 1/2-gal. can (per can).....	Dollars 7.62	Dollars 7.52	Dollars 7.72
(3) 6 1/2-gal. can (per case).....	9.36	9.26	9.66

The maximum delivered prices of Southern's "Wesson Oil" shall be the following prices:

	North	South	Pacific Coast
(4) 12 1/2-qt. cans (per case).....	\$5.98	\$5.93	\$5.97
(5) 24 1-pt. cans (per case).....	6.18	6.18	6.23

(d) *Cooking oil.* The maximum delivered prices of Procter and Gamble's "Marigold"; Southern's "88"; Gulf and Valley's "Clarola"; Swift's "Golden West"; Armour's "Supreme"; Wilson's "Laurel"; South Texas' "Magnolia" and Interstate's "White Beauty" shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound).....	Cents 18.50	Cents 18.50	Cents 19.00
(2) 1 1/2-gal. can (per can).....	Dollars 7.42	Dollars 7.32	Dollars 7.52
(3) 6 1/2-gal. cans (per case).....	9.11	9.01	9.41

10. Section 10.3 is amended to read as follows:

SEC. 10.3 *Maximum prices of brands for which maximum prices are not established in section 10.1.* (a) The maximum price of a brand of shortening, the maximum price of which is not estab-

lished in section 10.1, shall be determined according to the provisions of the General Maximum Price Regulation except that the period from January 16, 1942, to January 31, 1942, inclusive, shall be substituted for the period of the month of March 1942 in determining the highest price which may be charged in accordance with §§ 1499.2 and 1499.3 thereof. A processor may add 2.5 cents per pound of shortening to his maximum price as otherwise established in this section 10.3 (a) or 10.4 and the resulting sum shall be his adjusted maximum price.

(b) The maximum price of a brand of salad or cooking oil, which is not specifically named in section 10.1, shall be determined according to the provisions of the General Maximum Price Regulation, except that the period from January 16, 1942, to January 31, 1942, inclusive, shall be substituted for the period of the month of March 1942 in determining the highest price which may be charged in accordance with §§ 1499.2 and 1499.3 thereof. A processor may add 19.25 cents per gallon of cooking or salad oil to his maximum price as otherwise established in this section 10.3 (b) or 10.4 and the resulting sum shall be his adjusted maximum price.

11. Section 19.4A (a) is amended to read as follows:

SEC. 19.4A (a) *Permitted additions—* (a) *Processors.* A processor may add 2.1 cents per pound of margarine to his maximum price as otherwise established by this section 19.

This amendment shall become effective October 1, 1946.

Issued this 1st day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

Approved: September 27, 1946.

CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 73 TO MAXIMUM PRICE REGULATION NO. 53

The Secretary of Agriculture under section 1A (e) (2) (A) of the Emergency Price Control Act has issued a Directive requiring an increase of 1 3/4 cents per pound in crude cottonseed, soybean, peanut, and corn oils. He has further recommended that these increases in crude oils be reflected in refined cottonseed, soybean, peanut, and corn oil prices and that the prices of margarine, shortening, mayonnaise, salad dressing, cooking and salad oils, be increased by an amount which will reflect the increased costs in refined oils.

Section 1A (e) (2) (A) of the Emergency Price Control Act of 1942, as amended, provides that whenever the Secretary of Agriculture determines that maximum prices applicable to any agricultural commodity which is in short supply are impeding the necessary production of such commodity, he can require the Price Administrator to make such adjustment as he determines to be necessary to attain the necessary production of such commodity. The act further provides in section 1A (e) (2)

(C) that within ten days after the receipt of such recommendation the Price Administrator shall adjust such maximum prices in accordance with such recommendations.

The Secretary of Agriculture's Directive requires the following increases in refined oil prices at the refinery level: Refined cottonseed oil, 1.93 cents per pound; refined peanut oil, 1.86 cents per pound; refined soybean and corn oils, 1.89 cents per pound. The Secretary of Agriculture's Directive further requires increases in the ceiling prices at the manufacturers' level of the following products in the following amounts: Oleomargarine, 1.6 cents per pound; cooking and salad oils, 14.75 cents per gallon; mayonnaise, 12 cents per gallon; salad dressing, 6 cents per gallon; and shortening, 1.9 cents per pound. Increases in varying amounts are also provided for other types of dressings using edible vegetable oils.

[F. R. Doc. 46-17944; Filed, Oct. 2, 1946; 11:38 a. m.]

PART 1400—TEXTILES FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND MIXTURES

[MPR 478, Amdt. 18]

COATED AND COMBINED FABRICS

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 478 is amended in the following respects:

1. Section 7 (c) (3) of Maximum Price Regulation 478 is amended to read as follows:

(3) *Alternative base price for certain fabrics.* For sales made after August 9, 1946, of rubber, pyroxylin or oil coated or combined fabrics whose base period is March 1942 and which were also delivered or offered for delivery during October 1941, the manufacturer may use either the base price determined in accordance with subparagraphs (1) and (2) of this paragraph (c) or the base price determined in accordance with subparagraphs (1), (i), (ii) and (iii) and (2) above, excepting that the phrase "October 1941" shall be substituted for the phrase "base period" and increased by the following percentages:

Rubber coated and combined fabrics.....	34.6
Pyroxylin coated and combined fabrics.....	36.7
Oil coated fabrics.....	40.5

This alternative base price shall not be applicable to coated window shade cloth.

2. Section 8 of Maximum Price Regulation 478 is amended by the addition of a new paragraph designated (g) to read as follows:

(g) *Manufacturers adjusted maximum prices for fabrics priced under this section 8.* Where a manufacturer has received approval of a maximum price for a coated fabric priced under this section 8 prior to October 2, 1946, he may determine his adjusted maximum price for sales of such fabric made after August



9, 1946, by either of the following two ways:

(1) He may increase his maximum price previously approved under this section 8 by 7.67 percent. (If the manufacturer computes his maximum price under this subparagraph (1) he shall file a report with the Office of Price Administration, Washington, D. C. containing (i) a complete description of the coated fabric being priced, (ii) the previously approved maximum price and date of approval, and (iii) the adjusted maximum price) or,

(2) He may file a revised report in accordance with section 8 (f) in which the comparable article used as a basis for pricing has been increase in accordance with section 7 (c) (3).

3. Section 10 of Maximum Price Regulation 478 is amended by the addition of a new paragraph designated (c) to read as follows:

(c) *Adjusted maximum prices.* If the seller is a manufacturer and has received authorization of a maximum price for a coated fabric under this section 10 prior to October 2, 1946, he may determine his adjusted maximum price for sales of such fabric made after August 9, 1946 by either of the following two ways:

(1) He may increase his maximum price previously authorized under this section 10 by 7.67 percent. (If the manufacturer recomputes his maximum price under this subparagraph (1) he shall file a report with the OPA, Washington, D. C., containing (i) a complete description of the coated fabric being priced, (ii) the previously authorized maximum price and date of authorization and (iii) the adjusted maximum price), or

(2) He may file a revised application for authorization of a maximum price in accordance with this section 10.

This amendment shall become effective October 2, 1946.

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

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 18 TO MAXIMUM PRICE REGULATION 478

As a result of recent increases in textile prices, it has been found that a 7.67 percent increase in the manufacturer's current prices of rubber pyroxylin and oil coated fabrics is necessary to maintain for the coated and combined fabrics industry during the next twelve months the return on current net worth which it enjoyed during the years 1936-1939, the applicable base period. Translated into terms of the October 1941 price base established by Amendment 9 to Maximum Price Regulation 478, a 7.67 percent increase in current prices amounts to increases over October 1941 prices of 40.5, 36.7 and 34.6 percent for oil, pyroxylin and rubber coated fabrics respectively.

Amendment 14 to MPR 478, effective May 24, 1946, authorized increases of 30.5, 27 and 25 percent in the prices of

oil, pyroxylin, and rubber coated fabrics respectively, over October 1941 prices. These increases were granted under the industry earnings standard and the wage price policy on the basis of increases in textile and labor costs occurring since January 1, 1946, and had as their objective the restoration of 1936-1939 returns to the industry. The method by which their increases were determined and the reasons for providing coated and combined fabric manufacturers with this relief were set forth in the statement of considerations accompanying Amendment 14 to Maximum Price Regulation 478. Since Amendment 14 was issued, manufacturers of coated and combined fabrics have experienced a further large increase in the cost of greige goods used in the manufacture of coated and combined fabrics. These textile price increases were granted under Amendment 30 to Supplementary Order 131. Since the cost of greige goods to manufacturers represents approximately 40 percent of their net sales value of coated and combined fabrics, it was necessary to re-examine the manufacturers' earnings position in the light of this cost increase.

To determine the effect of these textile cost increases on the Industry, the financial and cost data employed in the study made for the preceding action (Amendment 14 to MPR 478 issued May 24, 1946) were used as a starting point. This Office felt that due to the presently fluctuating cotton market and its consequent effect on textile costs, it would be inexpedient and dilatory to undertake another cost study at this time, particularly since it was found that the adjustment factors considered in the previous action are unchanged and applicable hereto. However, the results of this action will be reviewed in the light of further data to be obtained from the Industry's operating experiences for 1946. We believe therefore that the last quarter of 1945 is representative of the current situation with the exception of the following further adjustments. In addition to the adjustments made under Amendment 14, net sales were corrected to reflect 13.56 percent increase authorized by Amendment 14, and an adjustment in the greige goods costs was made by 19.96 percent which reflects current weighted average increases for seven classes of greige goods used most commonly by the Industry.

After making these adjustments and determinations, the Price Administrator has found on the basis of presently available information that an increase of about 7.67 percent in the current maximum prices for the manufacturers of coated and combined fabrics is required in order to enable this industry to earn, during the next twelve months, the return on current net worth which it enjoyed during 1936-39. Accordingly, this amendment to Maximum Price Regulation 478, which provides for increase factors for rubber, pyroxylin, and oil coated and combined fabrics of 34.6, 36.7 and 40.5 percent respectively over the manufacturer's October 1941 prices, is being issued to afford such relief.

In the opinion of the Administrator, the present action is consistent with, ef-

fectuates the purposes and meets the requirements of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17952; Filed, Oct. 2, 1946; 11:41 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES  
[MPR 478, Amdt. 19]

COATED AND COMBINED FABRICS

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 478 is amended in the following respects:

1. Section 7 (c) (4) is amended to read as follows:

(4) *Maximum manufacturers' prices for window shade cloth.* Notwithstanding the provisions of (1), (2), or (3) above, the manufacturer's base prices for sales of oil and pyroxylin coated and starch filled window shade cloth shall be 135 percent of the highest list prices, less discounts, allowances, and other deductions, that were in effect to each class of purchaser during April 1942.

2. Section 9 (h) is amended to read as follows:

(h) *Maximum wholesale prices for window shade cloth.* Notwithstanding any other provisions of this section, the maximum price for sales at wholesale of oil and pyroxylin coated and starch filled window shade cloth shall be the manufacturer's current list price, less all discounts, allowances, and other deductions that the wholesaler had in effect to each class of purchaser during April 1942. Where a wholesaler purchases from a manufacturer who does not have a current list price in effect to a particular class of purchaser, the wholesaler shall increase by 35 percent his highest price during April 1942, less all discounts, allowances, and other deductions that the wholesaler had in effect to such class of purchaser during April 1942. If such wholesaler did not have a price in effect during April 1942 to such class of purchaser, he shall establish his maximum price for such sale of window shade cloth by application under the provisions of section 10 of this regulation.

This amendment shall become effective October 2, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 19 TO MAXIMUM PRICE REGULATION 478

The accompanying amendment permits manufacturers of coated and starch-filled window shade cloth to increase their April 1942 sales price by 35 percent.

In May 1946 by Amendment 15 to Maximum Price Regulation 478, manufacturers of window shade cloth were

granted an increase of 15 percent over their April 1942 prices. The increase was based on an industry-wide adjustment action for the coated fabrics manufacturing industry. Since that increase was granted, a study has been made of window shade cloth in relation to coated fabrics and it has been determined by this Office that window shade cloth is more properly a commodity of the product line produced by the window shade industry rather than an item of the coated fabrics industry. It was found that the principal producers of the finished window shades and shade rollers are also manufacturers of window shade cloth, and that most of the window shade cloth on the market is produced by these firms. The study showed that window shade cloth produced by coated fabric manufacturers form only a negligible part of the total production.

This office undertook a cost survey of the window shade industry, using financial statements covering the first six months of 1946, and based its findings on cost data for the over-all operations of the Window Shade Industry inclusive of Window Shade Cloth. It was found that the cost experiences for the three production units of the industry (rollers, shades, and cloth) could not be segregated and that any change in the price of one item was reflected in a corresponding change in the price of the other two. All three items are generally supplied by the same producers and sold to the same market and purchasers. Because of the historically closely integrated price, production, and market relationships of these three items, this action on window shade cloth is taken in conjunction with the action on finished shades and shade rollers. (Amendment 2 to Order 5000 under Maximum Price Regulation 188.)

The increase of 35 percent over April 1942 prices granted to manufacturers of window shade cloth by this action was found to be the amount necessary to enable the window shade industry to earn during the next twelve months the return on current net worth which it enjoyed during the 1936-39 base period. The survey conducted by this Office was based on financial and cost data covering the first six months of 1946 and was adjusted for allowable increases in cost experienced prior to this action as well as increases in sales revenue resulting from the 15 percent price adjustment granted by Amendment 15 to Maximum Price Regulation 478 and Order 5000 to Maximum Price Regulation 188. This action, a companion action to the one taken under Maximum Price Regulation 188, grants to shade cloth manufacturers the same percentage increase granted to manufacturers of the finished window shades and shade rollers. Accordingly, the reasons given in the opinion accompanying Amendment 2 to Order 5000 to Maximum Price Regulation 188 for allowing an increase of 35 percent over base period prices to the window shade industry are, therefore, applicable to window shade cloth covered by this Amendment, and are incorporated herein by reference.

No adjustment in the wholesalers' margins are necessary since under the regulation, wholesalers of window shade

cloth are permitted a percentage pass-through of the manufacturers' increases.

In the opinion of the Administrator, the present action is consistent with, effectuates the purposes, and meets the requirements of, the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17951; Filed, Oct. 2, 1946; 11:41 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 609, Amdt. 1]

SOYBEANS OF 1946 CROP

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 609 is amended in the following respects:

(1) Section 10 (c) is amended to read as follows:

(c) *Sales by a country shipper.* The maximum price for the sale of soybeans, bulk, by a country shipper, shall be the applicable price set forth in Appendix A, plus 5½ cents per bushel, plus actual lawful transportation charges necessarily incurred by the seller in delivering to his purchaser from his storage facilities.

(2) The second and third paragraphs of section 10 (d) are amended to read as follows:

If the seller owns or maintains storage facilities, except country storage facilities, and he unloads the lot into them, a maximum markup of 2½ cents per bushel: or

In all other cases, a maximum markup of 2 cents per bushel.

(3) Paragraph (a) of Appendix A is amended to read as follows:

(a) Base prices for soybeans of grade 2. The base prices per bushel for soybeans of grade 2 as set forth in the Handbook of Official Grain Standards of the United States, issued by the United States Department of Agriculture are as follows:

	<i>Per bushel</i>
U. S. No. 2, classes I (yellow) and II (green) -----	\$2.25
U. S. No. 2, classes III (brown), IV (black), and V (mixed) -----	2.05

For the purpose of determining the applicable base price, all mixtures of green soybeans in class I and yellow soybeans in class II shall be disregarded, and the base price of \$2.25 shall be applicable to all such soybeans unless they contain more than five per cent of brown, black, and/or bicolored soybeans, either singly or in any combination.

This amendment shall become effective October 1, 1946.

Issued this 1st day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

Approved: September 27, 1946.

CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION 609

The accompanying amendment increases base prices for soybeans 15 cents per bushel and also provides for increases in the markups for distributors.

The increase in base prices is being made pursuant to a directive issued by the Secretary of Agriculture under section 1A (e) (2) (A) of the Emergency Price Control Act of 1942, as amended, which provides that, whenever the Secretary of Agriculture determines that maximum prices applicable to any agricultural commodity which is in short supply are impeding the necessary production of such commodity, he may recommend to the Price Administrator such adjustment as he determines to be necessary to attain the necessary production of such commodity. The act further provides that within 10 days after receipt of any such recommendation the Price Administrator shall adjust maximum prices in accordance with such recommendation.

Maximum markups for sales by country shippers and for all other sales have been increased in accordance with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended, which requires the Price Administrator, in establishing and maintaining maximum prices applicable to distributors, to allow average current costs of acquisition of any commodity plus such average percentage discount or markup as was in effect on March 31, 1946.

The markup for sales other than by a country shipper or seller owning or maintaining storage facilities is further increased for another reason. The regulation now provides for maximum prices over \$2.00 per bushel on all soybeans at the producer level. The rules of the Chicago Board of Trade provide that the commission merchant may take a markup of 1% or a minimum of 1 cent per bushel on sales of soybeans or grains. Since other grains, such as wheat and corn, have been selling over \$2.00 per bushel since July 1, commission merchants have been receiving a fee of 2 cents per bushel on sales of such grains. Therefore, in order to bring the commission merchant charge for soybeans in line with those for other grains, the maximum markup for commission merchants under section 10 (d) has been increased to 2 cents per bushel.

In the judgment of the Administrator the prices established by this regulation are generally fair and equitable and conform to the requirements of the Emergency Price Control Act of 1942 and the Stabilization Act of 1942, both as amended, and to applicable Executive Orders.

[F. R. Doc. 46-17956; Filed, Oct. 2, 1946; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[MPR 586, Amdt. 9 to Supp. Storage Reg. 1 (§ 1499.690)]

STORAGE OF SOYBEANS IN COUNTRY ELEVATORS

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

and filed with the Division of the Federal Register.

A new section 19 is added to read as follows:

**SEC. 19. Storage and handling of soybeans in country elevators—(a) Handling in and out of country elevators.** (1) Ordinary handling. Services ordinarily involved in receiving soybeans from producers in truckloads or wagonloads, handling through elevator, and loading out, are covered by the country shipper's markup of 5½ cents per bushel set out in MPR 609, and no additional charges for handling may be made by a country elevator who is also a "country shipper" under MPR 609, except as provided in (2) and (3) below.

(2) Extra charge for handling to and from steel storage bins owned or leased by the country operator shall not exceed ¾ cents per bushel in and ¾ cents per bushel out, unless the individual elevator has established a higher charge for this service under Sections 6, 7 or 8 of MPR 586 or the previously applicable provisions of the General Maximum Price Regulation or Maximum Price Regulation 165.

(3) Extra charge for handling to and from steel storage bins owned or leased by the soybean processor and situated away from the property of the country elevator, and in connection with which the country elevator receives no storage revenue, shall not exceed 3 cents per bushel total charge both in-handling and out-handling, unless the individual elevator has established a higher charge for this service under section 6, 7 or 8 of MPR 586 or the previously applicable provisions of the General Maximum Price Regulation or Maximum Price Regulation 165.

(b) *Maximum storage charges—(1) Season basis.* For season storage of at least ninety days, but not exceeding two hundred and forty days, the maximum storage rate shall be 7½ cents per bushel, and ⅓ cent per bushel per day thereafter.

(2) *Daily rate.* For short-time storage (less than ninety days) and for storage on beans which have to be removed because out of condition, the maximum rate shall be ⅓ cent per bushel per day or the per-day rate lawfully established under Maximum Price Regulation 586, whichever is higher.

(c) *Definitions.* "Country elevator" and "country elevator storage" refer to storage in elevators or other facilities primarily used for the receiving of soybeans and grains directly from producers in trucks or wagonload quantities, the maintenance of soybeans or grain in storage, and the shipment thereof to processors or terminal elevators.

This amendment shall become effective October 1, 1946.

Issued this 1st day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

Approved September 27, 1946.

CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

**STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 9 TO SUPPLEMENTARY STORAGE REGULATION 1 UNDER MAXIMUM PRICE REGULATION 586**

This Amendment establishes a uniform basis of maximum charges for the storage and handling of soybeans in country elevators. The major action is the establishment of a "season rate" of 7½ cents per bushel with the requirement that beans must remain in storage at least ninety days if such season rate is to apply. A daily rate is established at 1/30 cent per bushel per day, applicable to storage for periods less than ninety days, for "season storage" after 240 days, and for storage on beans which must be removed from storage because out of condition. These charges are slightly higher than the level of charges previously applicable under the "freeze" of individual March 1942 rates, and the new season rate exceeds that previously allowed by the order of the Regional Administrator (Region 6) applicable in the State of Iowa. The permitted increases are necessary to account for certain operating cost increases and partially to compensate for increased liability incurred by elevator operators on account of increases in the ceiling price of the beans which they handle. At the same time the terms and conditions of storage have been spelled out so as to provide a much needed clarification for both buyers and sellers in the industry, and to enable more effective control over the rates charged for these services.

The principal modification of the nature last mentioned prohibits charging of season rates unless the beans have been in storage for ninety days. "Season rate" contracts are common industry practice in connection with the storage of soybeans although seldom used with respect to other grains. The usual contracts in the 1941-42 base period season were at 6 cents per bushel for six months' storage with two months free storage thereafter. At that time the season storage contract amounted to the country elevator's reserving and dedicating certain space for the storage of soybeans, to be withdrawn at the contracting processor's convenience. Technically, the season rates under such contracts might be considered applicable to storage for short periods but in actual practice the beans customarily were kept in store for considerable periods of time. It has been pointed out that due to strong competitive forces there is possibility that evasion of MPR 586 and MPR 609 may well be attempted through the device of "feeding" beans through the country elevator and charging and paying full season storage rates while actually the beans are stored for very short periods quite inconsistent with the actual base period custom. It is clear that prescription of some minimum storage period for the application of season rates is necessary. The ninety-day period now prescribed is found to be a reasonable approximation of the normal "minimum" season storage under usual industry practices.

This Amendment also establishes definite maximum charges for certain special

services connected with the use of steel bins, which were a recent innovation in the industry. These services generally were not performed or offered in 1942 and very few, if any, elevators have properly established maximum charges for these new services under Section 6 of MPR 586 or previously applicable provisions. The charges now prescribed are based on the rates generally in use last season. For most country elevators the instant action serves to lawfully establish and determine maximum charges for these services. Such elevators as may have previously established higher charges under the applicable regulations may retain them.

The changes introduced by this Amendment result from both formal and informal requests by, and after consultations with, representatives of all parts of the industry. To the extent that the provisions of this Amendment compel or may operate to compel changes in business practices or methods, or means or aids to distribution established in the industries affected, such provisions are necessary to prevent circumvention or evasion of the regulation or of the Emergency Price Control Act of 1942, as amended.

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

[F. R. Doc. 46-17955; Filed, Oct. 2, 1946; 11:42 a. m.]

**PART 1499—COMMODITIES AND SERVICES**

[2d Rev. SR 14, Amdt. 44]

**MAYONNAISE AND SALAD DRESSING**

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

Second Revised Supplementary Regulation No. 14 is amended in the following respects:

1. Section 1.11 (a) and (b) are amended to read as follows:

**SEC. 1.11 Mayonnaise and salad dressing—(a) Mayonnaise.** The maximum price for a processor's sale of mayonnaise shall be determined by adding 16 cents per gallon to his maximum price as otherwise determined under the General Maximum Price Regulation.

(b) The maximum price for a processor's sale of salad dressing shall be determined by adding 8 cents per gallon to his maximum price as otherwise determined under the General Maximum Price Regulation.

2. There is added section 1.11 (b) (1) to read as follows:

(1) The maximum price for a processor's sale of french dressing or a tartar sauce or spread using a mayonnaise or salad dressing base shall be determined by adding an amount per gallon fixed by multiplying the percentage of



the edible vegetable oil content by volume of each gallon of the preparation by 19.25 cents, to his maximum price as otherwise determined under the General Maximum Price Regulation.

This amendment shall become effective October 1, 1946.

Issued this 1st day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

Approved: September 27, 1946.

CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 44 TO SECOND REVISED SUPPLEMENTARY REGULATION NO. 14

The accompanying amendment increases processors' prices for mayonnaise and salad dressing by 12 and 6 cents per gallon respectively. It also increases other types of dressings using edible vegetable oils depending on the quantity of oil used in the preparation. This action is explained in the statement of considerations to Amendment 73 to Maximum Price Regulation No. 53 which is being issued simultaneously with this amendment.

[F. R. Doc. 46-17938; Filed, Oct. 2, 1946; 11:36 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[SR 14C, Amdt. 22]

COCOA PRODUCTS

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

Supplementary Regulation 14C is amended in the following respects:

Section 1.8 is added to read as follows:

SEC. 1.8 *Maximum prices for cocoa products—Sales by processors.* On and after October 2, 1946 a processor's maximum price to each class of purchaser for any item of cocoa products shall be:

(1) His maximum price for each such item to each class of purchaser as determined under § 1499.2 or § 1499.3 of the General Maximum Price Regulation, (2) Multiplied by 127%.

(b) *Sales at wholesale and retail which are not subject to Maximum Price Regulations 421, 422 or 423.* On and after October 2, 1946, the maximum prices for sales at wholesale or retail of any item of cocoa products, except sales subject to Maximum Price Regulations 421, 422 or 423, shall be determined pursuant to the provisions of the General Maximum Price Regulation or Supplementary Order 176.

(c) *Notification of new maximum prices.* With the first delivery of any item of cocoa products at a new maximum price determined pursuant to this section, the seller shall supply each wholesaler and retailer who purchases from him with a written notice reading as follows:

Our OPA ceiling price for (describe item by kind, variety, grade, brand, style of pack, and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation 421, 422, or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier with this notification. You must refigure your ceiling price following the rules in Section 6 of either Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

If you are a distributor whose maximum price for this item is not subject to Maximum Price Regulation 421, 422 or 423, you shall price this item pursuant to Supplementary Order 176, or § 1499.2 or § 1499.3 of the General Maximum Price Regulation.

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

(d) *Definition of "cocoa products".* The term "cocoa products" as used in this section 1.8, shall mean any item of roasted cocoa nibs, chocolate liquor, chocolate coatings, cocoa powder, cocoa pressed cake, cocoa expeller cake, chocolate bits, chocolate syrup, solid chocolate (molded items, filled and unfilled), solid milk chocolate (molded items, filled and unfilled).

This amendment shall become effective October 2, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

Approved:

N. E. DODD,  
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 10 TO REVISED PRICE SCHEDULE 51 AND AMENDMENT NO. 22 TO SUPPLEMENTARY REGULATION NO. 14C

The accompanying amendments No. 10 to Revised Price Schedule 51 and No. 22 to Supplementary Regulation 14C increase the maximum prices for cocoa beans (import and resale price), domestic and imported cocoa butter, and certain listed cocoa products. The amendment to RPS 51 also establishes a percentage markup for pricing sales by importers of cocoa beans in lots of over 25 bags, and, in addition, makes various minor changes in the schedule.

As a result of the world shortage of cocoa beans, selling prices in the producing countries have advanced far above the maximum import prices established in RPS 51. The Secretary of Agriculture has informed the Price Administrator that the domestic inventory of cocoa beans will be exhausted in a few months

and that present ceilings prevent United States buyers from competing with other consuming countries in the purchase of cocoa beans. In addition the progressive decline of production, in the face of increased demands of consuming countries, has caused foreign prices to rise from five to ten cents higher than existing ceilings. This price situation has prevented the purchase and importation of adequate supplies by United States importers. Prior to July 1, 1946, purchases for importation of cocoa beans had practically ceased by reason of the increases in foreign prices. Further advances above the ceiling prices during the period of no price control has resulted in a complete cessation of purchases and a substantial curtailment of the domestic trade in cocoa beans as well as commodities processed directly therefrom.

To correct this situation and to permit the importation of adequate supplies the amendment to RPS 51 increases the maximum prices of African and Brazilian cocoa beans from 8.90 and 8.70, respectively, to 14½ cents, with equivalent percentage increases in other growths. It is believed that these price increases will assure a continued flow of cocoa beans to this country and will thereby comply with the provisions of section 2 (x) of the Emergency Price Control Act of 1942, as amended.

In establishing the increases for the various growths the Price Administrator has continued the use of Superior Bahia beans as the basic growth. The percentage increase (from \$0.0870, the present maximum price for Superior Bahia, to 14½ cents per pound) amounts to 66.6%. Application of this percentage increase to all except African growths results in increases ranging between \$0.0547 and \$0.1350 per pound. Maximum prices for African Accra beans have been set at the same level as Bahia beans rather than at the prices which would result from use of the percentage increase since they have historically sold at approximately the same level.

The provision relating to trading on the New York Cocoa Exchange has been revised so as to eliminate obsolete portions. The maximum price for cocoa beans in contracts traded on the New York Cocoa Exchange has also been increased to correspond to the increase in maximum prices of the same beans for delivery ex dock New York City.

Prior to the present world shortage of cocoa beans and the resulting upward pressure on prices, it was possible for importers to obtain supplies at prices sufficiently below their maximum selling prices to insure an adequate margin of profit to them in line with their historical margins. However, under the conditions presently prevailing in the world cocoa bean market, it is anticipated that importers in this country will be unable to obtain imports at prices below these established by the accompanying price action, despite the fact that these prices are higher than previously existed.

As a result, without further action on the part of the Office of Price Administration, importers selling in lots of more than 25 bags would receive no margin over their cost of acquisition. Accord-

<sup>1</sup> 10 F. R. 1165, 1764, 2618, 5458, 6308, 8020, 9010, 7882, 10124, 10231, 11364, 11906, 13369, 13370, 14295, 14318; 11 F. R. 14619, 8449, 8869.

ingly, the Price Administrator has established, by the accompanying amendment to RPS 51, a gross margin of 2% which importers may charge over the maximum prices listed for cocoa beans for sales of more than 25 bags. This is a fair and equitable margin in line with importers' historical margins.

The amendment to RPS 51 also permits the addition of any increases in weighing charges over those prevailing prior to the opening of business on December 8, 1941, if the seller actually incurs such charges. Increases which have occurred in weighing charges make this action necessary, for if importers were required to absorb the cost of such increases, it would have the effect of reducing by that amount the 2% margin established by the accompanying amendment.

A further change in RPS 51 is the amendment of the tables of costs of ingredients used in determining maximum prices under Appendix C of the schedule in order to bring maximum prices for these products in line with maximum prices for their domestically manufactured counterparts.

The maximum prices for cocoa and chocolate products manufactured from cocoa beans are subject to the General Maximum Price Regulation and have remained constant since March, 1942. However, as a result of the above increases in the maximum prices of cocoa beans as well as increased costs of other ingredients, especially sugar and milk, packaging materials and labor, the Administrator has found, after a study of earnings of the cocoa and chocolate products industry, that the maximum prices of cocoa products will no longer be generally fair and equitable.

The Administrator has examined profit and loss statements and other cost information submitted by a representative group of manufacturers who account for over 75 percent of the industry's production. An analysis of these data indicates that the year 1937 was abnormal with respect to earnings. By the elimination of this year the average earnings more closely approximate those of a long pre-war period than do the average earnings for the usual base period of 1936-1939. The Administrator has, therefore, excluded the year 1937 from consideration.

A projection of the 1945 profit and loss statements, reflecting cost increases incurred since 1945, indicates that the cocoa and chocolate products industry as a whole would not receive a rate of return on net worth equal to the average rate during the base period. Actually, as a result of the increased costs, the industry as a whole would be operating at a loss. The accompanying amendments, therefore, increase the maximum prices of cocoa butter and other cocoa products, in order that these prices may be generally fair and equitable.

The Administrator has examined the various methods of granting price adjustments on cocoa products. It appears that the variation of products makes flat prices or increases on specific items inappropriate. A percentage increase factor applicable to all products provides the simplest method of restoring

base period earnings. However, such a method would result in an abnormal distribution of earnings. Companies which sell large amounts of cocoa butter would receive relatively less benefit than other companies. The margin over bean cost in the cocoa butter price is relatively low. Hence, such a percentage increase when applied to butter is insufficient to cover the increased cost of beans. Furthermore, the ratio of the price of cocoa butter and bean prices would be considerably below the historical relationship. Normally the price of cocoa butter ranges from 2.4 to 3.8 times the price of Bahia and Accra cocoa beans. To make one percentage increase applicable to both cocoa butter and other products would result in a distortion of the historical ratio.

In view of these considerations, the Administrator has determined that an increase of 13 cents per pound in the maximum price of cocoa butter and a 27 percent increase in the maximum prices of other cocoa products will remove these distortions. The percentage increase on the other cocoa products was determined after the net effect of the increase in the maximum price of butter was deducted from the total sales increase required under the earnings standard. The remaining increase was then related to the net sales of the other cocoa products. As a result of these adjustments, the new maximum prices should return to the industry as a whole earnings on net worth at least equivalent to the rate during the base period.

In the opinion of the Price Administrator, the action taken by the accompanying amendments is generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599, 9651 and 9697.

[F. R. Doc. 46-17939; Filed, Oct. 2, 1946; 11:36 a. m.]

#### Chapter XXIV—Department of State (Disposal of Surplus Property)

##### PART 8501—DISPOSITION OF SURPLUS PROPERTY LOCATED IN THE PACIFIC INSULAR POSSESSIONS

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U. S. C. App. Sup. 1611, as amended by Public Law 584, 79th Congress, 2d Session), §§ 8401.1 to 8401.11 of Chapter XXIV of Title 32 of the Code of Federal Regulations, entitled "Regulations for Disposition of Surplus Property Located in the Pacific Insular Possessions" (11 F. R. 7684), are hereby revoked and the following regulation is issued in lieu thereof.

§ 8501.1 *Definition.* "Pacific insular possessions" as used herein means island possessions of the United States located in the Pacific area but does not include the Territory of Hawaii, the Aleutian Islands, or other insular possessions constituting part of or contiguous to the Territory of Alaska, the Philippines or leased military bases.

§ 8501.2 *Applicability to insular possessions of the United States located in the Pacific.* Disposals of surplus property located in the Pacific insular possessions of the United States shall be subject to all regulations now or hereafter in effect for disposal in foreign areas, except that importations into the United States of surplus property which has been sold in these possessions shall not be limited by § 8308.15 of SPA Regulation 8 as amended (11 F. R. 350, 3103).

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

(58 Stat. 765, 50 U. S. C. App. Sup. 1611, as amended by Pub. Law 584, 79th Cong.)

Issued September 24, 1946.

W. L. CLAYTON,  
*Acting Secretary of State.*

[F. R. Doc. 46-17822; Filed, Oct. 2, 1946; 8:46 a. m.]

#### TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

##### Chapter I—Veterans' Administration

[Instruction 1, Pub. Law 622, 79th Cong.]

##### PART 2—ADJUDICATION; VETERANS CLAIMS (APPENDIX)

PAYMENT OF BENEFITS WITHHELD UNDER SECTION 5, PUBLIC LAW 144, 78TH CONGRESS, OR PUBLIC LAW 828, 76TH CONGRESS, AS AMENDED, OR PUBLIC LAW 783, 77TH CONGRESS

1. Public Law 622, 79th Congress, approved August 7, 1946, is as follows:

That notwithstanding the provisions of section 5 of Public Law Numbered 144, Seventy-eighth Congress (the Act of July 13, 1943), or Public Law Numbered 828, Seventy-sixth Congress (Act of October 9, 1940, as amended), or Public Law Numbered 783, Seventy-seventh Congress (Act of December 2, 1942), any person who, but for such provisions, was entitled to benefits under any law administered by the Veterans' Administration, and who was not guilty of any of the offenses stated in section 4 of said Public Law Numbered 144, shall be paid out of currently available appropriations of the Veterans' Administration the full amount of any benefits not paid because of the provisions of section 5 of Public Law 144, or withheld, including the amount of any checks covered on his account into the Treasury as miscellaneous receipts to gether with any amount to his credit in the special-deposit account pursuant to the provisions of said Public Law Numbered 828, as amended; or, in the event of the death of such person prior to receipt of the amount herein authorized, payment shall be made under the provisions, except the one-year limitation, of section 12 of said Public Law Numbered 144, if claim therefor, together with satisfactory evidence that neither the claimant nor the person deceased was guilty of any of the offenses stated in said section 4, shall have been filed with the Veterans' Administration within one year after the effective date of this Act: *Provided*, That the Administrator of Veterans' Affairs shall certify to the Secretary of the Treasury the amounts of payments which, except for the provisions of this act, would have been made from the special deposit account, and the Secretary of the Treasury, as directed by the Administrator of Veterans' Affairs shall reimburse from the special deposit account the appropriations of the Veterans' Administration, or

cover into the Treasury as miscellaneous receipts, the amounts so certified: *Provided further*, That no payments shall be made to German or Japanese citizens or subjects residing in Germany or Japan.

2. *Adjustments.* In view of the provisions of the foregoing act, it will be necessary to review each case heretofore adjusted under Instructions 1 (appearing in 8 F. R. 17330) and 1-A, (10 F. R. 6844) sections 4 and 5, Public Law 144, 78th Congress, as well as those cases, not within the purview of sections 4 and 5, Public Law 144, 78th Congress, that have been adjusted under Public Law 828, 76th Congress, as amended, or Public Law 783, 77th Congress. The cases affected will be ascertained from the records of the payees accounts service and appropriate action taken as follows:

(a) Where the effective award and certification shows entitlement for the entire period covered by the laws herein cited, that is, in the case of citizens of the United States or other payees affected by Public Law 828, as amended, but not by section 5, Public Law 144, 78th Congress, the payees accounts service will in each case determine from the accounting records the total deposited to the special deposit account "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and to Miscellaneous Receipts, the amount paid in making adjustment pursuant to Instruction 1 (8 F. R. 17330) as amended by Instruction 1-A, sections 4 and 5, Public Law 144, 78th Congress, (10 F. R. 6844) and will then authorize payment of the amount withheld in this adjustment. The payment of the balance due under Public Law 622, 79th Congress, will be made by charging the current appropriation, Army & Navy Pensions, Symbol 36X0102, Military and Naval Insurance, VA, Symbol 36X0103 or U. S. Government Life Insurance Fund, VA, Symbol 36F5845 as the case may be.

(b) The payees accounts service will notify the dependents and beneficiaries claims service and the veterans claims service of the cases not adjusted under (a) above; such as, non-citizen payees, or cases where proof of citizenship is pending, where the currently effective award does not reflect the amount due over the entire period covered by the laws herein cited. The dependents and beneficiaries claims service, in death cases, and the veterans claims service, in veterans cases, will by appropriate awards action show the amount of entitlement over the entire period of time covered by the cited acts: *Provided*, That no payment which otherwise might be paid under Public Law 622, 79th Congress, will be paid to a citizen or subject of Germany or Japan while residing in Germany or in Japan. The payees accounts service will then adjust these awards as indicated under (a).

3. *New awards.* Before awards of benefits, otherwise in order, may be made to any person under this instruction, a new claim will be required and a prima facie showing made that the applicant has not been guilty of any of the offenses enumerated in section 4, Public Law 144, 78th Congress. Membership in the Fascist or Nazi party or holding office under the Fascist or Nazi regime (at any time from and after December 7, 1941)

will be considered prima facie evidence of guilt under section 4, Public Law 144, 78th Congress. The certifications specified in paragraph 3 (f) Instruction No. 1-A, sections 4 and 5, Public Law 144, 78th Congress (10 F. R. 6844) will no longer be required. Accordingly, cases formerly cleared for payment by certification only will hereafter be cleared by awards action citing sec. 4, Public Law 144, as well as this Act as authority for the action. The awards for citizens of the United States as well as non-citizens will reflect the payments which are to be effective, including any increases or decreases required by changes in the law or status of the case over the entire period covered by the acts cited herein or the date of entitlement, whichever is the later. The payees accounts service will authorize payment accordingly from the current appropriation regardless of the fact that proceeds of checks withheld under Public Law 828, 76th Congress, have been deposited to the special deposit account and/or to Miscellaneous Receipts.

4. *Accrued awards.* (a) In the event of the death of any person primarily entitled, prior to the receipt of the amount authorized under Public Law 622, 79th Congress, payment thereof may be made under the provisions of section 12, Public Law 144, 78th Congress (except that the one year limitation contained therein relative to the period covered by the award shall not apply), *Provided*, Both claim therefor and satisfactory evidence that neither the claimant nor the deceased person was guilty of any of the offenses stated in section 4, Public Law 144, 78th Congress, are filed within one year after August 7, 1946. Evidence otherwise required to establish entitlement may be submitted within one year from the date of request, as provided by section 12, Public Law 144, 78th Congress.

(b) The provisions of this act do not operate to deprive a claimant of rights which may arise under other laws. Accordingly, although accrued benefits under this act may not be paid in a given case, payments may be made under the provisions and limitations of section 3, Public Law 828, 76th Congress, and sections 4 and 5, Public Law 144, 78th Congress.

5. *Certification for Secretary of the Treasury.* The payees accounts service will report to the Secretary of the Treasury in accordance with finance procedure the amounts of payments which, except for the provisions of this act, would have been made from the special deposit account so that the current appropriation may be reimbursed by transfer of funds on deposit in that account.

6. *Amendments.* Instruction No. IA, sections 4 and 5, Public Law 144, 78th Congress, June 2, 1945, appearing in F. R. Doc. 45-9880, filed June 7, 1945 (10 F. R. 6844), is amended accordingly.

(Public Law 622, 79th Congress)

[SEAL]

OMAR N. BRADLEY,  
General, U. S. Army,  
Administrator.

SEPTEMBER 19, 1946.

[F. R. Doc. 46-17750; Filed, Oct. 2, 1946; 8:49 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter II—Office of Defense Transportation

#### PART 500—CONSERVATION OF RAIL EQUIPMENT

##### SHIPMENTS OF GRAPES AND BERMUDA OR SPANISH TYPE ONIONS

CROSS-REFERENCE: For exceptions to the provisions contained in § 500.72, see Part 520 *infra*.

[Gen. Permit ODT 18A, Rev. 27]

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

##### SHIPMENTS OF GRAPES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, it is hereby ordered, that: -

§ 520.527 *Shipments of grapes.*<sup>1</sup> Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616), or the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of any variety of table or juice grapes, packed in baskets, when the origin point of such freight is in the States of Illinois, Michigan, Ohio, New York, or Pennsylvania, and when the quantity loaded in each car is not less than 27,500 pounds.

This General Permit ODT 18A, Revised-27, shall become effective October 3, 1946, and shall expire at 12:59 P. M. on October 31, 1946.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641)

Issued at Washington, D. C., this 27th day of September, 1946.

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

[F. R. Doc. 46-17747; Filed, Oct. 2, 1946; 8:50 a. m.]

[Gen. Permit ODT 18A, Rev.-28]

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

##### SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, EX-

<sup>1</sup> See also General Permit ODT 18A, Revised-21, 11 F. R. 9658, General Permit ODT 18A, Revised-18, 11 F. R. 9192, and Items 370 and 375 of Special Direction ODT 18A-2A, as amended, 9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358.



Executive Order 8989, as amended, and Executive Order 9729, it is hereby ordered, that:

§ 520.528 *Shipments of Bermuda or Spanish type onions.*<sup>1</sup> Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616), or the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Bermuda or Spanish type onions when the origin point is in the States of California, Colorado, Idaho, Nevada, Oregon, Utah, or Washington, and the quantity of such freight loaded in each car is not less than 30,000 pounds.

This General Permit ODT 18A, Revised-28, shall become effective October 3, 1946, and shall expire at 12:59 P. M. on January 31, 1947.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641)

Issued at Washington, D. C., this 27th day of September, 1946.

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

[F. R. Doc. 46-17748; Filed, Oct. 2, 1946; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service,  
Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 204—BRISTOL BAY AREA SALMON  
FISHERIES

SALMON GILL NETS

Section 204.11 *Size of mesh and depth of salmon gill nets*, is hereby amended by inserting the figures "1947" after the date "December 31" as it appears in this section.

PART 208—KODIAK AREA FISHERIES

Section 208.7a *Size of mesh, red-salmon gill nets*, is hereby amended by inserting the figures "1947" after the date "December 31" as it appears in this section.

WARNER W. GARDNER,  
Acting Secretary of the Interior.

SEPTEMBER 26, 1946.

[F. R. Doc. 46-17749; Filed, Oct. 2, 1946; 8:49 a. m.]

<sup>1</sup> See also Item 400 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358), General Permit ODT 18A, Revised-18, relating to perishables for the armed forces (11 F. R. 9192), and General Permit ODT 18A, Revised-23, relating to shipments originating in Salinas or Watsonville, California (11 F. R. 10126).

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

RHODE ISLAND, NEW MEXICO, OKLAHOMA

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U. S. C. 1000-1006), excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Rhode Island, New Mexico and Oklahoma named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

RHODE ISLAND

County	Limitation
Kent.....	\$11,000
Newport.....	12,000
Providence.....	12,000
Washington.....	10,500

NEW MEXICO

Luna.....	\$12,000
McKinley.....	12,000

OKLAHOMA

Stephens.....	\$10,000
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Issued this 27th day of September 1946.

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

[F. R. Doc. 46-17741; Filed, Oct. 2, 1946; 8:49 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-779]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 27, 1946.

Upon consideration of the application filed on September 9, 1946, by the Hope Natural Gas Company (Applicant) pursuant to section 7 of the Natural Gas Act, as amended, for permission to construct and operate certain facilities subject to the jurisdiction of the Federal Power Commission as follows:

Approximately 0.7 mile of 12" pipe from a point known as Nolan Junction to the high pressure compressors at Hastings Compressor Station No. 2 and approximately 0.3 mile of 12" pipe from Hastings Compressor Station No. 1 (medium pressure compressors) to Hastings Compressor Station No. 2 (high pressure compressors).

The Commission orders that:

(A) A public hearing be held commencing on October 8, 1946, at 10:00 A. M. (EST) in the Hearing Room of

the Federal Power Commission, Hurley Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding; provided, however, that if no protest or petition to intervene has been filed or allowed prior to the date herein fixed for hearing, or if a protest or a petition to intervene in the judgment of the Commission raises no issue of substance, the Commission may dispose of the application without contested hearing by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested State commissions may participate in the hearing as provided by the general rules of practice and procedure issued pursuant to the Natural Gas Act, as amended.

By the Commission.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 46-17709; Filed, Oct. 2, 1946; 8:54 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 7427]

MARIE ELISE BILHARZ

In re: Stock owned by Marie Elise Bilharz, also known as Marie Elise Bilhart. F-28-2738-A-1.

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

1. That Marie Elise Bilharz, also known as Marie Elise Bilhart, whose last known address is Friedenstrasse 15, Baden-Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty (40) shares of \$100.00 par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by Certificates Numbered H447087, H447088, H447089 and H447090, and registered in the name of Miss Marie Elise Bilhart, together with all declared and unpaid dividends thereon,

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

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

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

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

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

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

Executed at Washington, D. C., on August 15, 1946.

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

[F. R. Doc. 46-17777; Filed, Oct. 2, 1946;  
8:45 a. m.]

[Vesting Order CE 829]

**COSTS AND EXPENSES INCURRED IN CERTAIN  
ACTIONS OR PROCEEDINGS IN CERTAIN  
CALIFORNIA COURTS**

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the

amount stated in Column 4 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property which each of the persons named in said Column 1 of said Exhibit A obtains or is determined to have as a result of the action or proceeding described in said Column 3 of said Exhibit A the sums stated in said Column 4 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

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

Executed at Washington, D. C., on September 25, 1946.

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

EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Sum vested
Rossy Gugliano.....	Philippine Islands.....	<i>Item 1</i> Estate of Michael Gugliano, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 82886; Dept. No. 9.	\$38.00
Ivan Rudinica.....	Jugoslavia.....	<i>Item 2</i> Estate of Nick A. Rudick, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 21793.	22.00
Manda Rudinica.....	Jugoslavia.....	<i>Item 3</i> Same.....	22.00
Ivana Rudinica.....	Jugoslavia.....	<i>Item 4</i> Same.....	22.00
Mico Babich.....	Jugoslavia.....	<i>Item 5</i> Estate of Rade Babich, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 95061.	5.00
Children, names unknown, of Sino Babich, deceased.	Jugoslavia.....	<i>Item 6</i> Same.....	40.00
Friedrich Wilhelm Hoffman.....	Poland.....	<i>Item 7</i> Estate of Albert Hoffmann, also known as A. Hoffman, also known as Albert Hoffman, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 175276.	36.00
Annie Brotsky.....	Poland.....	<i>Item 8</i> Estate of Harry Brotsky, also known as H. Brotsky, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 91260.	30.00
Felpe Tobias.....	Poland.....	<i>Item 9</i> Estate of Jacob I. Tobias, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 221783.	12.00
David Tobias.....	Poland.....	<i>Item 10</i> Same.....	12.00
Herman Tobias.....	Poland.....	<i>Item 11</i> Same.....	12.00
Jacob Stainman.....	Poland.....	<i>Item 12</i> Estate of Rose Raps, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 78736.	14.00
Leiser Maier Stainman.....	Poland.....	<i>Item 13</i> Same.....	14.00
Berek Stainman.....	Poland.....	<i>Item 14</i> Same.....	14.00

[Vesting Order CE 328]

**COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN ILLINOIS COURTS**

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take

measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 4 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property which each of the persons named in said Column 1 of said Exhibit A obtains or is determined to have as a result of the action or proceeding described in said Column

3 of said Exhibit A the sums stated in said Column 4 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

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

Executed at Washington, D. C., on September 25, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Sum vested
		<i>Item 1</i>	
Christian Knutsen.....	Denmark.....	Estate of Peter C. Christensen, deceased, Probate Court, Cook County, Ill.; File No. 44-P-2142; Docket No. 429; Page 557.	\$15.00
Peter Knutsen.....	Denmark.....	Same.....	15.00
Marie Petersen.....	Denmark.....	Same.....	15.00
Children, names unknown, of Helen Madsen, deceased, a sister of Peter C. Christensen, deceased.	Denmark.....	Same.....	44.00
Children, names unknown, of Anna Maria Larsen, deceased, a sister of Peter C. Christensen, deceased.	Denmark.....	Same.....	44.00
		<i>Item 6</i>	
Elisabeth Vogel or her heirs.....	France.....	Estate of Joseph Metzger, deceased, County Court, Monroe County, Ill.....	33.00
Marian Cherie or her heirs.....	France.....	Same.....	33.00
		<i>Item 8</i>	
Mercedes Devries Schmit.....	France.....	Estate of Hattie Devries, deceased, Probate Court, Cook County, Ill.; File No. 44-P-6736, Docket 434; page 568.	58.00
		<i>Item 9</i>	
Pandelis John Gavras, or his issue.....	Greece.....	Estate of Constantine John Gavras, also known as Gus Gavras, deceased, Probate Court, Cook County, Ill.; File No. 44-P-8421; Docket No. 436; page 444.	10.00
Jack (Yakimis) John Gavras, or his issue.....	Greece.....	Same.....	10.00
Caliope John Gavras, or his issue.....	Greece.....	Same.....	10.00
Sophia John Gavras, or issue.....	Greece.....	Same.....	10.00
Jan (Urania) John Gavras, or issue.....	Greece.....	Same.....	10.00
		<i>Item 14</i>	
Herman Markowitz.....	Czechoslovakia.....	Foreman—State Trust and Savings Bank, Executor and Trustee of the Will of Simon Schwartz, deceased, versus Gezela Friedman, et al., Circuit Court, Cook County, Ill.; No. B-219,359.	30.00
Gezella Friedman.....	Czechoslovakia.....	Same.....	5.00
Herman Friedman.....	Czechoslovakia.....	Same.....	5.00
Hymie Friedman.....	Czechoslovakia.....	Same.....	15.00
Saratta Berkowitz.....	Czechoslovakia.....	Same.....	15.00

[F. R. Doc. 46-17784; Filed, Oct. 2, 1946; 8:46 a. m.]



[Vesting Order CE 330]

**COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS**

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or

administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in, the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of

the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

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

Executed at Washington, D. C., on September 25, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

## EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depository	Column 6 Sum vested
Marchesa Iris M. Origo.....	Italy.....	<i>Item 1</i> Estate of Mary H. Mitchell, deceased, in the Surrogate's Court, New York County, N. Y.; Docket No. P-785/1932.	\$3,014.70	City Bank Farmers Trust Co., Executor, 22 William St., New York, N. Y.	\$117.00
Ottavio Beretta.....	Italy.....	<i>Item 2</i> Estate of Carlotta Beretta, also known as Carlotta Berette, also known as Lena Beretta, deceased, in the Surrogate's Court, New York County, N. Y.; Index No. A-2505-1945.	1,534.55	Louis Beretta, Administrator, 342 West 46th St., New York, N. Y.	48.00
Emma Staiti di Riccardo.....	Italy.....	<i>Item 3</i> Estate of Jessie I. Munn, deceased, in the Superior Court, Monroe County, N. Y.	500.00	Security Trust Co., of Rochester, Executor, 103 Main St., East, Rochester, N. Y.	20.00
Ernesto Irrera.....	Italy.....	<i>Item 4</i> Same.....	500.00	Same.....	20.00
Bianca Colonna di Stigliano de Bonvouloir.....	France.....	<i>Item 5</i> Milton W. Blackmar, as sole surviving Trustee, et al, versus Alice Colonna di Stigliano, et al., in the Supreme Court, New York County, N. Y.; Index. No. 2817-1940.	(1)	Milton W. Blackmar, Trustee, 31 North 22d St., East Orange, N. J.	53.00

<sup>1</sup> Income under deed of trust of John W. Mackay.

[F. R. Doc. 46-17786; Filed, Oct. 2, 1946; 8:46 a. m.]

[Vesting Order 7367]

## ARNOLD WREDE

In re: Stock owned by Arnold Wrede. F-28-6401-A-1.

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

1. That Arnold Wrede, whose last known address is Wuppertal, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty (40) shares of \$5.00 par value common capital stock of Transcontinental & Western Air, Inc., a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number WA28-594, and registered in the name of Ward, Gruver & Co., 40 Exchange Place, New York, New York, together with all declared and unpaid dividends thereon,

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

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

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

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

Such property and any or all of the proceeds thereof shall be held in an

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

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

Executed at Washington, D. C., on July 31, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-17776; Filed, Oct. 2, 1946; 8:45 a. m.]

[Vesting Order CE 331]

**COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS**

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take

measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 4 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property which each of the persons named in said Column 1 of said Exhibit A obtains or is determined to have as a result of the action or proceeding described in said

Column 3 of said Exhibit A the sums stated in said Column 4 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

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

Executed at Washington, D. C., on September 25, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Sum vested
Hella A. Nelson.....	Norway.....	<i>Item 1</i> Estate of George L. Nelson, deceased, in the Surrogate's Court, Kings County, N. Y.; Docket No. 7012-1943.	\$102.00
Babi Steer, also known as Babi Stier.....	Russia.....	<i>Item 2</i> Estate of Becky Druck, also known as Beckie Drucker, also known as Beckie Schechter, also known as Beeky Drucker, deceased, in the Surrogate's Court, Kings County, N. Y.; Docket No. 463-1945.	43.00
Zipponri Zivie, also known as Zipoura Siwek.....	Poland.....	<i>Item 3</i> Same.....	43.00
Roger Emile Colin.....	France.....	<i>Item 4</i> Estate of Clossinde Colin, deceased, in the Surrogate's Court, Suffolk County, N. Y.	47.00
Emile Ceseosse.....	France.....	<i>Item 5</i> Estate of Marie Ceseosse, deceased, in the Surrogate's Court, New York County, N. Y., Index No. P-80-1945.	10.00
Janne Clementine Ceseosse.....	France.....	<i>Item 6</i> Same.....	10.00
Gaston Etienne Ceseosse, also known as France Jack Ceseosse.....	France.....	<i>Item 7</i> Same.....	20.50
George Ceseosse.....	France.....	<i>Item 8</i> Same.....	20.50
Olga Andra Petersen, or Orla Petersen, Alexander Petersen, Margaret Sorensen and Henry Petersen.....	Denmark.....	<i>Item 9</i> Estate of Poul Anker Petersen, deceased, in the Surrogate's Court, Kings County, N. Y.; Docket No. 6947/1943.	28.00
Jan Segler.....	Poland.....	<i>Item 10</i> Estate of Anna Kawalerowski, deceased, in the Surrogate's Court, Erie County, New York.	8.00
Alexander Segler.....	Poland.....	<i>Item 11</i> Same.....	8.00
Wilhelm Segler.....	Poland.....	<i>Item 12</i> Same.....	8.00
Izabela Segler.....	Poland.....	<i>Item 13</i> Same.....	8.00
Ellen Kapelean Malulitz.....	Yugoslavia.....	<i>Item 14</i> Estate of Bolto Kapelean, deceased, in the Surrogate's Court, Erie County, N. Y.	19.00
Mato Kapelean.....	Yugoslavia.....	<i>Item 15</i> Same.....	19.00

[F. R. Doc. 46-17787; Filed, Oct. 2, 1946; 8:47 a. m.]

[Vesting Order CE 332]

**COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS**

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the

designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or pro-

ceedings, costs and expenses in the amount stated in Column 4 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property which each of the persons named in said Column 1 of said Exhibit A obtains or is determined to have as a result of the action or proceeding described in said Column 3 of said Exhibit A the sums stated in said Column 4 of said Exhibit

A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of

Executive Order No. 9095, as amended. Executed at Washington, D. C., on September 25, 1946.

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

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

## EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Sum vested
George Stavropoulos.....	Greece.....	<i>Item 1</i> Estate of Theodore Starros, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 221724.	\$22.00
Athena Stavropoulos.....	Greece.....	<i>Item 2</i> Same.....	22.00
Segundina Dumlao or Alijandrina Dumlao.....	Philippine Islands.....	<i>Item 3</i> Estate of Segundino Dumlao, etc., deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 243217.	32.00
Lucio Cadacio or Children, names unknown, of Lucio Cadacio or Children, names unknown, of Merced, sister, deceased, (name unknown) of Angel Cadacio.	Philippine Islands.....	<i>Item 4</i> Estate of Angel Cadacio, also known as A. Cadacio, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 95760.	32.00
Dusan N. Vukanovich.....	Yugoslavia.....	<i>Item 5</i> Estate of Sam N. Vukan, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 236485.	35.00
Marija Perc.....	Yugoslavia.....	<i>Item 6</i> Estate of Alois Pinter, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 221742.	35.00
Mila Gadza or Nikola Gadza, Vlado Gadza and Javana Gadza.	Yugoslavia.....	<i>Item 7</i> Estate of Obren G. Gadza, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 206158.	34.00
Anna Maria Loas, or her children.....	Estonia.....	<i>Item 8</i> Estate of Anton Leeviit, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 198353.	36.00

[F. R. Doc. 46-17788; Filed, Oct. 2, 1946; 8:47 a. m.]

[Vesting Order 7581]

## EMMA ELIZABETH CHARLOTTE PETRI AND KARL PETRI

In re: Debt owing to Emma Elizabeth Charlotte Petri and Karl Petri. F-28-15024-C-1.

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

1. That Emma Elizabeth Charlotte Petri and Karl Petri, whose last known address is Baden-Baden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Emma Elizabeth Charlotte Petri and Karl Petri, by Detjen & Detjen, Attorneys at Law, 511 Locust Street, St. Louis 1, Missouri, including particularly but not limited to that sum of money on deposit with the Mississippi Valley Trust Company, St. Louis, Missouri, in a blocked account, entitled Detjen & Detjen, Attorneys-in-Fact for Emma Elizabeth Charlotte Petri and Karl Petri, Nationals of 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 nationals of a designated enemy country;

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

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

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

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

be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

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

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

[F. R. Doc. 46-17783; Filed, Oct. 2, 1946; 8:46 a. m.]

[Vesting Order CE 334]

## COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MINNESOTA, MICHIGAN, AND MISSOURI COURTS

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite



such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 4 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property which each of the persons named in said Column 1 of said Exhibit A obtains or is determined to have as a result of the action or proceeding described in said Column 3 of said Exhibit A the sums stated in said Column 4 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

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

Executed at Washington, D. C., on September 25, 1946.

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

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Ole Westrem.....	Norway.....	<i>Item 1</i> Estate of Susie Westrem, deceased, Probate Court, Hennepin County, Minn.; File No. 63979.	\$5.00
Guri Westrem.....	Norway.....	<i>Item 2</i> Same.....	5.00
Kristian Westrem.....	Norway.....	<i>Item 3</i> Same.....	5.00
Else Westrem.....	Norway.....	<i>Item 4</i> Same.....	5.00
Johanna Monken.....	Norway.....	<i>Item 5</i> Same.....	5.00
Balestrand Old People's Home.....	Norway.....	<i>Item 6</i> Same.....	5.00
Pauline Svendsen or her issue.....	Norway.....	<i>Item 7</i> Estate of Anna Mathiesen, deceased, Probate Court, Ramsey County, Minn.; No. 67020.	19.00
Issue of Anton Mathiesen.....	Norway.....	<i>Item 8</i> Same.....	19.00
Johanne Mathiesen or his issue.....	Norway.....	<i>Item 9</i> Same.....	19.00
Marie Mathiesen or her issue.....	Norway.....	<i>Item 10</i> Same.....	19.00
Maria (Marie) Wanda Kroll Gorska.....	Poland.....	<i>Item 11</i> Estate of Casimir Kroll, deceased, Probate Court, Wayne County, Mich.; File No. 293145.	91.00
Mathilde Schwartzkopf.....	Austria.....	<i>Item 12</i> Estate of Lena Klauber, deceased, Probate Court, City of St. Louis, Mo.; No. 91483.	5.00
Rosie Weiskopf.....	Czechoslovakia.....	<i>Item 13</i> Same.....	16.00
Ignatz Schwartzkopf.....	Czechoslovakia.....	<i>Item 14</i> Same.....	5.00
Richard Schwartzkopf.....	Czechoslovakia.....	<i>Item 15</i> Same.....	5.00
Carrie Bitterman.....	Czechoslovakia.....	<i>Item 16</i> Same.....	16.00

[F. R. Doc. 46-17790; Filed, Oct. 2, 1946; 8:47 a. m.]

[Vesting Order CE 333]

**COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS**

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding

identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in

the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

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

Executed at Washington, D. C., on September 25, 1946.

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

## EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depository	Column 6 Sum vested
Henrika Siegman.....	Holland.....	<i>Item 1</i> Estate of Wilhelm Weinberger, also known as William Weinberger, also known as Willy Weinberger, deceased, in Surrogate's Court, Kings County, New York.	\$213. 16	Treasurer of the City of New York, Municipal Bldg., New York, N. Y.	\$39. 00
Rev. Hubert Wetzler.....	Holland.....	<i>Item 2</i> Estate of Anna Thek, deceased, in the Surrogate's Court, Kings County, New York; Index No. 5732-1942.	500. 00	Same.....	23. 00
Provinciolat der Oblaten des Hl Franz von Sales	Germany.....	<i>Item 3</i> Same.....	1,000. 00	Same.....	47. 00
Seminary at Provinciolat der Oblaten des Hl Franz von Sales.	Germany.....	<i>Item 4</i> Same.....	2,000. 00	Same.....	94. 00
Frank Wiktor.....	Poland.....	<i>Item 5</i> Estate of Jan Wiktor, also known as John Victor, deceased, in the Surrogate's Court, Kings County, N. Y.; Index No. 6137-1944.	151. 04	Same.....	25. 00
Mary Wiktor Kolper.....	Poland.....	<i>Item 6</i> Same.....	151. 04	Same.....	25. 00
Rosa Mattea.....	Italy.....	<i>Item 7</i> Estate of Alerino Mattea, also known as Alerino Matta, deceased, in the Surrogate's Court, New York County, N. Y.; Index No. A-1684-1942.	493. 52	Same.....	63. 00

[F. R. Doc. 46-17789; Filed, Oct. 2, 1946; 8:47 a. m.]

[Vesting Order 7363]

ADOLF ULLMANN

In re: Stock owned by and debt owing to Adolf Ullmann and Flora Ullmann. F-28-22568-A-1.

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

1. That Adolf Ullmann and Flora Ullmann, whose last known address is Konigstrasse 72, Frankfurt - on - Main, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of \$50 par value prior preferred capital stock of North American Rayon Corporation, 261 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number PRO2223, and registered in the name of Adolf Ullmann and Mrs. Flora Ullmann, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value class B common capital stock of North American Rayon Corporation, 261 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number BX6432, and registered in the name of Adolf Ullmann and Mrs. Flora Ullmann, together with any and all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Adolph Ullmann and Flora Ullmann, by The Commercial National Bank and Trust Company of New York, 46 Wall Street, New York, New York, in the amount of \$173.05, as of December

31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

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

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

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

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

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

Executed at Washington, D. C., on July 31, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-17775; Filed, Oct. 2, 1946; 8:45 a. m.]

[Vesting Order 7441]

MARIE LAUCKHARD

In re: Debt owing to and stock owned by Marie Lauckhard, also known as Marie Luckhard. F-28-587-A-1.

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

1. That Marie Lauckhard, also known as Marie Luckhard, whose last known address is Seeheim an der Bergstrasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Marie Lauckhard, also known as Marie Luckhard, by Wellington & Co., 120 Broadway, New York, New York, in the amount of \$742.48, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name set forth in Exhibit A, and presently in the custody of Wellington

ton & Co., 120 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

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

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

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

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

Executed at Washington, D. C., on August 15, 1946.

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

EXHIBIT A

Certificate No.	Number of shares	Class of shares	Name and address of corporation	Place of incorporation	Registered in name of
CO-170943	10	No par value common	American Radiator & Standard Sanitary Corp., 40 West 40th St., New York, N. Y.	Delaware	Franklin Marie Lanckhard, c/o Wellington & Co., 120 Broadway, New York, N. Y.
NO-50740	5	\$5 par value capital	Chrysler Corp., 341 Massachusetts Ave., Detroit, Mich.	do	Do.
O232356	10	No par value common	General Foods Corp., 250 Park Ave., New York, N. Y.	do	Do.
C514-342	10	\$10 par value common	General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	do	Do.
NO27398	15	\$1 par value common	Industrial Rayon Corp., 660 Union Commerce Bldg., Cleveland, Ohio.	do	Do.
NO48916	4	do	Industrial Rayon Corp.	do	Do.
NY L245009	10	\$15 par value common	Socony-Vacuum Oil Co., Inc., 26 Broadway, New York, N. Y.	New York	Do.
C550964	5	\$25 par value capital	Standard Oil Co., 30 Rockefeller Plaza, New York, N. Y.	New Jersey	Do.
289554	5	No par value common	Union Carbide & Carbon Corp., 30 East 42d St., New York, N. Y.	New York	Do.
NB-126244	5	do	The International Nickel Co. of Canada, Ltd., 67 Wall St., New York, N. Y.	Canada	Do.
CO-198429	10	\$15 par value capital	Compania Swift Internacional, S. A. C.	Argentina	Do.

[F. R. Doc. 46-17778; Filed, Oct. 2, 1946; 8:45 a. m.]

[Vesting Order 7514]

LINA KRUSE

In re: Estate of Lina Kruse, deceased. File D-28-8189; E. T. sec. 9188).

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

That the property described as follows: Cash in the amount of \$916.80 is property in the possession of the Alien Property Custodian;

That such property was held by Seher & Seher, attorneys representing Alfred E. Lingenfelder, executor of the Estate of Lina Kruse and was 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 was evidence of ownership or control by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Louise Ahrens, Germany.  
Miss Dora Franc von Liechtenstein, Germany.

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

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

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

This vesting order is issued nunc pro tunc to confirm and ratify the vesting of the said property in the Alien Property Custodian by acceptance thereof on April 8, 1944, pursuant to the Trading With the Enemy Act, as amended.

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

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

Executed at Washington, D. C., on September 4, 1946.

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

[F. R. Doc. 46-17779; Filed, Oct. 2, 1946; 8:45 a. m.]

[Vesting Order 7541]

KATHARINA BAUMLER

In re: Bank account owned by Katharina Baumler. F-28-8378-E-1.

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

1. That Katharina Baumler, whose last known address is 199 Lange Street, Terscheneuth, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Katharina Baumler, by Society for Savings in the City of Cleveland, 127 Public Square, Cleveland, Ohio, arising out of a Savings Account, Account Number 570009, entitled Katharina Baumler, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or de-



liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

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

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

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

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

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

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

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

[F. R. Doc. 46-17780; Filed, Oct. 2, 1946;  
8:45 a. m.]

[Vesting Order 7546]

DEUTSCHE BAU UND BODENBANK, A. G.

In re: Bank accounts owned by Deutsche Bau und Bodenbank, A. G. F-28-22138-E-2; F-28-22138-E-3.

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 Deutsche Bau und Bodenbank, A. G., the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and 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 Deutsche Bau und Bodenbank, A. G., by The New York Trust Company, 100 Broadway, New York,

New York, arising out of a checking account, entitled Deutsche Bau und Bodenbank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Deutsche Bau und Bodenbank, A. G. by bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Deutsche Bau und Bodenbank, A. G., and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

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

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

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

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

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

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

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

[F. R. Doc. 46-17781; Filed, Oct. 2, 1946;  
8:46 a. m.]

[Vesting Order 7560]

ALBERT GROSSHEIM

In re: Bank account owned by and debt owing to Albert Grossheim, also known as Albert Friedrich Wilhelm Grossheim.

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 Albert Grossheim, also known as Albert Friedrich Wilhelm Grossheim, whose last known address is 62 Mariannenstrasse, Leipzig, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Security Trust & Savings Bank of San Diego, 904 Fifth Avenue, San Diego, California, arising out of a blocked term savings account, Account Number 20840, entitled Security Trust & Savings Bank of San Diego, as Agent for its Private Trust Number 184, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Albert Grossheim, also known as Albert Friedrich Wilhelm Grossheim, by Alexander S. Woody and Matilda Woody, in the amount of \$733.58, as of October 9, 1945, evidenced by a note, in the principal sum of \$2400.00, dated August 3, 1937, issued by H. L. Walker and Katherine C. Walker, to the order of Emilie Braum, and subsequently assigned to Albert Grossheim, also known as Albert Friedrich Wilhelm Grossheim, the obligation under the aforesaid note having been assumed by Alexander S. Woody and Matilda Woody, which note is presently in the custody of Security Trust & Savings Bank of San Diego, 904 Fifth Avenue, San Diego, California, and secured by a deed of trust presently in the custody of Union Trust Company of San Diego, San Diego, California, covering Lots 48, 49, and 50 in Block 5 of Alhambra Park, San Diego, California, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note and deed of trust,

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, Albert Grossheim, also known as Albert Friedrich Wilhelm Grossheim, the aforesaid national of a designated enemy country;

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

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

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

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

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

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

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

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

[F. R. Doc. 46-17782; Filed, Oct. 2, 1946;  
8:46 a. m.]

[Amendment to Vesting Order 2303]

LEO BIAGIOTTI

In re: A deed of Trust on real property in Richmond, Virginia, owned by Leo Biagiotti.

Vesting Order Number 2303, dated September 30, 1943, is hereby amended as follows and not otherwise:

By deleting therefrom subparagraph 3a and substituting therefor the following:

a. That certain note in the principal amount of \$5,000, dated September 15, 1936, payable to bearer, and executed by Renato Castelvechi and Quintilia Castelvechi, which note is secured by a deed of trust executed by the same parties on September 15, 1936, to H. T. Richeson, Trustee, and recorded September 24, 1936, in the Clerk's Office, Richmond, Virginia, in Deed Book 404-A, page 385, together with all obligations under said note and the right to collect and enforce the same, and including but not limited to all security rights in and to any and all collateral (including the aforesaid deed of trust) for the note and all obligations thereunder.

All other provisions of said Vesting Order Number 2303 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

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

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

[F. R. Doc. 46-17791; Filed, Oct. 2, 1946;  
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 411, Amdt. 2]

ICING AT ROSEVILLE, SAN JOSE OR STOCKTON, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at No. 193—8

its office in Washington, D. C., on the 27th day of September, A. D. 1946.

Upon further consideration of Service Order No. 411 (10 F. R. 15271), as amended (11 F. R. 6775), and good cause appearing therefor:

It is ordered, That, Service Order No. 411, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) in lieu of paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., November 30, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission, (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 30, 1946; that a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 46-17727; Filed, Oct. 2, 1946;  
8:53 a. m.]

[S. O. 396, Special Permit 51, Corrected]

RECONSIGNMENT OF GRAPES 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, Ill., September 25, 1946, by Bianco Fruit Co. of car SFRD 36081, grapes, now on the Wabash to Philadelphia, Pa. (via B&O).

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 25th day of September 1946.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 46-17729; Filed, Oct. 2, 1946;  
8:53 a. m.]

[S. O. 422, Gen. Permit 2]

UNLOADING OF BOXCARS BY RAILROADS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to any car held at the port of New York, N. Y., which arrived after 12:01 a. m., August 24, 1946.

This permit shall become effective at 6:00 p. m., September 26 and shall expire at 11:59 p. m., October 10, 1946.

The waybill shall show reference to this general permit.

A copy of this general 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 26th day of September 1946.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 46-17728; Filed, Oct. 2, 1946;  
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1358]

PROVINCETOWN LIGHT AND POWER CO. AND NEW ENGLAND GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of September 1946.

New England Gas and Electric Association ("New England") a registered holding company, and its subsidiary, Provincetown Light and Power Company ("Provincetown"), having filed a joint application-declaration pursuant to sections 6 (b), 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder regarding the following transaction:

New England presently owns all of the outstanding common stock of Provincetown. Provincetown proposes to issue and sell to New England an additional 125 shares of common stock, of the par value of \$100 per share, at a price of \$100 per share, or an aggregate of \$12,500, such issue and sale having been expressly authorized by the Department of Public Utilities of Massachusetts by order dated July 22, 1946. The proceeds from the proposed sale are to be used for the partial payment of indebtedness amounting to \$18,375, incurred by Provincetown for

extensions, additions, and improvements to its plant and property. Such indebtedness is represented by a six months' note, dated June 26, 1946, for \$18,375, payable to The First National Bank of Boston, with interest at 3% per annum.

Said application-declaration having been filed on August 26, 1946, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application under section 6 (b) of the act that the requirements of said section have been satisfied, and with respect to said application under section 10 of the act that no adverse findings are necessary under section 10 (b) or 10 (c) (1) of the act, and that the transaction involved has the tendency required by section 10 (c) (2) of the act, and that the requirements under section 12 (f) of the act and Rule U-43 promulgated thereunder are satisfied:

*It is hereby ordered.* Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, That the aforesaid application-declaration be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-17710; Filed, Oct. 2, 1946;  
8:54 a. m.]

[File No. 812-451]

ATLAS CORP. AND LIBERTY MAGAZINE, INC.  
NOTICE OF APPLICATION, STATEMENT OF  
ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of September, A. D., 1946.

Notice is hereby given that Atlas Corporation ("Atlas") and Liberty Magazine, Inc. ("Liberty"), have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17 (a) of said act a proposed transaction in which Liberty is to sell to Atlas certain real estate and the building thereon located at 37 West 57th Street, New York, New York, for an aggregate consideration of \$1,125,000. Atlas and Liberty entered into an agreement dated July 25, 1946, as amended September 5, 1946, providing for the sale of aforesaid property, subject to the express condition that approval of the transaction be obtained from this Commission and that the purchase price be payable, \$400,000 on execution of said agreement, such sum having been advanced as a loan from Atlas

to Liberty, secured by a purchase money second mortgage on the premises to be credited on the purchase price thereof only as and when title shall be closed; \$467,850 by Atlas taking title subject to a consolidated first mortgage now a lien on the premises; and \$257,150 by certified check upon delivery of the deed.

Liberty has an authorized capital stock of 800,000 shares of the par value of \$1 each of which Atlas owns 639,081 (approximately 78%) and thus Atlas and Liberty are affiliated persons of each other within the meaning of the provisions of the act. The applicants assert that the terms of the proposed transaction are fair and reasonable and otherwise meet the statutory standards set forth in section 17 (b) of the act. All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby:

(1) Whether the purchase by Atlas of the property described above for \$1,125,000 is fair and reasonable;

(2) Whether the proposed transaction involves overreaching on the part of any person concerned;

(3) Whether the proposed transaction is consistent with the policy of Atlas as recited in its registration statement and reports filed under the Act; and

(4) Whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

*It is ordered.* Pursuant to section 40 (a) of said act, That a public hearing on the aforesaid application be held on the 10th day of October, 1946, at 10:00 a. m., Eastern Standard Time, in Room 318 of the offices of the Securities and Exchange Commission, Eighteenth and Locust Streets, Philadelphia 3, Pennsylvania.

*It is further ordered.* That Willis E. Monty, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the above named applicants, Atlas Corporation and Liberty Magazine, Inc., all stockholders of Liberty Magazine, Inc., and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard should file with the Secretary of the Commission, on or before October 8th, 1946, his application therefor as provided by Rule XVII of the rules of practice of the Commission setting forth therein any of the

above matters or issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-17711; Filed, Oct. 2, 1946;  
8:54 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 580, Revocation of Order 89]

JACOB SIEGEL CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 89 under Section 13 of Maximum Price Regulation 580. Order of Revocation. Docket No. 6063-580-13-806.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 89 under section 13 of Maximum Price Regulation 580, issued to Jacob Siegel Company, 317 North Broad Street, Philadelphia, Pennsylvania, is hereby revoked.

This order shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER OF REVOCATION OF ORDER NO. 89 UNDER SECTION 13 OF MAXIMUM PRICE REGULATION 580

The accompanying order revokes Order No. 89 issued under section 13 of Maximum Price Regulation 580 to Jacob Siegel Company, 317 North Broad Street, Philadelphia, Pennsylvania. Amendment 1 to Order 301, issued to the same company under section 13 of Maximum Price Regulation 580 simultaneously with the issuance of this order, adds to the coverage of Order 301 the articles priced hitherto under Order 89.

[F. R. Doc. 46-17954; Filed, Oct. 2, 1946;  
11:42 a. m.]

[MPR 120, Order 1736]

WILLIAM ALOE COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM AND PRICE CLASSIFICATIONS

Correction

In the Federal Register Document No. 46-76680 appearing at page 10408 of the issue for Tuesday, September 17, 1946, the following corrections should be made:

In the table for William Aloe Coal Co., the prices under Size Group numbers 7, 8, 9, and 10, for Truck shipment should read "334," "994," "294," and "279," respectively. The number "279" under Size Group No. 11 should be deleted.

The second table for Bowle Coal Co., the price under Size group 10 for Railroad fuel should be "254."



[SO 133, Order 73]

ORIGINAL ENAMEL RANGE CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Supplementary Order No. 133, *It is ordered:*

(a) This order establishes ceiling prices for sales of certain models of gas combination ranges manufactured by the Original Enamel Range Company, Lebanon Avenue and S. Railway, Belleville, Illinois.

(1) For sales in each zone by wholesale distributors to retail dealers, the ceiling prices including the Federal excise tax, are those set forth below:

Model	Ceiling prices for sales to retail dealers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	Each	Each	Each
840G.....	\$117.67	\$121.39	\$126.63	\$130.36
400G.....	116.40	120.17	125.44	129.13
442G.....	89.75	92.57	97.07	100.12

These prices are f. o. b. wholesale distributor's city. If the wholesale dealer sells a stove equipped at the factory with either of the items listed below, he may add to the applicable ceiling prices for the stove shown above an amount no greater than that set forth opposite that item of equipment.

<i>Additional equipment</i>	<i>Amount which may be added</i>
Heat control.....	\$11.50
Lift cover.....	8.90

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.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including 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
		Each	Each	Each	Each
840G...	Combination range.	\$157.00	\$162.50	\$200.25	\$205.75
400G...	do.....	155.00	190.50	198.25	203.75
442G...	do.....	144.75	149.25	155.50	160.00

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting \$9.00 from his maximum price as shown above for sales on an installed basis. If the retail dealer sells a stove equipped at the factory with any of the items listed below, he may add to the applicable maximum price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

<i>Additional equipment</i>	<i>Amount which may be added</i>
Heat control.....	\$14.00
Lift cover.....	10.85

In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail 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 \$9.00 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: Illinois.
- Zone 2: North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, District of Columbia and Maryland.
- Zone 3: Maine, Florida, Texas, New Mexico, Colorado, Wyoming, and Montana.
- Zone 4: Washington, Oregon, Idaho, Utah, Arizona, Nevada and California.

(e) The resale ceiling prices established by this order include all the increases allowed by sections 11a and 11b of Maximum Price Regulation No. 64 and may not, therefore, be increased under those sections.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 73 UNDER SUPPLEMENTARY ORDER NO. 133

Original Enamel Range Company, Lebanon Avenue, Belleville, Illinois, has received an adjustment under Supplementary Order No. 133 of its ceiling prices for the gas combination ranges which it manufactures.

In view of the present scarcity of this type of range and to permit compliance by the manufacturer with the preticketing requirements of Maximum Price Regulation No. 64 applicable to all gas combination ranges, the accompanying order establishes resale ceiling prices. The resale ceiling prices are established pursuant to Supplementary Order No. 133 which provides that orders may be issued establishing resale ceiling prices whenever the manufacturer's ceiling prices

are adjusted under the supplementary order. The resale ceiling prices established by the accompanying order were computed by applying to the manufacturer's adjusted ceiling prices for sales to distributors a percentage markup equal to the average percentage markup received by each type of reseller under Maximum Price Regulation No. 64 in connection with similar sales on March 31, 1946, of the same type of range. Hence they include any increases allowed by sections 11a or 11b of Maximum Price Regulation No. 64 and may not be increased under either of those sections. The resale price zones are established upon the basis customarily used by this office in establishing resale price zones under Maximum Price Regulation No. 64.

To increase the effectiveness of the order and the enforceability of the retail ceiling prices established by it, the manufacturer is required to attach to each range sold by him after the effective date of the order a label setting forth its OPA retail ceiling price in each zone, and a statement of the states included in each zone and of what the retail ceiling price includes. In addition, to insure notice to wholesale distributors of the ceiling prices established by the order for their resales, the manufacturer is required to notify purchasers from him for resale at wholesale of the ceiling prices and conditions set by the order for their resales.

The retail ceiling prices for each range include delivery and installation. Provision is made, however, for cases in which the retail dealer does not provide installation. In such case, the retail dealer is required to make an allowance to cover the cost of installation. The amount of the allowance is that customary in the trade for the particular type of range.

[F. R. Doc. 46-17800; Filed, Oct. 2, 1946; 8:49 a. m.]

[SO 133, Order 74]

CONLON 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 Supplementary Order No. 133, *It is ordered:*

(a) *Manufacturer's ceiling prices.* The Conlon Corporation, 1824 South 52d Avenue, Cicero, Illinois may increase by 6 per cent its ceiling prices under Supplementary Regulation No. 15 for sales to each class of purchaser of each article in the line of repair and replacement parts which it sells for use in the line of washing and ironing machines which it manufactures.

(b) *Resellers' ceiling prices.* Resellers of replacement and repair parts which the Conlon Corporation has sold at ceiling prices adjusted under paragraph (a) above, shall determine their ceiling prices by adding to their invoice cost the same percentage markup which they receive on the "most comparable article" for which they have a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all 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 article which, according to the customary trade practice, an approximately equal markup is applied.

(4) Its net unit 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. Each reseller, however, must keep complete records showing all the information called for by OPA Form 620-759 with respect to how he determined his ceiling price for at least one year after the expiration date of the Emergency Price Control Act of 1942, as amended.

A reseller who cannot determine his ceiling price under the above method, shall apply to the Office of Price Administration for the establishment of his ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section shall reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted under this order are subject to each seller's terms, discount, allowances, and other price differentials in effect on sales of similar articles to each class of purchaser 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 or 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 ceiling prices for resales of the articles. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 74  
UNDER SUPPLEMENTARY ORDER NO.  
133

The accompanying order is issued under Supplementary Order No. 133 pursuant to an application filed by the Conlon Corporation, 1824 South 52nd Avenue, Cicero, Illinois, hereinafter referred to as the applicant, for adjustment under Supplementary Order No. 133 of its ceiling prices for the line of washing and ironing machines which it manufactures and for the line of repair and replacement parts for those machines which it produces and sells.

The profit and loss data upon which this office established an increase factor

applicable only to the line of washing and ironing machines manufactured by the applicant included the repair part operation of the applicant. If the increase factor is not made applicable to all the portions of the applicant's operation covered by the profit and loss data upon which the factor was computed, it will be necessary to adjust the factor to compensate for its limited applicability in order to insure the applicant the additional sales return necessary to eliminate his projected overall loss. No such adjustment has been made. Repair and replacement parts are covered by the General Maximum Price Regulation, a regulation listed in Appendix A of Supplementary Order No. 133. Hence such articles are eligible for adjustment under that order. Accordingly, the accompanying order, pursuant to Supplementary Order No. 133, makes the increase factor previously granted to the applicant under that order on its washing and ironing machines applicable to its repair and replacement parts.

Methods are established by which purchasers for resale of the articles which the applicant sells at prices adjusted under the accompanying order may determine their ceiling prices. These methods allow resellers the same markups they received on similar articles during March 1942. This is in accordance with the policy of this office with respect to resale prices of articles of the type covered by the accompanying order when manufacturers are granted adjustments in their ceiling prices.

[F. R. Doc. 46-17801; Filed, Oct. 2, 1946; 8:49 a. m.]

[MPR 188, Rev. Order 4801]

AMERICAN CENTRAL MFG. CORP.  
REVISION 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 revises the maximum prices for sales and deliveries of certain articles manufactured by American Central Manufacturing Corporation, Connersville, Indiana, as established by Order No. 4801, dated December 29, 1945.

(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 price for sales and deliveries to consumers by all sellers		
		Manufacturer's maximum price for sales to distributor or stocking jobber	Maximum price for sales to retailers by all sellers	Maximum price for sales to consumers by all sellers
Broom cabinet.....	AU-2184..	Each \$18.00	Each \$22.50	Each \$37.50
Linen cabinet.....	AL-2184..	19.44	24.30	40.50

These maximum prices are for the articles described in the manufacturer's ap-

plication dated December 5, 1945. For sales to retailers, the prices established are f. o. b. distributor's warehouse, and for sales to other classes of purchasers they are f. o. b. destination.

(2) These maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$.-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING REVISED ORDER NO. 4801 UNDER § 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

In response to an application dated December 5, 1945, by the American Central Manufacturing Corporation, Connersville, Indiana, the Office of Price Administration issued Order No. 4801 under § 1499.158 of Maximum Price Regulation No. 188, establishing delivered prices for sales of steel kitchen cabinets which it manufactures, and for which it had established base period f. o. b. factory maximum prices.

All articles except two, which were included in Order No. 4801 are now properly classified in a category other than household furniture and maximum prices are properly to be established under regulations other than Maximum Price Regulation No. 188. Accordingly, Order No. 4801 is revised and those articles not subject to Maximum Price Regulation No. 188 are omitted from the list of article priced in the order.

[F. R. Doc. 46-17802; Filed, Oct. 2, 1946; 8:50 a. m.]

[MPR 188, Order 5213]

RAY-DYNE 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 Ray-Dyne

Manufacturing Corporation, 141 West 24th Street, New York 11, New York.

(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:

Model	Brand	Description	Ceiling price to—		
			Distrib- utor	Dealer	Con- sumer
100	Ray-Dyne	Acoustic portable phone, spring wound, manual, leatherette covered wood case 7 x 15½ x 12¼"	\$9.12	\$11.40	\$19.90
100E	do.	Same as Model 100 except electric motor	9.12	11.40	19.90
400	do.	Acoustic portable phone, spring wound, manual, leatherette covered wood case 8½ x 16 x 14¾"	12.20	15.25	26.63
400E	do.	Same as Model 400 except electric motor	12.20	15.25	26.63

Ceiling price to the consumer includes the Federal excise tax. Terms are 2% 10 days, net 30 days, f. o. b. factory

These maximum prices are for the articles described in the manufacturer's application dated August 16, 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.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price:  
 Models 100 and 100E..... \$19.90  
 Models 400 and 400E..... 26.63  
 Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
 Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5213 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

The applicant, Ray Dyne Manufacturing Company, New York, New York, applied for price approval for its new Mod-

els 100, 100E, 400, and 400E acoustic phones on August 16, 1946, and requested ceiling prices to distributors, dealers and consumers.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17803; Filed, Oct. 2, 1946; 8:50 a. m.]

[MPR 188, Order 5214]

ROSE M. SIMON

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 Rose M. Simon, 951 Brooks Lane, Baltimore 17, Maryland.

(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 consumer
		Jobbers	Retailers	
Lumerith, plastic lamp shade with natural flower inserts:				
3 x 4 x 4.....	1	Each \$2.13	Each \$2.50	Each \$4.50
4 x 6 x 4.....	2	2.98	3.50	6.30
4¾ x 6 x 4¾.....	3	2.98	3.50	6.30
4½ x 7 x 5½.....	4	2.98	3.50	6.30
5 x 8 x 6½.....	5	4.04	4.75	8.55
4½ x 9 x 6.....	6	5.95	7.00	12.60
7¼ x 9 x 6½.....	7	6.58	7.50	13.50
6¾ x 9¾ x 7¾.....	8	6.58	7.50	13.50
8 x 10 x 7.....	9	7.65	9.00	16.20
4½ x 11 x 7.....	10	6.58	7.50	13.50
7¼ x 11½ x 8.....	11	8.50	10.00	18.00
6 x 12 x 7.....	12	8.50	10.00	18.00
9 x 12 x 8.....	13	9.45	11.00	19.80
8 x 14 x 8.....	14	10.63	12.50	22.50
8 x 14 x 9.....	15	10.63	12.50	22.50
12 x 14 x 10.....	16	11.48	13.50	24.30
5 x 14¾ x 11.....	17	10.20	12.00	21.60
11 x 15 x 8.....	18	11.48	13.50	24.30
13 x 15 x 10½.....	19	11.48	13.50	24.30
9 x 16 x 10.....	20	11.48	13.50	24.30
10½ x 16 x 10½.....	21	11.48	13.50	24.30
14 x 16 x 10½.....	22	11.48	13.50	24.30
13 x 17 x 9½.....	23	11.48	13.50	24.30
9½ x 17½ x 11¼.....	24	11.90	14.00	25.20

These maximum prices are for the articles described in the manufacturer's application dated August 14, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are 1. o. b. Baltimore 17, Maryland, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
 OPA Retail Ceiling Price—\$-----  
 Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.



(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

**GEOFFREY BAKER,**  
Acting Administrator.

**OPINION ACCOMPANYING ORDER NO. 5214 UNDER § 1499.158 OF MAXIMUM PRICE REGULATION NO. 188**

By application dated August 14, 1946, Rose M. Simon, 951 Brooks Lane, Baltimore 17, Maryland, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamp shades which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the regulation. The prices established by this order are in line with the maximum prices of those comparable

articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17804; Filed, Oct. 2, 1946; 8:50 a. m.]

[MPR 188, Order 5215]

**TRYLON RADIO LABORATORIES  
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 Trylon Radio Laboratories, 3955-57 North Broad Street, Philadelphia 40, Pennsylvania.

(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:

Model No.	Brand	Description	Distributor	Ceiling price to—	
				Dealer	Consumer
90	Trylon.....	Acoustic table phone, electric motor, manual, nickel finish tone arm & reproducer, painted plywood cabinet, 6½ x 12¼ x 9¼.	\$7.56	\$9.44	\$16.50

Ceiling price to the consumer includes the Federal excise tax. Terms are 2% 10 days, net 30 days, f. o. b. factory

These maximum prices are for the articles described in the manufacturer's application dated September 16, 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.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a

maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$16.50  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

**GEOFFREY BAKER,**  
Acting Administrator.

**OPINION ACCOMPANYING ORDER NO. 5215 UNDER § 1499.158 OF MAXIMUM PRICE REGULATION NO. 188**

The applicant, Trylon Radio Laboratories, Philadelphia, Pennsylvania, ap-

plied for price approval for its new Model 90 acoustic electric table phone on September 16, 1946, and requested ceiling prices to distributors, dealers, and consumers.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction, and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17805; Filed, Oct. 2, 1946; 8:51 a. m.]

[MPR 591, Order 841]

**REILLY-BENTON Co., INC.**

**AUTHORIZATION OF MAXIMUM PRICES**

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following frozen food cabinet manufactured by The Reilly-Benton Company, Incorporated, New Orleans, Louisiana, and as described in the application dated August 7, 1946, which is on file with the Mechanical Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to distributors	On sales to dealers	On sales to consumers
18 cubic feet, ½ horse-power.....	\$325.00	\$300.00	\$650.00

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: \$6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the

rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before, the issuance of the first invoice after the effective date of this order, of the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Reilly-Benton Company, Incorporated, New Orleans, Louisiana shall stencil on the frozen food cabinet covered by this order substantially the following:

OPA Maximum Retail Price—\$-----  
Plus freight and crating as provided in Order No. 841 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 841 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying Order No. 841 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for frozen food cabinets, manufactured by The Reilly-Benton Company, Incorporated, New Orleans, Louisiana.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under sections 7 and 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices must be approved pursuant to the provisions of section 9 of Maximum Price Regulation No. 591.

In its application the company submitted its proposed prices for the commodities covered by this order. Based on an analysis of the information submitted the prices set forth in the accompanying order are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591.

In order to avoid any confusion on the part of resellers as to their maxi-

mum prices and for the purposes of protecting consumers, the accompanying order establishes dollars-and-cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products. The order also provides that distributors may, under certain circumstances, add delivery charges to the dollars-and-cents maximum prices established to cover actual freight paid to obtain delivery and crating charges actually paid.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on the part of resellers who do not have access to this order, the order provides that The Reilly-Benton Company, Incorporated, shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices. The order further provides that The Reilly-Benton Company, Incorporated, shall stencil on the inside of the lid of the frozen food cabinet the maximum retail price thereof.

All provisions of the accompanying order and their effect upon business practices, or cost practices or methods or means or aids to distribution in the industry or industries affected, have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, or methods established in the industry or industries affected, have been included in the order unless such provisions have been found necessary to achieve effective price control and to prevent circumven-

tion or evasion of the order or of the act. To the extent that the provisions of this order compel or may operate to compel changes in business practices, cost practices, or methods or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this order or of the Emergency Price Control Act of 1942, as amended.

The Price Administrator has determined, on the basis of the foregoing, that the maximum prices established by the order are generally fair and equitable, and are in conformity with the Emergency Price Control Act of 1942, as amended, and Executive orders issued by the President.

[F. R. Doc. 46-17807; Filed, Oct. 2, 1946; 8:51 a. m.]

[MPR 188, Order 5216]

UNIVERSAL RADIO PRODUCTS  
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 Universal Radio Products, 38-40 Lorraine Avenue, Mount Vernon, New York.

(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:

Model No.	Brand	Description	Distributor	Ceiling price to—	
				Dealer	Consumer
666	Universal.....	Acoustic table phone, electric motor, manual, nickel finish tone arm & reproducer, wood cabinet, with decals, 12 x 11 x 4.	\$7.56	\$9.44	\$16.50

Ceiling price to the consumer includes the Federal excise tax. Terms are 2% 10 days, net 30 days, f. o. b. factory

These maximum prices are for the articles described in the manufacturer's application dated September 6, 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.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a

maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$16.50  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5216 UNDER § 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

The applicant, Universal Radio Products, 38-40 Lorraine Avenue, Mount Ver-

non, New York, applied for price approval for its new model 666 acoustic electric table phone on September 6, 1946, and requested ceiling prices to distributors, dealers and consumers.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17806; Filed, Oct. 2, 1946; 8:51 a. m.]

[MPR 592, Order 160]

FREDERICK BRICK WORKS, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 160 under section 16 of Maximum Price Regulation No. 592 specified construction materials and refractories, Frederick Brick Works, Inc. Docket No. 6122-592.16-419.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum adjusted f. o. b. prices for sales by the Frederick Brick Works, Inc., Frederick, Maryland, of its line of brick shall be as follows:

	<i>Per thousand</i>
Common brick.....	\$22.25
Texture-face brick.....	26.50
Selected smooth-face brick.....	26.50

Discount of \$1.00 per thousand shall be allowed for payment by the 25th of the month for delivery from the 1st to the 15th, and for payment by the 10th of the following month for delivery from the 15th to the 31st.

(b) Customary allowances, discounts or other price differentials existing in March 1942 shall be continued in effect.

(c) Any person purchasing any of the products covered by this order produced by the Frederick Brick Works, Inc., for the purpose of resale in the same form may increase his presently established

prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing, such specific maximum prices shall apply in that area.

(d) All requests of this application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
*Acting Administrator.*

OPINION ACCOMPANYING ORDER NO. 160 UNDER SECTION 16 OF MAXIMUM PRICE REGULATION 592

The Frederick Brick Works, Inc., Frederick, Maryland, has applied for an adjustment in its maximum selling prices for its line of brick which it manufactures. This application has been processed under section 16 of Maximum Price Regulation No. 592.

The facts in this case indicate that the applicant has met the requirements of sections 16 (b) (1) and (2) of Maximum Price Regulation No. 592. Under the circumstances, the applicant is eligible for relief within the general limits set forth in section 16 (c) of the regulation. The latter section provides for various adjustments, depending upon the applicant's over-all profitability.

This office has examined the applicant's over-all and brick department cost data for the years 1936 to 1939, 1941, 1942 and 1943 and the over-all data for the first six months of 1946. It appears that the most recent year of normal brick operation is 1941. Accordingly, current brick costs have been projected on the basis of 1941 experience adjusted for subsequent changes in basic wage and salary rates and materials costs. After making the foregoing projection, it appears that the applicant's current maximum prices do not permit the applicant to recover the costs of making and selling his bricks, and furthermore, do not yield a reasonable profit.

In view of the importance of building brick in the reconversion program, the Price Administrator has determined that an adjustment which will return to the applicant total costs plus a reasonable profit on these items is appropriate. This adjustment also fulfills the requirements of section 16 of Maximum Price Regulation No. 592 and is in accordance with office policy.

Resellers (except where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, the appropriate

adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17809; Filed, Oct. 2, 1946; 8:52 a. m.]

[MPR 591, Order 842]

J. S. THORN 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) Order L 708 is hereby revoked.

(b) The maximum list prices, f. o. b. point of shipment, for sales by any person to consumers of the following sizes of aluminum residence casement windows manufactured by J. S. Thorn Company of Philadelphia, Pennsylvania, and as described in the application dated May 8, 1946, which is on file with the Mechanical Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

SCHEDULE OF MAXIMUM PRICES

Fixed type		Roto type	
Size	Price	Size	Price
12.....	\$3.80	1212.....	\$12.20
132.....	4.80	1313.....	13.40
14.....	5.40	1414.....	14.30
15.....	6.20	1413.....	14.10
22N.....	5.30	1514.....	15.30
23K.....	6.10	2212N.....	13.70
23N.....	6.20	2313K.....	14.90
24D.....	7.40	2313N.....	15.30
24N.....	7.60	2414D.....	16.10
25N.....	8.80	2414N.....	15.70
22.....	5.40	2413N.....	16.60
23.....	6.50	2514N.....	18.10
24.....	7.90	2222.....	21.50
25.....	9.00	2323.....	23.40
33.....	8.60	2424.....	25.70
34.....	10.30	2423.....	25.00
35.....	11.80	2524.....	27.20
		3323.....	27.00
		3424.....	29.50
		3423.....	28.00
		3524.....	31.70

Hardware and muntins included as indicated in size and number. Anchors, glazing clips, packaging included. Windows prepared to receive screen hardware.

Aluminum vertical mullions		Aluminum horizontal mullions	
2 lt.....	\$1.00	1 lt.....	\$1.00
3 lt.....	1.40	2 lt.....	1.40
4 lt.....	1.80	3 lt.....	1.80
5 lt.....	2.20		

QUANTITY DISCOUNTS

List price	Discount
	Percent
0 to \$1,000.00.....	0
\$1,000 to \$3,000.00.....	10
\$3,000 to \$6,000.00.....	14
\$6,000 to \$10,000.00.....	18
\$10,000 to \$20,000.00.....	23
\$20,000 to \$100,000.00.....	25

(c) The maximum net price f. o. b. point of shipment for sales to dealers shall be the maximum price specified in (b) above less 15%.

(d) The maximum net price f. o. b. point of shipment for sales by any per-



son to the distributor shall be the maximum list price specified in (b) above less 25%.

(e) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers, upon resale.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 842  
UNDER SECTION 9 OF MAXIMUM PRICE  
REGULATION NO. 591

The accompanying Order No. 842 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for aluminum residence casement windows.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under sections 7 and 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices were approved by Order L 708 issued and effective July 26, 1946 pursuant to the provisions of section 9 of Maximum Price Regulation No. 591 covering sales of a representative size by the J. S. Thorn Company.

Now the company requests maximum prices be established for a complete range of sizes, permitting sales by any seller of the commodities covered by this order. Based on an analysis of the information submitted the prices set forth in the accompanying order are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591.

In order to avoid any confusion on the part of resellers as to their maximum prices and for the purpose of protecting consumers, the accompanying order establishes dollars-and-cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on

the part of resellers who do not have access to this order, the order provides that each seller except on sales to consumers shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices.

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

The Price Administrator has determined, on the basis of the foregoing, that the maximum prices established by the order are generally fair and are in conformity with the Emergency Price Control Act of 1942, as amended, and Executive orders issued by the President.

[F. R. Doc. 46-17808; Filed, Oct. 2, 1946; 8:52 a. m.]

[MPR 592, Order 161]

G. & W. H. CORSON, Inc.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 161 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. G. & W. H. Corson, Inc. Docket No. 6122-592.16-361.

For reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation 592, *It is ordered:*

(a) The maximum net f. o. b. plant or delivered prices for all sizes of crushed stone produced and sold by G. & W. H. Corson, Incorporated, of Plymouth Meeting, Pennsylvania, to its various classes of purchasers may be increased by an amount not in excess of 15 cents per ton.

(b) Any person, purchasing, for purpose of resale in the same form, crushed stone, described in paragraph (a) above, from the G. & W. H. Corson, Inc., may increase his present maximum prices, established under the General Maximum Price Regulation, by the percentage increase in cost to him actually resulting from the increases permitted the producer in paragraph (a) above. However, notwithstanding the provisions of this paragraph (b), in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(c) All requests of the application not granted herein are denied.

(d) This order may be amended or revoked by the Administrator at any time.

This order shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER 161  
UNDER SECTION 16 OF MAXIMUM PRICE  
REGULATION 592

On July 24, 1946 the G. & W. H. Corson, Incorporated, of Plymouth Meeting, Pennsylvania, requested an upward adjustment on its maximum prices of crushed stone which it produces and sells. The application has been processed pursuant to section 16 of Maximum Price Regulation 592.

This office has examined the applicant's over-all and financial data for the base period years 1936-39, for the year 1945, and financial data on crushed stone operations for the first five months of 1946. It appears that the applicant's current over-all operations are being conducted at a loss and that its present maximum prices for crushed stone are less than its total costs to produce and sell these commodities.

The upper limit of an adjustment, pursuant to the provisions of section 16 of Maximum Price Regulation 592, is an amount sufficient to cover total costs plus a reasonable profit. Accordingly, the Administrator has determined that an adjustment sufficient to enable the applicant to recover total costs plus a reasonable profit is appropriate in this case and the accompanying order effectuates this purpose.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order, does not, however permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17810; Filed, Oct. 2, 1946; 8:53 a. m.]

[MPR 599, Order 30]

DANBY RADIO CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 11 of Maximum Price Regulation No. 590, *It is ordered:*

(a) This order establishes ceiling prices for sales and deliveries of "special brand" radios sold by the Danby Radio Corporation of Philadelphia, Pennsylvania.

(1) For all sales and deliveries by the Danby Radio Corporation to distributors the ceiling price is that set forth below:

Model No.	Brand	Description	Ceiling price to dealer
HF100	Danby	Console combination, 13 tubes and tuning eye, 1 band, 15" PM co-axial dynamic speaker, tuned RF, 3 chokes, FM chassis connection, Garrard model 69 mixer changer plus Caltron model 100 pick-up, mahogany cabinet 42 x 48 x 20".	\$572.34

Since this price has been finally determined after May 16, 1946, it is not subject to the adjustment provided for in section 10 (a) of Amendment 2 to Maximum Price Regulation No. 599. This maximum price is for the article described in the application of Danby Radio Corporation, dated August 13, 1946.

(2) For sales by Danby Radio Corporation, the ceiling price applies to all sales and deliveries since Maximum Price Regulation 599 became applicable to those sales and deliveries. They are f. o. b. factory, not including Federal excise tax, and subject to a cash discount of 2% 10 days, net 30 days.

(3) Your ceiling prices to classes of purchasers other than dealers shall be determined by applying the differentials which you had in effect between July 15, 1941 and October 15, 1941, as provided by section 8 of Maximum Price Regulation No. 599, as amended. If you did not have an established practice of making sales to dealers during that period your ceiling price to dealers is your distributors ceiling price to the class of dealer to which he sells in the largest dollar volume as calculated under the provisions of section 10 of Maximum Price Regulation No. 599, as amended.

(4) For sales by persons other than the Danby Radio Corporation, Danby Radio Corporation is required to calculate the retail ceiling price of the article in accordance with the provisions of section 9 of the regulation. Danby Radio Corporation is also required to calculate distributors prices for the article in accordance with the provisions of section 10 of the regulation.

(b) Danby Radio Corporation shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order in accordance with the provisions of section 13 of the regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 30 UNDER SECTION 11, MAXIMUM PRICE REGULATION 599

The accompanying order establishes the ceiling prices for certain new "special brand" radios sold by the Danby Radio Corporation.

It appears that Danby Radio Corporation is a manufacturer of radios and that

Danby Radio Corporation is purchasing the radios covered by the accompanying order from another manufacturer for resale under their own brand name. Accordingly, Danby Radio Corporation is a "special brand" purchaser, and is required to apply for ceiling prices for resales of these radios under the provisions of section 11 of MPR 599. Accordingly, we have compared the specifications, constructions, and design of these radios with those of the most similar articles of competitive manufacturers for which ceiling prices have been properly established under the regulation. The ceiling prices established by the accompanying order are in line with those ceiling prices and are, therefore, in line with the level of ceiling prices established under the regulation.

[F. R. Doc. 46-17811; Filed, Oct. 2, 1946; 8:53 a. m.]

[MPR 594, Amdt. 9 to Rev. Order 4]  
FORD MOTOR CO.

AUTHORIZATION OF MAXIMUM PRICES

Correction

In Federal Register Document No. 46-16892 appearing at page 10550 of the issue for Thursday, September 19, 1946, in the schedule under paragraph 2, the price for "100-horsepower engine" should read "27.56".

[RMPR 111, Order 13]

FIRESTONE TIRE AND RUBBER CO.

APPROVAL 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 section 16 (b) of Revised Maximum Price Regulation No. 111 and to Supplementary Order No. 133, *It is ordered:*

(a) This order establishes ceiling prices for sales by dealers of the three models of vacuum cleaners manufactured for sale by the Firestone Tire and Rubber Company, Akron, Ohio, under its private brand, Firestone, listed below as follows:

Dealers' Ceiling Prices to Consumers

Model	Each
5-F-3-----	\$66.75
5-F-4-----	60.75
5-F-5-----	56.26

These ceiling prices are applicable only to vacuum cleaners purchased by the Firestone Tire and Rubber Company after October 4, 1946. They are subject to each dealers' customary terms, discounts, allowances and price differentials in effect on sales of similar articles. These ceiling prices include all the adjustments allowed by section 16 of Revised Maximum Price Regulation No. 111 and may not, therefore, be increased under that section.

(b) The Firestone Tire and Rubber Company shall cause to be attached to each vacuum cleaner covered by this order, prior to its being displayed, offered

for sale or sold to an ultimate consumer, a tag or label which meets all the requirements of section 18 of Revised Maximum Price Regulation No. 111.

(c) All the provisions of Revised Maximum Price Regulation No. 111 continue to apply to all sales of articles covered by this order, except to the extent that those provisions are modified by this order.

(d) Unless the context requires otherwise, the definitions set forth in Revised Maximum Price Regulation No. 111 shall apply to the terms herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 13 UNDER REVISED MAXIMUM PRICE REGULATION NO. 111

Ceiling prices have been properly established by the manufacturers for sales of the three models of vacuum cleaners which they manufacture under the private brand name of the Firestone Tire and Rubber Company, Akron 17, Ohio, for sale to that company.

It appears that the Firestone Tire and Rubber Company did not, during October 1941, sell any private brand vacuum cleaners. It did, however, sell certain standard brand vacuum cleaners during that period. It also appears that the private brand vacuum cleaners the Firestone Tire and Rubber Company is now selling differ by no more than minor changes from standard brand machines produced by the manufacturers of the Firestone private brand. In the absence of any provision to the contrary, the manufacturers producing the Firestone private brands preticketed them with the retail ceiling prices applicable to the corresponding standard brand. This was in accordance with section 16 of Revised Maximum Price Regulation No. 111. However, the retail ceiling prices set in this fashion resulted in a substantial increase in the markup received by Firestone and its dealers over that which each received during October 1941 in connection with sales of vacuum cleaners. Hence, the ceiling prices established on this basis are not in line with the level of retail ceiling prices set under Section 16 of Revised Maximum Price Regulation No. 111. Accordingly, pursuant to Section 16 (c) of Revised Maximum Price Regulation No. 111, the accompanying order establishes retail ceiling prices for sales of the Firestone brand vacuum cleaners which return to Firestone dealers an average markup over current cost equal to that which they received during October 1941 on sales of similar articles diminished by the amount necessary to bring about absorption of the 6 percent increase allowed vacuum cleaner manufacturers prior to March 31, 1946, and being absorbed by resellers of vacuum cleaners on that date. The retail ceiling prices

established by the accompanying order are, therefore, in line with the level of retail ceiling prices set under Revised Maximum Price Regulation No. 111 and allow retailers of Firestone machines markups equal to the average markup they would have received if they had sold similar machines on March 31, 1946.

In order to make clear the applicability of the preticketing provision of Revised Maximum Price Regulation No. 111 to the vacuum cleaners covered by the accompanying order, it is specified that the Firestone Tire and Rubber Company must insure compliance with those provisions.

[F. R. Doc. 46-17734; Filed, Oct. 2, 1946; 8:52 a. m.]

Producer and address	Mine name	Mine index number	Location and name of preparation plant through which the coals are prepared
Beaver Coal Co., Box 272, Punxsutawney, Pa.	Beaver No. 1.....	4526	Beaver No. 1 Mine Preparation Plant of Beaver Coal Co. at Kaylor, Pa. on Western Allegheny Railroad.

This Amendment No. 10 to Order No. 1716 under Maximum Price Regulation No. 120 shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 10 TO ORDER NO. 1716 UNDER MAXIMUM PRICE REGULATION NO. 120

Beaver Coal Company, P. O. Box 272, Punxsutawney, Pennsylvania, filed application pursuant to § 1340.213 (d) of Maximum Price Regulation No. 120, requesting that its maximum prices for strip-mined coal, produced at its Beaver No. 1 Mine, Mine Index Number 4526, and prepared at its preparation plant at Kaylor, Pennsylvania, in District No. 2, be increased 61¢ per net ton for coals delivered by all methods of transportation except truck or wagon shipment and 36¢ per net ton for truck or wagon shipment.

It appears that the applicant's strip-mined coals receive thorough cleaning and hand-picking at its preparation plant and they are such that they can be prepared to a standard of general acceptability in the coal-consuming market.

The applicant qualifies, therefore, for the requested relief under the provisions of said § 1340.213 (d). All mines of District No. 2, qualifying for an increase of 61¢ per net ton for prepared strip-mined coal delivered by all methods of transportation except truck or wagon shipment and 36¢ per net ton for truck or wagon shipment under the provisions of § 1340.213 (d) of Maximum Price Regulation No. 120, have been grouped together by Order No. 1716, as amended, under Maximum Price Regulation No. 120. Accordingly, this order is being further amended to include applicant's strip-mined coals.

[F. R. Doc. 46-17735; Filed, Oct. 2, 1946; 8:52 a. m.]

[MPR 120, Amdt. 10 to Order 1716]

EDWARD TOMAJKO, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.213 (d) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1716 under Maximum Price Regulation No. 120 is hereby amended in the following respects:

Paragraph (a) is amended by adding thereto the following name of the producer, address, mine name and index number, and preparation plant name as follows:

[Rev. SO 119, Order 343]

SONATA ELECTRONIC 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 section 12 of Revised Supplementary Order No. 119, *It is ordered:*

(a) *Adjustment of ceiling prices.* The ceiling prices to each class of purchaser established by Order No. 5193 under § 1499.158 of Maximum Price Regulation No. 188 for acoustic phonographs manufactured by the Sonata Electronic Corporation, 624 South Michigan Avenue, Chicago, Illinois, may be increased by 15 percent.

The ceiling prices as adjusted by this order shall apply only to acoustic phonographs which are delivered by Sonata Electronic Corporation on or after the effective date of this order, to a purchaser for resale.

(b) *Relation of this order to Order No. 5193.* All the provisions of Order No. 5193 under § 1499.158 of Maximum Price Regulation No. 188 not expressly inconsistent with this order shall continue to apply to all sales and deliveries by all types of sellers of articles whose ceiling prices are adjusted by this order.

(c) All requests contained in the application for price adjustment filed by the Sonata Electronic Corporation, and assigned OPA Docket No. 6069-SO 119-120c, not specifically granted by this order are hereby denied.

(d) The provisions of Supplementary Order No. 153 shall have no application to any sale or delivery of any article subject to this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 343 UNDER REVISED SUPPLEMENTARY ORDER NO. 119

The accompanying order is issued under Revised Supplementary Order No. 119 pursuant to an application filed by the Sonata Electronic Corporation, 624 South Michigan Avenue, Chicago, Illinois, hereinafter referred to as the applicant, for an adjustment of its ceiling prices for acoustic phonographs of its manufacture.

The applicant's and resellers' ceiling prices for this product have been established by Order No. 5193 under § 1499.158 of Maximum Price Regulation No. 188, for the applicant is a new manufacturer who did not produce this product during 1941. Phonographs are listed under Appendix A of Revised Supplementary Order No. 119 as a reconversion product. Section 12 of Revised Supplementary Order No. 119 provides that a manufacturer may obtain an adjustment in his ceiling prices for a reconversion product even though he did not make the product during 1941. However, the adjustment granted such a manufacturer shall be in line with the adjustments allowed under Revised Supplementary Order No. 119 to manufacturers who did manufacture the product during 1941.

Since the applicant did not manufacture acoustic phonographs in 1941, it is eligible to obtain an adjustment in its ceiling prices which will be in line with the adjustments obtained by other acoustic phonograph manufacturers under Revised Supplementary Order No. 119.

A review of the action taken on applications for adjustment filed under Revised Supplementary Order No. 119 by acoustic phonograph manufacturers other than the applicant discloses that manufacturers who account for more than 50% of the production of acoustic phonographs have obtained adjustments under Revised Supplementary Order No. 119. The increase factors granted such manufacturers range from 9 to 19.8 percent, and the weighted average increase factor is 14.7 percent. The weighting was on the basis of the ratio that each manufacturer's production bore to the combined production of all manufacturers of acoustic phonographs who had applied and were granted increase factors prior to this date.

Giving due consideration to the foregoing, and to changes since 1941 in basic wage rate schedules and material prices, changes since 1936-1939 in profit rates in the industry, and the relative position of the articles the applicant proposes to make with reference to whether they are relatively low-price and low-margin in the range of articles made by acoustic phonograph manufacturers, it is determined that a 15 percent increase in the applicant's ceiling prices is in line with the level of adjustments allowed other manufacturers under Revised Supplementary Order No. 119. Insofar as the applicant requested a greater increase, its application is denied by the accompanying order because such an adjustment would exceed the maximum adjustment allowable under the standards discussed above.

Purchasers for resale of the product which the manufacturer sells at adjusted prices are permitted to pass on to their



customers the increase authorized for and which they pay to their supplier. This is in accord with the policy of this Office in cases where the ceiling prices of an individual manufacturer for a product of this type are adjusted.

[F. R. Doc. 46-17731; Filed, Oct. 2, 1946; 8:51 a. m.]

[SO 133, Order 75]

WESTERN AUTO SUPPLY CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Supplementary Order No. 133, It is ordered:

(a) This order establishes ceiling prices for sales at retail of the Wizard brand Models 117C, 117AC, 117CP, 117ACP, 117CG and 117ACG private brand washing machines sold by the Western Auto Supply Company, 2107 Grand Avenue, Kansas City, Missouri, as follows:

Ceiling prices for sales to consumers

Model	Each
117C and 117AC.....	\$96.25
117CP and 117ACP.....	102.25
117CG and 117ACG.....	126.25

These prices are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(b) All the provisions of Revised Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that those provisions are modified by this order.

(c) Unless the context requires otherwise, the definitions set forth in the various sections of Revised Maximum Price Regulation No. 86 shall apply to the terms used herein.

(d) The ceiling prices established by this order supersede those established by Order 72 under Supplementary Order No. 133 for sales of the same machines only with respect to machines purchased by Western Auto Supply Company at prices which include the adjustment allowed by Order L-54 under Supplementary Order No. 133.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 75 UNDER SUPPLEMENTARY ORDER NO. 133

The manufacturer of the private brand models of washing machines sold by the Western Auto Supply Company, 2107 Grand Avenue, Kansas City 8, Missouri, has received an additional adjustment of its ceiling prices by Order L-54 under Supplementary Order No. 133. The same supplementary order provides that whenever a manufacturer's ceiling prices for certain articles have been adjusted

under the order, an order may be issued establishing ceiling prices for resales of those articles. Accordingly, the accompanying order, pursuant to Supplementary Order No. 133, establishes adjusted retail ceiling prices for the private brand washing machines sold by the Western Auto Supply Company.

The retail ceiling prices established by the accompanying order for each model reflect a mark-up over the current invoice cost to the retailer equal to the average mark-up received by such retailers in connection with their sales of that model on March 31, 1946. This is in accordance with the policy of this Office in such cases.

[F. R. Doc. 46-17732; Filed, Oct. 2, 1946; 8:51 a. m.]

[MPR 64, Order 323]

COLUMBUS STOVE CO.

APPROVAL 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 section 11 of Maximum Price Regulation No. 64, It is ordered:

(a) This order establishes ceiling prices for sales of certain models of gas ranges manufactured by the Columbus Stove Company, 827 Reynolds Avenue, Columbus 3, Ohio.

(1) For sales in each zone by wholesale distributors to retail dealers, the ceiling prices including the Federal excise tax, are those set forth below:

Model	Distributor to dealer			
	Zone 1	Zone 2	Zone 3	Zone 4
75XLI.....	\$55.83	\$57.34	\$59.66	\$61.68
75XLIT.....	61.19	53.63	65.23	67.25
81XLIT.....	62.44	63.95	66.30	68.32

These prices are f. o. b. wholesale distributor's city. If the wholesale dealer sells a stove equipped at the factory for bottle gas, he may add \$1.22 to the applicable ceiling prices for the stove shown above. 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.

(2) For sales in each zone by retail dealers to ultimate consumers the ceiling prices, including Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Dealer to consumer			
	Zone 1	Zone 2	Zone 3	Zone 4
75XLI.....	\$90.50	\$92.75	\$96.25	\$99.25
75XLIT.....	98.50	101.00	104.50	107.25
81XLIT.....	100.50	102.75	106.25	109.25

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his ceiling price by subtracting \$6.00 from his ceiling price as shown above for sales on an installed basis. If the retail dealer

sells a stove equipped at the factory for bottle gas, he may add \$1.90 to the applicable ceiling price for the stove shown above. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowance) 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 ceiling prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail 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.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Ohio.  
Zone 2: Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Tennessee, Mississippi, Michigan, Indiana, Kentucky, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, District of Columbia, and Maryland.

Zone 3: North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Texas, Oklahoma, Arkansas, Louisiana, and Florida.

Zone 4: New Mexico, Arizona, Utah, Idaho, Montana, Washington, Oregon, Nevada, and California.

(e) The resale ceiling prices established by this order include all the increases allowed by sections 11a and 11b of Maximum Price Regulation No. 64 and may not, therefore, be increased under those sections.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 3d day of October 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 323 UNDER MAXIMUM PRICE REGULATION 64

Section 11b (c) of Maximum Price Regulation No. 64 required manufacturers of stoves subject to preticketing by the manufacturer having retail ceiling prices fixed prior to August 19, 1946, to recompute those ceiling prices so as to insure the return to retailers of a percentage markup which they received on sales of the same or similar stoves on March 31, 1946. To achieve this result the manufacturer was required to determine a markup factor for each stove ap-

plicable to his current ceiling price to distributors, or if he did not sell to distributors, to his largest buying class of purchaser by dividing his March 31, 1946, ceiling price under Maximum Price Regulation No. 64 to that class of purchaser by his March 31, 1946 retail ceiling price as determined under Maximum Price Regulation No. 64 for his most comparable stove in Zone 1.

The Columbus Stove Company, Columbus, Ohio has incorrectly recomputed the resale ceiling prices. In order to eliminate any possible confusion resulting from that error the accompanying order specifies the correct resale ceiling prices.

The corrected resale ceiling prices were computed by applying to the manufacturer's current ceiling prices for sales to distributors a markup factor determined by dividing by the manufacturer's f. o. b. factory ceiling price on March 31, 1946 under Maximum Price Regulation No. 64 for sales to distributors by the ceiling price in zone 1 to each type of reseller for each of the manufacturer's gas ranges which would have been established by an order issued on March 31, 1946 under section 11 of Maximum Price Regulation No. 64 if such an order had been issued. Hence they reflect the average markups in effect on that date and include any increases allowed by sections 11a or 11b of Maximum Price Regulation No. 64, and may not, therefore, be further increased under either of those sections.

[F. R. Doc. 46-17733; Filed, Oct. 2, 1946; 8:51 a. m.]

[RMFR 136, Amdt. 5 to Order 506]

**POWER-OPERATED GASOLINE DISPENSING PUMPS**

**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 30 of Revised Maximum Price Regulation 136. *It is ordered:*

1. Order No. 506 under Revised Maximum Price Regulation 136 is hereby amended in the following respect:

In paragraph (a) (1) the figure 16.1% is deleted and substituted therefor is the figure 21%.

This amendment shall become effective October 2, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

**OPINION ACCOMPANYING AMENDMENT NO. 5 TO ORDER NO. 506 UNDER REVISED MAXIMUM PRICE REGULATION 136**

Order No. 506 under Revised Maximum Price Regulation 136, issued on October 3, 1945, granted an increase of 9.2% to manufacturers of power-operated gasoline dispensing pumps. Furthermore, Amendment 3 to Order 506, issued on June 21, 1946, granted such manufacturers a 16.1% increase in their list prices in effect on October 1, 1941 for these pumps.

This adjustment represented the result of a second survey of this industry which originated in March, 1946, for the purpose of allowing the further relief necessary to recover the additional increases in costs arising in that industry between July, 1945, and March, 1946.

The OPA has been advised by the industry that it is confronted with additional cost increases which have occurred subsequent to March, 1946. These increases are in addition to the increases which formed the basis for the issuance of Amendment 3 to Order 506 and resulted in undue financial hardship to the industry generally. Therefore, the Administrator has been requested by the industry to make a further survey in order to give proper consideration to these additional cost factors.

Pursuant to the request of the industry the sample companies of the computer and non-computer gasoline dispensing pump industry were again requested to submit information with respect to labor and material cost increases arising since March 1, 1946. Eleven companies filed certain data including one company, which was unable to furnish the required information at the time of the previous survey. Although certain information was supplied by one of the sample companies, it was excluded from any consideration, since it was felt that on account of the loss suffered by this company in 1941 which was attributable to its late entrance into this field, it could not be regarded as representative of the industry. Since the ten remaining companies represent more than 90% of the industry's total volume of production, the Administrator felt that the information supplied by these companies constitutes an adequate sample for the industry.

The industry is not yet able to furnish reliable data on current normal costs since it is unable to reach its pre-war production level due to the shortage of component parts such as castings, motors, etc.

The Administrator adjusted the submitted data in order to reflect the present operating conditions in the industry. In accordance with the reconversion criteria, the 1941 profit and loss statement of each company was adjusted to reflect legal increases in both direct and indirect labor and materials occurring since October 1, 1941. Selling and administrative expenses, as well as all other factory expenses, were held to the 1941 dollar amounts. Increases in materials have resulted in a weighted average increase of 27.6% for direct materials and of 17.3% for indirect materials.

Companies producing 75% of the volume of the industry have recently granted approved wage increases. Such wage increases together with previous increases since October 1, 1941 result in a weighted average increase in the basic wage rate of 45.4% for the industry. It is impossible for the Administrator to say what, if any, hourly wage rate increases may be agreed to, or approved, for remaining companies in the industry. However, it appears reasonable to expect that this average percent-

age increase in labor costs will adequately cover any foreseeable subsequent wage adjustments that may be made by those companies which represent the small remaining volume of production, it is the judgment of the Administrator that effective price administration will be best served by a uniform price increase for the entire industry at this time.

After applying the industry's average net operating profit for the base years 1936-39 to the adjusted costs, it was found that the resulting average increase factor was insufficient to cover the bulk of the industry's production. However, on a company-by-company basis, after giving consideration to increases that would be necessary under individual applications for price relief to cover allowable total costs plus a profit ratio equal to one-half of the industry's base period profit ratio, it is indicated that an increase of 21% will cover the bulk of the industry's production to which such relief would be applicable.

These pumps are used by garages and service stations for the dispensing of gasoline. The cessation of production during the war resulted in the inability of these garages and stations to obtain these pumps which are so vital in the distribution of gasoline. The Administrator has, therefore, determined that, to encourage production, the increase factor should be computed to cover the amount of relief to which those companies producing the bulk of the industry's volume would be entitled to on an individual basis.

Amendment No. 4 to Order No. 506 provided for resellers to pass-on the percentage amount of the manufacturer's increase. In accordance with the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended, the provisions of Amendment No. 4 will remain unchanged.

[F. R. Doc. 46-17946; Filed, Oct. 2, 1946; 11:38 a. m.]

[MPR 188, Amdt. 1 to Order 5128]

**FELT CARPET LININGS AND RUG CUSHIONS, AND FELT CARPETS MADE OF JUTE AND OF HAIR**

**ADJUSTMENT OF MAXIMUM PRICES**

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 5128 under § 1499.159b of Maximum Price Regulation No. 188 be, and it hereby is, amended in the following respects:

1. The title of Order No. 5128 under Maximum Price Regulation No. 188 is amended to read as follows: "Felt Carpet Linings and Rug Cushions, and Felt Carpets Made of Jute and of Hair."

2. The words "felt carpet linings and rug cushions" shall be deleted wherever they appear in sections 1, 2, 6, 8, 9 of the said order, and the words "felt carpet linings and rug cushions, and felt carpets made of jute and of hair" shall be substituted in their place and stead.

This amendment shall become effective on the 7th day of October 1946.

Issued this 2d day of October 1946.

ROBERT A. NIXON,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 1  
TO ORDER NO. 5128 UNDER MAXIMUM PRICE  
REGULATION NO. 188

The accompanying amendment adds felt carpets made of jute and of hair to the articles covered by Order No. 5128 under Section 1499.159b of Maximum Price Regulation No. 188.

The articles already covered by this order are felt carpet linings and rug cushions. Since felt carpets made of jute and of hair are manufactured of approximately the same materials by the same process as felt carpet linings and rug cushions and generally by the same manufacturers, the considerations for adjusting the maximum prices on felt carpets made of jute and of hair at the manufacturing level are the same as those set forth in the opinion accompanying Order No. 5128. Therefore the statements contained in the said opinion are incorporated herein by reference.

[F. R. Doc. 46-17947; Filed, Oct. 2, 1946;  
11:40 a. m.]

[MPR 188, Amdt. 97 to Order A-1]

TRADE SALES PAINTS

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new paragraph (a) (8) is added to Order No. A-1 to read as follows:

(8) *Modification of maximum prices for trade sales paints.* (i) The manufacturers' maximum net prices established pursuant to Maximum Price Regulation 188, as amended, for the following trade sales paints may be increased by the amount specified for each product:

	Per gallon
House paint (ready mixed, exterior)---	\$0.12
House paint undercoat-----	.11
Floor paint (interior, and exterior, including floor enamel)-----	.08
Interior gloss and semigloss paint-----	.06
Wall primer-sealer-----	.11
Flat wall paint-----	.04
Colors-in-oil-----	.17
Roof and barn paint-----	.11

(ii) Any reseller, purchasing for resale in the same form, any of the trade sales paints listed in paragraph (i), above, from any manufacturer who has modified his maximum prices in accordance with (i), above, may increase his presently established maximum prices by an amount not exceeding his actual percentage increase in cost resulting from the increase permitted the manufacturer in (i), above.

(iii) Any manufacturer, who modifies his maximum prices pursuant to this paragraph, shall furnish each buyer, who purchases such products for resale in the same form, on or before the date the manufacturer makes the first delivery at the adjusted prices, a written statement as follows:

Amendment No. 97 to Order A-1 effective October 3, 1946 permits us an increase of \$----- per gallon of ----- over the maximum prices established under Maximum Price Regulation 188. You are permitted to add the actual percentage amount of your increased cost resulting from the increase permitted the manufacturer to your existing maximum prices for -----.

This Amendment No. 97 shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 97  
TO ORDER A-1 UNDER SECTION 1499.159B  
OF MAXIMUM PRICE REGULATION NO. 188

The accompanying Amendment No. 97 to Order A-1 under Maximum Price Regulation 188 permits certain specified upward adjustments in the maximum prices for trade sales paints. The amendment lists eight products affected by the action and specific increases for each product ranging from \$.04 to \$.17 per gallon. The increase is granted as a result of the increased cost of linseed oil used in the manufacture of these products and has been computed on the basis of the average adjustment required to equal the dollars-and-cents additional cost of linseed oil required in each type of listed trade sales paint product.

Maximum prices for trade sales paint previously were established at March 1942 levels on the basis of a freeze of each manufacturer's highest March 1942 price to each class of purchaser. No industry-wide adjustment of these March 1942 maximum prices had been found necessary by the Administrator prior to this action.

Maximum prices for the sales of linseed oil have been established at 17.8¢ per pound, which includes the increase of 1.3¢ per pound authorized by Amendment 65 to Maximum Price Regulation 53 effective July 31, 1946, and the increase of 2.0¢ per pound authorized by Amendment 71 to Maximum Price Regulation 53 effective September 18, 1946. The adjustments permitted by this action reflect the foregoing increases totalling 3.3¢ per pound in the price of linseed oil.

The trade sales paints affected by this Amendment, primarily interior and exterior house paint, are urgently required by the Veterans Emergency Housing Program. The Civilian Production Administrator has advised the Price Administrator that the current shortage of these items, considered in relation to the needs of the housing program, is extremely critical. Manufacturers have also informed the Administrator that the increased linseed oil cost cannot be absorbed without further accentuating this shortage.

Data are not available at this time upon which the Administrator is able to determine clearly whether increased linseed oil costs place the paint industry in a position where their earnings would be reduced below the prewar average or where total costs on the individual trade sales paint products would not be covered. Nevertheless, in view of the importance of these items and in view of the following considerations, the

Administrator has determined that some action is required to assure that prices of these essential paint items will not be an impediment to maximum output: (1) Evidence indicates a shift away from the output of a number of low profit lines since more attractive uses of scarce materials are available; (2) Such low end lines are generally those which consume substantial quantities of linseed oil and increased oil prices have further accentuated their relative unprofitability; and (3) Such limited data, as could be obtained at this time, indicate that absorption of the linseed oil increase would, in the case of some products and numerous manufacturers, reduce returns below total cost.

In the light of these considerations, the Administrator has found that in the absence of this action, margins on certain low end paint products would be so low as to threaten loss of production of commodities which are essential in the reconversion to a peacetime economy. Moreover, it appears clear that the alternative to this action might well be the disappearance from the market of products which even after the adjustment now permitted represent a substantially lesser cost to the consumer than higher priced substitute items which are in ample supply. The Administrator has accordingly found that a pass through, for a limited group of paint products, of the linseed oil cost increase is appropriate as an interim action. The Office of Price Administration will continue its study of the paint industry and will replace the adjustments now permitted by such amounts as may be indicated at the conclusion of the complete study of this industry.

Resellers, purchasing for resale in the same form any of the trade sales paints affected by the accompanying Amendment, are permitted to increase their present maximum prices by the percentage increase in acquisition cost resulting from the increase permitted the manufacturer by the accompanying Amendment. Thus, resellers will continue to realize the same percentage margins.

The Price Administrator accordingly finds that this Amendment is necessary and proper and is consistent with the Emergency Price Control Act of 1942, as amended, and constitutes, within the meaning of Executive Order 9599, the correction of a maladjustment in price necessary to the transition to a peacetime economy.

[F. R. Doc. 46-17948; Filed, Oct. 2, 1946;  
11:40 a. m.]

[MPR 478, Amdt. 1 to Rev. Order 157]

OIL CLOTH

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 15a of Maximum Price Regulation 478, *It is ordered:*

Revised Order 157 of Maximum Price Regulation 478 is amended in the following respects:



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

(a) *Manufacturers' ceiling prices.* Manufacturers of oilcloth may increase by 40.5 percent the highest list price which they had in effect during October 1941 for sales of all oilcloth made after August 9, 1946.

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

(b) *Wholesalers' ceiling prices.* Wholesalers of oilcloth may increase by 33.3 percent their prices of all oilcloth, other than wall oilcloth, in effect on March 1, 1942, for sales made after August 9, 1946 to each class of purchaser for those items for which the manufacturer has increased his prices as permitted by this order. *Provided, however,* That where such wholesaler's maximum price as adjusted is below the manufacturer's ceiling price to the same class of purchaser as determined under paragraph (a) above, the wholesaler may increase his March 1, 1942 price to any particular class of purchasers not to exceed the manufacturer's ceiling price to that class of purchasers as determined under paragraph (a) above.

Wholesalers of oilcloth who have no "price in effect" on March 1, 1942, for sales of any particular oilcloth, other than wall oilcloth, or for sales to any particular class of purchaser to whom they now propose to sell, will determine their maximum prices for sales of the particular oilcloth or to the particular class of purchaser, as the case may be, by application under the provisions of section 10 of Maximum Price Regulation 478.

This order shall become effective October 2, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 1 TO REVISED ORDER NO. 157 UNDER MAXIMUM PRICE REGULATION 478

This amendment to Revised Order 157 permits manufacturers of oil cloth to increase their October 1941 prices by 40.5 percent, and wholesalers of oil cloth other than wall oil cloth by 33.3 percent. Wholesalers of wall oil cloth will continue to compute their maximum prices by applying spelled out divisional factors to net invoiced costs.

The percentage increase of 7.67 percent over current prices granted manufacturers of oil cloth, is the same percentage increase that has been granted to manufacturers of oil coated fabrics under Amendment 18 to Maximum Price Regulation 478. Such increase has been determined to be the amount necessary under the industry earning standard to restore to the coated fabrics industry its base period rate of return on current net worth. The method by which this increase was determined and the considerations underlying the coated fabric manufacturers' adjustment for oil coated fabrics are set forth in the statement

of considerations to Amendment 18 to Maximum Price Regulation 478 and are herein incorporated by reference.

Although interpretations of the regulation in the past have made provisions affecting coated fabrics applicable to oil cloth, this action is issued independently since it is treated separately under Revised Order No. 157 as a reconversion item. Moreover most wholesalers of oil cloth are not covered by the regular wholesalers' provisions of Maximum Price Regulation 478 but are covered by Revised Order 157. Since the cost experiences of oil cloth manufacturers are identical with those of oil coated fabric manufacturers, the increase of 7.67 percent is found to be necessary to restore the industry's base period rate of return on current net worth and is applicable to manufacturers under this action.

Wholesalers who sell oil cloth other than wall oil cloth are granted an increase over their March 1942 prices of 33.3 percent. Under Revised Order 157 such wholesalers were permitted an increase over their March 1942 prices of 23.8 percent. Wholesalers of such oil cloth are, by this action granted a percentage pass-through of the manufacturer's increase. Thus the wholesaler's margins are maintained at the same level as was in effect on March 31, 1946 in accordance with the requirements of the Emergency Price Control Act as amended. Revised Order 157 permitted wholesalers of wall oil cloth to use their net invoiced costs and the applicable divisional factors for wholesalers under the regulation. This action does not change the price determining method and gross margins in effect to them on March 31, 1946.

In the opinion of the Administrator, the present action is consistent with, effectuates the purposes and meets the requirements of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17950; Filed, Oct. 2, 1946; 11:41 a. m.]

[MPR 580, Amdt. 2 to Order 132]

LIBERTYVILLE TEXTILES, INC.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 2 to Order 132. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-800.

For the reasons set forth in the opinion issued simultaneously herewith, Order 132 issued under section 13 of Maximum Price Regulation 580 on application of Libertyville Textiles, Inc., 2035 West Charleston Street, Chicago 47, Illinois, is amended in the following respects:

1. The prefatory text of paragraph (a) is amended by deleting the comma after the phrase "Tumble-Twist" and adding the phrase "or Cotton Tail" immediately following that phrase.

2. Paragraph (a) is amended by adding the following "Cotton Tail" rugs:

Manufacturer's selling price	Retail ceiling price
\$2.60	\$4.45
3.20	5.45
4.70	7.95
6.50	10.95

This amendment shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 132 UNDER MAXIMUM PRICE REGULATION NO. 580

The accompanying amendment to Order No. 132 issued to Libertyville Textiles, Inc., 2035 West Charleston Street, Chicago 47, Illinois, under Section 13 of Maximum Price Regulation 580, establishes uniform retail ceiling prices for additional rug styles. This will enable the manufacturer to continue his customary practice of maintaining uniform retail selling prices on his branded merchandise.

[F. R. Doc. 46-17953; Filed, Oct. 2, 1946; 11:42 a. m.]

[MPR 580, Amdt. 1 to Order 301]

JACOB SIEGEL CO.

ESTABLISHMENT OF CEILING PRICES

MPR 580, amendment 1 to order 301, establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-806.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 301 issued under section 13 of Maximum Price Regulation 580 on application of Jacob Siegel Company, 317 North Broad Street, Philadelphia, Pennsylvania, is amended in the following respects:

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

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Jacob Siegel Company, 317 North Broad Street, Philadelphia 7, Pennsylvania, having the brand name "Alperu," "Metropole," or "Alpacuna" and described in the manufacturer's applications dated March 23, 1945 and April 10, 1946:

MEN'S OVERCOATS AND TOPCOATS

Manufacturer's selling price	Retail ceiling price
\$30.00	\$50.00
33.00	55.00

2. Paragraph (d) is amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already covered by the order or changes the retail ceiling price of a covered article, Jacob Siegel Company, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the effective date of

the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order.

3. Paragraph (e) is amended to read as follows:

(e) At the time of or before the first delivery to any purchaser for resale of any article covered by this order, the seller shall send the purchaser a copy of the order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

This amendment shall become effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 1  
TO ORDER NO. 301 UNDER MAXIMUM  
PRICE REGULATION NO. 580

The accompanying amendment to Order No. 301 issued to Jacob Siegel Company, 317 North Broad Street, Philadelphia 7, Pennsylvania, under Section 13 of Maximum Price Regulation 580, increases the uniform retail ceilings previously established by the order for overcoats and topcoats having the brand name "Alperu" or "Metropole" for which the manufacturer has recalculated his prices under Maximum Price Regulation 607. The amendment establishes uniform retail ceilings for additional overcoat and topcoat styles having the brand name "Alpacuna," for which uniform retail ceilings were previously established by Order 89, under Section 13 of Maximum Price Regulation 580, also issued to Jacob Siegel Company. Order 89 is being revoked simultaneously with the issuance of this amendment, which brings within the coverage of this order the articles previously covered by Order 89. The retail ceilings established for those articles (the "Alpacuna" overcoat and topcoat) by Order 89 are increased by this amendment since the manufacturer has recalculated his prices therefor under Maximum Price Regulation 607.

With respect to articles for which retail ceiling prices are established by amendment, provision is made for the suspension of the preticketing requirements for a specified period.

The amendment also revises the notice provision in paragraph (e).

[F. R. Doc. 46-17957; Filed, Oct. 2, 1946;  
11:43 a. m.]

[MPR 610, Amdt. 1 to Order 7]

FORD MOTOR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 8 of Maximum Price Regulation 610, *It is ordered:*

Order 7 under Maximum Price Regulation 610 is amended in the following respects:

1. A new paragraph (c) 1 is added to read as follows:

(c) 1. *Company Sales to United States.* The Company is authorized to sell and deliver at factory, Dearborn or Highland Park, Michigan, to the United States, its agencies and wholly owned corporations for the use of the United States, each of the Ford new trucks described in subparagraph (1) of paragraph (a) at a price not to exceed the total of the following:

(1) *Charge for the new truck.* A charge for the new truck not to exceed the amount of the applicable net wholesale price in subparagraph (1) of paragraph (a).

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the net wholesale price determined by the Company, in accordance with subparagraph (2) of paragraph (a).

(3) *Deductions.* A deduction in price for each item listed in (1)(i) of paragraph (a) when installed in production not less than the net wholesale deduction in subparagraph (1)(i) of paragraph (a).

(4) *Charge for delivering and servicing the new truck.* A charge for delivering the new truck to the purchaser and servicing it subsequent to the delivery in an amount not to exceed a percentage of the list price for the truck in subparagraph (1) of paragraph (d) and the list prices of any items of extra or optional equipment installed on the truck in production determined by the Company in subparagraph (2) of paragraph (a). The percentage shall be the percentage the Company had in effect on January 1, 1941 (or the closest date prior to January 1, 1941) for applying to list prices to determine the amount to pay to a dealer for making delivery to the purchaser and servicing the truck subsequent to delivery.

(5) *Other charges.* Charges permitted by subparagraphs (3) (4) (5) (6) of paragraph (a) when applicable to the sale.

This amendment shall be effective October 3, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 1  
TO ORDER NO. 7 UNDER MAXIMUM  
PRICE REGULATION 610

Order 7 under Maximum Price Regulation 610 established maximum prices for sales of Ford trucks and extra or optional equipment. At the time Order 7 was issued, the Ford Motor Company did not request maximum prices for Company sales to the United States and none were included in the Order. The applicant now proposes to make such sales and requests that Order 7 be amended to provide therefor. The maximum prices authorized in this amendment for sales to the United States give effect to the increases the applicant received in Order 7 issued pursuant to section 8 of Maximum Price Regulation 610 and preserve the Company's base date practice in effect for such sales.

[F. R. Doc. 46-17958; Filed, Oct. 2, 1946;  
11:43 a. m.]

[MPR 478, Order 158, Amdt. 1]

COATED AND COMBINED FABRICS

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 15a of Maximum Price Regulation 478, *It is ordered:*

Paragraph (a) of Order 158 under Maximum Price Regulation 478 is amended to read as follows:

(a) *Manufacturers' ceiling prices.* Any manufacturer of starch filled bookcloth may increase by 27 percent his highest list price, less any trade discount in effect to each class of purchaser during October 1941, for sales of starch filled bookcloth made between April 26, 1946 and August 9, 1946, inclusive, and by 36.7 percent for sales of such starch filled bookcloth made after August 9, 1946.

This order shall become effective October 2, 1946.

Issued this 2d day of October 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 1  
TO ORDER NO. 158 UNDER MAXIMUM  
PRICE REGULATION 478

The accompanying amendment to Order 158 Under Maximum Price Regulation 478 establishes price increase factors for manufacturers of starch filled bookcloth of 27 percent for sales of such bookcloth made between April 26, 1946 and August 9, 1946, and of 36.7 percent for sales of such bookcloth made after August 9, 1946.

The increases granted manufacturers of starch filled bookcloth are based upon Amendments 14 and 18 of Maximum Price Regulation 478, which increased maximum prices for the coated fabric manufacturing industry generally, and specifically for pyroxylin coated fabrics by 27 percent from April 26, 1946, to August 9, 1946, and by 36.7 percent since August 9, 1946. The increases to manufacturers of pyroxylin coated fabrics

were found to be the amount needed under the industry earning standard to restore to the coated fabric industry its base period rate of return on current net worth. The method by which these increases were determined and the considerations underlying the coated fabrics manufacturers adjustments are set forth in the statement of considerations to the above amendments, and are incorporated herein by reference.

The sample of the industry which was studied when the manufacturers' adjustments were made included producers of starch filled book cloth. The findings made thereunder as to the amount necessary to restore the industry's base period rate of return were predicated on cost data which identified book cloth production with the production of the other coated fabrics under MPR 478. The increases granted by amendments 14 and 18 to MPR 478 therefore were based on the industry's over all showing. Since starch filled book cloth has been treated separately under Order 158 as a reconversion item, it was necessary to issue an independent action for such bookcloth by this amendment to Order 158. Inasmuch as manufacturers of starch filled book cloth are also manufacturers of pyroxylin coated bookcloth and inasmuch as the manufacture of starch filled bookcloth is based on cost experiences, similar to that of pyroxylin coated bookcloth, manufacturers of starch filled bookcloth are therefore, by this amendment, given the same relief afforded the manufacturers of pyroxylin coated bookcloth by the previous two actions. Moreover, failure to allow such an increase on starch filled bookcloth while permitting it for coated bookcloth would tend to make the production of starch filled bookcloth unattractive, with a consequent diversion of production to the higher priced coated bookcloth. This action, in permitting an increase for starch filled bookcloth, therefore, lessens the likelihood of diversion and maintains a consistent price relationship between the two types of commodities.

In the opinion of the Administrator, the present action is consistent with, effectuates the purposes and meets the requirements of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17949; Filed, Oct. 2, 1946; 11:40 a. m.]

**Regional and District Office Orders.**

[Region II Order G-2 Under RMPR 296]

**FLOUR IN BALTIMORE, MD., AREA**

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and pursuant to the authority vested in the Regional Administrator by Section 12 of Revised Maximum Price Regulation 296 and pursuant to Revised Procedural

Regulation No. 1 this order is hereby issued.

**SEC. 1. What this order does.** This order, as to certain delivery points within Region II, adjusts the amounts which may be added by certain flour distributors to the maximum carload prices pursuant to paragraphs (2) and (4) of Appendix A IX.

**SEC. 2. Area covered.** This order applies in "the Metropolitan Area of Baltimore, Maryland" which shall consist of Baltimore City and suburban Communities within a radius of 10 miles of Baltimore City Hall, in the State of Maryland.

**SEC. 3. Definitions.** When used in this order all terms have the same meaning as in Revised Maximum Price Regulation 296 except that where a term is not specifically defined in RMPR 296 but is specifically defined in this order the meaning as set forth in this order shall prevail.

**SEC. 4. When certain amounts may be added.** (a) The amount set forth in this order which may be added to the amount set forth in Paragraph (2) of Appendix A IX may be added only when:

(1) The shipment or delivery is of 250 cwt., or less;

(2) The shipment or delivery is f. o. b. mill or f. o. b. seller's warehouse;

(3) The sale is not a sale at retail;

(4) The provisions of Appendix A IX of RMPR 296 are complied with.

(b) The amount set forth in this order which may be added to the amount set forth in Paragraph (4) of Appendix A IX of Revised Maximum Price Regulation 296 may be added only when:

(1) The shipment or delivery is of 250 cwt., or less;

(2) The shipment or delivery is delivered at any destination in the "Metropolitan Area of Baltimore, Maryland", except f. o. b. mill, f. o. b. seller's warehouse, f. o. b. industry track; or the delivery is made by truck or vehicle other than a rail car, barge or vessel from either a mill or seller's warehouse located within the limits of the "Metropolitan Area of Baltimore, Maryland" or from a rail car spotted on a team track within such areas to a point in an area outside the limits of the "Metropolitan Area of Baltimore, Maryland";

(3) The sale is not a sale at retail;

(4) The provisions of Appendix A IX of RMPR 296 are complied with.

**SEC. 5. Schedule of maximum amounts which may be added.** The maximum amounts which may be added by flour distributors under the conditions set forth in this order to the amounts in Paragraph (2) and (4), respectively, of Appendix A IX of RMPR 296 are:

	Cents per hundredweight
Paragraph (2)-----	12
Paragraph (4)-----	19

**SEC. 6. Financial reports required.** Between November 15 and November 23, 1946 all flour distributors affected by this order shall submit individual profit and

loss financial statements covering the period October 1, 1946 to October 31, 1946 showing in detail operating expenses and showing particularly salesmen's commissions, expenses of trucking, storage and unloading and volume of flour handled.

**SEC. 7. Public inspection.** A copy of this order has been filed with the Division of the Federal Register where it is open for inspection by the public.

**SEC. 8. Revocation.** This order may be revoked or amended by the Price Administrator or the Regional Administrator of Region II at any time.

**SEC. 9. Effective date.** This order shall be effective from 12:01 a. m. on September 24, 1946, to 11:59 p. m. on December 7, 1946.

Issued this 23d day of September 1946.

JAMES L. MEADER,  
Regional Administrator.

**OPINION ACCOMPANYING ORDER NO. G-2 UNDER REVISED MAXIMUM PRICE REGULATION NO. 296**

The accompanying order, as to certain delivery points within Region II, adjusts the amounts which may be added by certain flour distributors to the Maximum Carload prices pursuant to paragraphs (2) and (4) of Appendix A IX. It applies in the Metropolitan Area of Baltimore, Md., the limits of which are defined in the order. The increases permitted are 12 cents under paragraph (2) and 19 cents under paragraph (4).

It is considered advisable to terminate this order on December 7, 1946 which is the date of termination of a similar order (G-1) issued by the Regional Administrator for sales in the New York-New Jersey Metropolitan Areas on August 9, 1946. Prior to December 7, 1946 the Regional Administrator will reconsider the problem and determine whether such orders should be extended, modified or revoked. This order does not effect Order G-1 in any way.

Applications and finance and other data were received from dealers in the Baltimore, Md. Metropolitan Area establishing the need for the relief granted by the accompanying order. Conferences have been held with industry representatives. Section 12 of Revised Maximum Price Regulation 296 gives authority to the Regional Administrator to act upon such application and the facts submitted, and to grant the necessary relief. Teletypes from the National Office have confirmed this authority.

The major factors entering into the picture of financial hardship are increases in trucking, warehousing, selling and labor costs and reductions in the volume of flour handled.

This order, effective September 24, 1946, consistent with the Emergency Price Control Act of 1942, as amended, is issued pursuant to Revised Procedural Regulation 1 and Section 12 of Revised Maximum Price Regulation 296.

[F. R. Doc. 46-17767; Filed, Oct. 2, 1946; 8:50 a. m.]



[Region VII Order G-20 Under Gen. Order 68, Amdt. 2]

**CERTAIN BUILDING AND CONSTRUCTION MATERIALS IN CHEYENNE, KIT CARSON AND LINCOLN COUNTIES, COLO., AREA**

Order No. G-20 under General Order No. 68, Amendment No. 2, maximum prices for retail sales of certain building and construction materials in Cheyenne, Kit Carson, and Lincoln Counties, Colo., area, Docket No. 7-GO 68-20 (b).

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII pursuant to the provisions of General Order 68, Order No. G-20 is amended in the following respects:

(1) Section 1 of Order No. G-20 is amended to read as follows:

**SECTION 1. What this order does.** This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the Cheyenne, Kit Carson, and Lincoln Counties, Colorado area. The Cheyenne, Kit Carson, and Lincoln Counties, Colorado area for the purposes of this order includes all of Cheyenne, Kit Carson, and Lincoln Counties, Colorado.

(2) There is inserted after section 4 the following new section:

**SEC. 4A. Adjustment to reflect increase in supplier's price—(a) Applicability.** This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No. G-20 the maximum prices of the specified building and construction materials covered by Order No. G-20 shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by Amendment No. 1, effective June 10, 1946.

(4) Insofar as this amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of reseller's maximum prices established under General Order 68 for certain building and construction materials), it supersedes that order and

the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment No. 1 to Order No. G-20, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-20, under General Order 68, shall be effective August 19, 1946.

Issued this 19th day of August 1946.

**ARTHUR S. BRODHEAD,**  
Regional Administrator.

TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Cement:</b>		
Portland—paper sacks	Per sack, 100 pounds	\$0.95
Portland—cloth sacks	do	1.10
Quick-strength	do	1.15
Waterproof	do	1.15
Keene	do	1.50
Atlas or Duro White	do	3.50
Atlas or Duro White	do	3.75
Mortar: Masonry—paper sack	Per sack, 75 to 80 pounds	.95
Lime:	Per sack, 50 pounds	1.15
Finishing—Ohio Hydrated	do	1.15
Hydrated—Colorado	do	1.15
Hydrated—Missouri	do	1.15
Quick-Pulverized (Veriflat and Cheshire)	Per cwt, 1,000 pounds and over	1.70
Quick-Pulverized (Veriflat and Cheshire)	Per cwt, less than 1,000 pounds	2.05
<b>Plaster:</b>		
Hardwall	Per sack 100 pounds	1.10
Plaster Paris—white	do	1.10
Plaster Paris—less than full sack quantities	Per pound	.02
Calcium chloride: (Used for building purposes)	Per cwt, 100-pound sack	3.75
Less than 100-pound quantities	Per pound	.05

TABLE II—LATH: GYPSUM AND METAL: CORNER BEADS AND EXPANSION CASINGS

Item	Unit	Price
<b>Lath:</b>		
Gypsum	Per M square feet	\$40.50
<b>Metal lath—Flat diamond mesh:</b>		
2.5 lb. painted	Square yard	.36½
3.4 lb. painted	do	.47
3.4 lb. galvanized	do	.51
<b>Metal lath—flat rib:</b>		
2.75 lb. painted	do	.36
3.4 lb. painted	do	.43
Metal—high rib: 3.4 3/8" painted	do	.47½
<b>Corner bead:</b>		
Expanded type	M linear feet	59.00
Flat apron	do	44.00
3/4" bull nose plain	do	64.00
All expansion casing: 1/4 round (bull nose—O. G. or square edge)	do	107.00
<b>Corner lath:</b>		
2 x 2	do	32.00
3 x 3	do	37.00

NOTE: Add for metal lath—self furring—1¢ per sq. yd. over Flat Diamond Mesh. For copper bearing lath, add 1¢ per sq. yd.

TABLE III—INSULATION MATERIALS, WALLBOARDS AND BUILDING PAPER

Item	Unit	Price
<b>Insulation board:</b>		
1/2", 4' x 6', 7', 8', 9', 10', 12"	Per M square feet	\$59.50
5/8", 4' x 6', 7', 8', 9', 10', 12"	do	48.00
If edges bevelled, add	do	5.00
<b>Insulation tile 1/2":</b>		
Sizes under 16 x 32	do	80.00
16 x 32 and larger	do	75.00

TABLE III—INSULATION MATERIALS, WALLBOARDS AND BUILDING PAPER—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Insulation plank 1/2": All sizes	Per M square feet	\$80.00
Insulation sheathing, asphalt coated or Impregnated:		
1/2", 4' x 8', 8'6", 9', 9'6", 10', 12"	do	69.50
2 1/2", 4' x 8', 8'6", 9', 9'6", 10', 12', and 2' x 8'	do	94.50
2 1/2", 4' x 8'2", 9' 4", 10' 8" and 29' x 8'	do	99.50
Insulation lath: 1/2"—16 x 48—18 x 48—24 x 48	do	62.00
Balsam Wool sealed blankets:		
Standard	do	60.00
Double thick	do	82.50
Kimsul insulation:		
Commercial 1/2"	do	40.00
Standard 1"	do	50.00
Double thick 2"	do	55.00
Mineral wool insulation:		
Semithick batts 15 x 48"	do	57.50
Full-thick batts 15 x 48"	do	77.50
Handi-batts full thick 15 x 24" Junior Batt	do	77.50
11 1/2 x 15"	do	
Mineral wool blankets:		
1"	do	50.00
2"	do	60.00
Nonlaminated and loose wool in sacks	Per hundredweight	5.00
Expanded mica	Per bag of 4 cubic feet	1.15
<b>Building paper:</b>		
Red resin—20 lbs., 500-square-foot rolls	Per roll	1.45
Red resin—30 lbs., 500-square-foot rolls	do	2.00
Red resin—40 lbs., 500-square-foot rolls	do	2.60
Sisalcraft	Per 100 square feet	1.40
Less than full roll	do	1.75
<b>Presswood:</b>		
1/8 x 48 x 72 and longer—plain	Per M square feet	90.00
1/8 x 48 x 72 and longer—tempered	do	110.00
3/16 x 48 x 72 and longer—plain	do	105.00
3/16 x 48 x 72 and longer—tempered	do	125.00
1/4 x 48 x 72 and longer—plain	do	135.00
1/4 x 48 x 72 and longer—tempered	do	155.00
<b>Wallboard:</b>		
Sheetrock—1/4 x 48 x 72 and longer	do	40.50
Sheetrock—3/8 x 48 x 72 and longer	do	50.50
Sheetrock—1/2 x 48 x 72 and longer	do	56.00

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item	Unit	Price
<b>Felt: Asphalt and tarred:</b>		
15-lb. 36" wide, 324 sq. ft.	Per roll	\$2.80
15-lb. 36" wide, 432 sq. ft.	do	3.20
30-lb. 36" wide, 216 sq. ft.	do	3.75
<b>Roll roofing:</b>		
<b>Smooth surfaced:</b>		
35-lb.	do	1.75
45-lb.	do	2.25
55-lb.	do	2.75
65-lb.	do	3.25
75-lb.	do	3.75
<b>Mineral surfaced:</b>		
60-lb.	do	3.00
Split roll 105-lb. diamond point—hexagon edge, staggered edge	do	3.00
<b>Shingles:</b>		
<b>Composition shingles:</b>		
Standard individual, 250-lb.	Per square	10.00
<b>Asphalt shingles:</b>		
Hexagon, standard 3 tab, 167-lb.	do	5.80
Thick butt, 3 tab, 12 in. 210-lb.	do	7.90
<b>Siding, asbestos cement:</b>		
Standard surface hard, standard colors (12 x 24) (12 x 27).	do	11.50

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Siding, asbestos cement—Continued	Per square.....	
Standard surface hard, standard colors, white or buff.	.....do.....	\$11.55
Extra hard surface, white (Clatex) (12 x 24) (12 x 27).	.....do.....	
Siding, asphalt:		
Insulated brick:		
14 3/4 x 43 x 7/8	.....do.....	14.00
13 7/8 x 43 x 3/8, 14 x 43 in.	.....do.....	14.00
Rollbrick	Perroll.....	4.75

TABLE V—METAL PRODUCTS

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone	
		Painted	Galvanized
Valley tin:			
10" 28 gage.....	Per 100 linear feet.....	\$9.00	\$10.00
14" 28 gage.....	.....do.....	12.00	14.00
20" 28 gage.....	.....do.....	15.00	20.00
		Angle type	Pressed steel
Asphalt doors:			
8" x 8" cast iron.....	Each.....	\$1.25	\$1.15
10" x 12" cast iron.....	.....do.....	2.00	1.50

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-20 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. G-20 under General Order 68, modifies reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172, Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials, in order to reflect the increases in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592; by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regulation No. 466, and otherwise to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage mark-up on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V, some of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-20 under General Order 68 is proper and consistent with the purposes and standards of

the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68 under which Order No. G-20 was issued.

[F. R. Doc. 46-17818; Filed, Oct. 2, 1946; 8:56 a. m.]

[Region VII Order G-21 Under Gen. Order 68, Amdt. 2]

CERTAIN BUILDING AND CONSTRUCTION MATERIALS IN THE BOISE, IDAHO, AREA

Order No. G-21 under General Order No. 68, Amendment No. 2, Maximum prices for retail sales of certain building and construction materials in the Boise, Idaho, area, Docket No. 7-GO 68-21 (b).

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII pursuant to the provisions of General Order 68, Order No. G-21 is amended in the following respects:

(1) Section 1 of Order No. G-21 is amended to read as follows:

SECTION 1. *What this order does.* This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the Boise, Idaho area. The Boise, Idaho area for the purposes of this order includes all of the City of Boise, and Ada County, Idaho.

(2) There is inserted after section 4 the following new section:

SEC. 4A. *Adjustment to reflect increase in supplier's price—(a) Applicability.* This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No. G-21, the maximum prices of the specified building and construction materials covered by Order No. G-21 shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by Amendment No. 1, effective June 10, 1946.

(4) Insofar as this amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of reseller's maximum

prices established under General Order 68 for certain building and construction materials), it supersedes that order and the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment No. 1 to Order No. G-21, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-21, under General Order 68, shall be effective August 19, 1946.

Issued this 19th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.

TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Cement:		
Portland—paper sacks.....	Per sack—100 pounds.....	\$1.05
Portland—cloth sacks.....	.....do.....	1.20
Quick-strength.....	.....do.....	1.50
Waterproof.....	.....do.....	1.50
Keene.....	.....do.....	3.00
Atlas or Duro White.....	.....do.....	4.50
Atlas or Duro White Waterproof.....	.....do.....	4.75
Mortar:		
Masonry—paper sack.....	Per sack—75 to 80 pounds.....	1.35
Lime:		
Lump Lime.....	90-pound sack.....	2.80
Lump Lime.....	80-pound drum.....	5.40
Finishing—Ohio Hydrated.....	50 pounds.....	1.35
Finishing—Ohio Hydrated.....	10-pound sack.....	.40
Hydrated—Colorado.....	50-pound sack.....	1.15
Hydrated—Missouri.....	.....do.....	1.15
Pebble.....	60-pound sack.....	1.80
Pebble.....	80-pound sack.....	2.25
Pebble.....	90-pound sack.....	2.55
Quick-Pulverized (Verifaf & Cheshire).....	60-pound sack.....	1.85
Quick-Pulverized (Verifaf & Cheshire).....	80-pound sack.....	2.55
Quick-Pulverized (Verifaf & Cheshire).....	90-pound sack.....	2.80
Quick-Pulverized (Verifaf & Cheshire).....	150-pound drum.....	5.60
Plaster:		
Hardwall.....	Per sack—100 pounds.....	1.25
Plaster Paris—White.....	.....do.....	1.50
Gauging, Moulding, and Casting.....	.....do.....	1.50
Ready Mixed Finishing Plaster, less than full sack quantities.....	Per pound.....	.02
Calcium chloride: (Used for Building Purposes).....	Per hundredweight 100-pound sack.....	5.00
Less than 100 lb. quantities.....	Per pound.....	.065

TABLE II—LATH: GYPSUM AND METAL: CORNER BEADS AND EXPANSION CASINGS

Lath:		
Gypsum.....	Per M square feet.....	\$33.50
Metal lath—flat diamond mesh; 1		
2.5 lb. painted.....	Square yard.....	.41
3.4 lb. painted.....	.....do.....	.46
3.4 lb. galvanized.....	.....do.....	.50
Metal lath—flat rib 3.4 lb. painted.....	.....do.....	.45
Metal—high rib 3.4 3/8" painted.....	.....do.....	.46
Corner bead:		
Expanded Apron.....	M linear feet.....	69.00
Flat apron.....	.....do.....	49.50
3/4" bull nose flat apron.....	.....do.....	64.00
All expansion casing:		
3/4 round (bull nose O. G. or square edge).....	.....do.....	111.50
Corner lath:		
2 x 2.....	.....do.....	37.50
3 x 3.....	.....do.....	42.00

1 Add for metal lath—self furring—1¢ per yard over flat diamond mesh.

2 For copper bearing lath, add 1¢ per square yard.

TABLE III—INSULATION MATERIALS, WALLBOARDS AND BUILDING PAPER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Insulation board:		
1/2"-4' x 6', 7', 8', 9', 10', 12'.	Per M square feet	\$59.50
3/8"-4' x 6', 7', 8', 9', 10', 12'.	do	48.00
If edges beveled, add.	do	5.00
Insulation tile 1/2-inch:		
Sizes under 16 x 32.	do	75.00
16 x 32 and larger.	do	69.50
Insulation plank 1/2-inch:		
All sizes.	do	75.00
Insulation sheathing, asphalt coated or impregnated:		
1/2"-4' x 8', 8'6", 9', 9'6", 10', 12'.	do	61.50
2"-12" x 4' x 8', 8'6", 9', 9'6", 10', 12' and 2' x 8', 4' x 8'2", 9'4", 10'8" and 20' x 8'.	do	96.50
Insulation lath:		
1/2"-16 x 48, 16 x 48, 24 x 48.	do	59.50
Balsam wool sealed blankets:		
Standard.	do	55.00
Double thick.	do	75.00
Wall thick.	do	105.00
Kimsul insulation:		
Commercial 1/2".	do	45.00
Standard 1".	do	55.00
Double thick 2".	do	75.00
Double thick 3".	do	75.00
Mineral wool insulation:		
Semi-thick batts 15" x 48".	do	65.00
Full-thick batts 15" x 48".	do	90.00
Handi-batts full thick 15" x 24".	do	90.00
Jr. batts 11 x 15 1/2".	do	90.00
Mineral wool blankets:		
1".	do	60.00
2".	do	75.00
3".	do	90.00
Nodulated and loose wool in sacks:		
35 pounds.	Per sack	1.85
38 pounds.	do	2.00
40 pounds.	do	2.10
Expanded mica—per sack, of 4 cubic feet.		1.29
Building paper:		
Red Resin—20 pounds, 500 square foot rolls.	Per roll	1.40
Red Resin—30 pounds, 500 square foot rolls.	do	2.10
Red Resin—40 pounds, 500 square foot rolls.	do	2.80
Sisalkraft.	Per hundred square feet.	1.25
Presswood:		
3/8 x 48 x 72 and longer—plain.	Per M square feet	85.00
3/8 x 48 x 72 and longer—tempered.	do	100.00
3/16 x 48 x 72 and longer—plain.	do	97.00
3/16 x 48 x 72 and longer—tempered.	do	117.00
1/4 x 48 x 72 and longer—plain.	do	127.00
1/4 x 48 x 72 and longer—tempered.	do	147.00
3/8 x 48 x 72 and longer—tile.	do	125.00
Cut pieces less than one sheet.	Per square feet	.02
Wallboard:		
Sheetrock—1/4 x 48 x 72 and longer.	Per M square feet	40.50
Sheetrock—3/8 x 48 x 72 and longer.	do	45.50
Sheetrock—1/2 x 48 x 72 and longer.	do	51.00
Asbestos wallboard—stonewall grade:		
1/8 x 48 x 72 and longer.	do	100.00
3/16 x 48 x 72 and longer.	do	130.00
1/4 x 48 x 72 and longer.	do	150.00

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Felt:		
Asphalt and tarred:		
13 pounds, 36 inches wide, 324 square feet.	Per roll	\$2.70
15 pounds, 36 inches wide, 432 square feet.	do	3.45
30 pounds, 36 inches wide, 216 square feet.	do	3.45
Roll roofing:		
Smooth surfaced:		
45 pounds.	do	2.30
55 pounds.	do	2.70
65 pounds.	do	3.10
65 pounds aluminum shield.	do	4.40
Mineral surfaced:		
80 pounds.	do	3.10
105 Diamond point—hex. edge stag. edge.	do	4.40
Shingles:		
Asphalt shingles:		
Hex. standard 3 Tab 167 pounds.	Per square	6.95
Thick butt 3 Tab 12 inches 210 pounds.	do	7.75
Asbestos shingles:		
Asbestos-shingles 260-290 pounds.	do	14.95
Dutch lap 16 x 16.	do	14.95
Siding—asbestos cement:		
Std. Surf. Hard Std. colors (12 x 24) (12 x 27).	do	12.10
Std. Surf. Hard Std. colors (white or buff).	do	13.45
Extra Hard Surf. white (Glatex) (12 x 24) (12 x 27).	do	14.20
Siding—asphalt:		
Insulated brick:		
14 3/8 x 43 x 7 1/2.	do	16.00
13 7/8 x 43 x 1 1/8, 14 x 43 inches.	do	16.00
Roll brick.	Per roll	5.95

TABLE V.—METAL PRODUCTS

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone	
		Painted	Galvanized
Valley tin:			
10-inch 28 gage.	Per 100 linear feet.	\$8.00	\$9.00
14-inch 28 gage.	do	12.00	13.00
20-inch 28 gage.	do	16.00	17.00
		Steel	Cast
Asphalt doors:			
8-inch by 8-inch.	Each	\$1.25	\$1.50
10-inch by 12-inch.	do	1.75	2.25

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. C-21 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. C-21 under General Order 68, modifies reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172, Modification of Reseller's Maximum Prices Established under General Order 68 for Certain

Building and Construction Materials, in order to reflect the increases in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592; by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regulation No. 466, and otherwise to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage markup on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V, some of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-21 under General Order 68 is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68 under which Order No. G-21 was issued.

[F. R. Doc. 46-17819; Filed, Oct. 2, 1946; 8:56 a. m.]

[Region II Adopting Order 59 Under Gen. Order 68]

STOCK SCREEN GOODS AND COMBINATION SCREEN AND STORM DOORS FOR WASHINGTON, D. C. AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, and by Revised Procedural Regulation No. 1, it is hereby ordered:

SECTION 1. *What this order covers.* This order covers all retail sales of screen doors and combination screen and storm doors of the style and sizes listed in section 4 sold by any person located in the Washington, D. C., trading area consisting of the District of Columbia and that portion of the States of Maryland and Virginia within 20 miles of the zero mileage stone in Washington, D. C. (at the Treasury Building).

SEC. 2. *Definition of retail sale.* A retail sale means a sale to the ultimate consumer or to a contractor for installation, rather than resale, in which the sale is not made in a full or distribution car originating at a factory nor does it include a mail order sale. These latter types of sales remain subject to Maximum Price Regulation 381, Stock Screen Goods.

SEC. 3. *Description of items being specifically priced.* The description of the



Items being priced is as follows: (a) Screen doors.

Style designation..... Species.....	G-1 Pon- derosa pine 1½"	I-2 Pon- derosa pine 1½"	GG-2 Pon- derosa pine ¾"	GG-1A South- Pine ¾"
Thickness of door..... Wire Type.....	16-mesh	16-mesh	16-mesh	14-mesh
Width of: Stile..... Top rail..... Bottom rail..... Cross rail..... Mullions.....	Inches 3 3 6 2 1	Inches 4 4 6 4 4	Inches 4 4 6 2 1	Inches 3 3 6 2 1

"G" and "GG" styles have one large wired panel on the top half, one narrow cross panel immediately below, and two regular panels in the lower half separated by a mullion from the bottom rail to the lower cross rail. The "I" style has one large wire panel in the upper half and four regular wire panels in the lower half.

(b) *Combination screen and storm doors.* The term "N. D." as used below refers to the designation of style established by the National Door Manufacturers Association. The style numbers are described in the Standard Woodwork List, Catalogue No. 40 printed by the Pinney Printing Company of Clinton, Iowa (as set forth in MPR 381)

SEC. 4. *Maximum prices for retail sales of screen doors and combination screen and storm doors in Washington, D. C., trading area.*

SCHEDULE A—SCREEN DOORS—MAXIMUM PRICES PER DOOR

Size <sup>1</sup>	GALVANIZED WIRE <sup>2</sup>			
	G-1		I-2	
	6 or more	5 or less	6 or more	5 or less
2-6 x 6-6.....	\$3.75	\$4.05	\$4.95	\$5.30
x 6-8.....	4.00	4.25	5.15	5.50
2-8 x 6-8.....	4.09	4.25	5.15	5.50
x 6-10.....	4.05	4.30	5.25	5.60
x 7-0.....	4.10	4.35	5.30	5.65
2-10 x 6-10.....	4.21	4.45	5.40	5.80
x 7-0.....	4.25	4.50	5.45	5.85
3-0 x 6-8.....	4.25	4.50	5.45	5.85
x 7-0.....	4.35	4.65	5.60	6.00

  

Size <sup>1</sup>	GG-2				GG-1A	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
	2-6 x 6-6.....	\$3.65	\$3.95	\$3.15	\$3.35	
x 6-8.....	3.85	4.15	3.30	3.50		
2-8 x 6-8.....	3.85	4.15	3.30	3.50		
x 6-10.....	3.99	4.29	3.35	3.55		
x 7-0.....	4.00	4.25	3.40	3.60		
2-10 x 6-10.....	4.05	4.35	3.45	3.70		
x 7-0.....	4.15	4.40	3.50	3.75		
3-0 x 6-8.....	4.15	4.40	3.50	3.75		
x 7-0.....	4.25	4.55	3.65	3.85		

Size <sup>1</sup>	BRONZE WIRE <sup>3</sup>			
	G-1		I-2	
	6 or more	5 or less	6 or more	5 or less
2-6 x 6-6.....	\$4.70	\$5.05	\$5.85	\$6.30
x 6-8.....	4.95	5.35	6.15	6.60
2-8 x 6-8.....	4.95	5.35	6.15	6.60
x 6-10.....	5.05	5.40	6.30	6.70
x 7-0.....	5.20	5.50	6.35	6.85
2-10 x 6-10.....	5.30	5.65	6.50	7.00
x 7-0.....	5.40	5.80	6.60	7.05
3-0 x 6-8.....	5.40	5.80	6.60	7.05
x 7-0.....	5.60	6.00	6.80	7.30

SCHEDULE A—SCREEN DOORS—MAXIMUM PRICES PER DOOR—Continued  
BRONZE WIRE<sup>3</sup>—continued

Size <sup>1</sup>	GG-2		GG-1A	
	6 or more	5 or less	6 or more	5 or less
2-6 x 6-6.....	\$4.60	\$4.95		
x 6-8.....	4.85	5.25		
2-8 x 6-8.....	4.85	5.25		
x 6-10.....	4.95	5.30		
x 7-0.....	5.05	5.40		
2-10 x 6-10.....	5.20	5.55		
x 7-0.....	5.30	5.65		
3-0 x 6-8.....	5.30	5.65		
x 7-0.....	5.45	5.90		

<sup>1</sup> Actual width may be ½" greater; actual length may be 1" longer.  
<sup>2</sup> All 16-mesh except GG-1A which is 14-mesh.  
<sup>3</sup> All 16-mesh.

SCHEDULE B—COMBINATION SCREEN AND STORM DOORS  
PER DOOR, GLAZED—16-MESH, GALVANIZED WIRE

Size	ND 737		ND 739	
	1 panel—8 light		1 panel—12 light	
	5 or more	4 or less	5 or more	4 or less
2-6 x 6-6.....	\$9.50	\$10.15	\$9.95	\$10.70
x 6-8.....	9.60	10.25	10.05	10.80
x 7-0.....	9.95	10.70	10.45	11.25
2-8 x 6-8.....	9.85	10.60	10.50	11.30
x 7-0.....	10.25	11.00	10.90	11.65
2-10 x 6-8.....	10.05	10.80	10.65	11.45
x 6-10.....	10.40	11.10	11.00	11.75
x 7-0.....	10.50	11.30	11.10	11.90
3-0 x 6-8.....	10.35	11.10	10.80	11.60
x 7-0.....	10.75	11.55	11.30	12.10
x 7-6.....	12.40	13.35	12.95	13.90
If bronze wire, add per door.....	.60	.65	.60	.65

SEC. 5. *Delivery additions.* The above prices include all charges for delivery. No deduction need be made if the purchaser makes his own delivery.

SEC. 6. *Discounts and allowances.* The maximum prices in this order include all commissions. All customary discounts for cash must be continued. Quantity differentials are provided in the price list in section 4.

SEC. 7. *Relation to other regulations.* The maximum prices fixed by this order supersedes any maximum price or pricing method previously established by any other regulation or order. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of Maximum Price Regulation 381 shall apply to sales covered by this order. This order supersedes Order No. 2 under General Order 68 issued by the National Office on November 13, 1945, effective November 17, 1945, which will be revoked as of the effective date of this order.

SEC. 8. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each of his places of business in the Washington, D. C., trading area in a manner plainly visible to all purchasers.

SEC. 9. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective immediately.

Issued this 20th day of September, 1946.

JAMES L. MEADER,  
Regional Administrator.

OPINION ACCOMPANYING ADOPTING ORDER NO. 59 UNDER BASIC ORDER NO. 1 AS AMENDED, UNDER GENERAL ORDER NO. 68 AS AMENDED

On November 13, 1945, Order No. 2 under General Order 68 was issued by the National Office, fixing the maximum prices of stock screen goods, and combination screen and storm doors for the Washington, D. C., trading area. This order was issued by the National Office, for the reason that the area covered included a portion of Virginia. Recently, however, General Order No. 68 has been amended by amendment 5, and as so amended Regional Offices for the region in which the majority of sellers to be covered by the order is located, have the right to issue orders establishing maximum prices for sellers in an area which includes portions of more than one region. This office, therefore, has presently the authority to issue the accompanying order.

On June 7, 1946, Amendment No. 1 to Order No. 2 under General Order 68, was issued by the National Office. This amendment incorporated into the prices fixed by the order, the dollars and cents amount of increase granted by amendment 7 to MPR 381, issued May 8, 1946. In order to comply with the provisions of Section 2 (t) of the Emergency Price Control Act of 1942 as amended, it is necessary to convert these dollars and cents increases into percentage increases in order to preserve the resellers margins of March 31, 1946. This is done by the accompanying order. This order will supersede Order No. 2 as amended under General Order 68 as amended, which will be revoked simultaneously with the effective date of this order.

[F. R. Doc. 46-17769; Filed, Oct. 2, 1946; 8:51 a. m.]

[Newark Adopting Order 7 Under RMPR 251]

INSTALLED INSULATION IN EXISTING STRUCTURES AND RELATED CONSTRUCTION WORK IN NEW JERSEY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region 2 by the Emergency Price Control Act of 1942 as amended by section 9 of Revised Maximum Price Regulation 251 as amended and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Newark District Office, it is hereby ordered that:

SECTION 1. *What this order covers.* This adopting order under Basic Order No. 3 under section 9 to Revised Maximum Price Regulation No. 251 as amended, covers all sales of installed

Insulation and related and incidental construction work in existing structures in the area hereinafter described. All provisions of Basic Order No. 3 under Section 9 of Revised Maximum Price Regulation No. 251 as amended are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 3 is amended in any respect, the provisions of said order as amended, shall likewise without further action become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 3 under section 9 of Revised Maximum Price Regulation No. 251 as amended, and should be familiar with the provisions of said basic order.

**SEC. 2. Territory covered by this order.** The geographical area covered by this order consists of the entire State of New Jersey.

**SEC. 3. General provisions—1. Related and incidental work.** The term "related and incidental" work, for the purposes of this order, shall mean any installation of building materials, or any work necessary for the actual installation of insulation and provided by the seller for which prices are not fixed by this order. Charges for such work shall be determined under RMPR-251, and shall be stated separately on all contracts or invoices.

**2. Fire retarding.** Where fire retarding material and specified density are required by local building codes, or by any other local ordinance, the cost of doing this work shall be determined under RMPR-251.

**3. Special insulation.** All types of insulation not expressly listed in the categories contained in this order, shall, for the purposes of this order be treated as special insulation. Charges for such special insulation shall be determined under Revised Maximum Price Regulation 251, and such charges shall be separately stated on all contracts or invoices.

**4. Bonded, tar, gravel and metal roofs.** Where it is necessary to preserve the guarantee of a bonded roof, the price of the opening and restoration of the roof to its original condition, in accordance with the guarantee, shall be determined under RMPR-251.

Where it is necessary to open a roof, the exterior of which is composed of tar, gravel, or metal, the price of the opening and restoration of the roof to its original condition shall be determined under RMPR-251.

**5. Access to areas to be insulated.** The maximum prices fixed by this order include scaffolding and other means for access commonly used by the industry for the installation of insulation.

Where unusual conditions are encountered which require special scaffolding or other special means of access to areas to be insulated, the price of this special work shall be determined under RMPR-251.

**6. Retaining material.** The price of furnishing and installing retaining materials other than the three standard types specified in this order shall be determined under RMPR-251.

**7. Finished flooring.** The term finished flooring shall mean flooring strip or parquet up to three and one-quarter inches (3¼) wide, and other architecturally designed or antique flooring that has been sanded, filled, finished, waxed and pressure rubbed, or shellacked to form a finished product.

Where it is necessary to make openings in such floor for the insulation of areas under said floor, the price of the openings and restoration of the floor to its original condition shall be determined under RMPR-251.

**8. Finished ceilings.** Where it is necessary to make openings in a ceiling, or overhang, finished with materials other than the three standard retaining materials specified in this order, for the insulation of areas above such ceiling, the price of the openings and restoration of the ceiling to its original condition shall be determined under MPR-251.

**9. Deliveries.** The maximum prices provided by this order shall apply to all installations of insulation made within a radius of 10 miles of the seller's nearest place of business.

For installations of insulation at more distant points, one-half of one percent (½ of 1%) may be added to the total contract price for each mile in excess of 10 miles from the seller's nearest place of business.

**SEC. 4. Maximum prices.** The maximum prices for all sales of installed insulation in existing structures in the area covered by this order are set forth in Schedule A hereto annexed and made a part of this order. The prices fixed in this order apply to all sales in the area covered by this order regardless of the location of the seller's place of business.

**SEC. 5. Relationship of this order to other regulations and orders.** As previously stated, all provisions of Basic Order No. 3 are adopted by this order. The maximum prices fixed by this order supersede Sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 as amended with respect to all sales of installed insulation in existing structures in the area covered by this order, unless otherwise provided by this order. All other provisions of Revised Maximum Price Regulation No. 251 as amended are applicable to transactions covered by this order unless otherwise specifically provided in this order.

**SEC. 6. Notification.** Every person making sales of insulation covered by this order shall furnish to the purchaser at or before the starting of the work, a copy of the agreement pursuant to which the work is to be done. This agreement shall set forth the name and address of the buyer and of the seller, the location of the work, and an adequate description of the areas to be insulated, the materials to be used, and the services to be performed, and the amount to be paid. If any work other than insulation, for which ceiling prices are fixed by this order is to be performed, the price of such work shall be separately stated.

**SEC. 7. Revocation or amendment.** This order may be revised, amended, revoked, or modified at any time by the Office of Price Administration.

This order shall become effective September 30, 1946.

Issued this 23d day of September 1946.

RICHARD J. TARRANT,  
District Director.

SCHEDULE A—MAXIMUM PRICES FOR INSTALLED INSULATION IN EXISTING STRUCTURES AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN THE NEW JERSEY AREA, CONSISTING OF THE ENTIRE STATE OF NEW JERSEY

[The prices listed below are per square foot (1-inch thickness basis) for insulation wool as defined in paragraph (b) of Basic Order No. 3 under section 9 of RMPR 251]

Flat areas	Prices per square foot
<b>Exposed ceilings:</b>	
1. Open attics with over 24" clearance to roof, no roof opening necessary, open blowing conditions—drawing 1	\$0.14
2. Under flat built up roofs (suspended ceiling) with over 24" clearance between roof and lunge ceiling; open blowing conditions (price does not include cost of opening and closing); drawing 2	.15
3. Open attics with a single rough flooring (unfinished and accessible). No roof opening necessary. Price includes cost of removing and replacing flooring; drawing 3	.17
<b>Flat ceilings in closed spaces (prices do not include cost of opening and closing—items 4 to 11, inclusive)</b>	
4. Flat ceilings in closed spaces under pitched or sloping roofs where opening in roof is necessary, such as pocket areas behind knee walls, areas under roof ridges, or extensions which are practically flat—drawing 6:	
(a) Open floors	.16
(b) Closed single rough flooring (unfinished)	.17
5. Ceilings in closed spaces ridge of pitched roofs, where openings for the full length of ridge is necessary because of small clearance between ridge and ceiling area—drawing 7	.17
6. Flat built up roof types including row house construction and commercial buildings—drawings 2 and 8	.17
7. Flat roof decks covered with tin, copper or canvas—drawing 9	.20
8. Garrison overhang—drawing 10	.19
9. Dormer tops—drawing 11:	
(a) Where no retainer material is necessary	.16
(b) Where retainer material is necessary (price includes installation of retainer materials):	
Sisal kraft (includes belly band)	.23
Backer board	.25
Corrugated board	.24
10. Bay windows—drawing 12:	
(a) Top	.19
(b) Bottom	.20
<b>Floors:</b>	
11. Any exposed floors over garage ceilings, open porches or similar types of areas where the underside of the area to be insulated is closed and finished—drawing 13	.20
12. Any exposed floors where the areas to be insulated are not closed and finished and where retaining materials are required. Drawing 14. (Price includes installation of retainer materials.)	
Sisal kraft (includes belly band)	.24
Backer board	.26
Corrugated board	.25
<b>Floors over unexcavated areas:</b>	
13. Batts and blankets (full thick) drawing 15:	
(a) Under 4 feet clearance	.20
(b) Over 4 feet clearance	.18
14. 4" full blown over retaining material and lath retaining surface. Drawing 16. (Price includes installation of retainer materials.)	
(a) Under 4 feet clearance:	
Sisal kraft (includes belly band)	.27
Backer board	.27
Corrugated board	.26
(b) Over 4 feet clearance:	
Sisal kraft (includes belly band)	.22
Backer board	.24
Corrugated board	.23

**SCHEDULE A—MAXIMUM PRICES FOR INSTALLED INSULATION IN EXISTING STRUCTURES AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN THE NEW-ARK AREA, CONSISTING OF THE ENTIRE STATE OF NEW JERSEY**

Flat areas	Prices per square foot
<b>Sloping areas:</b>	
15. All slopes where closed and finished on the interior side of the rafters (price does not include cost of opening and closing)—drawing 17	\$0.17
16. Open rafters and slopes where batts or blankets are used, such as pockets outside of knee walls where blow is impractical (price does not include cost of opening and closing)—drawing 18	.20
17. Open rafters and slopes. Insulation held in place by retaining material. (Price includes installation of retainer material)—drawing 19:	
(a) Blowing:	
Sisal kraft (includes belly band)	.24
Backer board	.26
Corrugated board	.25
(b) Batts and blankets (full thick):	
Sisal kraft (includes belly band)	.23
Backer board	.25
Corrugated board	.24
<b>Knee walls and partitions:</b>	
18. Interior plastered walls where no decoration is necessary except plaster patching—drawing 20 (price includes opening and closing)	.20
19. Knee walls adjacent to slopes and easily accessible (open studs), no openings required (price includes installation of retaining materials) drawing 21:	
(a) Retaining material—one side:	
Sisal kraft (includes belly band)	.24
Backer board	.26
Corrugated board	.25
(b) Retaining material—both sides:	
Sisal kraft (includes belly band)	.29
Backer board	.33
Corrugated board	.31
(c) Batts and blankets—no retaining materials necessary	.19
20. Knee walls not accessible, requiring retaining material. (Price includes installation of retaining material but does not include opening and closing.) Drawing 22:	
(a) Sisal kraft (includes belly band)	.23
Backer board	.25
Corrugated board	.24
(b) Batts and blankets—No retaining materials necessary	.20
21. Stairwalls (price includes opening and closing)—drawing 23:	
(a) Soffits	.21
(b) Walls (measurement of walls may be taken as rectangle from floor to ceiling)	.21
(c) Weatherstrip attic door (felt striping only), flat price	1.00
(d) Cover door with insulating board—flat price	5.00
<b>Exterior walls, all prices on gross basis (prices include cost of opening and closing):</b>	
22. Exterior walls (including gable and end walls) with inner finish whose outer surface is composed of:	
(a) Wood or asphalt shingles	.18
(b) Wood clapboard	.18
(c) Brick	.24
(d) Stucco	.24
(e) Asbestos-cement shingles	.22
(f) Insulated brick	.25
(g) Stone—Drawings 24, 25, 26, 27 and 30	.30
23. Gable and end walls without inner finish, requiring standard retaining material. (Price includes installation of retaining material.) Drawings 25, 26, and 27:	
Sisal kraft	.22
Backer board	.24
Corrugated board	.23
23A. Batts and blankets not requiring retaining material	.19
24. Dormer checks and faces with inner finish, unit cost per dormer, up to 5'-0" in width—(over 5'-0" in width) same unit price as exterior walls—Drawings 28 and 29 (flat price)	15.00
25. Dormer checks and faces without inner finish, requiring retainer material. (Price includes installation of retaining material.) Drawings 28 and 29:	
(a) Sisal kraft (includes belly band)	.22
Backer board	.24
Corrugated board	.23
(b) Batts and blankets—no retaining materials necessary	.19

**26. Maximum prices for the following openings in types of roofs indicated:**

	Strip opening 12" wide (per linear feet)	Manhole opening (per opening)
A. Wood shingles	\$1.00	\$4.00
B. Asphalt or asbestos	1.00	4.00
C. Slate	1.50	6.00
D. Tile	1.50	6.00
E. Roll roofing	1.00	4.00
F. Built-up roofing	1.00	4.00

27. Maximum price differentials per inch for thickness of insulation other than 4":  
 (a) Above 4" ..... 2 1/4  
 (b) Below 4" ..... 2  
 The drawings referred to by number in this schedule are hereto annexed and made a part of this schedule.<sup>1</sup>

**OPINION ACCOMPANYING ADOPTING ORDER NO. 7 UNDER BASIC ORDER NO. 3 UNDER SECTION 9 OF REVISED MAXIMUM PRICE REGULATION 251 AS AMENDED**

Pursuant to the provisions of Section 9 of Revised Maximum Price Regulation 251 as amended, Basic Order No. 3 for area pricing of installed insulation in existing structures and related and incidental construction work in Region 2, has been issued by the Regional Administrator of Region 2 under date of December 4, 1945. This basic order contains all the provisions common to future area pricing orders to be issued covering such services, such future orders to be known as adopting orders. Authority to issue area pricing orders has been duly delegated by the Regional Administrator to the District Directors of the various districts in Region 2 in accordance with the authority contained in Section 9 of Revised Maximum Price Regulation No. 251 as amended.

The accompanying order, Adopting Order No. 7, fixes flat (dollars and cents prices) for all sales of installed insulation in existing structures in the area covered thereby, more fully described in the order.

A study of conditions in the area shows that the maximum prices fixed by this order do not exceed the general level of prices in the area and are consistent with Executive Orders No. 9250, 9328, 9599 and 9651. The general provisions contained in the order are in accordance with the prevailing practices in the industry affected, and no provision has been made in the order which might have the effect of requiring any change in the practices or methods of the industry affected, except to the extent that such change is necessary to prevent circumvention or evasion of the order, or of Basic Order 3 or of Revised Maximum Price Regulation 251 as amended.

[F. R. Doc. 46-17751; Filed, Oct. 2, 1946; 8:45 a. m.]

[Region VII Order G-22 Under Gen. Order 68, Amdt. 2]

**CERTAIN BUILDING MATERIALS IN TWIN FALLS, IDAHO, AREA**

Order No. G-22 under General Order No. 68, Amendment No. 2, maximum prices for retail sales of certain building and construction materials in Twin Falls, Idaho, area; Docket No. 7-GO 68-

<sup>1</sup> Not filed with the Division of the Federal Register.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII pursuant to the provisions of General Order 68, Order No. G-22 is amended in the following respects:

(1) Section 1 of Order No. G-22 is amended to read as follows:

**SECTION 1. What this order does.** This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the Twin Falls, Idaho, area. The Twin Falls, Idaho area for the purposes of this order includes all of the City of Twin Falls, Idaho, and all of Twin Falls County, Idaho.

(2) There is inserted after Section 4 the following new section:

**SEC. 4A. Adjustment to reflect increase in supplier's price—(a) Applicability.** This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No. G-22 the maximum prices of the specified building and construction materials covered by Order No. G-22 shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by Amendment No. 1, effective June 10, 1946.

(4) Insofar as this amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of reseller's maximum prices established under General Order 68 for certain building and construction materials), it supersedes that order and the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment No. 1 to Order No. G-22, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-22, under General Order 68 shall be effective August 19, 1946.

Issued this 19th day of August, 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.



TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Cement:</b>		
Portland—paper sacks...	Per sack—100 pounds.	\$1.05
Portland—cloth sacks...	do.	1.70
Quick strength	do.	1.70
Waterproof	do.	2.60
Keene	do.	4.50
Atlas or Duro white	do.	4.75
Atlas or Duro white waterproof.	do.	4.75
<b>Mortar:</b>		
Masonry—paper sack.	Per sack—75 to 80 pounds.	3.40
<b>Lime</b>		
Finishing—Ohio hydrated.	Per sack—50 pounds.	1.70
Hydrated—Other	do.	1.70
Hydrated—Missouri	do.	1.70
Pebble	Per hundred-weight.	3.40
Quick-Pulverized (Veriflat and Cheshire).	do.	3.40
	Small quantities—10-pound sack—per pound.	.04½
<b>Plaster:</b>		
Hardwall	Per sack—100 pounds.	1.25
Plaster Paris—White	do.	2.25
Moulding and Casting Plaster.	do.	2.25
Ready Mixed Finishing Plaster.	do.	2.00
Gauging Plaster.	do.	1.35
Calcium chloride: Used for Building Purposes.	Per hundred-weight—100-pound sack.	4.50
Less than 100 lb. quantities.	Per pound.	.05

TABLE II—LATH: GYPSUM AND METAL: CORNER BEADS AND EXPANSION CASING

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Lath:</b>		
Gypsum	Per M square foot	\$38.50
Metal lath flat diamond mesh:		
2.5 lb. painted	Square yard	.41
3.4 lb. painted	do.	.46½
3.4 lb. galvanized	do.	.51½
Metal lath—flat rib:		
3.4 lb. painted	do.	.46
Metal—high rib: 3.4 3/8" painted	do.	.48
<b>Corner bead:</b>		
Expanded apron	M linear feet	74.50
Flat apron	do.	55.00
¾" bull nose flat apron.	do.	58.50
All expansion casing:		
¼ round (bull nose—O, G, or square edge).	do.	111.50
Strip lath 2" x 2"	do.	27.00
Corner lath 3" x 3"	do.	37.00

NOTE: Add for metal lath—self furring—1¢ per yd. over that diamond mesh. For copper bearing lath, add 1¢ per sq. yd.

TABLE III—INSULATION MATERIALS, WALLBOARDS AND BUILDING PAPER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Insulation board:</b>		
½", 4" x 6" 7" 8" 9" 10" 12"	Per M square feet	\$59.50
¾", 4" x 6" 7" 8" 9" 10" 12"	do.	48.00
If edges beveled, add	do.	5.00
<b>Insulation tile ½":</b>		
Sizes under 16 x 32	do.	77.50
Sizes 16 x 32 and larger	do.	72.00
<b>Insulation plank ½": All sizes.</b>	do.	77.50
<b>Insulation sheathing, asphalt coated or impregnated:</b>		
½", 4" x 8"-8'6" 9' 9'6" 10' 12"	do.	69.50
¾", 4" x 8' 8'6" 9' 9'6" 10' 12" and 2' x 8'	do.	104.00
¾", 4" x 8'2" 9'4" 10'8" and 29" x 8'	do.	109.00

TABLE III—INSULATION MATERIALS, WALLBOARDS AND BUILDING PAPER—CON.

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Insulation lath:</b>		
½", 16 x 48, 18 x 48, 24 x 48.	Per M square feet	\$59.50
<b>Balsam wool sealed blankets:</b>		
Standard	do.	53.00
Double thick	do.	75.00
Wall thick	do.	105.00
<b>Kimsul insulation:</b>		
Commercial ½"	do.	40.00
Standard 1"	do.	50.00
Double thick 2"	do.	60.00
Full thick 3½"	do.	65.00
<b>Mineral wool insulation:</b>		
Semi-thick batts 15" x 48"	do.	70.00
Full-thick batts 15" x 48"	do.	90.00
Hand-batts full thick 15" x 24"	do.	90.00
Jr. batts 11½" x 15"	Per bag, 18 pieces (2) sq. ft., 4" thick.	2.15
<b>Mineral wool blankets:</b>		
1"	Per M square feet	60.00
2"	do.	80.00
3"	do.	100.00
<b>Nodulated and loose wool in sacks.</b>	Per hundred-weight.	5.00
<b>Expanded mica.</b>	Sack containing 4 cubic feet.	1.49
<b>Building paper:</b>		
Red resin, 20 lb. 500 sq. ft. rolls.	Per roll	1.40
Red resin, 30 lb. 500 sq. ft. rolls.	do.	2.10
Red resin, 40 lb. 500 sq. ft. rolls.	do.	2.80
Sisalcraft	Per hundred square feet.	1.40
Sisalcraft cut rolls, less than 100 square feet.	Per square foot	.02
<b>Tresswood:</b>		
¾ x 48 x 72 and longer, plain.	Per M square feet	90.00
¾ x 48 x 72 and longer, tempered.	do.	110.00
¾ x 48 x 72 and longer, plain.	do.	105.00
¾ x 48 x 72 and longer, tempered.	do.	125.00
¾ x 48 x 72 and longer, plain.	do.	135.00
¾ x 48 x 72 and longer, tempered.	do.	145.00
Cut pieces less than one sheet.	Per square foot	.02½
<b>Wallboard:</b>		
Sheetrock, ¾ x 48 x 72 and longer.	Per M square feet	40.50
Sheetrock, ¾ x 48 x 72 and longer.	do.	45.50
Sheetrock, ½ x 48 x 72 and longer.	do.	53.50

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Felt:</b>		
Asphalt and tarred:		
15 lb. 36" wide 324 sq. ft.	Per roll	\$2.60
15 lb. 36" wide 432 sq. ft.	do.	3.40
20 lb. 36" wide 300 sq. ft.	do.	3.35
30 lb. 36" wide 216 sq. ft.	do.	3.70
<b>Roll roofing:</b>		
Smooth surfaced:		
35 lb.	do.	1.70
45 lb.	do.	2.30
55 lb.	do.	2.75
65 lb.	do.	3.10
75 lb.	do.	3.60
65 lb. aluminshield	do.	4.40
<b>Mineral surfaced:</b>		
90 lb.	do.	3.35
Split roll 105 lb. diamond point hex. edge stag. edge.	do.	4.40
<b>Shingles:</b>		
Asphalt shingles:		
Hex. std. 3 tab 167 lb.	Per square	7.50
Thick butt 3 tab 12" 210 lb.	do.	8.50

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Shingles—Continued</b>		
Asbestos shingles:		
Asbestos shingles 300 lb.	Per square	\$017.25
Dutch lap 16 x 16 (¾ bundle to sq.)	do.	14.95
<b>Siding—Asbestos cement:</b>		
Std. surf. hard std. colors (12 x 24) (12 x 27).	do.	13.15
Std. surf. hard std. colors (white or buff).	do.	14.50
Extra hard surf. white (glatax) (12 x 24) (12 x 27).	do.	15.15
<b>Siding—Asphalt:</b>		
Insulated brick:		
1½" x 43 x 7½"	do.	16.00
1½" x 43 x 1½, 14 x 43"	do.	5.70
Roll brick	Per roll	5.70

TABLE V—METAL PRODUCTS

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone	
		Painted	Galvanized
<b>Valley tin:</b>			
10" 28 gauge	Per 100 linear feet	\$10.00	\$11.00
14" 28 gauge	do.	12.00	14.00
20" 28 gauge	do.	17.00	18.00
		Cast	Steel
<b>Asphalt doors:</b>			
8" x 8"	Each	\$1.50	\$1.25
10" x 12"	do.	2.25	1.75

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-22 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. G-22 under General Order 68, modifies reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172, Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials, in order to reflect the increases in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592; by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regulation No. 466, and otherwise to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage markup on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V, some

of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-22 under General Order 68 is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68 under which Order No. G-22 was issued.

ARTHUR S. BRODHEAD,  
Regional Administrator.

[F. R. Doc. 46-17821; Filed, Oct. 2, 1946; 8:57 a. m.]

[Region VII Order G-23 Under Gen. Order 68, Amdt. 2]

CERTAIN BUILDING AND CONSTRUCTION MATERIALS IN OGDEN, UTAH, AREA

Order No. G-23 under General Order No. 68, Amendment No. 2, maximum prices for retail sales of certain building and construction materials in Ogden, Utah, Area, Docket No. 7-60 68-23 (b).

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII pursuant to the provisions of General Order 68, Order No. G-23 is amended in the following respects:

(1) Section 1 of Order No. G-23 is amended to read as follows:

SECTION 1. *What this order does.* This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the Ogden, Utah area. The Ogden, Utah area for the purposes of this order includes all of the City of Ogden, and all of Weber County, Utah.

(2) There is inserted after section 4 the following new section:

SEC. 4A. *Adjustment to reflect increase in supplier's price—(a) Applicability.* This section is applicable only where an amendment or order grants a supplier an increase in his maximum prices and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No.

G-23 the maximum prices of the specified building and construction materials covered by Order No. G-23 shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by Amendment No. 1, effective June 10, 1946.

(4) Insofar as this amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of reseller's maximum prices established under General Order 68 for certain building and construction materials) it supersedes that order and the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment No. 1 to Order No. G-23, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-23, under General Order 68, shall be effective August 19, 1946.

Issued this 19th day of August, 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.

\* TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Cement:		
Portland—papersacks	Per sack—100 pounds	\$0.90
Quick-strength	do	1.35
Waterproof	do	1.35
Keene	do	2.50
Atlas or medusa white (regular)	do	3.00
Atlas or medusa white (waterproof)	do	3.25
Mortar: Brick cement	Per sack—75 to 80 pounds	.90
Lime:		
Finishing—Ohio hydrated	Per sack—50 pounds	.90
Hydrated—Missouri and other	do	.90
Quick-pulverized (Verifat and Chesire)	do	.95
Quick-pulverized (Verifat and Chesire)	Per sack—80 pounds	1.50
Plaster:		
Hardwall	Per sack—100 pounds	.95
Plaster Paris—white	do	1.30
Plaster—less than full sack quantities	Per pound	.02
Gauging plaster	Per sack—100 pounds	1.05
Moulding and casting plaster	do	1.30
Calcium chloride: (Used for building purposes)	Per wt., 100 pound sack	3.50
Less than 100-pound quantities	Per pound	.05

TABLE II—LATH: GYPSUM AND METAL; CORNER BEADS AND EXPANSION CASINGS

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Lath:		
Gypsum	Per M square feet	\$33.50
Metal lath—flat diamond mesh:		
2.5 pound painted	Per square yard	.41
3.0 pound painted	do	.44
3.4 pound painted	do	.52
Metal lath—flat rib:		
3.0 pound painted	do	.43½
3.4 pound painted	do	.51½
Metal—high rib: 3.4 ¾" painted	do	.61½

TABLE II—LATH: GYPSUM AND METAL; CORNER BEADS AND EXPANSION CASINGS—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Lath—Continued		
Corner bead:		
Expanded apron	M linear feet	\$53.00
Flat apron	do	44.00
¾" bull nose flat apron	do	49.50
Corner lath:		
2" x 2"	do	32.00
3" x 3"	do	37.00

NOTE: Add for metal lath—self furring—1¢ per yd. for flat diamond mesh. For copper bearing lath, add 1¢ per sq. yd.

TABLE III—INSULATION MATERIALS, WALLBOARDS AND BUILDING PAPER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Insulation board:		
½"—4' x 6', 7', 8', 9', 10', 12'	Per M square feet	\$59.50
¾"—4' x 6', 7', 8', 9', 10', 12'	do	48.00
For beveled edges—add	do	5.00
Insulation tile ½":		
Sizes under 16 x 32	do	70.50
16 x 32 and larger	do	64.00
Insulation plank ½": all sizes	do	85.50
Insulation sheathing, asphalt coated or impregnated:		
½"—4' x 8', 8'6", 9', 9'6", 10', 12'	do	61.00
¾"—4' x 8', 8'6", 9', 9'6", 10', 12', 2' x 8', 2½"—4' x 8'2", 9'4", 10'8" and 20' x 8'	do	91.00
Insulation lath: ½"—16 x 48—18 x 48—24 x 48	do	59.50
Balsam wool sealed blankets:		
Standard	do	55.00
Double Thick	do	75.00
Kimsul insulation:		
Commercial ½"	do	35.00
Standard 1"	do	42.50
Double Thick 2"	do	55.00
Mineral Wool insulation:		
Semithick batts 15 x 48"	do	60.00
Full-thick batts 15 x 48"	do	87.50
Handi-batts full thick 15 x 24"	do	87.50
Junior batts 11½ x 15"	do	87.50
Mineral wool blankets:		
1"	do	50.00
2"	do	65.00
3"	do	91.00
Nodulated and loose wool in sacks:		
35 lb.	Per sack	1.70
38 lb.	do	1.80
40 lb.	do	1.90
Expanded mica	Per sack of 4 cubic feet	1.20
Building paper:		
Red resin—20-lb. 500 sq. ft. rolls	Per roll	1.25
Red resin—30-lb. 500 sq. ft. rolls	do	1.90
Sisalkraft	Per hundred square feet	1.35
Presswood:		
¾ x 48 x 72 and longer:		
Plain	Per M square feet	72.00
Tempered	do	90.00
¾ x 48 x 72 and longer:		
Plain	do	90.00
Tempered	do	110.00
¾ x 48 x 72 and longer:		
Plain	do	125.00
Tempered	do	145.00
¾" tile board—tempered	do	125.00
Wallboard:		
Sheetrock—¾ x 48 x 72 and longer	do	40.50
Sheetrock—¾ x 48 x 72 and longer	do	45.50
Sheetrock—¾ x 48 x 72 and longer	do	51.00

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Felt:</b>		
Asphalt and tarred:		
15 lb. 36" wide 324 sq. ft.	Per roll	\$2.30
15 lb. 36" wide 432 sq. ft.	do.	3.10
30 lb. 36" wide 216 sq. ft.	do.	3.35
<b>Roll roofing:</b>		
<b>Smooth surfaced:</b>		
35 lb.	do.	1.95
45 lb.	do.	2.40
55 lb.	do.	2.95
65 lb.	do.	3.10
65 lb. aluminized	do.	4.80
<b>Mineral surfaced:</b>		
90 lb.	do.	3.15
Split roll, 105 lb. diamond point—hexagon edge staggered edge.	do.	4.05
<b>Shingles:</b>		
<b>Composition shingles:</b>		
Standard individual 250 lb.	Per square	9.80
<b>Asphalt shingles:</b>		
Hexagon standard 3 tab, 167 lb.	do.	6.25
Thick butt, 3 tab 12" x 210 lb.	do.	7.95
<b>Asbestos shingles:</b>		
Asbestos shingles 260-290 lb.	do.	15.55
<b>Siding—asbestos cement:</b>		
Standard surface hard standard colors (12 x 24)(12 x 27).	do.	13.15
Standard surface, hard standard colors, white or buff.	do.	13.15
Extra hard surfaced white (Glatex) (12 x 24)(12 x 27).	do.	15.75
<b>Siding, asphalt:</b>		
Roll brick	Per roll	6.70

TABLE V—METAL PRODUCTS

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Valley tin:</b>		
10" x 28 gage	Per 100 linear feet	Painted \$6.65 Galvanized \$6.70
14" x 28 gage	do.	9.45 10.00
20" x 28 gage	do.	12.00 13.50
<b>Ash pit doors:</b>		
8" x 8"	Each	Steel \$0.85 Cast \$1.50
10" x 12"	do.	1.35 2.00

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-23 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. G-23 under General Order 68, modifies reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172, Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials, in order to reflect the increases in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592; by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regu-

lation No. 466, and otherwise to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage mark-up on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V, some of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order G-23 under General Order 68 is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68, under which Order No. G-23 was issued.

[F. R. Doc. 46-17820; Filed, Oct. 2, 1946; 8:57 a. m.]

[Region III, Order G-40 Under MPR 251]

MINERAL WOOL INSULATION ON INSTALLED BASIS IN PADUCAH, KY., AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and under the authority vested in the Administrator of Region III of the Office of Price Administration by section 9 of Maximum Price Regulation No. 251, this order is issued:

**SECTION 1. Transactions covered by this order.** This order establishes dollars-and-cents maximum prices for mineral wool insulation when sold installed in residential structures in the Paducah, Kentucky, Area. This order also establishes maximum prices for certain incidental construction work specified in Table I, hereof.

**SEC. 2. Area covered.** For the purposes of this order, the "Paducah, Kentucky, Area" consists of the Counties of Ballard, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Lyon, Livingston, Marshall, McCracken, and Trigg in the State of Kentucky.

**SEC. 3. Prohibitions against sales at higher than maximum prices.** No person shall sell or offer to sell and no person shall buy or offer to buy, in the course of trade or business any of the commodities and/or services covered hereunder at prices greater than the maximum prices established by this order.

**SEC. 4. Maximum prices—(a) Price list.** The maximum prices for the installations of mineral wool specified therein shall be as set forth in Table I, which is annexed to and made a part of this order. Said prices apply to all types of blown mineral wool and mineral wool batts and blankets, of thicknesses of four inches. To determine maximum prices of insulation of thicknesses other than four inches, see subsection (b), below.

(b) **Differentials.** (i) For each inch, or fraction thereof, by which the insulation covered hereby exceeds four inches in thickness, the seller may add any of

the following amounts, whichever is applicable, to the prices listed in Table I, hereof:

Where insulation is applied to—	Per square foot
Flat areas.....	\$0.01 1/2
Vertical areas.....	.02
Sealed slopes.....	.02

(ii) For each inch or fraction thereof, by which the insulation covered hereby is less than four inches in thickness, the seller shall deduct not less than one cent per square foot from the prices listed in Table I, hereof.

(c) **Special insulation and incidental construction work.** Sellers covered hereby who perform special insulation and related work and incidental construction work for which no maximum prices have been established by this order, shall determine their maximum prices for such work according to the provisions of Revised Maximum Price Regulation No. 251.

**SEC. 5. Relationship to other maximum price regulations and orders.** The provisions of this order shall supersede sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to the transactions, items and commodities for which dollars-and-cents maximum prices are established hereunder. To the extent that they are consistent with this order all other provisions of Revised Maximum Price Regulation No. 251, and the provisions of other applicable maximum price regulations and orders, shall apply to transactions covered by this order.

**SEC. 6. Final statements.** Upon completion of any of the transactions covered hereby, the seller shall furnish the buyer with a statement containing at least the following information:

- (1) Names and addresses of the buyer and seller.
- (2) Location of premises upon which the work was performed.
- (3) An itemized statement showing the number of square feet of insulation installed, the type and thickness of such insulation and the unit price for each category of insulation installed (as outlined in Table I, hereof).
- (4) A separate itemized statement of any incidental construction work performed and the prices charged, therefor.

**SEC. 7. Lump sum, guaranteed, or contract prices.** (a) Any seller may offer to or make sales of materials and/or services covered by this order, on the basis of a lump sum, guaranteed, or contract price, but such price shall not be higher than the maximum price calculated in accordance with the pricing methods and requirements specified in this order.

(b) **Recomputation.** Within 30 days after the completion of any transaction covered hereunder for which a price was charged on the basis described in subsections (a), above, the seller shall check his price, by reviewing the categories, measurements, materials, labor, and other factors used in his estimate, as compared with the services actually rendered and materials actually installed, and shall determine whether the price which he quoted, charged, or collected is higher than the maximum price computed hereunder. In the event that the price quoted, charged, or collected is



higher than the maximum price computed hereunder, the seller shall reduce his price to the proper maximum price and shall either (1) refund to the purchaser, within such period of 30 days after completion of the transaction, any excess which may have been collected, or (2) by written notice to the purchaser, cancel the indebtedness of the buyer for any such excess, or both, as the case may require. Such a charge or collection of an amount in excess of the maximum price properly computed hereunder shall not be considered to be a violation of this order if the amount thereof is refunded or credited to the purchaser in accordance with the provisions of this paragraph.

**SEC. 8. Evasions.** The price limitations set forth in this order shall not be evaded by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any of the commodities or services covered by this order whether alone or in conjunction with any other changes, discounts, premiums, or other privileges, or by installing any roofing or siding materials covered hereunder in a manner which does not meet at least the standards set forth in the manufacturer's specifications; or by tying agreement or other understanding or by making the terms and conditions of sale more onerous to buyers than they were during March, 1942 (except as specifically permitted by this order or applicable regulations).

Persons violating any provision of this order, are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses and any other enforcement proceeding provided by the Emergency Price Control Act of 1942, as amended.

**SEC. 9. Records.** All sellers covered by this order shall keep records concerning each sale subject to said order, including the name and address of the purchaser, the location of the job, the date of the transaction, the type, thickness and unit price for each category of insulation installed (as outlined in Table I, hereof), the areas wherein the insulation was installed with reference to the drawing numbers contained in Table II, which is annexed to and made a part of this order, a separate statement of any incidental construction work performed, and the prices charged therefor, and the total charge for the entire transaction.

All such records shall be kept and made available for inspection by authorized representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

**SEC. 10. Revocation or amendments.** This order may be amended or revoked at any time by the Office of Price Administration.

**SEC. 11. Effective date.** This Order No. G-40 shall become effective September 9, 1946.

Issued August 26, 1946.

J. F. KESSEL,  
Regional Administrator.

TABLE I

Category number	Maximum price per square foot, 4-inch thickness
Exposed ceiling:	
1. Open attic with 24" clearance—drawing 1 <sup>1</sup> .....	\$0.12
2. Under flat built up roofs (suspended ceiling); open blowing conditions (price includes cost of opening and closing area)—drawing 2.....	.13
Covered ceilings (price includes the cost of removing and replacing flooring):	
3. Open attic with single rough flooring and accessible—drawing 3.....	.13
4. Open attic with finished single floors—drawing 4.....	.14
5. Open attic with double floors, top floor finished—drawing 5.....	.18
Flat ceilings in closed spaces (prices do not include cost of opening and closing):	
6. Flat ceilings in closed spaces under pitched or sloping roofs when opening in roof is necessary, such as pocket areas behind knee walls, areas under roof ridges or extensions which are practically flat—drawing 6:	
(A) Unfloored.....	.13
(B) Floored:	
1. With single rough floor.....	.14
2. With single finished floor.....	.14
3. With double finished floor.....	.15
7. Ceilings in closed space under ridge of pitched roofs, where openings for full length of ridge is necessary because of small clearance between ridge and ceiling areas: Unfloored—drawing 7.....	.12
8. Flat built-up roof type including row-house construction and commercial building—drawing 8.....	.13
9. Flat roof decks covered with tin, copper, or canvas—drawing 9.....	.13
10. Overhand—drawing 10.....	.13
11. Dormer tops without retaining material—drawing 11.....	.13
Dormer tops with retaining material.....	.16
12. Bay window top or bottom—drawing 12:	
(A) Top.....	.18
(B) Bottom.....	.18
Floors (prices do not include cost of opening and closing or cost of retaining material):	
13. Any exposed floors over garage ceilings, open porches or similar types of areas when the underside to be insulated is closed and finished—drawing 13.....	.13
14. Any exposed floors where the areas to be insulated are not closed and finished and where retaining materials are required—drawing 14.....	.13
Floors over unexcavated areas (prices do not include cost of retaining materials):	
15. Batts and blankets—drawing 15.....	.12
16. 4" fill blown in on retaining material—drawing 16.....	.12
Sloping areas (prices do not include open and closing):	
17. All slopes where closed and finished on interior side of rafters—drawing 17.....	.15
18. Open rafters and slopes where batts or blankets are used, such as pocket outside of knee walls when blow is impracticable—drawing 18.....	.14
19. Open rafters and slopes, application of batts or blankets (no retainer used)—drawing 19.....	.12
Knee walls, partitions, and stairwalls and appurtenances:	
20. Interior plastered walls where no decoration is necessary except plaster patching—drawing 20 (price to include open and closing plastered walls).....	.16
21. Knee walls—drawing 21:	
(A) Batts and blankets.....	.15
(B) Blown without retaining material.....	.15
Blown with retaining material.....	.18
22. Knee walls not accessible—drawing 22.....	.22
23. Stairwalls and appurtenances (prices to include opening and closing of plastered walls):	
(A) Soffits—flat price—drawing 23.....	15.00
(B) Walls (measurement of walls may be taken rectangular from floor to ceiling).....	.17
(C) Weatherstrip attic door, flat price.....	2.00
(D) Cover attic door with insulating board, flat price (1/2" or more thick).....	5.00
(E) Construct counter balanced trap door, flat price (not less than 2" of insulation).....	( <sup>1</sup> )

<sup>1</sup> Drawings filed as part of the original document.  
<sup>2</sup> Lawful price determined under RMPR 251.

TABLE I—Continued

Category number	Maximum price per square foot, 4-inch thickness	Manhole openings	Strip openings
Exterior walls (prices include cost of open and closing):			
24. Exterior walls with inner finish whose outer surface is composed of drawings 24 and 30:			
(A) Wood or asphalt shingles.....	\$0.18		
(B) Wood clapboard.....	.17		
(C) Brick or stone veneer.....	.23		
(D) Stucco.....	.23		
(E) Asbestos cement shingles.....	.18		
(F) Insulated brick and stone novelty siding.....	.18		
25-26. Gable and end walls with inner finish—drawings 25 and 26. The prices listed under 24 (A) to 24 (F), inclusive, depend on type of outer finish.			
27. Gable and end walls without inner finish (batts or blankets) drawing 27.....	.14		
28. Dormer cheeks and faces with inner finish. The prices listed in 24 (A) to 24 (F), inclusive, depending upon the type of outer finish—drawing 28.....			
29. Dormer cheeks and faces without inner finish. (Batts or Blankets.) Drawing 29.....	.15		
Openings and closings—A separate additional charge may be made for openings and closings only in those cases where openings and closings are not included in price applicable to the category. The charge includes payment for labor and material used for replacement of material when necessary (governs only work performed by installer):			
30. Metal roofs—manhole size—strip opening.....	\$5.00	\$1.00	
31. Common wood or asphalt shingles, built-up roofs or rolled asphalt roofing. Minimum—per lineal ft.....	5.00	1.00	
32. Slate, tile, and asbestos shingles, minimum per lineal ft.....	7.50	1.00	
33. Wood openings or openings through similar materials, including beaded ceiling. Minimum per lineal ft.....		1.00	
34. Plaster walls or ceiling openings and closings (each).....		5.00	
Retaining materials (governs work only performed by installer):			
35. Building paper and lath, retaining surface—sq. ft. (such as sisal-kraft).....	\$0.03		
36. Paper wall boards—sq. ft.....	.07		
37. Rock lath (approx. 16" x 48").....	.07		
38. Plaster board and insulating board—sq. ft.....	.11		
Miscellaneous—includes material and labor (governs only work by installer):			
39. Insulate expansion tank.....	( <sup>3</sup> )		
40. Insulate knee wall doors with insulating board (per opening).....	3.00		
41. Louvers or ventilators (all types and sizes) (each).....	( <sup>3</sup> )		
42. 2 x 4 framing lumber necessary to installation—installed, per lineal foot.....	.12		
Work performed by subcontractors: The prices specified in this table for jobs listed in Categories 30 to 42, inclusive, shall apply only when the work is performed by the installer of insulation. When any of the jobs specified in Categories 30 to 42, inclusive, are performed by subcontractors of the installer of insulation, said installer's maximum price to the buyer for such work shall be the exact price charged by the subcontractor, but in no event shall such price be higher than the maximum price as determined under Revised Maximum Price Regulation No. 251.			

<sup>3</sup> Per lineal foot (minimum \$5).  
<sup>4</sup> Per lineal foot (minimum \$7.50).  
<sup>5</sup> Lawful price charged by subcontractor or determined under RMPR 251.

OPINION ACCOMPANYING ORDER NO. G-40 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 251

The Cleveland Regional Office, in conjunction with the Louisville District Office of the Office of Price Administration, has conducted an investigation with reference to maximum prices prevailing in the Paducah, Kentucky Area. Said investigation has established to the satisfaction of the Regional Administrator that area prices should be established for all sales and deliveries of installed mineral wool insulation in the area designated.

Complaints, and investigations resulting therefrom, have demonstrated that many new companies have entered the business of installing mineral wool insulation in the past two or three years, and that of these an appreciable number have been operating with but little regard to price control. Numerous applications for price authorizations, filed following the revision of Maximum Price Regulation No. 251, emphasized the need for uniform pricing and demonstrated the lack of comprehensive data on which to base individual price authorizations.

It has been established that the determination of maximum area prices will bring a desirable degree of uniformity, and that such uniformity will simplify the problems of enforcement and enable the Office of Price Administration to exercise full and adequate maximum price control over the business of installing mineral wool insulation in the area designated. This control is established to carry on this business. Such area pricing will enable the various dealers to have a more complete working knowledge of the governing order, and will result in a greater degree of dealer-compliance, while consumer knowledge and acceptance will be more complete.

In determining the area prices established by the accompanying order, a careful analysis was made of the business as conducted in the area. The Louisville District Office has conducted surveys of prices on installing mineral wool insulation. A questionnaire called for information concerning dollars-and-cents prices for various types and varieties of mineral wool insulation broken down into detailed material costs, labor costs, and margins on jobs done during the first six months of 1945.

Information was received from companies doing 90 percent of the annual volume of business estimated for the area. These firms present the activities of small, medium, and large volume firms in the industry. The information collected emphasizes the need for more specified price control on installed mineral wool insulation. It indicates that some companies have maintained their 1942 price levels, but that some have not.

Comments and suggestions of the industry were invited, and the results of the survey were disclosed and discussed with an industry advisory committee. In many instances draft provisions of an actual tentative order have been revised in the interests of clarity and workability according to their suggestions. In addition, individual members of the industry have been consulted freely for the

purpose of seeking definite knowledge of operating problems and feasible methods of dealing with them. All suggestions have been carefully considered and many have been embodied in the order issued concurrently herewith. The prices established in the order are based on costs and margins prevailing in the area designated.

It has been determined that this method of fixing maximum prices is in accordance with trade practices of the industry. However, to the extent that the accompanying order operates to compel changes in the business practices, cost practices, or methods or means or aids to distribution established in the industry affected, the Regional Administrator has found that such action is necessary to prevent circumvention or evasion of the order, or of Revised Maximum Price Regulation No. 251.

The provisions of the accompanying order are deemed to be fair and equitable and in the public interest, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Revised Maximum Price Regulation No. 251, as amended.

[F. R. Doc. 46-17816; Filed, Oct. 2, 1946; 8:55 a. m.]

[Region II Order G-24 Under RMPR 165, Amdt. 5]

LAUNDRY SERVICE—NEW YORK METROPOLITAN AREA

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region II by section 16 (a) of Revised Maximum Price Regulation #165, as amended, and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered:*

That paragraph (3) of New York Regional Office Order No. G-24 under Section 16 (a) of Revised Maximum Price Regulation #165, as amended, be amended, as follows:

(1) Order No. G-24 and more particularly paragraph (3) thereof, is amended as to Columbia Laundry Service by changing the percentage figures set opposite said name from 19% to 22%.

(2) The above-mentioned applicant shall otherwise be subject in all respects to all the provisions of said Order No. G-24, as amended, and except as therein or herein otherwise provided, shall remain in all respects subject to the provisions of Revised Maximum Price Regulation No. 165, as amended—Services.

(3) This amendment may be revoked or amended by the Price Administrator or by the Regional Administrator of Region II through the issuance at any time hereafter of any regulation, order, amendment or supplement thereto.

(4) All of the other provisions of Order No. G-24 shall remain in full force and effect except as herein modified.

This amendment shall become effective immediately.

Issued the 25th day of September 1946.

JAMES L. MEADER,  
Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 5 TO ORDER NO. G-24 UNDER SECTION 16 (a) OF REVISED MAXIMUM PRICE REGULATION NO. 165, AS AMENDED

Columbia Laundry Service, a power laundry establishment located in the New York Metropolitan Area, filed an application with the New York Regional Office of the Office of Price Administration for adjustment of its maximum prices for laundry and related services under Revised Maximum Price Regulation #165, as amended—Services. A substantial part of the applicant's business is handled by agent drivers.

A large number of power laundry establishments in the area, a substantial part of whose business is handled by agent-drivers, were granted adjustments of their maximum prices by the New York Regional Office of the Office of Price Administration under Order No. G-24, dated January 18, 1946, as amended. The above application has been considered on the basis of the same factors as were applied in the processing of the applications covered by said Order No. G-24, as amended.

In accordance with the criteria presently applied, it has been determined that the applicant, Columbia Laundry Service of New York, should receive the price adjustment provided in the accompanying Amendment No. 5 which this opinion accompanies, and that Order No. G-24, as amended, should be modified so as to include this application within the coverage thereof.

Otherwise than as amended by this Amendment No. 5, Order No. G-24, as amended remains in full force and effect. All of its applicable provisions shall apply to the power laundry establishment named in Amendment No. 5. It has been determined that an adjustment in prices under the circumstances set forth in this opinion has been approved by the Stabilization Administrator. The price adjustment so made will not contravene nor be inconsistent with Executive Order No. 9599, as amended. Therefore, for the foregoing reasons and also for the reasons set forth in the opinion accompanying said Order No. G-24, as amended, the Regional Administrator has decided to authorize the modification of that order through the issuance of this Amendment No. 5 thereto, pursuant to the provisions of Section 16 (a) of Revised Maximum Price Regulation No. 165, as amended—Services, and the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17771; Filed, Oct. 2, 1946; 8:54 a. m.]

[Wilmington Adopting Order 4 Under General Order 65]

SOUTHERN SHORLEAF YELLOW PINE LUMBER, IN DELAWARE

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II, by the Emergency Price Control Act of 1942 as amended, by Revised General Order No. 65, and by Revised Procedural Regu-

lation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director of the Wilmington District Office, it is hereby ordered:

**SECTION 1. What this order covers.** This adopting order under Basic Order No. 1, as amended, under Revised General Order No. 65, covers retail type sales of Southern Shortleaf Yellow Pine Lumber out of distribution yard stock by lumber distribution yards located in the State of Delaware. All provisions of Basic Order No. 1, as amended, under Revised General Order No. 65, are adopted in this order as if specifically set forth herein. If said basic order is further amended in any respect, the provisions of said order, as amended shall likewise without further action, become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1, as amended, under Revised General Order No. 65, and should be familiar with the provisions of said order.

**SEC. 2. Territory covered by this order.** The geographical area covered by this order is the State of Delaware.

**SEC. 3. Maximum prices.** The maximum prices for Southern Shortleaf Yellow Pine lumber in the area covered by this order, as described in Section 2 above, are set forth in Schedule A-2, hereto annexed and made a part of this order. Schedule A-2 fixes maximum prices for sales by lumber distribution yards located in the State of Delaware.

**SEC. 4. Relationship of this order to Basic Order No. 1, as amended, under Second Revised Maximum Price Regulation 215, and other maximum price regulations.** As previously stated, all provisions of Basic Order No. 1, as amended, are adopted by this order. The maximum prices fixed by this order supersede any maximum price or pricing method previously established by Second Revised Maximum Price Regulation 215, or any other applicable regulation or order. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of Second Revised Maximum Price Regulation 215 or any other applicable regulation or order, shall remain applicable to sales covered by this order.

**SEC. 5. Posting of prices, records, and sales slips.** The provisions of Sections (d), (e), (f) and (g) of Basic Order No. 1, as amended, covering posting, invoicing, records and sales slips, are adopted in and applicable to this order as if specifically set forth herein.

**SEC. 6. Amendment.** This order may be revised, amended, revoked, or modified at any time by the Office of Price Administration.

This order shall become effective October 14, 1946.

Issued this 25th day of September 1946.

CHARLES HARDESTY,  
District Director.

SCHEDULE A-2

These prices apply to all retail type sales and deliveries by yards located in the State of Delaware, regardless of the place to which delivery is made. Size of sale is based on the total of softwood lumber and hardwood flooring sold in one sale.

BOARDS—SHORTLEAF YELLOW PINE

Price Table

[Per 1,000 board feet]

Applies to air-dried or kiln-dried boards, 4 to 20 feet long, surfaced on 1, 2, 3, or 4 sides to thickness shown, or surfaced on 2 sides and tongue-and-grooved or ship lapped. No additions to these prices may be made for grade-marking, anti-stain treatment, or sale of specific lengths.

Nominal size	Thick-ness, sur-faced	Sales totaling over 1,000 feet				Sales totaling 1,000 feet or less			
		Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4	Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4
1 x 2" and 1 x 3".....	2 3/4" or 3"	\$76	\$72	\$62	\$50	\$87	\$83	\$73	\$61
1 x 4".....		72	67	59	48	83	78	70	59
1 x 6" and 1 x 7".....		74	71	62	50	85	82	73	61
1 x 8" and 1 x 9".....		75	71	62	50	86	82	73	61
1 x 5" and 1 x 10".....		78	73	64	52	89	84	75	63
1 x 11".....		82	77	64	52	93	88	75	63
1 x 12".....		88	80	65	53	99	91	76	64

Additions and deductions per 1,000 board feet

- Green, worked as above.—From dry price for size and grade deduct \$5.00.
- Rough.—From dry price above for grade and size, for rough dry deduct \$3.00; for rough green deduct \$8.00.
- Boards under 3/4" thickness, surfaced 1 side, any edge working, graded after complete working and sold "on grade"—From the 2 3/4" surfaced dry price for width and grade deduct

	If dry	If green
1 1/2".....	\$4.00	\$9.00
2".....	7.00	12.00
2 1/2".....	11.00	15.00
3".....	14.00	19.00
3 1/2".....	18.00	22.00

- Sales less than \$7.50.—When the total sale is less than \$7.50 the prices as determined above may be increased 10 percent.
- Workings and delivery.—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.
- Other boards.—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine boards not priced above.

DIMENSION, SHORTLEAF YELLOW PINE

Price table

[Per 1,000 board feet]

Applies to air-dried and kiln-dried lumber, 4 to 20 feet long, surfaced on 1, 2, 3, or 4 sides to 1 3/8" thickness. No additions to these prices may be made for grade marking, antistain treatment, or because lumber is medium grain or dense.

Nominal size	Sales totaling over 1,000 feet: Lengths					Sales totaling 1,000 feet or less: Lengths				
	4' or 6'	8', 10' or 12'	9' or 14'	16'	18' or 20'	4' or 6'	8', 10' or 12'	9' or 14'	16'	18' or 20'
No. 1 grade, including medium grain or dense										
2 x 3" or 4".....	\$57	\$70	\$71	\$73	\$75	\$67	\$80	\$81	\$83	\$85
2 x 5".....	60	76	76	78	84	70	86	86	88	94
2 x 6".....	57	71	72	73	76	67	81	82	83	86
2 x 8".....	57	71	72	73	76	67	81	82	83	86
2 x 10".....	61	79	79	80	86	71	89	89	90	96
2 x 12".....	64	82	82	83	89	74	92	92	93	99
No. 2 grade, including medium grain or dense										
2 x 3" or 4".....	\$56	\$67	\$69	\$70	\$73	\$66	\$77	\$79	\$80	\$83
2 x 5".....	53	69	68	68	74	63	79	78	78	84
2 x 6".....	53	67	68	69	72	63	77	78	79	82
2 x 8".....	55	68	70	70	74	65	78	80	80	84
2 x 10".....	57	72	73	73	78	67	82	83	83	88
2 x 12".....	58	74	74	75	81	68	84	84	85	91

Additions and deductions per 1,000 board feet

- No. 3 grade.—From No. 2 grade price for size, deduct \$17.00
- Green, worked as above.—To dry price for size and grade, add \$0.
- Rough.—From dry surfaced price for size and grade (for rough dry, deduct \$3.00; for rough green, deduct \$4.00).
- Sales less than \$7.50.—When the total sale is less than \$7.50 the prices as determined above may be increased 10 percent.
- Workings and delivery.—For permitted additions for workings to customer's order, and for delivery, see 2nd RMPR 215.
- Other dimension items.—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine dimensions not priced above.



**FINISH, SHORLEAF YELLOW PINE**

*Price Table*

[Per 1,000 board feet]

Applies to kiln-dried lumber, 8 to 20 feet long, surfaced on 4 sides to thickness indicated. Prices apply whether or not lumber is grade marked or sold in specified or random lengths.

Size	Thickness surfaced	Sales totaling over 1,000 feet			Sales totaling 1,000 feet or less
		Grade "B" and better	Grade "C"	Grade "D" and better	
1 x 2" or 3"		\$103	\$95	\$111	\$104
1 x 4"		101	94	109	102
1 x 6" or 8"		106	98	114	106
1 x 7" or 9"		112	105	120	113
1 x 8" or 10"	2 1/2"	119	108	127	116
1 x 11"		124	112	132	120
1 x 12"		142	126	150	131
5/4 or 6/4 x 2 or 3"		125	109	133	117
5/4 or 6/4 x 4"		122	107	130	115
5/4 or 6/4 x 6 or 8"	1 1/2"	128	107	136	123
5/4 or 6/4 x 7 or 9"		135	115	143	125
5/4 or 6/4 x 5 or 10"	1 3/4"	140	122	148	129
7/4 or 6/4 x 11"		158	136	166	144
5/4 or 6/4 x 12"					

**ADDITIONS AND DEDUCTIONS PER 1,000 BOARD FEET:**

1. *Air dried, may be stained.*—From kiln-dried price for size and grade, deduct \$5.00.
2. *Air dried, no stain permitted.*—From kiln-dried price for size and grade, deduct \$6.00.
3. *Rough.*—To surfaced price for size, grade, and condition add \$1.50.
4. *3 and 6 ft. lengths.*—From 8-20 ft. price for size, grade, and condition, for 1" thickness in widths of 6" or less deduct \$3.00; for 1" thickness when wider than 6", and all 3" and 6" thickness deduct \$1.00.
5. *Sales less than \$7.50.*—When the total sale is less than \$7.50 the prices as determined above may be increased 10 percent.
6. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see 2nd R.M.P.R. 215.
7. *Other finish.*—Continue to compute maximum prices under 2nd R.M.P.R. 215 on shortleaf yellow pine finish not priced above.

**PLANKS AND SMALL TIMBERS, SHORLEAF YELLOW PINE**

*Price Table*

[Per 1,000 board feet]

Applies to rough green lumber with no heart specification. No addition to these prices may be made for grade marking or antistain treatment.

Size	No. 2 dense; No. 2 medium grain; No. 2 common		No. 1 dense; square edge and sound medium grain; No. 1 medium grain; square edge and sound; No. 1 common		Dense structural; square edge and sound; dense structural; No. 1 structural; dense square edge and sound					
	Lengths	Lengths	Lengths	Lengths	Lengths	Lengths				
3 x 3" to 6 x 8"	8-20'	22'	24'	8-20'	22'	24'	8-20'	22'	24'	
	\$69	\$81	\$87	\$72	\$84	\$90	\$80	\$92	\$98	\$106
3 x 3" to 6 x 8"	80	92	98	83	95	101	91	103	110	117
	Sales totaling over 1,000 board feet									
Sales totaling 1,000 board feet or less										

**ADDITIONS AND DEDUCTIONS PER 1,000 BOARD FEET**

1. *Rough dry.*—To rough green price above for grade and length; for air dried, add \$4.00; for kiln dried, add \$7.00.
2. *Workings.*—To rough price for grade, length, and condition, when surfaced on 1, 2, 3, or 4 sides, tongue-and-groove or shiplapped, add \$1.00; for plywood or 2 edges, add \$0.50.
3. *Sales less than \$7.50.*—When the total sale is less than \$7.50 the prices as determined above may be increased 10 percent.
4. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see second R.M.P.R. 215.
5. *Other planks and timber items.*—Continue to compute maximum prices under second R.M.P.R. 215 on shortleaf yellow pine planks and timbers not priced above.

**DROP SIDING, CEILING, AND PARTITION, SHORLEAF YELLOW PINE**

*Price Table*

[Per 1,000 board feet]

Applies to kiln-dried lumber worked to pattern, with plain ends, when sold in random lengths of 4 to 20 feet with standard grading restrictions on short lengths; or when sold in specific lengths of 7 to 20 feet. No addition to these prices may be made for grade marking.

Nominal thickness and width	Pattern	Sales totaling over 1,000 feet				Sales totaling 1,000 feet or less
		Grade "B" and better	Grade "C"	Grade "D" or No. 2	Grade "B" and better	
1" x 6"	115, 117, 118, 119	83	82	73	90	84
1" x 8"	All other	99	94	74	106	85
1" x 8"	All	99	95	74	106	85
1" x 10"	All	111	101	78	118	89
DROP SIDING						
3 1/2" x 3" & 4"		63	63	52	74	61
3 1/2" x 3" & 4"		71	66	55	77	64
3 1/2" x 3" & 4"		73	70	58	76	67
3 1/2" x 5" & 6"		76	73	61	82	70
1 1/2" x 3" & 4"		90	85	68	96	81
1 1/2" x 3" & 4"		91	87	69	97	82
1 1/2" x 5" & 6"						
Ceiling-standard head or "V", surfaced 1 or 2 sides						
1 1/2" x 4"		80	85	67	95	78
3 1/2" x 4"		97	93	70	103	81
1 1/2" x 6"		92	88	70	98	84
3 1/2" x 6"		100	96	73	106	84
Partition						

**ADDITIONS AND DEDUCTIONS PER 1,000 BOARD FEET**

1. *Air dried.*—From the kiln-dried price for size, grade, and pattern, deduct \$1.00.
2. *3, 4, 5, and 6-foot lengths sold on specific length.*—From the random length price for the size, grade, pattern, and condition, for "B" and better and "C", deduct \$2.00; for "D" and No. 2, deduct \$8.00.
3. *Sales less than \$7.50.*—When the total sale is less than \$7.50 the prices as determined may be increased 10 percent.
4. *Workings and delivery.*—For permitted additions for workings to customer's order, and for delivery, see second R.M.P.R. 215.
5. *Other drop siding, ceiling, and partition.*—Continue to compute maximum prices under second R.M.P.R. 215 on shortleaf yellow pine drop siding, ceiling, and partition not priced above.

FLOORING—SHORTLEAF YELLOW PINE

Price Table

[Per 1,000 board feet]

<sup>1</sup>Applies to kiln-dried lumber, worked to 1" x 3" or 1" x 4" flooring, with plain ends, when sold in random lengths of 4 to 20 feet with standard grading rule restrictions on short lengths, or when sold in specific lengths of 7 to 20 feet. No addition to these prices may be made for grade marking.]

Heart and grain specifications	Sales totalling over 1,000 feet			Sales totalling 1,000 feet or less		
	Grade "B" and better	Grade "C"	Grade "D" or No. 2	Grade "B" and better	Grade "C"	Grade "D" or No. 2
Heart face:						
Edge grain .....	\$136	\$116	\$91	\$144	\$124	\$97
Near-edge grain .....	126	106	85	134	114	91
Flat grain .....	115	102	80	123	110	86
No heart specification:						
Edge grain .....	118	107	81	126	115	87
Near-edge grain .....	108	97	76	116	105	82
Flat grain .....	103	97	74	111	105	80

Additions and deductions per 1,000 board feet

1. *Air dried.*—From the kiln-dried price for the grade and other specifications deduct \$1.00.
2. *4, 5, and 6 ft. lengths sold on specific length.*—From the random length price for the grade and other specifications and condition: For "B" and better and "C" deduct \$21.00; for "D" or No. 2 deduct \$14.00.
3. *End matched.*—To plain-end price for grade and other specifications, condition and length: add \$3.00.
4. *Bark back.*—From price above for flooring free of bark back: deduct \$7.00.
5. *Sales less than \$7.50.*—When the total sale is less than \$7.50 the prices as determined above may be increased 10%.
6. *Workings and delivery.*—For permitted additions for workings to customer's order and for delivery, see 2nd RMPR 215.
7. *Other flooring.*—Continue to compute maximum prices under 2nd RMPR 215 on shortleaf yellow pine flooring not priced above.

OPINION ACCOMPANYING ADOPTING ORDER NO. 4 UNDER BASIC ORDER NO. 1, AS AMENDED, UNDER REVISED GENERAL ORDER NO. 65.

Pursuant to the provisions of Revised General Order No. 65 as amended, Regional Administrators and District Directors authorized to do so, may issue and put into effect, orders establishing maxi-

imum prices applicable to particular communities or defined areas for sales of lumber products for which maximum prices are established under Second Revised Maximum Price Regulation 215 out of distribution yard stock by any lumber distribution yard located in such area.

In accordance with this authority, the Regional Administrator of Region II has

issued Basic Order No. 1, as amended, under Revised General Order 65, setting forth the general provisions which are to be common to all future area orders, such orders to be known as adopting orders. The provisions of the basic order are expressly adopted by such adopting orders.

The accompanying adopting order covers prices of Southern Short-leaf Yellow Pine lumber on retail-type sales out of distribution yard stock by lumber distribution yards located in the State of Delaware. This order supersedes maximum prices or pricing methods previously established by Second Revised Maximum Price Regulation 215, or any other applicable regulation.

The prices fixed by the accompanying order are a translation into dollars-and-cents of existing maximum prices and are in line with the level of prices in effect under Second Revised Maximum Price Regulation 215. The provisions of the accompanying order are in conformance with Section 2 (t) of the Emergency Price Control Act of 1942, as amended.

The record-keeping, posting and invoicing provisions of Basic Order No. 1, as amended, which adopted by the accompanying adopting order are specifically authorized by Section 1 (c) of Revised General Order 65 and are affirmatively found to be necessary to prevent evasion of this order.

[F. R. Doc. 46-17770; Filed, Oct. 2, 1946; 8:52 a. m.]