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Regulations

TITLE 7—AGRICULTURE

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

PART 969—MILK IN SUBURBAN CHICAGO, ILLINOIS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), hereinafter referred to as the "act," and of the order regulating the handling of milk in the Suburban Chicago, Illinois, marketing area (7 CFR, 1944 Supp. 969.1 et seq.), it is hereby determined that the provisions of such order which provide seasonal minimum prices on Grade A and Grade B Class I milk during May and June 1946 are provisions which do not tend to effectuate the declared policy of the act with respect to milk received from producers or cooperative associations of producers during said months.

It is, therefore, ordered That the following provisions of the order regulating the handling of milk in the Suburban Chicago, Illinois, marketing area be and they hereby are suspended during 1946:

1. In § 969.5 (a) (1) (i), relating to Grade A Class I milk, as follows: "*Provided*, That beginning in 1945 the price for such Class I milk for the delivery periods of May and June of each year shall be the price determined pursuant to (b) of this section, plus 50 cents."; and

2. In § 969.5 (a) (1) (ii), relating to Grade B Class I milk, as follows: "*Provided*, That beginning in 1945 the price for such Class I milk for the periods of May and June of each year shall be the price determined pursuant to (b) of this section, plus 40 cents."

Done at Washington, D. C., this 4th day of April 1946.

[SEAL] CLINTON P ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-5633; Filed, Apr. 4, 1946; 11:03 a. m.]

PART 941—MILK IN CHICAGO, ILLINOIS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area (7 CFR Cum. Supp. 941.0 et seq.), it is hereby determined that the provisions of such order which provide a seasonal minimum price on Class I milk during May and June 1946 are provisions which do not tend to effectuate the declared policy of the act with respect to milk received from producers and cooperative associations of producers during said months.

It is, therefore, ordered, That the following provisions of § 941.5 (a) (2) of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area be and they hereby are suspended for the period from 12:01 a. m., on May 1, 1946, through June 30, 1946:

1. The words "* * *, except the delivery periods of May and June, * * *;" and

2. The words "* * *; and during the delivery periods of May and June the price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (b), plus 50 cents * * *".

Done at Washington, D. C. this 4th day of April 1946.

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

[F. R. Doc. 46-5634; Filed, Apr. 4, 1946; 11:03 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[Gen. Order 5, Reg. 1]

PART 503—GENERAL ORDERS

PROPERTY OR INTERESTS OF NATIONALS OF BULGARIA, HUNGARY, ITALY OR RUMANIA

§ 503.5–1 *Non-applicability of § 503.5 (General Order No. 5) to certain prop-*

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FEDERAL REGISTER

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erty or interests of nationals of Bulgaria, Hungary, Italy or Rumania. No report on Form APC–3 shall be required to be filed with respect to the property or interests of any person within Bulgaria, Hungary, Italy, or Rumania who is not a citizen or subject of Germany or Japan, pursuant to § 503.5 (General Order No. 5) of the Alien Property Custodian, by any designated person as defined therein, who shall become such designated person by appointment, qualification or otherwise in any court or administrative action or proceeding within the United States originally instituted or commenced after April 15, 1946.

Executed at Washington, D. C., on April 1, 1946.

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

[F. R. Doc. 46–5647; Filed, Apr. 4, 1946; 11:20 a. m.]

[Gen. Order 20, Reg. 1]

PART 503—GENERAL ORDERS

CONSENT TO CERTAIN TRANSFERS BY THE CUSTODIAN

§ *503.20-1 Consent to certain transfers by the custodian.* For the purposes of paragraph (a) (1) of § 503.20 (General Order No. 20), the Alien Property Custodian hereby consents to the payment, transfer or distribution of any property of any nature whatsoever to any person within Bulgaria, Hungary, Italy ,and Rumania, who is not a citizen or subject of Germany or Japan, by any designated person, as defined in that general order, from the assets of an estate of a decedent whose death occurs subsequent to April 15, 1946; *Provided, however,* That any payment, transfer or distribution may be made only if licensed or otherwise authorized by the Secretary of the Treasury pursuant to the provisions of Executive Order No. 8389, as amended.

Executed at Washington, D. C., on April 1, 1946.

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

[F. R. Doc. 46–5651; Filed, Apr. 4, 1946; 11:20 a. m.]

[Gen. Order 6, Reg. 1]

PART 503—GENERAL ORDERS

SERVICE OF PROCESS OR NOTICE ON PERSONS WITHIN BULGARIA, HUNGARY, ITALY OR RUMANIA

§ 503.6–1 *Non-applicability of § 503.6 (General Order No. 6) to service of process or notice on persons within Bulgaria, Hungary, Italy or Rumania.* The provisions of § 503.6 (General Order No. 6) of the Alien Property Custodian with respect to the service of process or notice shall not be applicable to any service of process or notice on any person within Bulgaria, Hungary, Italy or Rumania who is not a citizen or subject of Germany or Japan, in any court or administrative action or proceeding within the United States originally initiated or commenced after April 15, 1946.

Executed at Washington, D. C., on April 1, 1946.

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

[F. R. Doc. 46–5649; Filed, Apr. 4, 1946; 11:20 a. m.]

[Gen. Order 6H, Reg. 1]

PART 503—GENERAL ORDERS

SERVICE OF PROCESS OR NOTICE ON PERSONS WITHIN BULGARIA, HUNGARY, ITALY OR RUMANIA

§ 503.6h–1 *Non-applicability of § 503.6h (General Order No. 6H) to service of processor notice on persons within Bulgaria, Hungary, Italy or Rumania.* The provisions of § 503.6h (General Order No. 6H) of the Alien Property Custodian with respect to the service of process or notice shall not be applicable to any service of process or notice on any person within Bulgaria, Hungary, Italy, or Rumania who is not a citizen or subject of Germany or Japan, in any court or administrative action or proceeding within the Territory of Hawaii originally initiated or commenced after April 15, 1946.

Executed at Washington, D. C., on April 1, 1946.

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

[F. R. Doc. 46–5650; Filed, Apr. 4, 1946; 11:20 a. m.]

[Gen. Order 5H, Reg. 1]

PART 503—GENERAL ORDERS

PROPERTY OR INTERESTS OF NATIONALS OF BULGARIA, HUNGARY, ITALY OR RUMANIA

§ 503.5h–1 *Non-applicability of § 503.5h (General Order 5H) to certain property or interests of nationals of Bulgaria, Hungary, Italy or Rumania.* No report on Form APC–3 shall be required to be filed with respect to the property or interests of any person within Bulgaria, Hungary, Italy or Rumania who is not a citizen or subject of Germany or Japan, pursuant to §503.5h (General Order No. 5H) of the Alien Property Custodian, by any designated person as defined therein, who shall become such designated person by appointment, qualification or otherwise in any court or administrative action or proceeding within the Territory of Hawaii originally instituted or commenced after April 15, 1946.

Executed at Washington, D. C., on April 1, 1946.

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

[F. R. Doc. 46–5648; Filed, Apr. 4, 1946; 11:20 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Supplies and Equipment

[Procurement Regs. 1–3, 6–7A, 9, 11]

MISCELLANEOUS AMENDMENTS

The following amendment and additions to the regulations contained in Parts 801–803, inclusive, 806, 809, 811, 821, 823, 827, 830 and 832 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated September 5, 1942 (9 F.R. 8363 [1]) as amended by Change 55, March 30, 1946, the particular regulations being Nos. 1–3, 6–7A, 9 and 11.

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

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195; the First War Powers Act, 1941, 55 Stat. 838, 50 U.S.C. Supp. 601–622.

Subchapter A—Procurement

[Procurement Reg. 1]

PART 801—GENERAL INSTRUCTIONS

SUBPART A—INTRODUCTION

1. Section 801.101–1 is added as follows:

§ 801.101–1 *Suggestions for simplification or improvement.* Suggestions for the simplification or improvement of procurement regulations and for the consolidation or elimination of sections thereof are invited, and may be forwarded directly to the Procurement Judge Advocate, Office of Director of Procurement, Headquarters, Army Service Forces, Room 3E–479, The Pentagon, Washington 25, D. C. All suggestions should be accompanied with reasons therefor.

2. Paragraph (b) of § 801.105a is amended to read as follows:

§ 801.105a *Reference to units the designation of which has since been*

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

changed, or which have been abolished and their functions transferred to other units. * * *

(b) Among such changes, particular attention is directed to the following, affecting the units named in italics below:

(1) *Services of Supply.* Section I of General Orders No. 14, W. D., dated 12 March 1943, provides that "The name of Services of Supply is changed to Army Service Forces"; and ASF Circular No. 30, dated May 15, 1943 provides in part that "The services heretofore designated as 'supply services' will hereafter be known as 'technical services' ".

(2) *War Food Administration.* Executive Order 9577, dated June 29, 1945 and effective at the close of business on June 30, 1945, terminated the War Food Administration, and transferred the functions, duties and powers of the War Food Administrator to the Secretary of Agriculture.

(3) *Defense Plant Corporation; Metals Reserve Company; Rubber Reserve Company; Defense Supplies Corporation.* By Joint Resolution of Congress (Public Law 109—79th Congress), approved June 30, 1945, and effective on July 1, 1945, Defense Plant Corporation, Metals Reserve Company, Rubber Reserve Company and Defense Supplies Corporation were dissolved, and their assets and liabilities were transferred to Reconstruction Finance Corporation, of which they had been subsidiaries. By General Amendment dated January 5, 1946 (11 F.R. 408), effective as of the close of business on January 15, 1946, the Surplus Property Administration transferred to War Assets Corporation all of the functions, duties and responsibilities heretofore assigned to the Reconstruction Finance Corporation with respect to the disposal of property. (See subparagraph (6) of this paragraph.)

(4) *Production Division; Purchases Division.* ASF Circular No. 329, dated August 31, 1945, provides in part that "Effective September 1, 1945, the Production and Purchases Division is established under the jurisdiction of the Director of Matériel to consist of the former Production Division and the former Purchases Division"; and the authority previously granted to the Director, Purchases Division, has been delegated to the Director, Production and Purchases Division (See § 801.107–6). ASF Circular No. 453, dated December 27, 1945, redesignated the Production and Purchases Division of the Director of Material as the Procurement Division, and amended ASF Circular No. 329, above referred to, accordingly. (See subparagraph (7) of this paragraph.)

(5) *Legal Branch, Office of the Director of Matériel.* War Department Circular No. 273, dated September 10, 1945, establishes the office of Procurement Judge Advocate, and prescribes his authority and duties; and Section III of ASF Circular No. 345, 1945, dated September 13, 1945, provides in part that "The staff of the Legal Branch, Office of the Director of Matériel, is transferred to the Office of the Procurement Judge Advocate, and the positions of Legal Assistant to the Director of Matériel, Chief, Legal Branch, Office of the Director of Matériel, and of Legal Adviser to the Readjustment and Renegotiation Divisions, and the Legal Branch, Office of the Director of Matériel, are abolished.

(6) *Surplus Property Board; Surplus Property Administration.* By Public Law 181—79th Congress, approved September 18, 1945, and effective October 1, 1945, there was established in the Office of War Mobilization and Reconversion a Surplus Property Administration to be headed by a Surplus Property Administrator; and the Surplus Property Board was abolished and all of its functions transferred to the Surplus Property Administrator. By Executive Order 9689, January 31, 1946 (11 F.R. 1265), the functions of the Surplus Property Administrator and of the Surplus Property Administration were transferred to the chairman of the board of directors of the War Assets Corporation and to the War Assets Corporation, respectively, and the Surplus Property Administration was merged into and consolidated with the War Assets Corporation. By the same Executive order, the War Assets Corporation, effective March 25, 1946, became the War Assets Administration headed by a War Assets Administrator.

(7) *War Production Board.* By Executive Order 9638, dated October 4, 1945, and effective as of the close of business on November 3, 1945, all functions and powers of the War Production Board were transferred to the Civilian Production Administration established by that order in the Office of Emergency Management of the Executive Office of the President, and the War Production Board was terminated.

(8) *Office of the Director of Matériel.* ASF Circulars Nos. 52 and 53, dated March 2, 1946, effective March 11, 1946, abolished the Office of the Director of Matériel and the Staff Divisions therein and replaced them by the Office of the Director of Procurement consisting of the Purchases, Production, Renegotiation, Readjustment, International, and Research and Development Branches.

The former Director, Procurement Division, Office of the Director of Matériel (see subparagraph (4) of this paragraph) is now the Chief of the Purchases Branch, and also the Chief of the Production Branch, Office of the Director of Procurement.

Functions in connection with surplus property were transferred from the former Readjustment Division as follows:

(i) Disposal of surplus military property to the Supply Control Branch, Office of the Director of Supply;

(ii) Disposal of surplus command installations to the Installations Branch, Office of the Director of Services; and

(iii) Coordination and liaison on all types of surplus property to the Assistant Director (Surplus Disposals), Office of the Director of Plans and Policy.

The position of Fiscal Director was abolished and the functions, responsibilities and authority of that position were transferred to the Chief of Finance. The Chief of Finance was also designated as a technical service.

Labor relations and labor supply functions of the Industrial Personnel Division were transferred to the Production Branch.

SUBPART C—AUTHORITY FOR AND APPLICABILITY OF REGULATIONS

1. In § 801.108–4 paragraphs (b) and (c) are amended to read as follows:

§ 801.108–4 *Army Air Forces.* * * *

(b) Whenever used herein, unless otherwise specifically indicated, the term "technical services" shall be deemed to include the Army Air Forces, and the term "chiefs of the technical services" shall be deemed to include the Commanding General, Army Air Forces. Likewise, the terms "Director, Production and Purchases Division, Headquarters, Army Service Forces", "Director, Procurement Division, Headquarters, Army Service Forces", "Chief, Purchases Branch, Headquarters, Army Service Forces", and "Director, Readjustment Division, Headquarters, Army Service Forces", when used in connection with action to be taken in respect of the Army Air Forces, shall, unless otherwise specifically indicated, be deemed to refer to the Special Representative of the Under Secretary of War designated for that purpose.

(c) Except as specifically otherwise provided, all communications to the Army Air Forces or to the Commanding General, Army Air Forces, relating to procurement, should be addressed to the attention of the Readjustment and Procurement Division, AC/AS–4.

2. Sections 801.108–5 to 801.108–7, inclusive, are amended to read as follows:

§ 801.108–5 *Service commands.* The regulations in this subchapter are applicable to the procurement activities of the service commands. Where procurement is accomplished by a service command at the direction of the chief of a technical service or his duly authorized representative, the directions will contain references to the applicable sections of this chapter and will also contain supplementary instructions where appropriate. In such a case, for the purposes of this subchapter, the procurement shall be regarded as procurement by the technical service concerned and the contract will be regarded as a contract of that technical service. In all other cases, except as provided in § 803.318c–2 of this subchapter, the service command accomplishing the procurement shall act independently of any technical service and the term "technical service" and the term "service," as used in this subchapter, shall be deemed to refer to the service commands and the term "chiefs of technical services" and "chiefs of services" shall be deemed to refer to the commanding generals of the service commands.

§ 801.108–6 *Procurement, contracting, termination and renegotiation authority of commanding officers outside continental United States.* (a) In general, each commanding officer in charge of United States armed forces outside the continental United States and its territories and possessions, including Alaska, who is responsible direct to the War Department, in connection with the procurement of supplies and facilities

which he may deem necessary or appropriate to facilitate the prosecution of the war effort and to accomplish the mission confided in him or to protect the health, safety and welfare of the forces under his command, may disregard the provisions of this chapter, Army Regulations and other regulations, circulars, or instructions, and any provisions or restrictions of the laws of the United States which may be applicable within the United States or any territory or possession thereof. This matter is more fully treated in Section I, Circular No. 53, War Department, 1946.

(b) Each commanding officer referred to in paragraph (a) of this section is authorized to exercise, within the limit of his command, subject to any applicable regulations or instructions of the Director of Contract Settlement, or of the War Department, any authority and discretion granted to the War Department under the Contract Settlement Act of 1944. (The chiefs of the several technical services, subject to any such applicable regulations or instructions, are also authorized by Subchapter C of this chapter (Joint Termination Regulation (PR 15)), to exercise with respect to any contracts or class of contracts being administered under their direction, and made or performed outside of the continental limits of the United States or in Alaska, any such authority and discretion granted by that act.) The procedures applicable to the termination of contracts set out in Subchapter C of this chapter (Joint Termination Regulation (PR 15)), are not applicable outside the continental United States or in Alaska, but may furnish useful suggestions as to procedures appropriately to be followed in such areas. This matter is more fully treated in Section II, Circular No. 53, War Department, 1946.

(3) Authority and discretion under the Renegotiation Act of 1943 and under the Renegotiation Act of 1942 have been delegated to each commanding officer in charge of United States armed forces in Alaska or outside the continental United States, who is responsible direct to the War Department, as more fully set forth in Section III, Circular No. 53, War Department, 1946.

§ 801.108–7 *Procurement within the United States for armed forces abroad.* It is to be noted that the provisions of Circular No. 53, War Department, 1946, referred to in § 801.108–6, have no application to procurement within the United States for armed forces abroad.

SUBPART D—MISCELLANEOUS PROHIBITIONS

1. Sections 801.109 and 801.109–1 are amended and §§ 801.109–2 and 801.109–3 are added as follows:

§ 801.109 *Prohibition against acceptance of voluntary service.*

§ 801.109–1 "* * * Nor shall any department or any officer of the Government accept voluntary service for the Government * * * except in cases of sudden emergency involving the loss of human life or the destruction of property. * * * Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month". R. S. 3679, as amended by sec. 3, act 27 February 1906 (34 Stat. 49); 31 U. S. C. 665; M. L., 1939, sec. 699.

§ 801.109–2 The acceptance of "voluntary service" under R. S. 3679, as amended, means that the service is rendered under an agreement whereby a claim for payment may subsequently be made against the Government. Voluntary service may be accepted if a written statement is obtained that the service rendered will not be made the basis of a future claim against the Government for compensation.

§ 801.109–3 Title XI of the Second War Powers Act of March 27, 1942 (56 Stat. 183), as amended (50 U. S. C., App. 641–641f), authorizes the acceptance of voluntary services for particular war purposes. See AR 35–190.

2. Paragraph (b) of § 801.110–2 is amended to read as follows:

§ 801.110–2 * * *

(b) A report enumerating in detail the service rendered will be forwarded to the Commanding General, Army Service Forces, Attention of Production Branch.

[Procurement Reg. 2]

PART 802—GENERAL PROCUREMENT POLICIES AND PROCEDURES

SUBPART C—POLICIES AND FORMS

1. Paragraphs (e) and (f) of § 802.217–5 are amended to read as follows:

§ 802.217–5 *Time and material or labor-hour contracts.* * * *

(e) *Definite hourly rate.* A definite hourly labor rate must be stated at the time of issuance in all orders intended to be priced on a time and material or labor-hour basis. In the exceptional emergency cases where work must be started before the rate is agreed upon, the complete confirming order must be issued as soon as possible and in any event prior to completion of a substantial portion of the work.

(f) *Audit manual.* Reference to the Manual for Administrative Audit of Time and Material Vendors' Charges, prepared by the Office of the Chief of Finance, will be helpful in the consideration of effective control measures in particular cases. Copies of this Manual may be obtained by addressing a request to the Publication Section, Office of the Chief of Finance, Headquarters, Army Service Forces, Washington 25, D. C.

2. Section 802.217–6 is added as follows:

§ 802.217–6 *Research and development contracts.* In a research and development contract, including supply contracts within the definition of § 811.1116–1 of this subchapter, the patent rights which the Government is to receive shall be determined in accordance with the policies stated in § 811.1116 of this subchapter. It is essential that contracting officers pay only for the work to be performed and the patent rights acquired under the terms of the contract and that they employ every safeguard to assure that the pricing of research and development contracts shall be such as not to make payment for any patent rights not so acquired. The following paragraphs will be observed in pricing such a contract or in revising the prices under any price revision article of such a contract (see for example §§ 803.375 and 803.376 of this subchapter):

(a) *License under foreground patents.* If under § 811.1116 of this subchapter it is determined that the Government is to receive only a royalty-free license under inventions conceived or first actually reduced to practice in the performance of the contract (hereinafter called "foreground patents"), the price to be paid by the Government will be limited to the reasonably estimated current costs of performance of the work and a reasonable profit thereon. In no event may there be included as an element of cost (1) expenses incurred by the contractor for establishing, developing or maintaining a research organization during any period prior to the placement of the contract (including any preliminary instrument), or (2) compensation for contractor's know-how acquired prior to the date of the contract.

(b) *License under background patents accompanied by a license under, or acquisition of title to, foreground patents.* If under § 811.1116 it is determined to be desirable for the Government to acquire a royalty-free license under patents owned by a prospective contractor (hereinafter called "background patents"), efforts will be made during the negotiations to include in the contract a provision for such a license in order to avoid the payment of royalties or damages should the items thereafter be produced by or for the Government. In no event, however, shall more than a nominal amount be paid for the license under background patents. In acquiring such a license for the Government upon the payment of no more than a nominal amount therefor, competition among qualified contractors should be sought. In determining whether the Government is entitled to a license under background patents for a nominal payment the following advantages to the contractor should be taken into account, bearing in mind that the value of such advantages varies according to the facts and circumstances of each case and that they are in addition to the payments referred to in paragraph (a) of this section:

(1) A new research objective or idea;

(2) Possibility of exploring fields too speculative, in many cases, to be undertaken commercially;

(3) Access to the knowledge and experience of Government personnel in connection with the experiments or tests required by the contract, and frequently the direct aid and assistance of Government personnel furnished to the contractor;

(4) Use of or access to Government facilities for testing new developments in connection with the contract;

(5) Immunity from risk of patent infringement in performance of the contract to the extent authorized by § 811.1117 of this subchapter. Such protection may open to the contractor a valuable opportunity for the acquisition

by him of the experience of others without risk of patent infringement;

(6) Except in cases referred to in § 811.1116–11 of this subchapter retention of title to any foreground patents, subject only to a royalty-free license to the Government.

(c) *Title to foreground patents.* In the limited class of cases where title to foreground patents must be acquired by the Government (§ 811.1116–11) the price to be paid should ordinarily be that described in paragraph (a) of this section. Where a contract cannot be placed upon such a basis, before any work is started under the proposed contract the proposal must be approved by the Chief, Purchases Branch. The differential in price, if any, should be held to a minimum, and in the negotiations the benefits recited in subparagraphs (1), (2), (3), (4) and (5) of paragraph (b) of this section should be pointed out to keep the cost of acquiring title to a minimum. In cases where it is not required but where it is merely considered desirable to acquire title to the foreground patents under the provisions of a research and development contract, no more than nominal amount shall be included in the contract price for the acquisition of title.

(d) *Acquisition of rights to known inventions under § 811.1115 of this section.* Nothing contained herein shall preclude the acquisition of licenses, releases or assignments pursuant to the provisions of § 811.1115 of this section, or limit the prices to be paid therefor.

3. The last paragraph of § 802.221–4 is amended to read as follows:

§ 802.221–4 *War Department Standard Procurement Form No. 106 and related forms.* * * *

One copy of the "Instructions for Completing War Department Standard Procurement Form No. 106" should be sent to each contractor along with the necessary number of counterparts of Standard Procurement Form No. 106.

SUBPART D—PROCUREMENT BY FORMAL ADVERTISING

1. Section 802.230–7 is amended to read as follows:

§ 802.230–7 *Reports of procurement by formal advertising.* The chiefs of the technical services shall report to the Chief, Purchases Branch, all classes of supplies directed by them to be procured by formal advertising.

2. Section 802.233 is amended to read as follows:

§ 802.233 *Numbering of invitations.* Every invitation for bids will be assigned and will contain in the upper right corner a number consisting of the station number of the office issuing it if one has been assigned, followed by a dash, the last two numerals of the fiscal year in which the invitation is issued, a dash, and the serial number of the invitation. Only one series will be used under any one station number for any technical service for each fiscal year, and the first invitation issued in each fiscal year will bear 1 as its serial number. A serial number once assigned to an invitation which has been distributed will not be used in the same fiscal year for any other invitation. Other numbers or letters may be prefixed to this number if such action is desired by the chief of a technical service or commanding general of a service command.

3. In § 802.234 the introductory text of paragraph (b) is amended to read as follows:

§ 802.234 *Date specified for opening of bids.* * * *

(b) When such emergency will not permit 10 days to intervene, the copy of the invitation furnished Purchases Branch, Headquarters, Army Service Forces, will bear on its face the following certificate and appropriate reasons signed by the contracting officer:

4. Paragraph (a) of § 802.235–2 is amended to read as follows:

§ 802.235–2 *Distribution to bidders.* (a) Copies of the invitation will be distributed to producers and regular dealers in the supplies required or to those in a position to render the services necessary. The extent of distribution will be determined by the contracting officer, but must be wide enough to assure real competition on all items. Each contracting officer will maintain a bidders' list, subdivided according to types of supplies or services, containing the names and addresses of those persons, firms and corporations to whom invitations should be distributed. Contracting officers will, upon request, add to such lists the names and addresses of potential bidders desirous of receiving copies of invitations for bids. Periodically, those who habitually fail to submit bids after such distribution will be removed from the bidders' list. Invitations for bids under formal advertising will not be sent to debarred bidders or persons, firms or corporations not potential bidders. Persons, firms or corporations who are not potential bidders will be informed, when requesting to be placed on the distribution list that the sending of copies to non-bidders is not authorized. They may be informed that a copy of the invitations for bids under formal advertising is publicly displayed in the purchasing office and in the Purchase Information Section, Procurement Division, Headquarters, Army Service Forces, The Pentagon, Washington, D. C., for their inspection and for their extracting such information desired.

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

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

* * * * *

(c) The chiefs of the technical services and the Chief, Purchases Branch are hereby delegated the authority to authorize the advertising of invitations for bids in newspapers. This authority may be exercised by the chiefs of the technical services or by one or more employees or officers designated by them within their headquarters office, or in the case of the Army Air Forces by the Commanding General, Army Air Forces or any employee or officer designated by him within his headquarters office or the headquarters office of a major component command.

6. Paragraph (a) of § 802.236–9 is amended to read as follows:

§ 802.236–9 *Payment of accounts.* (a) Accounts presented to officers for advertisements which they did not order but which are shown to have been ordered to be published in the newspaper presenting the accounts for payment will be prepared upon the official forms and transmitted through channels, to the Chief, Purchases Branch, Headquarters, Army Service Forces. The following form of certificate will be used in such cases:

I certify that the annexed advertisement was cut from the newspaper named in the above account, and that it was inserted in that newspaper for the period stated.

7. Paragraph (a) of § 802.237 is amended to read as follows:

§ 802.237 *Information to be furnished prospective bidders.* (a) Information in regard to supplies or services for which bids have been invited will be furnished on application to all potential bidders desiring it, except that information concerning classified projects will be furnished only as authorized in AR 380–5.

8. In § 802.242–2 paragraph (j) (2) is amended to read as follows:

§ 802.242–2 *How prepared.* * * *

(j) * * *

(2) If an entire bid or the bid on any item is rejected and one at a higher price is accepted, the award will be indicated as in subparagraph (1) of this paragraph, such rejected bid or part thereof will be similarly indicated in a different color, and the reason for the rejection, in sufficient detail to permit of intelligent action by higher authority, will be written on the abstract or furnished in the form of a certificate attached thereto. Since the copy of the abstract furnished to the Purchases Branch, Headquarters, Army Service Forces, is exhibited to the public, care will be exercised in making such explanations on that copy. Information such as debarment, irresponsibility, or apparent collusion of bidders, which might embarrass the War Department if publicized, will always be entered

on a separate paper which may be detached in that office.

9. Section 802.242–4 is revoked as follows:

§ 802.242–4 *Bids to be forwarded.* [Revoked]

10. In § 802.245 the second sentence of paragraph (a) and the last sentence of paragraph (d) are amended to read as follows:

§ 802.245 *Mistakes in bids*—(a) *When the prices as entered on the bid are the lowest received but as clearly intended are not the lowest received.* * * * In such cases the matter will be forwarded to the chief of the technical service concerned, except that when there is either an emergency requiring that the contract be awarded immediately, or circumstances (such as the limited time allowed for acceptance of the erroneous bid or of the next low bid) which does not permit of sufficient delay to submit the case to the chief of the service, if there is no room for doubt as to the price intended in the bid in which the mistake occurred, such bid will be entered on the abstract of bids at the prices clearly intended and the award will be made to the bidder who is then the lowest. * * *

(d) * * * When such action appears desirable, the chief of the technical service will forward such papers with his recommendation to the Purchases Branch, Headquarters, Army Service Forces, for appropriate action.

11. Section 802.248–1 is amended to read as follows:

§ 802.248–1 *Contracting officer.* (a) The original of all rejected bids and a copy of the abstract of bids will be retained by the contracting officer.

(b) The original of the accepted bid will be attached to the signed number of the contract or purchase order intended for the General Accounting Office.

12. In § 802.248–3 paragraphs (a) and (c) are amended and paragraph (e) is revoked, as follows:

§ 802.248–3 *General Accounting Office.* (a) Where the lowest bid as to price is accepted, i. e., where the lowest bidder is determined from the price alone, no offsetting or equalizing elements being for consideration, and when a certificate (on reverse of Standard Form No. 1034, or Standard Form No. 1036, as the case may be) to that effect is furnished by a responsible administrative officer having personal knowledge of the facts, neither the rejected bids nor an abstract of the bids need be forwarded to the General Accounting Office with the contract. When the abstract of bids is not furnished to that office, the items accepted on any particular bid will be indicated on the original number of the bid which is to be furnished to that office.

* * * * *

(c) All rejected bids will be retained by the contracting officer and kept available for inspection by fully authorized representatives of the General Accounting Office, and will be forwarded to the latter office upon request therefor when required in individual cases.

13. Section 802.248–4 is revoked as follows:

§ 802.248–4 *Disbursing officer.* [Revoked]

14. Section 802.248–5 is amended to read as follows:

§ 802.248–5 *Procurement Division.* (a) Within three days after bids have been opened and final action taken thereon, or after it is decided to cancel the invitation before opening of bids, a copy of the abstract of bids will be mailed to the Purchases Branch, Headquarters, Army Service Forces.

15. In § 802.250 (b) subparagraph (3) is amended to read as follows:

§ 802.250 *Correspondence and contact with bidders.* * * *

(b) *Furnishing of information as to awards made.* * * *

(3) In cases where requests require a large amount of work, the inquirer should be informed that a copy of the abstract of bids is on file in the office of the contracting officer and in the office of the Purchases Branch, where it may be seen by a representative of his office, if he wishes to call.

SUBPART E—PROCUREMENT BY NEGOTIATION

1. The headnote of § 802.263–2 is amended to read: *"Incentive article."*

2. In § 802.276–1 (d) subparagraphs (1) and (3) are amended to read as follows:

§ 802.276–1 *Functions.* * * *

(d) * * *

(1) Although the preparation of price indexes is discontinued, it is important to maintain a uniform system of price records covering War Department purchases. Each technical service will prepare reports of contract prices of each of a list of selected items procured by the service. These reports need not be submitted to the Purchases Branch, Headquarters, Army Service Forces.

* * * * *

(3) The report will be prepared on the Price Data Report form heretofore used in connection with the preparation of price indexes, or on such other modified price reporting forms as have been approved by the Chief, Purchases Branch, Hqs., ASF. In order to obtain uniformity in the price records kept throughout the department, the technical services will use the same Price Data Report form (Reports Control Symbol PDL–9) for all procurement items for which the individual services consider price history records desirable in the interest of sound procurement.

3. In § 802.279–3 (b) the reference to § 802.264–2 is amended to read "§ 802.279–2".

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

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

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

SUBPART F—CONTRACTING POLICY REGARDING CONSTRUCTION AND MAINTENANCE WORK

In § 802.285–2 the reference to § 802.270 is amended to read "§ 802.285".

SUBPART G—PURCHASE ACTION REPORTS

1. Section 802.290 is amended to read as follows:

§ 802.290 *General.* (a) This subpart establishes procedures for reporting to the Department of Labor and to the Congress the placement of War Department contracts.

(b) The Purchases Branch, Headquarters, Army Service Forces, retains authority over reporting procedures established by this subpart, despite decentralization of some of the operating functions.

(c) Reports to the Department of Labor are required by the Walsh-Healey Act (Act of June 30, 1936; 49 Stat. 2036; 41 U.S.C. 35–45). Reports to the Congress are required by sec. 2, Act Aug. 25, 1941 (55 Stat. 686) as amended by sec. 401, Act Apr. 28, 1942 (56 Stat. 244; 5 U.S.C. 219a).

2. In § 802.291 (d) subparagraph (4) is amended to read as follows:

§ 802.291 *Definitions.* * * *

(d) *Purchase action.* * * *

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

3. Section 802.292–4 is amended to read as follows:

§ 802.292–4 *Station procedure for Monthly Summary Report of purchase actions.* Stations which have submitted Purchase Action Reports to chiefs of

technical services and directors of functional staff divisions will summarize these reports monthly. Stations which have submitted Purchase Action Reports to commanding generals of service commands will not summarize them. Monthly Summary Reports to the chiefs of technical services and directors of functional staff divisions (Reports Control Symbol PDS–18, see § 802.296–2) will be submitted within five days after the close of each calendar month. Only one copy will be submitted, unless more are required by appropriate authority. Each Monthly Summary Report will reflect all Purchase Action Reports submitted during the preceding calendar month to the chief of the technical service or the director of the functional staff division, classified by month of award.

4. In § 802.293–1 paragraph (c) is amended to read as follows:

§ 802.293–1 *Responsibilities of reporting headquarters.* * * *

(c) Responsibility for promptly obtaining and submitting to the Purchases Branch, Headquarters, Army Service Forces, upon request, detailed information on specific transactions.

5. Paragraph (b) of § 802.293–2 is amended to read as follows:

§ 802.293–2 *Headquarters procedure for purchase action reports.* * * *

(b) Purchase Action Reports bearing on mandatory orders and requisitions pursuant to Part 814 of this subchapter will not be forwarded to the above address. Instead, chiefs of technical services, directors of functional staff divisions, and commanding generals of service commands will file all four copies with the Chief, Purchases Branch, Headquarters, Army Service Forces.

6. Sections 802.293–3 and 802.293–4 are amended to read as follows:

§ 802.293–3 *Headquarters procedure for Monthly Summary Reports.* Chiefs of technical services and directors of functional staff divisions will submit one copy of the Monthly Summary Report (Reports Control Symbol PDS–18, see § 802.296–2) within ten calendar days after the close of each calendar month to the Commanding General, Army Service Forces, Attention, Chief, Purchases Branch. Commanding generals of service commands will not submit such reports. Each Monthly Summary Report submitted by the chief of a technical service or the director of a functional staff division will be reconciled with the Monthly Summary Report submitted by stations reporting to him for that month. (See § 802.292–4.) The purpose of the Monthly Summary Report is to enable the Purchases Branch, Headquarters, Army Service Forces, to control purchase action reporting, and to maintain a record of the total value of reported purchase actions as of the month in which they took place, regardless of the month in which they were reported. It is therefore essential to classify purchase actions by month of award.

§ 802.293–4 *Headquarters procedure for Quarterly Report on Procurement.* Within twenty days from the close of each quarter of each fiscal year, chiefs of technical services, directors of functional staff divisions, and commanding generals of service commands will submit to the Commanding General, Army Service Forces, Attention, Chief, Purchases Branch, one copy of the Quarterly Report on Procurement (Reports Control Symbol PDS–19) (see § 802.296–3). Purchases Branch will assemble the Quarterly reports submitted into one report and submit it to Congress pursuant to sec. 2, Act Aug. 25, 1941 (55 Stat. 686) as amended by sec. 401, Act Apr. 28, 1942 (56 Stat. 244; 5 U.S.C. 219a).

7. In § 802.293–5 the last sentence of the introductory text preceding paragraph (a) is amended to read as follows:

§ 802.293–5 *Special exemptions from purchase action reporting requirements.* * * * Such exemptions may be granted by the Chief, Purchases Branch, Headquarters, Army Service Forces, upon request, if the following facts are presented in writing:

8. Paragraph (b) of § 802.294–1 is amended to read as follows:

§ 802.294–1 *Preliminary contractual agreements.* * * *

(b) If the undertaking of the Government under the preliminary contractual agreement is conditioned upon funds becoming available (see, for example, the Letter of Intent which was the subject of the decision of the Comptroller General, issued under date of December 22, 1941; 21 Comp. Gen. 605), a Purchase Action Report will be filed when either the expenditures of the Government under such agreement total in excess of $10,000 or a final definitive contract (involving an actual or estimated cost in excess of $10,000) is executed, whichever shall first occur.

9. Paragraph (b) of § 802.294–3 is amended to read as follows:

§ 802.294–3 *Indefinite quantity contracts.* * * *

(b) Those which are for the use of more than one technical service or service command. (Examples listed in § 806.605d of this subchapter). A contract falling within this class is not regarded as a purchase action and will not be reported. However, a Purchase Action Report will be submitted for each purchase or delivery order executed under such an indefinite quantity contract and involving a total cost (actual or estimated) in excess of $10,000 (see § 802.291 (a) (5)). Each such purchase or delivery order will be regarded as a separate purchase action and therefore will be reported on a non-cumulative basis without regard to any other such purchase or delivery order issued under the basic contract. For reference purposes, reports of such purchase or delivery orders should always indicate (in space 34) the full contract number of the basic contract.

10. In § 802.295 (a) subparagraphs (3) and (4) are amended to read as follows:

§ 802.295 *Other instructions on reports*—(a) *Supply of forms.* * * *

(3) Forms for the quarterly report on Procurement will be distributed by the Chief, Purchases Branch, Headquarters, Army Service Forces. These forms include blank strips for individual contract reports; header strips for land acquisition; and regular header strips. (See § 802.296–3a.) Additional forms are available on request.

(4) Special purchase action report forms. The Chief, Purchases Branch, Headquarters, Army Service Forces, has authorized the Quartermaster Corps and the Ordnance Department to use special forms of Purchase Action Reports, deviating slightly from the standard WD AGO Form No. 375, set forth in § 802.296–1. Stations under the jurisdiction of The Quartermaster General and those under the Chief of Ordnance will obtain supplies of these special forms as directed by the chief of their respective services. The special forms used in place of WD AGO Form 375 will bear the same Reports Control Symbol, PDS–21.

11. Paragraph (m) is added to § 802.296–1a, as follows:

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

(m) *Completion date.* This will normally be the date specified in the contract for the completion of deliveries. In some cases it may be the same as the starting date or the date of award. If the date is dependent upon the receipt of material, an estimated date may be used but should be so indicated.

[Procurement Reg. 3]

PART 803—CONTRACTS

SUBPART A—GENERAL

1. Sections 803.303–2 and 803.303–3 are amended to read as follows:

§ 803.303–2 *Formal contracts; when required.* A formal contract is one which is contained in one instrument executed by both parties. Examples are W. D. Contract Forms Nos. 1 (§ 813.1301 of this subchapter), 5 (§ 813.1317d of this subchapter) and 47 (§ 813.1317c of this subchapter). Formal contracts may be used for any purchase transaction, regardless of amount and will be used for all purchase transactions, the contract price of which exceeds $100,000.

§ 803.303–3 *Informal contracts; when permitted.* For any purchase transaction, the contract price of which does not exceed $100,000, an informal contract consisting of two separate instruments, one signed by the contractor and the other signed by the contracting officer on behalf of the United States, may be used.

2. Paragraph (a) of § 803.303–4 is amended to read as follows:

§ 803.303–4 *Purchase orders; when used.* (a) When a purchase order is preceded by a written quotation or is followed by a written evidence of accept-

ance executed by the contractor, it is to be regarded as an informal contract consisting of two instruments; and accordingly, may be used, in accordance with § 803.303–3, for any purchase transaction the contract price of which does not exceed $100,000. If the contractor's assent is not evidenced either by a written quotation or by acceptance of the purchase order in writing, the purchase order may nevertheless be used for any purchase transaction the contract price of which does not exceed $100,000 provided that the purchase order is preceded by an oral quotation or is based upon a price list.

SUBPART B—AUTHORITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

1. In the list in § 803.304–1 (c) the last paragraph under the heading "Service Commands" is amended to read as follows:

§ 803.304–1 *Standard forms of contract.* * * *

(c) * * *

Service Commands:

* * * * *

Laundry and Dry Cleaning Contract; Hospital Laundry Contract (see ASF Circular No. 123, 1944, as amended by Section II, ASF Circular No. 159, and Section IX, ASF Circular No. 441, 1945)

2. Sections 803.305–2 and 803.305–3 are amended to read as follows:

§ 803.305–2 *Awards requiring the approval of Chief, Purchases Branch.* (a) The following awards must be submitted for approval to the Chief, Purchases Branch, Headquarters, Army Service Forces:

(1) Awards of contracts (other than Architect-Engineer, Management or similar contracts) involving a price of $100,000 or more, and awards of supplemental agreements and change orders which have the effect of increasing the price of contracts (other than Architect-Engineer, Management or similar contracts) by $100,000 or more.

(2) Awards of Architect-Engineer, Management or similar contracts when the construction contracts to which they relate involve a price of $100,000 or more, and awards of supplemental agreements and change orders affecting Architect-Engineer, Management or similar contracts when the changes being concurrently made in the construction contracts to which they relate have the effect of increasing the price of the construction contracts by $100,000 or more.

(b) Neither preliminary contractual agreements, such as letters of intent, letter orders and letter purchase orders, nor letters of commitment are required to be submitted to the Chief, Purchases Branch, for approval pursuant to the provisions of paragraph (a) of this section, regardless of the amount of funds obligated thereunder or the estimated cost of the proposed procurement. However, approval of the award of a final definitive contract, involving conversion of a preliminary contractual agreement or the use of materials or components acquired pursuant to a letter of commitment, will be obtained if required by paragraph (a) of this section.

§ 803.305–3 *Submission of contract, supplemental agreement or change order in lieu of award.* In lieu of submitting an award for approval under § 803.305–2, the contract, supplemental agreement or change order may itself be submitted for approval and manual execution by the Chief, Purchases Branch, Headquarters, Army Service Forces.

SUBPART C—FORMALITIES IN CONNECTION WITH EXECUTION OF CONTRACTS AND MODIFICATIONS THEREOF

1. Section 803.310–2 is amended to read as follows:

§ 803.310–2 *Statements as to availability of funds.* See Part 813 of this subchapter for the statements which will be made on contracts and on purchase orders placed under existing contracts as to the funds chargeable and the sufficiency thereof.

2. In § 803.312–1 the references to § 802.204 in the introductory text and in paragraph (b) are amended to read "§ 802.205".

SUBPART D—DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

Sections 803.317b–1 and 803.317b–2 are revoked and § 803.317b is amended to read as follows:

§ 803.317b *Army Audit Branch of the General Accounting Office.* (a) The General Accounting Office has merged the four Army Audit Branches of that Office, formerly located at New York, Atlanta, Chicago and Los Angeles, into a central Army Audit Branch located in St. Louis, Missouri (See Sec. I, Cir. 58, W. D., Feb. 28, 1946).

(b) Accordingly, all numbered contracts; and supplemental agreements, modifications, change orders, leases, assignments, etc., affecting contracts whether entered into heretofore or hereafter which would have been sent to any one of the four former audit branches, will be sent to the Army Audit Branch, General Accounting Office, Building 203, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

SUBPART E—CONTRACT PROCEDURE WITHIN THE SERVICE COMMANDS

In § 803.318b–3 paragraphs (a) (10) and (b) are amended to read as follows:

§ 803.318b–3 *Guides to determine when a contract is a service command contract.* (a) * * *

(10) Contracts for furnishing local transportation to Government and other personnel to or from or in the vicinity of Class I, II and IV installations or private war material plants in which the Army Service Forces have a predominant interest, executed in accordance with AR 55–90 and TM 55–705, will be numbered as Transportation Corps contracts. In the case of such contracts to or from or in the vicinity of Class III installations or private war material plants at which the Army Air Forces have a predominant interest, such contracts will be numbered as Army Air Forces contracts.

(b) In case of doubt as to whether a particular contract should be numbered and distributed as a service command contract an inquiry should be addressed to the Commanding General, Army Service Forces, Attention: Procurement Judge Advocate, Office of the Director of Procurement. If time does not permit making such inquiry, the contract should be numbered as in the past, and an inquiry should be addressed to the Commanding General, Army Service Forces, Attention: Procurement Judge Advocate, Office of the Director of Procurement, for advice as to how that type of contract should be numbered in the future.

SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

1. In § 803.374–5 paragraph (e) of the article is amended to read as follows:

§ 803.374–5 *Text of Form III.* * * *

(e) *Supplemental agreement.* Any agreement reached under this Article will be incorporated in a supplemental agreement to this contract which shall be subject to the written approval of the Chief, Purchases Branch, Headquarters, Army Service Forces [in AAF contracts, substitute: "the Under Secretary of War or his duly authorized representative"] and which shall state (1) the revised prices to be effective with respect to deliveries during a specified period to be set forth in such agreement and (2) the method of adjusting the payments therefor.

2. In §§ 803.375–2 (b) and 803.375–3 (b) references to § 802.239a should read "§ 802.217–6".

3. In § 803.376–2 paragraphs (d) and (f) are amended to read as follows:

§ 803.376–2 *Conditions for use.* * * *

(d) The contract price shall be as close as the circumstances of the particular procurement will permit. The maximum price will bear a reasonable relationship to the initial contract price in the light of the predictability of costs. In negotiating the contract price and the maximum price the requirements of §802.217–6 of this subchapter will be observed.

* * * * *

(b) Any use of the Article shall be subject to prior written approval of the Chief, Purchases Branch, Headquarters, Army Service Forces. The request for such approval shall show in detail full compliance with the foregoing conditions and shall include, to the extent practicable, the information called for by § 803.305–4.

4. In paragraph (b) of § 803.376–3 the reference to § 802.239a is amended to read "§ 802.217–6."

[Procurement Reg. 6]

PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

SUBPART B—INTERBRANCH PROCUREMENT

1. Sections 806.605c to 806.605c–8 are revoked.

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

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

INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL

Supply Bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area serviced	Applicability
10-87 Change No. 1 Change No. 2	June 1945 25 Aug. 1945 14 Feb. 1946	Books.	Fiscal year 1946.	See Supply Bulletin No. 10-87		Continental United States and its possessions.	General utilization by the War Department except the Medical Corps.
10-246	3 Aug. 1945	Compressed yeast.	Fiscal year 1946.	W 11-009-qm-48937	Federal Yeast Corp., Colgate Creek-Highlandtown, P. O., Baltimore, Md.	3d Service Command.	All branches of the War Department.
				W 11-009-qm-48935	National Grain Yeast Corp., Belleville, N. J.	1st Service Command.	
				W 11-009-qm-48939	Standard Brands, Incorporated, 595 Madison Ave., N. Y., N. Y.	4th, 8th, and 9th Service Commands.	
				W 11-009-qm-48936	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	2nd and 7th Service Commands and Military District of Washington.	
				W 11-009-qm-48938	Red Star Yeast & Products Co., 221 E. Buffalo St., Milwaukee, Wis.	5th and 6th Service Commands.	
10-96 Change No. 1	May 1945 20 Aug. 1945	Paper rolls for cash registers.	Fiscal year 1946.	W 28-021-qm-35736	The National Cash Register Co., Main and K Sts., Dayton, Ohio.	See Supply Bulletin No. 10-96.	All posts, camps, and stations.
10-270	23 Jan. 1946.	Malt.	1 Jan. 1946 to 30 June 1946.	W 11-009-qm-26486	Hazelton Syrup Co., Hazelton, Pa.	1st, 2d, and 3d Service Commands; Military District of Washington.	All branches of the War Department.
				W 11-009-qm-26853	Anheuser-Busch Inc., 721 Pestalozzi St., St. Louis, Mo.	4th Service Command.	
				W 11-009-qm-26855	Birk Bros. Brewing Co., Webster and Wayne Sts., Chicago, Ill.	6th Service Command.	
				W 11-009-qm-26857	Standard Brands, Inc., War Prod. & Supply Dept., 595 Madison Ave., New York, N. Y.	5th, 7th, 8th, and 9th Service Commands.	
10-193 Change No. 1	20 Aug. 1945 15 Jan. 1946	Ink, duplicating machine, black, 1 lb. cans.	1 Sept. 1945 to 30 June 1946.	W 28-021-qm-43663	Howard Flint Ink Co., Clark Ave. and M. C. R. R., Detroit 9, Mich.	See Supply Bulletin No. 10-193 and Change No. 1.	All branches of the War Department.

SUBPART C—INTERDEPARTMENTAL PURCHASES

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

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

2. In the table in § 806.606–7 the first column headnote and the eighth, ninth, twenty-second, twenty-fifth and last items are amended to read as follows:

§ 806.606–7 *Mandatory schedules.*

* * *

Description of item, schedule of supplies (class), and period
Automotive storage batteries (except Bowers Battery Co.); 17, Supp. No. 2, Revised: March 16, 1946 to September 15, 1946.
Telephones and parts; 17, Supp. No. 6, Revised: March 1 to August 31, 1944 (extended to August 31, 1946.)
* * * * *
Portable drinking fountains; 63: March 1, 1946 to February 28, 1947.
* * * * *
Airplane tires and tubes; 83, Revised: April 24 to June 30, 1942 (extended to September 30, 1946).
* * * * *

Recording and transcription service; 103 Supp. No. 2, Revised: March 1, 1946 to February 28, 1947.

3. Section 806.608–3 is amended to read as follows:

§ 806.608–3 *Schedule of supplies and services.* Schedule of Products Made in Federal Penal and Correctional Institutions, 1942 edition, with supplements, is prepared under the direction of Federal Prison Industries, Inc. Chiefs of technical services and commanding generals of service commands are responsible for advising contracting officers under their respective jurisdictions as to the terms and conditions of this Schedule of Supplies and Services. Chiefs of technical services and commanding generals of service commands may obtain copies of this Schedule of Supplies and Services for distribution to contracting officers under their respective jurisdictions by requesting them from Federal Prison Industries, Inc., % Department of Justice, Washington 25, D. C.

4. Section 806.610–7 is amended to read as follows:

§ 806.610–7 The decision of the Comptroller General of the United States dated December 22, 1938 (18 Comp. Gen. 565) is construed as subjecting to the Regulations of the Joint Committee on Printing (a) stenographer's books or other articles in book form which require printing, binding or ruling operations for their manufacture, and (b) any item which requires any printing and binding operation after the receipt of the order by the vendor to fit it for the particular needs of the Government service.

5. In § 806.610–9 the second sentence is amended to read as follows:

§ 806.610–9 * * * The use of the printing services is not mandatory.

[Procurement Reg. 9]

PART 809—LABOR

SUBPART D—DAVIS-BACON ACT

Section 809.914–1 is added as follows:

§ 809.914–1 *List of disqualified persons and firms.* The list of persons and firms found by the Comptroller General to have violated the requirements of the Davis-Bacon Act is published from time to time in ASF Circulars.

SUBPART E—WALSH-HEALEY PUBLIC CONTRACTS LAW

1. In § 809.916 the reference to § 802.297–1a (19) is amended to read "§ 802.296–1a (19)."

2. Section 809.917 is amended to read as follows:

§ 809.917 *Publications to be furnished contracting officers.* The Secretary of Labor has published a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations No. 3, October 1, 1945." This publication contains a compilation of the text of the act, the regulations of the Secretary of Labor relating thereto, and pertinent rulings and interpretations. The chiefs of the technical services are responsible for furnishing these publications and a sup-

ply of the forms referred to therein to each of their contracting officers (it is no longer necessary to obtain Form PC–1 from the Department of Labor; see § 802.296–1a (s) of this subchapter). Information of interest not found in these publications is set forth in §§ 809.920, 809.921 and 809.922.

3. Paragraph (d) is added to § 809.920 as follows:

§ 809.920 *Interpretations not found in publications furnished contracting officers.* * * *

(d) It has been held that dry powdered whole milk and dry ice cream mix are perishable, except when packed with inert gas in hermetically sealed cans, and that these two products when packed with inert gas in hermetically sealed cans are not perishable.

4. Paragraph (c) (4) of § 809.921 is revoked.

5. Section 809.922 is amended to read as follows:

§ 809.922 *Other information not found in publications furnished contracting officers.* (a) The partial exception permitting the employment of female persons between the ages of 16 and 18, under certain conditions, was revoked by the Secretary of Labor effective September 5, 1945, except that such female persons may be employed in the performance of contracts awarded prior to September 5, 1945, subject to the conditions prescribed in the original exception.

6. Section 809.924 is added as follows:

§ 809.924 *Lists of disqualified persons and firms.* (a) The list of persons or firms found by Secretary of Labor to have breached or violated contractual representations and stipulations required by Walsh-Healey Act, published by the Comptroller General; and

(b) The list of persons and firms which have been held ineligible to be awarded contracts subject to Public Contracts Act (Walsh-Healey Act) under provisions of section 5 of that act, published by Department of Labor, are published from time to time in ASF Circulars.

[Procurement Reg. 11]

PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

SUBPART B—PATENTS

In §§ 811.1116, 811.1116–7, 811.1116–10, 811.1116–12 and 811.1116–13 references to § 802.239a should read "§ 802.217–6".

SUBPART G—MISCELLANEOUS MATTERS

Section 811.1188–3 is amended to read as follows:

§ 811.1188–3 *Delegation of authority.* (a) The responsibility for authorizing advertising has been assigned by the Secretary of War to the Under Secretary of War (§ 801.107–3 of this subchapter). By the following memorandum, dated January 15, 1946, the Under Secretary of War has delegated his power and authority with respect to the authorization of advertising to the Commanding Generals, Army Service Forces and Army Air Forces:

MEMORANDUM FOR THE COMMANDING GENERAL, ARMY SERVICE FORCES; COMMANDING GENERAL, ARMY AIR FORCES

1. There is hereby delegated all of the power and authority vested in the Under Secretary of War with respect to authorization of advertising (under or pursuant to R. S. 3828 (set forth in § 811.1188.1), AR 5–5, par. 2d. (§ 801.107–3), First War Powers Act, 1941, Executive Order No. 9001, Public Law No. 703, 76th Congress, or otherwise) to the Commanding General, Army Service Forces and to the Commanding General, Army Air Forces insofar as matters respectively committed to their jurisdictions are concerned.

2. The Commanding Generals, Army Service Forces and Army Air Forces, shall each have power and authority from time to time to redelegate, in writing, by general regulations or otherwise, any and all of the power and authority hereby delegated to them to any officers or employees of the War Department, with such powers of successive redelegation and upon such conditions as they may deem appropriate.

[s] KENNETH C. ROYALL,
Under Secretary of War.

(See also § 801.107–5 of this subchapter.)

(b) The authority so delegated is hereby further delegated to the Chief, Purchases Branch, Headquarters, Army Service Forces, the Assistant Director and Deputy Assistant Director of Plans and Policies for Contract Termination and Surplus Disposal, Headquarters, Army Service Forces, with respect to their respective responsibilities and functions.

Subchapter B—Disposition of Property

[Procurement Reg. 7]

PART 821—GENERAL DISPOSITION OF PERSONAL PROPERTY

In § 821.102 the paragraph defining "Readjustment Division" is amended to read as follows:

§ 821.102 *Definitions.* * * *

"Readjustment Division" means the Deputy Director (P&P) for Terminations and Surplus Disposals, Headquarters, Army Service Forces.

PART 823—DISPOSITION OF PERSONAL PROPERTY FOR PURPOSES DIRECTLY RELATED TO THE PROSECUTION OF THE WAR

1. Section 823.302a is added as follows:

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

2. Section 823.307–2 is amended to read as follows:

§ 823.307–2 *Transfer without reimbursement under certain statutes.* (a) When transfers are made to the Navy Department (10 U.S.C. 1274), or to the Veterans' Administration upon written request stating that the property is needed for authorized care for veterans (Title I, P.L. 346, 78th Cong.), or when transfers or loans are made to the Administrator of Civil Aeronautics upon his written request stating that the property will be used in carrying out the purposes of the Civilian Pilot Training Act of 1939 as amended (49 U.S.C. 756), or when aircraft is being acquired for replacement purposes by the Civil Aeronautics Administration (Title III, P.L. 61, 79th Cong.), or when property is transferred to the United States Soldiers' Home (Title I, P.L. 269, 79th Cong.) in accordance with paragraph (c) of this section, or when transfers are authorized under other statutes not requiring reimbursement, they will be effected without reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property or of packaging, handling and shipment thereof, unless the property is procured by the transferor for the transferee:

(1) By assignment of sole purchase responsibility, or

(2) Under procurement pooling arrangements, or

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

(b) Under paragraph (a) of this section, any civilian type items which may be excess to the needs and responsibilities of the War Department may be transferred to the Veterans' Administration, provided the representative of the Veterans' Administration making the request certifies that the property requested is needed for the authorized care for veterans.

(c) Transfers without reimbursement to the United States Soldiers' Home may be made only of personal property which has been determined to be surplus. If property requested by the United States Soldiers' Home has been declared surplus to a disposal agency, the request will be returned with appropriate information as to the disposal agency having jurisdiction over the property.

3. Section 823.316 is amended to read as follows:

§ 823.316 *Donations to schools engaged in preinduction or aeronautical industrial training.* Under the provisions of § 8319.5 of chapter XXIII of Title 32, (Surplus Property Administration Regulation 19), owning agencies are authorized to continue donations under laws other than the Surplus Property Act of 1944 provided that donations under the act of February 28, 1936 (49 Stat. 1147, 10 U.S.C. 1258) may be made only with the approval of the Federal Security Agency. The War Department has received from the Federal Security Agency authority to continue donations under the procedure established in this paragraph for an indefinite period of time. Accordingly, under the authority conferred upon the Secretary of War by the act of May 26, 1928 (45 Stat. 753, 20 U.S.C. 94) and the act of February 28, 1936 (49 Stat. 1147, 10 U.S.C. 1258), the chiefs of the technical services are authorized to donate property of the classes

specified in paragraph (f) of this section to educational institutions under the following conditions:

(a) To be eligible for donations, an institution must:

(1) Be operated by a State or political subdivision thereof, or must be certified by a State department of education, State board for vocational education, or a similar State authority responsible for the supervision of education, to be an institution not operated for profit and having a standard curriculum in the fields for which it offers training and such State department, board, or similar State authority must certify that the request is reasonable and proper in view of the training to be given;

(2) Provide a regular course of instruction which will require the use of the property;

(3) Use the property in an aeronautical industrial training program recommended by the Assistant Chief, Air Staff–3, Headquarters Army Air Forces; or use the property in a preinduction training program as defined prior to November 1, 1945 by the Director of Military Training, Army Service Forces; and

(4) Provide adequate facilities to maintain the property.

(b) Requests for the donation of property to educational institutions will be forwarded, in the case of property to be used in preinduction training, to the commanding general of the service command in which the institution is located and, in the case of property to be used in aeronautical industrial training, to the commanding general of the Air Technical Service Command in which the institution is located. The commanding general of the service command or the Air Technical Service Command may approve the request if he determines that:

(1) All efforts to supply the property from salvage have been exhausted;

(2) The request is reasonable and proper in view of the training to be given;

(3) In the case of requests for numerous items, the quantity requested has been carefully reviewed with respect to the institution's ability to utilize the property in its training program; and

(4) The institution meets the standards set forth in paragraph (a) of this section.

(c) If the institution making the request for donation has previously received donations under the authority of this section, the institution must:

(1) List the property which the institution has previously received or which it knows to be en route as a result of a prior donation; and

(2) State whether the property previously received by donation is still in use in the training program for which it was requested; and

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

(d) If the commanding general of the service command or the Air Technical Service Command approves the request, he shall prepare the specific findings required by paragraph (b) of this section and shall forward them, together with his recommendation, to the chief of the technical service having control of the property to be donated (Attention: Redistribution and Salvage Officer), when such property is to be donated by the Army Service Forces, and to the Commanding General, Air Technical Service Command, Wright Field, Ohio, when such property is to be donated by the Army Air Forces. The commanding general of the service command or the Air Technical Service Command may not delegate this authority or transfer his responsibility to any other commanding general of a service command or Air Technical Service Command. The chief of the technical service or the commanding general, Air Technical Service Command, if the request is approved by him, will direct the appropriate installations to ship the property to the educational institution concerned and will include in such direction a citation of this section. Requests will be processed in the order in which they are received unless specific authority to deviate from this requirement is obtained from Readjustment Division.

(e) If the donee prior to placing the property in use determines that it does not need all or a part of the property received, the donee will communicate this fact to the commanding general of the service command in which the donee is located. Further, the donee must agree at the time it makes application for the donation, that it will, if requested, return at its own expense to the service command or technical service such property which it does not place in use.

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

(1) Obsolete or excess machinery, mechanical equipment, and tools.

(2) Aircraft, aircraft parts, instruments, or engines which are obsolete or impaired to the extent that repair would not be economical. In determining the property which may be donated, responsible officers should bear in mind that the intent of the Congress was to make available the above categories of property as training aids in the instruction of vocational courses. The general rule should be, that property properly donable is that used for instruction in the trades as distinguished from the arts and professions. For example, instruction aids for courses in machine shop, metal working, carpentry, etc., are properly donable, whereas those for courses in medicine, surgery, art, and scientific research are not. Under no circumstances will donations be made which will result in current procurement to replace the property, nor will property be considered available for donation after it has been declared as surplus to a disposal agency, nor will property be considered available if a disposal agency has advised that any particular item is in short supply or has requested that items of a particular type be reported to it. Property located in an industrial installation as defined in § 830.102–6 of this subchapter will not be considered available while a decision by a disposal agency is pending as to the sale of the plant in its entirety and after decision may not be donated without advance approval by disposal agency. Maintenance or overhead property should not be donated, even though it may fall within the meaning of "machinery, mechanical equipment, and tools." Requests for donations of office furniture and equipment, laboratory equipment, and motor vehicles should be denied.

(g) No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling, and delivery to the carrier. Property shipped by carrier will be on commercial bill of lading with transportation charges collect. Copies of shipping documents listing the property supported by shipping directions described in paragraph (d) of this section will constitute valid credit vouchers to the property accounts. No further accounting for the property will be required. Two lists of the property donated will be forwarded to the commanding general of the service command or the Air Technical Service Command who recommended the donation. In the event that the chief of the technical service determines that property of the type requested will not be available to fill the request within 90 days, the chief of the technical service will notify the institution making the request through the appropriate service command or Air Technical Service Command of this fact.

PART 827—DISPOSAL OF SURPLUS PERSONAL PROPERTY

1. Section 827.711–4 is amended to read as follows:

§ 827.711–4 *Classification by disposal agencies.* Under Part 8309 of Chapter XXIII of Title 32 (Surplus Property Administration Regulation No. 9), disposal agencies are authorized to certify in writing to the War Department that any given property or class of property is in its judgment scrap, regardless of its condition. That regulation provides that the disposal agency shall forward to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

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

The certification may be made at any time prior to the time that the property has been declared to the disposal agency but will not be made after declaration to the disposal agency. When property has been declared to the disposal agency, the owning agency will not accept a scrap certification and a return of the property.

2. In § 827.721–2 the item "O4–C" is added to the list in paragraph (b) as follows:

§ 827.721–2 *Aircraft and related property.* * * *

(b) * * *

O4–C	Aircraft tires and tubes.

3. Paragraph (a) of § 827.723 is amended to read follows:

§ 827.723 *Withdrawal, and adjustments of declarations.* (a) Property which has been declared to a disposal

agency may be withdrawn by the declaring office for further use by the technical service of origin, with the consent of the Disposal Agency to which the property was declared. See § 827.724 for special procedures on contractor inventory. Property will be withdrawn only for further use by the technical service of origin and will not be withdrawn for disposal purposes. It is no longer necessary to withdraw declarations for the purpose of transfer without reimbursement to another technical service or to another Government agency. Under § 8302.6 of Chapter XXIII of Title 32 (Revised Regulation 2 of the Surplus Property Board), disposal agencies are authorized to transfer property declared by one technical service to another technical service or to another Government agency, without reimbursement when transfer could have been made from the declaring technical service to the transferee service or agency without reimbursement under § 823.307 or § 823.308 of this subchapter.

4. Sections 827.725 and 827.725–1 are amended; § 827.725–2 is deleted; § 827.725–3 is redesignated § 827.725–2; §§ 827.725–3 to 827.725–7, inclusive, are added; former §§ 827.725–6 and 827.725–7 are redesignated §§ 827.725–8 and 827.725–9, respectively; § 827.725–10 is added, and former § 827.725–8 is redesignated § 827.725–11, as follows:

§ 827.725 *Care and handling.* The following sections will govern the storage, handling, care and preservation, repair, packaging and packing, and shipment of surplus property by all War Department agencies.

§ 827.725–1 *Storage of declared surpluses; general.* (a) The disposal agencies will dispose of all property declared surplus that is not withdrawn under § 827.723.

(b) War Department installations will continue to store and be responsible for property which has been declared surplus to a disposal agency until disposition instructions are received from the disposal agency.

(c) Disposal agencies may dispose of declared surpluses either directly from War Department storage or after removal to storage facilities of the disposal agencies.

(d) All War Department agencies concerned with the handling of surplus property will extend the fullest cooperation to the disposal agencies. Liaison will be promptly established and maintained between field establishments handling surplus property and field agencies of the disposal agencies. To the fullest extent practicable, provision will be made for furnishing additional information to disposal agencies and for exhibiting surplus property held in War Department storage to properly accredited prospective buyers and reresentatives of disposal agencies.

* * * * *

§ 827.725–3 *Warehousing.* Segregation of surpluses—that is, the physical movement or rewarehousing of surplus property to separate it from nonsurplus property—will be done only when it will aid disposal. Concentration of small lots in one place within an installation will be permitted, but large lots will normally be left where they are when declared surplus.

§ 827.725–4 *Earmarking.* (a) Precautions must be taken to insure that stocks of surplus property are not confused with current-issue stocks and erroneously issued to troops. Surpluses will therefore be physically earmarked as surplus property, except where surpluses are physically moved into an area set aside and used only for surplus property.

(b) Stacks of surplus property will be physically earmarked in two ways: First, by placarding or tagging and, second, by a tape or other visual aid to show the extent of each stack. When stacks of surplus property are adequately marked as surplus property, individual containers or pieces in each stack need not be so marked.

(c) For placarding, the following method is recommended: Prepare signs by painting or stenciling the word, Surplus, in red letters approximately 6 inches high on white cards. Date of declaration, name of disposal agency, and declaration number may also be shown in smaller letters. Place these signs in prominent positions on the stacks, the number of signs to be used being governed by the type of property and the size and shape of the storage area.

(d) Marking will not be made directly on surplus property unless the marking is capable of being easily obliterated or removed and is of such a nature as not to detract from the sale value of the property.

§ 827.725–5 *Locator records.* Locator records will be maintained for surplus property and will be kept accurate. They will be separate from, but may be similar to the locator records kept for other types of property.

§ 827.725–6 *Display and sale.* (a) Display and sale by disposal agencies of surplus property in WD installations will be permitted. Inspection of surplus by prospective buyers will be permitted during normal working hours, except that minor changes may be made in this schedule if it interferes with the proper functioning of the installation.

(b) If the physical lay-out of the installation permits and space is available, as determined by the installation commander, a separate building or part of a building may be used exclusively for the display and sale of surpluses. If possible, this space should be near the entrance of the installation.

(c) Samples of unsegregated surpluses (see § 827.725–3) will normally be made available in display rooms.

§ 827.725–7 *Care and preservation.* Care and preservation of surplus property are the responsibility of field establishments storing surplus property. Surplus property will be given the minimum amount of care and preservation necessary to keep it in the same general condition as it was when declared surplus.

* * * * *

§ 827.725–10 *Shipments not directed by disposal agencies.* (a) Shipments of surplus property to or for a disposal agency—such as shipments to buyers, shipments to a disposal agency which is taking custody of property prior to disposal, and shipments to a new storage point for facilitating disposal—will be made only as and when directed by the disposal agency.

(b) Shipments which are made solely for the purpose of storing surplus property in a different location will not be made, except as follows:

(1) When it is necessary to move surplus property because of the sale, transfer, or demolition of the installation at which the property is stored; when movement of surplus property will permit release of leased space; or when space occupied by surplus property is needed for storage of active military supplies. In all such cases, except those relating to Army Air Forces property, approval of Headquarters Army Service Forces (Storage Division) will be obtained before the shipment is made, and paragraphs (c) and (d) of this section will be complied with. In case of Army Air Forces property the approval of Headquarters ATSC will be obtained and paragraph (c) of this section will be complied with.

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

(c) Surplus property will not be shipped until a statement has been obtained from the disposal agency that the property cannot be immediately disposed of from its present location. Before approval for shipment is requested (see paragraph (b) (1) of this section) or shipment is directed (see paragraph (b) (2) of this section), the regional office of the appropriate disposal agency will be contacted to ascertain:

(1) Whether the property has been sold.

(2) Whether sales action has been initiated.

(3) Whether it will be possible to make spot sales of the property.

(4) Whether the property has been predetermined to be commercially unsalable.

(d) Each request for approval of Headquarters Army Service Forces (Storage Division) for movement of surplus property (see paragraph (b) (1) of this section) will include the following information:

(1) Present location of the property.

(2) Reason why it must be moved.

(3) Proposed new location at which the property will be stored.

(4) Nature or type of property.

(5) Amount of space presently occupied by the property, in square feet (state whether gross or net).

(6) Type of space presently occupied—that is, warehouse, shed, high-grade open, semi-finished open, or unimproved open.

(7) Approximate tonnage of property to be moved.

(8) Estimated cost of shipment, including packaging, packing, loading, unloading, freight, and all other costs incident to shipment.

(9) Estimated cost of storage for 1 year at the present location, including rent, overhead, personnel, security, and all other costs incident to operation of the installation.

(10) Statement that the requirements of paragraph (c) of this section have been complied with and that the property cannot be immediately disposed of from its present location.

(e) Property which is surplus in effect but which has not yet been declared surplus will not be moved to another point for storage prior to its declaration, except in the following cases:

(1) When it is necessary to move the property because of the sale, transfer, or demolition of the installation at which the property is stored.

(2) When movement of the property will permit release of leased space.

(3) When space occupied by the property is needed for storage of active military supplies.

5. Section 827.727 is amended to read as follows:

§ 827.727 *Direct disposal by War Department after declaration.* Property will be disposed of directly by the War Department after declaration to a disposal agency only under the procedures set forth in the following sections.

6. Section 827.727–2 is revoked as follows:

§ 827.727–2 *Property determined scrap by a disposal agency after declaration.* [Revoked]

[Procurement Reg. 7–A]

PART 830—GENERAL DISPOSITION OF INDUSTRIAL INSTALLATIONS

1. Section 830.102–12 is added as follows:

§ 830.102–12 *"Readjustment Division".* "Readjustment Division" means the Deputy Director (P&P) for Terminations and Surplus Disposals, Headquarters, Army Service Forces.

2. In § 830.104 paragraphs (b) and (c) are amended to read as follows:

§ 830.104 *Disposals in advance of excess or surplus.* * * *

(b) The Readjustment Division, Army Service Forces, on request of the disposal agency to which a purchase inquiry has been referred, will ascertain, by coordination with the Production Branch, Army Service Forces (in the case of the Army Air Forces, the Assistant Chief of Air Staff-4, Readjustment and Procurement Division) and the using service, the need for continuing war production at the installation, the availability of the property for inspection, the terms of any options, and the probable date the installation will become surplus. If requested by the disposal agency, the Readjustment Division, Army Service Forces, will arrange, with consent of the using service, for field inspection of the installation by prospective buyers.

(c) When advised by the disposal agency that an advance disposal is ready to be made, the Readjustment Division, Army Service Forces, will request the using service to consent to disposal of the installation, subject to conditions determined by the using service to be necessary to protect the War Department's interest in continued production. When the using service consents to disposal of the installation, the using service will forward a statement to the Under Secretary of War stating the conditions on which the consent is given and will send copies of this statement to the Production Branch and the Readjustment Division, Army Service Forces. If the Under Secretary consents to the disposal, he will direct the Chief of Engineers to declare the installation surplus, subject to such conditions as the Under Secretary of War may determine.

PART 832—REPORTING AND DISPOSITION OF EXCESS AND STANDBY INSTALLATIONS; CUSTODY AND ACCOUNTABILITY

In § 832.200–2, the introductory text of paragraph (a), preceding subparagraph (1), and paragraph (b) are amended to read as follows:

§ 832.200–2 *Reporting of installations classified as standby.* (a) When an installation is classified as standby, the using service will submit a report to the Chief of Engineers through the Production Branch, Army Service Forces, or in the case of Army Air Forces, through the Assistant Chief of Air Staff-4, Readjustment and Procurement Division. The report will contain the following information:

* * * * *

(b) Upon receipt of a report of standby the Production Branch, Army Service Forces, or, in the case of the Army Air Forces, the Assistant Chief of Air Staff-4, Readjustment and Procurement Division, will recommend within ten (10) days whether the classification as standby should be approved or modified. If the classification is approved the respective staff divisions will forward a report to the Under Secretary of War; if the Under Secretary of War approves the classification he will forward a report to the Chief of Engineers.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46–5501; Filed, Apr. 2, 1946; 2:18 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 169]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby added to the list of commodities:

Dept. of Com. Schedule B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
385410	Nylon hosiery, women's and children's.	Dz. pr.	10	10
838500	Ammonium bichromate.		1	1
838500	Ammonium chromate.		1	1
838500	Ammonium dichromate.		1	1

2. The following commodities are hereby removed from the list of commodities:

Dept. of Com. Sched. B No.	*Commodity*
133200	Canned fruits: Grapefruit.
133300	Loganberries.
133400	Other canned berries.
133500	Apples and apple sauce.
133600	Grapes.
134000	Apricots.
134100	Cherries.
134200	Prunes and plums.
134500	Pineapples.
134700	Canned fruits, n. e. s.
135003	Citrus pulp for feed.
177200	Pineapple juice (concentrated included).

3. The dollar value limits in the column headed "GLV Dollar Value Limits" set opposite each of the commodities listed below are hereby amended to read as follows:

Dept. of Com. Sched. B No.	Commodity	GLV dollar value limits country group	
		K	E
506805	Cast-iron soil pipe	25	10
606898	Cast-iron soil pipe fittings	25	10

Shipments of any of the above commodities, removed from general license, or whose GLV dollar value limits have been reduced which were on dock, on lighter, laden aboard an exporting carrier or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective immediately except that with respect to commodities removed from general license, except Nylon hosiery, or whose GLV dollar value limits have been reduced, it shall become effective on April 10, 1946.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 F.R. 13130)

Dated: April 2, 1946.

JOHN C. BORTON,
Director,
Requirements and Supply Branch.

[F. R. Doc. 46–5636; Filed, Apr. 4, 1946; 11:10 a. m.]

[Amdt. 171]

PART 816—LIMITED DISTRIBUTION FOR WOMEN'S AND CHILDREN'S NYLON HOSIERY

Sec.
816.1 General provisions.
816.2 Clearance for export.
816.3 Period of validity.

AUTHORITY: § 816.1 to § 816.3, inclusive, issued under sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 F.R. 13130.

§ 816.1 *General provisions.* (a) There is hereby established a limited distribution license designated "LDL" authorizing, subject to the other provisions of this part and subject to the conditions contained in the license issued by the Department of Commerce, the exportation of women's and children's nylon hosiery, Department of Commerce, Schedule B No. 385410.

(b) Applications for limited distribution licenses to export women's and children's nylon hosiery must be filed with the Requirements and Supply Branch, Office of International Trade, Department of Commerce, Washington 25, D. C., on Forms FEA 48 (Application for Limited Production License) and IT 41 (Limited Distribution Schedule). All of the terms, conditions, provisions and instructions contained in such forms are hereby incorporated in and made a part of the regulations in this subchapter.

(c) Any person to whom a limited distribution license to export women's and children's nylon hosiery has been issued by the Department of Commerce, may, during the period of the validity of the license, export under such license to each country or group of countries listed in the Distribution Schedule attached to his application not more than the quantity of hosiery approved by the Department of Commerce for export to such country or group of countries in said distribution schedule.

(d) Limited distribution licenses for women's and children's nylon hosiery may be amended by the Department of Commerce upon application of the holder of such license in a letter addressed to the Requirements and Supply Branch, Office of International Trade, Department of Commerce, Washington 25, D. C. Amendments will be issued in a letter which shall be considered a part of the license to which the amendment is applicable.

§ 816.2 *Clearance for export.* (a) The provisions of § 801.7 of this subchapter shall not apply to exportations under any limited distribution license for women's and children's nylon hosiery. In lieu of the presentation of the export license an exporter making an exportation of nylon hosiery under the Limited Distribution License shall present to the United States Collector of Customs at the port of exit a Shipper's Export Declaration bearing the symbol "LDL", and the number of the limited distribution license pursuant to which such exportation is being made.

(b) The use by any exporter of the symbol "LDL" on a Shipper's Export Declaration for the purpose of clearing an exportation of nylon hosiery constitutes a certification by the exporter (1) that the exportation of the commodities described in such Shipper's Export Declaration is authorized under the limited distribution license therein identified to the destination specified; (2) that the type and quantity of such commodities are within the limitations set by the distribution schedule relating to such license; (3) that the women's and children's nylon hosiery is being sold in accordance with the provisions of the Second Revised Maximum Export Price Regulation of the Office of Price Administration; and (4) that all of the other provisions and conditions of the license have been met.

§ 816.3 *Period of validity.* Limited distribution licenses for women's and children's nylon hosiery shall be valid during the calendar quarter in which the license is issued plus the first 60 days of the succeeding calendar quarter unless the period of validity is reduced or extended by the Department of Commerce, or is otherwise indicated on the license. All limited distribution licenses for women's and children's nylon hosiery are subject to revocation or revision at any time by the Department of Commerce.

Dated: April 2, 1946.

JOHN C. BORTON,
Director,
Requirements and Supply Branch.

[F. R. Doc. 46-5638; Filed, Apr. 4, 1946; 11:10 a. m.]

[Amdt. 170]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby added to the list of commodities:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
109900	Wheat flour in cases or small packages, including cake flour, doughnut flour, flour grits, graham flour, malt flour, macaroni flour and pastry flour	------	100	25
109900	Rye flour	------	100	25
839900	Beryllium salts and compounds including beryllium carbonate and beryllium oxide	------	None	None

2. The dollar value limits in the column headed "GLV Dollar Value Limits" set opposite each of the commodities listed below are hereby amended to read as follows:

Dept. of Com. Sched. B No.	Commodity	GLV dollar value limits country group	
		K	E
839900	Uranium acetate	None	None
839900	Uranium salts and compounds	None	None

Shipments of any of the above commodities removed from general license or whose GLV dollar value limits have been reduced, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective April 10, 1946.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 F.R. 13130)

Dated: April 2, 1946.

JOHN C. BORTON,
Director,
Requirements and Supply Branch.

[F. R. Doc. 46-5637; Filed, Apr. 4, 1946; 11:10 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

PART 984—LEAD

[General Preference Order M-38, as Amended Apr. 2, 1946]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lead 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:

§ 984.1 *General Preference Order M-38*—(a) *Scope of the order.* This order controls generally the use of lead. Lead may be used only for the items and purposes set forth in the order. Other restrictions may also be found in other orders of the Civilian Production Administration relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use, purchase, sell, deliver or accept delivery of any lead in violation of this order.

(b) *Definitions.* For the purpose of this order:

(1) "Lead" means metallic lead, lead alloys, components or products (such as,

but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead (Pb). It does not include lead chemicals.

(2) [Deleted Apr. 2, 1946.]

(3) "Refiner" means any person who produces lead in refinery shapes, and includes any person who has such lead produced for him under toll agreement.

(4) "Dealer" means any person who procures lead either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(5) "Military order" means a specific contract or sub-contract necessitating the use of lead in the manufacture of any product, or any component to be physically incorporated into such products, produced for or for the account of the Army or Navy of the United States, Maritime Commission, War Shipping Administration, Veterans' Administration or Office of Scientific Research and Development.

(6) "Implement of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) [Deleted Apr. 2, 1946.]

(8) "Item" means any article or component thereof.

(c) *Restrictions on use.* (1) No person may melt, form, alloy, or process any lead for use in any item or product, or in any process, not set forth in List I of this order. Lead may be used for the items and processes and subject to the restrictions set forth in List I only to the extent necessary to meet applicable specifications, or for the proper service performance of the end product, or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other Civilian Production Administration orders.

(2) No person shall use primary lead for any items or purpose set forth in List I if secondary lead is obtainable and usable for the item or purpose. "Primary lead" means metallic lead obtained mainly from mine ores and concentrates. "Secondary lead" means metallic lead obtained mainly from remelting or smelting of scrap materials.

(3) Manufacturing quotas are set in List I for certain of the items and processes in which lead may be used. If a quota is set for an item or process in List I, a manufacturer or processor must not use, in the manufacture of the item or in the process during the current calendar period listed, more lead than the specific percentage of the amount legally used for that purpose during the base period indicated. These quotas may not be transferred except in accordance with Priorities Regulation 7A. Manufacturers or processors who did not use lead during the period indicated as the base period in the manufacture of an item or in a process which is subject to a quota restriction (including persons who were not in business at that time) may nevertheless apply for a quota, and their applications will be considered on an equitable basis. Applications for quotas for the second quarter. 1946 should be filed promptly with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. Ref: M-38, or in any event not later than April 20, 1946.

(4) In some cases List I permits the use of lead in making a product only if the product is to be used for a particular purpose. No person may use any of these products for any purpose other than the purpose permitted by List I.

(d) *Special directions.* The Civilian Production Administration may at any time issue special directions to any person respecting the production, distribution, delivery, or acceptance of delivery of lead.

(e) *Lead from Office of Metals Reserve, Reconstruction Finance Corporation.* Any person who is unable to use secondary lead and who is unable to obtain primary lead from regular sources of supply may apply to the Civilian Production Administration to buy lead from the Office of Metals Reserve, Reconstruction Finance Corporation. Applications should be made on Form CPA-95 and should be filed with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. not later than the 20th of the month preceding the month in which shipment is requested.

(f) *Inventory restrictions.* Lead appears on Table 1 of Priorities Regulation 32. Inventories of lead are subject to all provisions of that regulation. Inventories of scrap dealers are controlled by Direction 5 to Priorities Regulation 32. All inventory appeals from the provisions of paragraph (f) of M-38 granted before April 2, 1946 are hereby revoked.

(g) [Deleted May 1, 1945]

(h) *Restrictions on sales and deliveries of lead.* No person shall sell or deliver any lead to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(i) *Appeals.* Any appeal from the restrictions of this order must be by letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal and should be addressed to the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., reference M-38. The appeal should contain the following information:

(1) Product in which the lead will be used.

(2) Period of time, not exceeding one calendar quarter for which relief is requested.

(3) Monthly schedule of amount of lead to be used.

(4) Prime contract numbers on military orders.

(5) If the appeal is filed because the restrictions on use of lead will prevent the filling of non-military orders of extreme urgency, give exact information as to the use of the product in which the lead is used.

(6) Why other less critical materials cannot be used.

(7) Any other information pertinent to the appeal.

(j) [Deleted Oct. 3, 1945.]

(k) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No. 1, 944.15. Such records must include complete statements of the amounts of lead consumed for the items specified in this order, and the amount of inventory on hand.

(l) *Required reports.* (1) On or before the 20th day of each calendar month each person who purchased or consumed 10 tons or more of metallic lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead, shall report such purchases, consumption and stocks on hand at the end of the preceding month to the Civilian Production Administration on Form CPA-95.

(2) The Civilian Production Administration may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(3) All persons affected by this order shall execute and file with the Civilian Production Administration such other reports as may be required subject to the approval of the Bureau of the Budget.

(4) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Violations.* Any person, who wilfully violates any provision of this order or who, in connection with this order, wilfully 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 priorities assistance.

(n) *Communications.* All communications and reports dealing with this order shall be addressed to: Civilian Production Administration, Tin, Lead and

Zinc Branch, Washington 25, D. C., Ref: M-38.

(o) [Deleted Apr. 2, 1946.]

Issued this 2d day of April 1946.

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

LIST I

Permitted Uses

1. Ammunition for Military Orders.
2. Anchorages for equipment, including expansion bolts, shields and grommets.
3. Anodes for electrolytic refining chromium plating and for lead plating as permitted in Item 40 of this list.
4. Anti-vibration mats.
5. Babbitt for abrasives and grinding wheels and for securing hardware to radio insulators and for securing end connections of windings and/or for securing enclosures of wire wound restrictors.
6. Ballast for implements of war where available space does not permit the use of material of lower density, for submarines and for surface craft of sizes up to and including destroyers.
7. Bearing Metal.
8. Bolster metal for surgical, table and industrial cutlery.
9. Brake lining and clutch facings.
10. Brass and bronze.
11. Cable covering (Manufacturing quota: for the second quarter 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1940). If lead covered cable is replaced, the user of the cable must promptly deliver all salvable lead to his supplier, a lead smelter, or a scrap dealer.
12. Cable sleeving and other accessories necessary for the maintenance, repair and installation of lead covered cable.
13. Cable terminals and bushings for storage batteries.
14. Cames.
15. Caulking bars and wool for use in caulking cast iron pipe lines or automotive carburetors where other material such as sulphur compounds or cement does not provide a leak proof joint. (Manufacturing quota for caulking bars and wool: for the second quarter 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1945.)
16. Chemicals (except tetra ethyl) subject to the restrictions of Order L-354.
17. Closure spouts for drugs and chemicals (Manufacturing quota: for the second quarter of 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1944).
18. Coating of wire and zinc plated sheet, including sheathing.
19. Collapsible tubes. (Manufacturing quota: for the second quarter 1946, 20% of the amount of lead (including that contained in blanks bought and converted into tubes) legally used for the same purpose during the calendar year 1944). Use of tin in collapsible tubes is subject to the restrictions of Order M-43.
20. Counterweights, weights and sliding poises for Military, industrial and laboratory equipment, and implements of war where available space does not permit the use of material of lower density.
21. Foil:
    (a) Military orders to the extent that Method IA (not dehydrated) and/or Method II (dehydrated) packaging, as presently defined in the U. S. Army Specification 100-14, U. S. Navy Specification 39-P-16 and British Standard Packaging Code BS-1133, or any new specifications covering the above are expressly specified in the prime contract.
    (b) for component ammunition for military only.
    (c) Electrotypers subject to the restrictions of Order M-43.
    (d) Condensers.
    (e) Cap Liners for packaging drugs.
    (f) Electrostatic shielding of transformer coils and cores.
    (g) For use in chrome plating.
22. Fire extinguisher and decontaminator components.

22a. Free machining steel when the percentage of lead does not exceed one-half of 1%.

23. Gaskets, locknuts and shims.
24. Heat equalization in galvanizing pots and for molten zinc operations.
25. Heat treating and annealing.
26. Implements of War, as defined in Section (b) (6) of the Order.
27. Impression lead.
28. Inserts for treads on non-sparking ladders and stairs.
29. Lead hammers.
30. Lead-headed nails only to the extent that the use of springhead or flathead nails is impracticable.
31. Fusible alloys.
32. Lead lined bowls for centrifugal oil purifiers.
33. Lead wire for determining gear bearing clearances.
34. Lining for acid lockers.
35. Lubricant for cold drawing of steel products.
36. Manufacture and moulding of plastics.
37. Medical, dental and veterinarian equipment and instruments.
38. Metallic and semi-metallic packing.
39. Patterns and dies.
40. Plating or coating where lead is used in place of either cadmium or tin, or where corrosion makes the use of any other material impractical.
41. Power for military uses, powder metallurgy, gear lubricants and rubber valves.
42. Production of rayon.
43. Refining of metals.
44. Repair of existing lead construction.
45. Seals for pilfering and tampering protections.
46. Sheath for curing process of rubber.
47. Sheet, pipe (including lead lined pipe), valves, fittings, burning bars and castings to be used for the following purposes: (Manufacturing quota for sheet, pipe (except lead lined pipe), valves, fittings, or burning bars: for the second quarter 1946, 75% of the amount of lead legally used for the same purpose during the fourth quarter 1945).
    (a) In new chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable.
    (b) In repairs and replacement parts for chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable. The user of the equipment must promptly deliver all replaced salvable lead to his supplier, a lead smelter or a scrap dealer.
    (c) In water service lines to the extent that municipal, state or Federal regulations permit no substitutes or, within the water works proper, where sound water works practice requires its use.

47a. Shot for use in Items 15, 20, 38, 45, 58 or 61.

48. Sinkers and other fishing tackle. (Manufacturing quota: for the second quarter 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1945).
49. Solder.
50. Sounding leads. (Manufacturing quota: for the second quarter 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1945).
51. Spectrographs and spectrophotometers.
52. Storage batteries for the uses specified below. (The antimony content in any antimonial lead used for grids, connecting parts or components for storage batteries shall not exceed nine (9%) percent, except where an alloy with a higher antimony content is specified as mandatory in contracts of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration).
    (a) Special batteries for military use in submarines, aircraft or communications equipment.
    (b) Original equipment for military or civilian purposes.
    (c) [1] Industrial type, for replacement purposes: (Manufacturing quota: for the second quarter 1946, 25% of the amount of lead (including lead content of litharge (oxide) and component parts) legally used for the same purpose during the calendar year 1944).
    (d) Automotive SLI type, for replacement purposes. (Manufacturing quota: for the second quarter 1946, 22% of the amount of lead (including lead content of litharge (oxide) and component parts) legally used for the same purpose during the calendar year 1944).
    (e) Component parts furnished as such to others. (Manufacturing quota: for the second quarter 1946, 22% of the amount of lead (including lead content of litharge (oxide) and sub-component parts) legally used for the same purpose during the calendar year 1944). A manufacturer of such parts, who also makes industrial or automotive SLI type replacement batteries, may not include lead used in component parts furnished as such to others in determining the amount of lead he is permitted to use for industrial or automotive SLI type replacement batteries under paragraphs (c) and (d) above.

[1] An Industrial Storage Battery means an electric storage battery of other than SLI type which has been completely assembled and sealed, whether charged or uncharged and which is designed and built for industrial applications such as, but not confined to, railway signaling and lighting, mine locomotives, industrial trucks, farm lighting, public utilities stand-by equipment, commercial radio installations, airplane and commercial boat installations and components thereof.

53. Terne plate and Terne metal subject to restrictions of Conservation Order M-43.
54. Tetra ethyl. (Manufacturing quota: for the month of April 1946, 27% of the amount of lead legally used for the same purpose during the first quarter of 1946.)
55. Turbine and gear bearing oil deflectors.
56. Turbine gland labyrinth and diaphragm packing.
57. Type metal for use in the printing trade. (Manufacturing quota: for the second quarter 1946, 25% of the amount of lead legally used for the same purpose during the calendar year 1945).
58. Vocational purposes where lead is reused and in laboratories for analytical purposes and research, and for use for experimental purposes where the total amount of lead used in any quarter does not exceed 500 pounds.
59. X-ray purposes and Radiography.
60. Zinc production.
61. For use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment.

[F. R. Doc. 46-5494; Filed, Apr. 2, 1946; 11:50 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-889, Revocation]

SUSSMAN BROTHERS

Suspension Order No. S-889 was issued August 13, 1945, against Samuel Sussman doing business under the name of Sussman Brothers, Pittsburgh, Pennsylvania. An appeal was filed on February 13, 1946. The case has been reviewed by the Chief Compliance Commissioner who has found that satisfactory evidence has been presented to the Civilian Production Administration that the suspension order has served its purpose and the required compensation of 147 bales for the receipt and use of burlap since August 20, 1945 has been substantially made. The Chief Compliance Commissioner has, therefore, directed that Suspension Order No. S-889 be revoked effective April 1, 1946.

In view of the foregoing, it is hereby ordered, that: § 1010.889 *Suspension Order No. S-889* be revoked effective April 1, 1946.

Issued this 29th day of March 1946.

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

[F. R. Doc. 46-5344; Filed, Mar. 29, 1946; 4:34 p. m.]

PART 4700—VETERAN'S EMERGENCY HOUSING PROGRAM

[Veterans Housing Program Order 1]

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIR

Correction

In Federal Register document 46-5021, appearing at page 3190 of the issue for Wednesday, March 27, 1946, the headnote of § 4700.1 (e) should read: "*Exemption for repair and maintenance work in industrial, utility and transportation buildings and structures.*"

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 126, Amdt. 22]

EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

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

Supplementary Order No. 126 is amended in the following respects:

1. New articles of equipment and supplies are added to section 2 (k) as follows:

Non-mechanical bottle coolers, for wet or dry ice, when specially designed and constructed to hold the beverage of a particular brand and when prominently imprinted; embossed, enameled or otherwise inscribed in a manner designed to be permanent, with the name of such particular beverage, brand or drink.

Point-of-sale display racks, stands or cabinets, when specially constructed, formed or shaped to hold or display the product or products of a particular manufacturer, and when prominently imprinted, embossed or otherwise inscribed in a manner designed to be permanent, with the name of such product or products or manufacturer.

This amendment shall become effective on the 3d day of April 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5625; Filed, Apr. 3, 1946; 4:52 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289,[1] Amdt. 51]

DAIRY PRODUCTS

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

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 1 (r) is added to read as follows:

(r) *Natural and processed cheese not subject to other sections.*

2. Section 36 is added to read as follows:

SEC. 36. *Maximum prices for all natural and processed cheese (except cottage cheese) not subject to other sections of this regulation*—(a) *Purposes of section 36*—(1) *Generally.* Section 36 establishes a method for placing all natural and processed cheese (excepting cottage cheese) not controlled elsewhere in this regulation, under dollar-and-cents ceiling prices at all levels except retail sales by retailers subject to Maximum Price Regulations 422 and 423. This, however, will not be accomplished automatically as maximum prices for products under this section will remain the same as they were under the previously applicable regulations superseded by this section until the Administrator issues under this section 36 individual authorizations for new maximum prices in line with the other prices established under this regulation.

(2) *Prior regulations, orders, letters and interpretations superseded.* This section supersedes all other maximum price regulations, orders, letters and interpretations and the maximum price established thereunder or thereby issued by the Office of Price Administration or any Regional or District Office thereof before April 3, 1946 with respect to sales of natural or processed cheese covered by this section, including the applicable provisions of Maximum Price Regulation No. 280: *Provided,* That the maximum prices determined or established under such regulations, orders, letters and interpretations shall remain in force with respect to a particular sale of a natural or processed cheese covered by this section until the Administrator of the Office of Price Administration specifically provides a new maximum price for the item by individual authorization.

(b) *Maximum prices.* The maximum price for any natural cheese or processed cheese (except cottage cheese) not subject to other sections of this regulation shall be the maximum price heretofore in effect under the previously applicable regulation unless and until the Administrator authorizes a new maximum price in line with the level of prices established under this Revised Maximum Price Regulation 289.

(1) *In line prices.* Upon finding that a manufacturer's maximum price for a natural or processed cheese subject to this section is either excessive or inadequate in the light of other prices under this regulation, the Administrator may establish a new maximum price in line with the level of maximum prices heretofore established under this regulation.

(c) *Information to be filed.* (1) Within 15 days from April 3, 1946, each manufacturer shall send by registered mail the following information to the Poultry, Eggs and Dairy Products Branch of the Office of Price Administration at Washington, D. C., for each natural or processed cheese manufactured by him and controlled by this section:

(i) Name of item and brand name.

(ii) Name and address of the manufacturing plant, or if more than one plant manufactures the item, then the names and addresses of all the plants where the item is manufactured.

(iii) Package or container size.

(iv) Type and shape of package or container.

(v) Information contained on label, if any, or attach label.

(vi) The maximum moisture and minimum butterfat content of the item.

(vii) The method of manufacturing the item.

[1] 10 F.R. 2352, 2658, 2928, 3554, 3948, 3950, 5772, 5792, 6232, 7340, 7852, 9084, 11809, 12651, 12957, 12989, 13216, 13592, 14735; 11 F.R. 175, 244. 712. 840. 1405. 1670. 2088. 2043. 2516.

(viii) An itemized current cost breakdown of the item, showing separately according to the manufacturer's own system of accounts, or regularly prepared operating statements, all major component cost factors (e. g., direct costs, such as processing costs, raw materials, packaging or container materials and direct labor; indirect costs, such as indirect labor, factory overhead, selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight or other delivery costs if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost.

(ix) The manufacturer's maximum price for each class of customer under Maximum Price Regulation 280 or any other previously applicable regulation.

(2) Where a person manufactures natural or processed cheese in more than one plant, in determining his various costs he shall take the weighted averages of the costs determined at each of his plants.

(3) All filings shall be considered as confidential information and the contents thereof shall not be disclosed or divulged except on order of the Administrator upon a finding that such disclosure is necessary to effectuate the purposes of the Emergency Price Control Act, as amended and Executive Orders 9250 and 9328.

(d) *Prohibitions.* (1) No manufacturer shall sell any natural or processed cheese subject to this section after 15 days from April 3, 1946, until he has mailed the information required in paragraph (c).

(2) Notwithstanding any other provisions of this section no manufacturer shall sell or deliver a product subject to this section and manufactured by him for the first time after April 3, 1946, until a price for the product has been authorized by the Administrator.

(e) *Maximum prices for wholesalers.* (1) The maximum price for the sale of a product covered by this section, delivered at any place, by a primary wholesaler, secondary wholesaler, or service wholesaler, shall be the maximum price in effect on April 3, 1946, plus or minus (as the case may be) the amount by which the applicable maximum base price, or applicable maximum price for the appropriate type of sale to such wholesaler at that place has been increased or decreased since April 3, 1946.

If for any reason the provisions of this paragraph (e) are inapplicable, the Administrator of the Office of Price Administration may on his own motion, or upon application, establish maximum prices at any distributive level.

(2) *Definitions.* The definitions of "primary wholesaler," "secondary wholesaler" and "service wholesaler" shall be the definitions set out for these terms in section 35 (m) of this regulation.

This amendment shall become effective April 3, 1946.

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

Issued this 3d day of April 1946.

RICHARD H. FIELD,
Acting Administrator.

Approved: March 29, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-5623; Filed, Apr. 3, 1946; 4:51 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 16, Revocation]

RICE IN PUERTO RICO

A rationale accompanying this order of revocation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Restriction Order 16 is hereby revoked, except that any violations which occurred, or rights or liabilities which arose, before the effective date of this order of revocation shall be governed by the order in effect at the time the violation occurred or the rights or liabilities arose.

This order shall become effective at 12:01 A. M., April 4, 1946.

Issued this 27th day of March 1946.

M. S. BURCHARD,
Acting Regional Administrator, Region IX.

Approved:

SAM GILSTRAP,
Territorial Director for Puerto Rico.

[F. R. Doc. 46-5629; Filed, Apr. 3, 1946; 4:52 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 17]

RICE IN PUERTO RICO

Preamble: All information available shows that present and prospective rice supplies for Puerto Rico are inadequate. Controls heretofore established by the Federal Government preclude imports of this commodity from being substantially increased. Limitation of the transfers of rice to be made by importers, wholesalers and retailers is therefore necessary in order that an equal and fair distribution may be achieved.

ARTICLE I—GENERAL PROVISIONS

ARTICLE II—RECORDS AND REPORTS

ARTICLE III—EXCEPTIONS

ARTICLE IV—PROHIBITIONS

ARTICLE V—ENFORCEMENT

ARTICLE VI—SCOPE OF THE ORDER

ARTICLE VII—DEFINITIONS

AUTHORITY: Section 1407.310 issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., by Pub. Law 507, 77th Cong., and by Pub. Law 421, 77th Cong.; WPB Dir. 1; 7 F.R. 562; WPB Supp. Dir. 1-J; 7 F.R. 8731; WFO 56, 9 F.R. 4319, WFO 68, 9 F.R. 4319; 2nd Rev. Gen. Order 20, 8 F.R. 10917.

ARTICLE I—GENERAL PROVISIONS

Section 1.1 *Transfers of rice restricted.* Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person may transfer or accept the transfer of rice unless he has registered, if required to do so, by Restriction Order 16, and is authorized to make or accept such transfers under the terms of this order.

SEC. 1.2 *Assignment of rice quotas.* The Director shall establish by order the quantities of rice which may be transferred and the duration of each quota period.

SEC. 1.3 *Issuance of purchase certificates by local Boards.* Under instructions of the Director, the appropriate Board shall issue purchase certificates on Form OPA PR-5R or other such forms as may hereafter be approved by the Director, to retailers, institutions (other than (Insular Government institutions), and industrial users who have registered according to the provisions of Restriction Order 16 and have complied with the provisions of this order.

SEC. 1.4 *Adjustments and appeals—* (a) *Adjustments on Board's or Director's own motion.* (1) In the event that the Director or the Board having jurisdiction over a registrant is of the opinion that the amount of sales, purchases, or consumption of such registrant as reported on the registration form is incorrect, or that the circumstances of the registrant have so changed that the amounts reported on the registration form no longer represent the proper base for computing quotas, the Board or the Director shall notify the registrant to appear and show cause why the base quantity reported should not be reduced.

(2) The notice of hearing shall be in letter form, shall state the date and purpose of the hearing and shall be served upon the respondent not less than seven days before the date set for the hearing.

(3) The hearing shall be informal and all reasonable doubts shall be resolved in favor of respondent.

(4) The Board or the Director shall render a decision within three days after the conclusion of the hearing. The decision shall be in writing and a copy

thereof shall be delivered or mailed to the respondent. The Board's decision, if adverse to the respondent, shall apprise the respondent of his right to appeal to the Director.

(5) In the event that the respondent fails to appear, the Board or the Director may render a default decision consistent with the notice, except that for good cause the default may be waived.

(b) *Applications for adjustment of base quantity.* A registrant may submit to the Board an application for an adjustment of his base quantity if circumstances have so changed since the date of registration that the amounts reported on the registration form do not represent the proper basis for computing the base quantity. The Board shall render a decision within three days after the application is received. The decision shall be in writing and a written copy thereof shall be delivered or mailed to the registrant and the Director. The Director may within thirty days modify or set aside such decision.

(c) *Appeals from decisions of Boards.* (1) Any registrant may appeal to the Director within ten days from an adverse decision of a Board by filing a statement of appeal with the Board. The appellant shall state his objections, setting forth the specific section or sections of this order claimed to be inconsistent with the decision appealed from, and any other facts deemed by the appellant to be pertinent. Within three days after receipt of the statement of appeal the Board shall send it to the Director together with the entire record of the case.

(2) The Director may request the appellant to appear before him and to furnish such additional information as the Director may deem pertinent. The Director may affirm, modify or reverse the action of the Board, and shall render his decision within five days after receipt of the statement and record. He shall notify in writing the appellant and the Board of his decision. The decision shall be in writing and one copy shall be delivered or mailed to the appellant and one to the Board. The decision shall direct the Board to take such action as may be necessary to give effect thereto.

SEC. 1.5 *Registration with local Boards.* (a) Any retailer, institution or industrial user who for good cause has failed to register pursuant to the provisions of Restriction Order 16, and any retailer, institution or industrial user starting operations subsequent to the effective date of Restriction Order 16, may file the appropriate OPA forms with its local Board. The Board may issue or refuse to issue certificates to such registrants. The granting or refusal to issue such certificates shall be reported to the Director for his approval or disapproval.

(b) Any importer or wholesaler who has failed for good cause to register pursuant to Restriction Order 16, or any importer or wholesaler who desires to transfer rice, shall file with the Director a petition requesting permission to register. The Director may in his discretion grant or deny the petition.

SEC. 1.6 *Purchase certificates.* (a) The purchase certificates issued under the terms of this order shall be honored by any person authorized to transfer rice for the quantity specified therein. No such certificate shall be valid unless:

(1) It has been issued in accordance with the provisions of this order.

(2) It is in the possession of the person to whom it was issued, or the person who has honored it.

(3) It has been properly executed.

SEC. 1.7 *Transfer of rice to consumers.* No retailer shall transfer rice to any consumer and no consumer shall accept the transfer of rice in excess of the quantity determined by the Director for a specified period: *Provided, however,* That a member of a family may act as agent for the whole family and its employees in the purchase of a quantity of rice not to exceed the allotment for all members and employees of the family who customarily eat the majority of their meals as members or employees of such family.

SEC. 1.8 *Institutions of the Insular Government.* The Director by order may authorize the Insular Government to acquire the quantity of rice needed for the use of Insular Institutions. To this end the Insular Government shall file a petition stating the number and type of such institutions, the average number of inmates and employees in each institution, and the minimum weekly requirements of each institution.

ARTICLE II—RECORDS AND REPORTS

SEC. 2.1 *Records and reports*—(a) *Importers.* At the end of each quota period every importer shall prepare in duplicate a report on Form OPA PR-4R indicating (1) his inventory of rice as of the first day of the quota period; (2) his inventory of rice as of the last day of the quota period; (3) the total amount of rice imported during the quota period; (4) the total amount of rice transferred during the quota period and (5) a detailed statement of all transfers showing the name of the transferee, the quantity of rice and the certificate number. The original of the report and the certificates against which the transfers were made must be filed with the Office of Price Administration at San Juan, P. R., not later than the fifth day immediately succeeding the quota period reported. The duplicate shall be kept by the importer in his establishment for at least six months after this order has been revoked.

(b) *Brokers.* On or before April 5, 1946, every rice broker shall prepare and file a report with the Office of Price Administration at San Juan, P. R., showing the amount of rice sold for the account of his principals which has not yet arrived in Puerto Rico, and the delivery date fixed by the contract of sale. Every Friday thereafter, at the close of operations, every rice broker shall prepare and file a report with the Office of Price Administration at San Juan, P. R., showing the amount of rice which he has sold under previous contracts and which has not arrived in Puerto Rico, and the sales, confirmed by his principals, which he has made since his last report.

(c) *Wholesalers.* Every wholesaler must keep in his establishment, for six months after this order has been revoked: (1) a record of the serial number of all certificates honored; (2) copies of all sales invoices, and (3) originals of his suppliers' sale invoices.

(d) *Retailers.* Every retailer must keep in his establishment, for six months after this order has been revoked, a record of all purchases and transfers of rice showing: (1) the name and address of every person to whom he has transferred rice; (2) the date of each transfer; (3) the amount of rice transferred to each customer, and (4) the serial numbers of all certificates honored.

ARTICLE III—EXCEPTIONS

SEC. 3.1 *Exceptions to the limitation on transfers of rice*—(a) *Exempt agencies.* Nothing in this order shall be construed to limit the quantity of rice which may be transferred to the Army and Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development.

(b) The Director may make exceptions to the provisions of this order when in his judgment such exceptions are necessary.

ARTICLE IV—PROHIBITIONS

SEC. 4.1 *Discrimination.* No person shall discriminate in the transfer of rice among those entitled to receive transfers of such commodity under the provisions of this order.

SEC. 4.2 *False statements or entries.* No person shall alter or falsify any certificate or statement, conceal or fail to disclose any fact, statement or information in any application, registration, report or other statement required to be made, kept, furnished or disclosed by this order.

SEC. 4.3 *Offer, attempt or agreement to violate.* No person shall offer, attempt or agree to violate the provisions of this order.

SEC. 4.4 *Effect of suspension order under previous restriction orders.* Any person whose right to trade or deal in rationed commodities was suspended under previous restriction orders shall not transfer or accept the transfer of rice during the period specified in the suspension order.

ARTICLE V—ENFORCEMENT

SEC. 5.1 *Criminal prosecutions.* Any person who wilfully performs any act prohibited or wilfully fails to perform any act required by any of the provisions of this order may, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or actions as may be prescribed by all applicable statutes.

SEC. 5.2 *Suspension orders.* Any person who violates this order or any order issued hereunder may be prohibited by suspension order from receiving or making any transfers of rice. Proceedings for suspension orders shall be governed

by the provisions of Revised Procedural Regulation No. 4, issued by the Office of Price Administration.

ARTICLE VI—SCOPE OF THE ORDER

SEC. 6.1 *Territorial limitation.* This order shall apply in Puerto Rico.

ARTICLE VII—DEFINITIONS

SEC. 7.1 *Meaning of terms as used in this order.* (a) "Director" means the Territorial Director of the Office of Price Administration for Puerto Rico, or any person duly authorized to act in his place.

(b) "Rice" means the common cereal known by that name and used for human consumption.

(c) "Person" includes an individual, partnership, corporation, association, any other organized group of persons, any government or any of its political subdivisions and any agency of any of the foregoing.

(d) "Importer" means any person who receives rice from points outside of Puerto Rico.

(e) "Wholesaler" means any person who transfers rice to any person other than a consumer, institution or industrial user.

(f) "Retailer" means any person who makes transfers of rice directly to a consumer, institution or industrial user.

(g) "Consumer" means any person acquiring rice for personal use or consumption.

(h) "Transfer" means the sale, lease, loan, exchange, gift, shipment or delivery or other change in the ownership or possession of rice or any interest therein from one person to another.

(i) "Board" means the local Price Control Board established by the Office of Price Administration having jurisdiction over the area where registrant's place of business is located.

(j) "Industrial user" means an establishment which receives rice for use in the production, manufacture, cooking or processing of any food for sale.

(k) "Institution" means any establishment which receives rice for feeding persons housed therein such as, for example, a hospital, convent, prison, boarding school.

This order shall become effective at 12:01 a. m., April 4, 1946.

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

Issued this 27th day of March 1946.

SAM GILSTRAP,
Territorial Director,
Puerto Rico.

Approved:

M. S. BURCHARD,
Acting Regional Administrator,
Region IX.

Form OPA-PR-4R
OFFICE OF PRICE ADMINISTRATION
TERRITORY OF PUERTO RICO
IMPORTERS' PERIODICAL REPORT

From _____ To _____
Date Date

1. Name of establishment _____
2. Address _____
P. O. Box Street No. Municipality
3. Name of owner _____
4. Inventory first day of period _____
Quantity in cwt.
5. Imports during period _____
Quantity in cwt.
6. Inventory last day of period _____
Quantity in cwt.
7. Transfers during period _____
Total quantity in cwt.
8. Detail of transfers:
Name of Transferee Quantity Certificate No.
_____ _____ _____

I certify that the information given above is true and correct.

_____ _____
Date Authorized signature

Notice: This report must be filed with the Office of Price Administration at San Juan, P. R., together with the certificates against which transfers of rice were made not later than the 5th day immediately succeeding the period reported.

[F. R. Doc. 46-5630; Filed, Apr. 3, 1946; 4:53 p. m.]

PART 1305—ADMINISTRATION

[SO 131,[1] Amdt. 16]

REVISED MAXIMUM PRICES FOR CERTAIN 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.

Supplementary Order No. 131 is amended in the following respect:

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

(c) Notwithstanding paragraph (a) above, any producer upon becoming eligible to make the certification there mentioned may charge band A ceilings for deliveries made during the next thirty days thereafter or until May 30, 1946, whichever is later.

This amendment shall become effective April 3, 1946.

Issued this 3d day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-5624; Filed, Apr. 3, 1946; 4:52 p. m.]

PART 1305—ADMINISTRATION

[SO 148, Amdt. 1]

ADJUSTMENT OF MAXIMUM PRICES FOR SALES OF CERTAIN LOW-END CONSUMER DURABLE GOODS

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

Supplementary Order No. 148 is amended in the following respects:

The following is added to the list of articles, cut-off prices, maximum percentage adjustments, and profit margin factors (percent) in Appendix A.

Article	Cut-off price	Maximum percentage adjustment	Profit margin factor
			Percent
Utility cabinets, steel, double doors, with minimum dimensions of height 63", width 27", depth 12" (tolerance of 1" in any dimension):			
With square corners and square top	$7.00 to retailers [3]		2.4
With rounded corners and waterfall top	$7.50 to retailers [3]		2.4
With rounded corners and center jamb	$7.50 to retailers [3]		2.4
Utility cabinets, steel, single door, with minimum dimensions of height 63", width 18", depth 12" (tolerance of 1" in any dimension):			
With square corners and square top	$5.30 to retailers [3]		2.4
With rounded corners or waterfall top	$5.50 to retailers [3]		2.4
Wall cabinets, steel, with minimum dimensions (tolerance of 1" in any dimension) as follows:			
Height 18", width 24", depth 12"	$4.00 to retailers [3]		2.4
Height 24", width 24", depth 12"	$4.50 to retailers [3]		2.4
Height 30", width 24", depth 12"	$5.00 to retailers [3]		2.4
Wardrobes, steel, double door, with minimum dimensions of height 65", width 25", depth 20" (tolerance of 1" in any dimension):			
With square corners and square top	$8.50 to retailers [3]		2.4
With rounded corners and waterfall top	$9.00 to retailers [3]		2.4
With rounded corners and center jamb	$9.00 to retailers [3]		2.4

[3] That class of retailers to which the manufacturer customarily made sales in largest volume.

This amendment shall become effective on the 4th day of April 1946.

Issued this 4th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5665; Filed, Apr. 4, 1946; 11:44 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 535-6,[2] Amdt. 2]

STAVE AND HEADING BOLTS

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 535-6 is amended in the following respects:

Section 10 is amended to read as follows:

SEC. 10. *Maximum prices for nail keg stave and heading bolts.* The maximum prices for nail keg stave and heading bolts are set forth below:

Specific coverage. Pine nail keg stave and heading bolts produced in Virginia, counties of Buckingham, Chesterfield, Prince George, Charles City, Cumberland, Sussex, Surry, Dinwiddie, Nottoway, Powhatan and Amelia.

Scaling and grading. Unit of 180 cubic feet. Minimum diameter limits—4" for stave wood and 7" for heading

[1] 10 F.R. 11296, 11890, 12116, 13268, 13269, 13812, 14504, 14657, 14779, 15004, 15383; 11 F.R. 532, 1771, 1888, 2635, 2972.

[2] 9 F.R. 5305.

wood. Logs with tight knots accepted for staves, but should not have more than 4 knotty places in one billet. Logs with red knots cannot be accepted for heading. All logs must be of top rate firmness. Very crooked logs not acceptable.

Delivery provisions. Prices for nail keg stave and heading bolts are f. o. b. rail cars at rail siding or delivered to the mill by truck. If the buyer takes delivery at some place other than on railroad cars or at his plant, the maximum prices must be reduced by either of the following, depending on delivery point.

(1) The cost per cord to the buyer of trucking bolts to the closest rail siding and loading on cars if delivery to mill is by rail.

(2) The cost per cord to the buyer of trucking bolts to his plant, if delivery to mill is by truck.

Maximum prices for nail keg stave and heading bolts produced in Chesterfield, Charles City, Prince George, Sussex, Surry and Dinwiddie counties in Virginia, and delivered to mills in those counties by truck, shall be $1.50 above the prices in Table 1, to cover the cost of such truck delivery.

TABLE I

MAXIMUM PRICES

	Per unit of 180 cubic feet
Nail keg stave bolts	$13.20
Nail keg heading bolts	14.20

This amendment shall become effective April 9, 1946.

Issued this 4th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5662; Filed, Apr. 4, 1946; 11:45 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 342, Amdt. 5]

NAIL KEGS, STAVES AND HEADING

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

Maximum Price Regulation 342 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Maximum f. o. b. mill prices*—(a) *Staves.* The maximum f. o. b. mill prices for bilge sawn staves ⅜" thick shall be as follows:

STAVES

Length	*Per bundle of 400 inches*
15" through 16½"	$1.243
16⅝" through 17⅞"	1.298
18" through 18⅞"	1.331
19" through 20⅞"	1.386
21" through 23"	1.463

(b) *Heading.* The maximum f. o. b. mill prices for heading ½" thick shall be as follows:

HEADING

Diameter	*Per M sets*
9" through 9½"	$63.00
9⅝" through 10½"	66.15
10⅝" through 11½"	70.35
11⅝" through 12½"	75.60

(c) *Nail kegs.* The maximum prices, f. o. b. cooper shop, for nail kegs made of staves ⅜" thick and heading ½" thick shall be as follows:

MAXIMUM PRICES FOR KEGS MADE OF BILGE SAWN STAVES

[2 steel (black) 2 wire (black) hoops f. o. b. cooper shop per 100 kegs]

Keg Size		Zone 1	Zone 2	Zone 3	Zone 4
Heads (planed, straight jointed)	Staves (rough, straight jointed)				
9" through 9½"	15" through 16½"	$34.00	$34.75	$35.00	$35.75
	16⅝" through 17⅞"	34.50	35.50	35.75	36.50
	18" through 18⅞"	34.75	35.75	36.00	36.75
9⅝" through 10½"	15" through 16½"	35.50	36.25	36.75	37.50
	16⅝" through 17⅞"	36.00	37.00	37.50	38.25
	18" through 18⅞"	36.50	37.50	37.75	38.75
	19" through 20⅞"	37.00	38.00	38.50	39.25
10⅝" through 11½"	15" through 16½"	37.00	38.00	38.50	39.25
	16⅝" through 17⅞"	37.75	38.75	39.25	40.00
	18" through 18⅞"	38.25	39.25	39.75	40.50
	19" through 20⅞"	38.75	40.00	40.50	41.25
	21" and over	42.50	43.75	44.25	45.05
11⅝" through 12½"	15" through 16½"	39.50	40.50	41.00	41.70
	16⅝" through 17⅞"	40.25	41.25	41.75	42.75
	18" through 18⅞"	40.75	41.75	42.25	43.25
	19" through 20⅞"	41.50	42.75	43.00	44.00
	21" and over	45.00	46.50	47.00	48.00

NOTE: 1. If a cooper shop is operated on a purchaser's premises without the payment of rent, a minimum of $0.75 per C kegs shall be deducted from the above prices on all sales to such purchaser. If a purchaser supplies power, a minimum of $0.25 per C kegs shall be deducted. If a purchaser supplies both premises and power, a minimum of $1.00 per C kegs shall be deducted.

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

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

Prices for staves previously authorized under section 4 of this regulation may be increased by 13¢ per bundle of 400 inches.

2. Section 4 is amended to read as follows:

SEC. 4. *Items not specifically priced.* Any person desiring to sell any item covered by this regulation but not specifically priced herein must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a price. The application must contain a complete description of the item to be priced, the requested selling price and any facts which the applicant may have in support thereof. The Office of Price Administration will by letter approve a specific price for the item. No deliveries may be made at the requested price until it has been approved by the Office of Price Administration.

This Amendment No. 5 shall become effective on April 9, 1946.

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

Issued this 4th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5659; Filed, Apr. 4, 1946; 11:45 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 172]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Section 15, Appendix I, paragraph (b) (1) (i) is amended by adding the phrase "10 7-pound containers," in the second sentence between the words "9 8-pound containers" and "and 14 5-pound containers".

This amendment shall become effective April 9, 1946.

Issued this 4th day of April 1946.

RICHARD H. FIELD,
Acting Administrator.

Approved: March 26, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-5660; Filed, Apr. 4, 1946; 11:44 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 481, Amdt. 10]

SLACK COOPERAGE AND COOPERAGE STOCK

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 481 is amended as follows:

1. In section 4, paragraph (a) (1) is amended to read as follows:

(i) Staves and heading produced in the following states: Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma,

[1] 10 F.R. 8021, 7500, 7539, 7578, 7668, 7663, 7799, 8069, 8239, 8238, 8612, 8467, 8611, 8657, 8905, 8936, 9023, 9118, 9119, 9277, 9447, 9628, 9928, 10087, 10025, 10229, 10311, 10303, 11072, 12213, 12084, 12408, 12447, 12532, 12637, 12702, 12745, 12960, 13129, 13271, 13313, 13369, 13595, 13776, 14027, 15035, 15174; 11 F.R. 557, 608, 1102, 1356, 1213, 1526, 1819.

South Carolina, Tennessee, Texas, Virginia or West Virginia.

Knife-cut, beveled, wood hoops and headliners produced in Arkansas, Louisiana, Indiana, or Ohio.

TABLE I—SLACK STAVES, KNIFE CUT, HARDWOOD, AIR-DRIED, JOINTED

[Per M, grading rule average measurement, f. o. b. mill or railhead]

Item	Mill run	No. 1	No. 2[1]	No. 3
All hardwood species except Ash No. 1:[2]				
Over 30" through 34"	$25.85	$28.05	$23.65	$19.80
28" through 30"	22.00	24.20	19.80	16.50
23" to 28"	18.70	20.90	16.50	------
Over 18" to 23"	15.40	17.60	13.20	------
18" and under	12.10	14.30	9.90	------
Ash No. 1:				
100% white butter tub stock, 30"	------	28.60	------	------
Red butter tub stock, 30"	------	25.30	------	------
Woods Run butter tub stock, 30"[3]	------	27.50	------	------

[1] Except moldy, mildewed and stained.
[2] Individually or mixed.
[3] Must contain at least 60% all white.

NOTE: A. Allowable additions to maximum prices for staves per M.

1. Kiln drying to 7% or less	$1.50
2. Tongue and groove through 30"	2.00
Over 30" through 34"	2.50

B. The maximum price for mouldy, mildewed and/or stained staves is $1.00 per M less than that for the regular grade. In #2, this is an exception to the grading rule.

TABLE II—SLACK STAVES, SAWED ON PARALLEL SIDED DRUM SAW AIR-DRIED, JOINTED, NOT CROZED, PER M, 4" AVERAGE BILGE WIDTH, ⅝" THICK

[F. O. B. mill or railhead]

Length of staves	Pine	Hardwood
28½"	$17.60	$18.70
Over 28½" through 30"	18.70	19.80
Over 30" through 32"	19.80	20.90

TABLE III—PINE HEADING, SAWED, KILN DRIED, PLANED ONE SIDE, STRAIGHT JOINTED, CIRCLED, BUNDLED

[Per set, f. o. b. mill or railhead]

Diameter	No. 1	M. R.	No. 2
12⅝" to 13" x ½"	$0.105	$0.095	$0.084
13" to 14" x ½"	.116	.105	.095
14" to 15" x ½"	.142	.131	.121
15" to 16" x ½"	.158	.147	.137
16" to 17" x ½"	.168	.158	.147
17" to 18" x ½"	.184	.173	.163
18" to 19" x ½"	.189	.179	.168
19" to 19½" x ½"	.200	.189	.179
19½" to 20" x ½"	.210	.200	.189
20" to 21" x ½"	.231	.221	.210
21" to 22" x ½"	.263	.252	.242
22" to 23" x ½"	.294	.284	.273
23" through 24" x ½"	.389	.378	.368

Planed 2 sides add 2¢ per set

	Add per set
Square edge heading	$0.015
Hardwood heading	.04

	Pine	Hardwood
Add for tongue, grooved and glued:		
12⅝" to 16"	$0.025	$0.03
16" to 18"	.03	.035
18" to 20"	.035	.04
20" to 22"	.04	.045
22" through 24"	.05	.055

TABLE IV—WOODEN HOOPS

[Per M, f. o. b. mill or railhead]

Length of hoop	Arkansas and Louisiana	Indiana and Ohio
6' 9"	$27.50	$30.25
6' 0"	26.40	29.15
5' 6"	25.30	28.05
5' 3"	24.20	26.95
5' 0"	22.00	24.75
4' 8"	15.40	18.15
4' 4"	14.30	17.05
4' 0"	13.20	15.95
3' 8"	12.10	14.85
3' 4"	11.00	13.75
3' 0"	8.80	11.55

TABLE IV-A—HEADLINERS

[Per M, f. o. b. mill or railhead]

Length	Arkansas and Louisiana	Indiana and Ohio
12"	$1.38	$1.65
18"	1.65	1.93

On shipments of staves and/or headings of 6,000 pounds or less from a producing factory, a mark-up of 10 percent may be added to the maximum prices contained in the schedule.

Prices previously authorized for sellers under section 10 (c) of this regulation remain in effect unless they are lower than those established in this section.

2. In section 5, paragraph (a) (1) is amended to read as follows:

(a) *Factory or mill sales.* (1) The maximum f. o. b. factory price of any slack barrel or keg made entirely or partially of staves and heading produced in the states of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia or West Virginia shall be the producers f. o. b. factory price as established by the General Maximum Price Regulation for the same barrel to a purchaser of the same class plus actual increases in the cost of materials used in the barrel computed by using the ceiling prices in effect on July 1, 1944 or November 11, 1944 whichever are lower, plus 10 cents per barrel.

Prices for barrels or kegs previously authorized for sellers under section 10 (c) of this part remain in effect unless they are lower than those established in this section.

Prices for barrels authorized under section 6 of this regulation may be increased by 5 cents.

3. In section 5 paragraph (a) (2) is amended to read as follows:

(2) The maximum prices for kegs and barrels made entirely or partially of stock produced in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island or Vermont and for tubs, buckets, pails or kits made of any stock covered by this regulation shall be the prices established under the General Maximum Price Regulation.

This amendment shall become effective April 9, 1946.

Issued this 4th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5661; Filed, Apr. 4, 1946; 11:45 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 19,[1] Amdt. 16]

SOUTHERN PINE LUMBER

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

Second Revised Maximum Price Regulation 19 is amended in the following respects:

1. Appendix A—Article IV is amended as follows:

a. In Table 1, footnote 3 is amended to read as follows:

3. For any other matcher dressing not otherwise provided for (except V-Joint, E&CB1S or E&CB2S), add $2.00.

b. In Table 2, footnote 2 is amended to read as follows:

2. Shiplap, center matched, dressed and matched, grooved, or any other matcher dressing, not otherwise provided for, add $1.00.

c. In table 3, footnotes 18 and 19 are deleted.

2. Appendix B—Article V is amended as follows:

a. In table 14, footnote 3 is amended to read as follows:

3. For any other matcher dressing not otherwise provided for (except V-Joint, E&CB1S or E&CB2S), add $2.00.

b. In table 15, footnote 2 is amended to read as follows:

2. Shiplap, center matched, dressed and matched, grooved, or any other matcher dressing not otherwise provided for, add $1.00.

c. In table 16, footnotes 31 and 32 are deleted.

This amendment shall become effective April 9, 1946.

Issued this 4th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5657; Filed, Apr. 4, 1946; 11:43 a. m.]

PART 1398—OFFICE AND STORE MACHINES

[MPR 596, Amdt. 3]

USED BUSINESS MACHINES

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

Maximum Price Regulation No. 596 is amended in the following respect:

Section 30 is amended to read as follows:

[1] 9 F.R. 11386, 12843; 10 F.R. 458, 1146, 3467, 8936, 9084, 10023, 11858, 12846; 11 F.R. 1888.

SEC. 30. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States, the District of Columbia, and the territories and possessions of the United States.

This amendment shall become effective on the 9th day of April 1946.

Issued this 4th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5664; Filed, Apr. 4, 1946; 11:44 a. m.]

PART 1452—SPECULATIVE AND MANIPULATIVE PRACTICES

[Margin Requirement Reg. 1]

MINIMUM INITIAL MARGIN REQUIREMENTS FOR TRADING OF COTTON FUTURES CONTRACTS

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

AUTHORITY: § 1452.1 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487; E.O. 9697, 11 F.R. 1691.

SECTION 1. *Types of transactions covered.* This regulation shall apply to every type of transaction involving a cotton futures contract for which on March 1, 1946, minimum initial margins were required by the rules of the contract market on which the futures contract is being traded. All transactions (except those executed prior to April 9, 1946) requiring minimum initial margins under the rules in effect on March 1, 1946, of any contract market are specifically covered hereby and must meet the requirements set forth in section 2. This regulation shall not apply to bona fide hedging transactions as defined in section 4a (3) of the Commodity Exchange Act nor to net positions in cotton futures to the extent that such positions are shown to represent straddles or spreads between cotton futures or markets, nor to minimum initial margins required by the clearing associations serving the contract markets.

SEC. 2. *Minimum initial margin requirement.* On and after April 9, 1946, the minimum initial margin requirement for transactions to which this regulation applies shall be 10 dollars per bale when the price at which the futures contract is sold does not exceed 25.00 cents per pound. If the selling price of the futures contract is between 25.01 cents and 26.00 cents per pound inclusive the minimum initial margin requirement shall be 20 dollars per bale. For each full cent that the selling price exceeds 25.01 cents per pound this minimum initial margin requirement shall be increased by an additional 10 dollars per bale.

SEC. 3. *Persons affected.* (a) In effecting or executing a cotton futures transaction on any contract market for any other person a futures commission merchant shall, for that transaction, assure himself of the minimum initial margin specified in section 2 in the manner prescribed by the rules of said contract market in effect on March 1, 1946. The person for whom a cotton futures transaction is being executed shall deposit the minimum initial margin specified in section 2 in the manner prescribed by the rules of said market in effect on March 1, 1946.

(b) Each contract market shall promptly report to the Office of Price Administration, Enforcement Department, Washington 25, D. C., any knowledge it has concerning violation of the regulation by any person making use of its facilities: *Provided,* That a contract market may defer such a report until it has made such investigation of its information or knowledge as may be appropriate under its rules.

SEC. 4. *Validity of futures contracts.* This regulation shall not affect the validity or negotiability of a cotton futures contract traded in contravention of this regulation.

SEC. 5. *Enforcement.* Any person violating any provision of this regulation is subject to the criminal penalties and civil enforcement actions provided by the Emergency Price Control Act of 1942 as amended.

SEC. 6. *Definitions.* When used in this regulation the term—

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successors or representatives of any of the foregoing;

(b) "Transaction" includes sales, trades, purchases, dispositions, and other transfers of contracts;

(c) "Cotton futures contract" means an agreement made through the medium of a cotton contract market to deliver or receive a specific quantity of raw cotton during a specific month as provided by section 5 of the U. S. Cotton Futures Act and the Commodity Exchange Act as amended;

(d) "Minimum initial margin requirement" means the least initial amount of cash or cash equivalent a purchaser or seller of a cotton futures contract must deposit against each bale contained in such contract;

(e) "Bale" means a quantity of raw cotton bound in a single unit as required by standard specifications established by the rules of the cotton contract markets in effect on March 1, 1946;

(f) "Selling price" means the recorded price at which the contract is bought or sold;

(g) "Contract market" means a commodity exchange or board of trade designated as a contract market by the Secretary of Agriculture under the Commodity Exchange Act as amended;

(h) "Rules of a contract market" means the charters, by-laws, bulletins, or other rules adopted by such market;

(i) *"Futures commission merchant"* includes individuals, associations, partnerships, corporations, and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

This regulation shall become effective April 9, 1946.

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

Issued this 3d day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: (By direction of the Director of Economic Stabilization) April 2, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-5620; Filed, Apr. 3, 1946; 4:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 75]

ELECTRICITY

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

Subparagraph (28) of paragraph (b) of § 1499.46 is amended to read as follows:

(28) Electricity—rates charged for furnishing, to the extent provided in paragraph (c) of this section; and prices for sales between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, except sales to an affiliated corporation whose products or services, or such of them as are affected by the electricity sold it by its affiliate, are exempt by statute from price control by the Administrator.

This amendment shall become effective April 9, 1946.

Issued this 4th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5658; Filed, Apr. 4, 1946; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14,[1] Amdt. 23]

IMPORTS; LUMBER AND OTHER LUMBER PRODUCTS

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

Second Revised Supplementary Regulation 14 to the General Maximum Price Regulation is amended, as follows:

A new section to be designated as section 3.12 is added to read as follows:

SEC. 3.12 *Imports; lumber and other forest products.* — (a) *Coverage* — (1)

[1] 10 F.R. 1154, 2026, 2161, 2432, 2618, 3551, 4107, 8620.

Items covered. This section covers lumber and all other forest products which are either imported into the United States or produced in the United States from imported logs or imported flitches and which are subject to a transaction of a type described in subparagraph (2) below.

(2) *Transactions covered.* This section governs all sales which are made in the United States of items which were subject to the General Maximum Price Regulation or the Maximum Import Price Regulation prior to March 25, 1946.

Specifically but not exclusively, this section does not cover imported logs, mahogany lumber (see section 3.1, Amendment 14 of this regulation) or those items of balsa lumber covered by section 3.11 of this regulation (see Amendment 19).

(b) *Maximum prices — (1) Sellers who made sales in period September 1945 through February 1946.* On and after April 3, 1946, a seller's maximum price on a sale of an item subject to this section shall be the highest lawful price at which that seller sold the identical item on the same type of sale during the six (6) months period from September 1945 through February 1946.

The term, "type of sale" means one of the different classifications of sales such as distribution yard sale, direct mill sale, retail sale, carload sale or less than carload sale, or other classification of sale.

(2) *Sellers who can not price an item under subparagraph (1).* If a seller of an item covered by this section can not determine his maximum price from subparagraph (1) above, the seller making a sale of such item (referred to below as "special item") shall apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for approval of a maximum price. In his application, the seller shall show the maximum price which he can establish under subparagraph (1) above of the item most nearly comparable to the "special item" and also the price differential between that comparable item and the "special item" which he maintained in March 1942, or in the month most nearly preceding March 1942 when he had sales of both of those items. If the seller did not make sales of those items in March 1942, or in any month prior to that month, he must show the price differential which he would have maintained between the two items in March 1942 if he had made such sales.

The seller shall report his requested price in his application together with an explanation of how he has determined the price. The price approved shall be one which is in appropriate relationship to the most comparable item determined from an examination of the data submitted by the seller and from such other data as may be available to the Office of Price Administration. The maximum price duly approved by the Office of Price Administration for a seller for a special item shall apply to subsequent sales of that seller of the identical item unless the Office of Price Administration limits the applicability of the approved price in some manner. If within 30 days of the receipt of the application by the Lumber Branch of the Office of Price Administration that Office does not transmit a disapproval of the price requested by the seller on the application, that requested price may be deemed approved, but such approval shall be applicable only to the one specific order and only to the quantity of the special item contained in that order on the date of the application.

Prior to the approval of the Office of Price Administration of the maximum price for the special item, the seller shall not make any collections on account of the sales price of the special item. However, the seller may proceed with the delivery of the special item using the requested price as a tentative maximum price, but all quotations, contracts and invoices must notify the buyer that the price is subject to approval by the Office of Price Administration within the 30-day period described above.

(c) *Reports.* All sellers of the items covered by this regulation shall report to the Lumber Branch of the Office of Price Administration, Washington, D. C., the prices for items covered by this section which can be established under paragraph (b) (1) above. All sellers must file such reports within 30 days following April 3, 1946.

This amendment shall become effective April 3, 1946.

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

Issued this 3d day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-5621; Filed, Apr. 3, 1946; 4:50 p. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 103]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

COTTON MARGINS

I hereby find that the issuance of this directive is necessary to check speculative increases in the price of raw cotton, to protect the joint program of the Civilian Production Administration and the Office of Price Administration for the production of clothing, and to effectuate the purposes of the stabilization program,

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9651 of October 30, 1945 (10 F.R. 13487), Executive Order 9697 of February 14, 1946 (11 F.R. 1691), and Executive Order 9699 of February 21, 1946 (11 F.R. 1929), *It is hereby ordered:*

1. The Price Administrator is authorized and directed to issue, and the Secretary of Agriculture is authorized and directed to approve, a regulation establishing margin requirements on cotton futures purchases in accordance with the public announcement issued by the Office of Economic Stabilization on March 13, 1946.

2. The margin required shall be $10.00 per bale when the price at which the transaction is entered into does not exceed 25 cents per pound, and shall be increased by $10.00 per bale for each cent, or fraction thereof, by which the price exceeds 25 cents per pound.

3. The regulation may contain appropriate provisions exempting bona fide hedging and straddling transactions from the margin requirements to be established.

Issued and effective this 2d day of April 1946.

CHESTER BOWLES,
Director.

[F. R. Doc. 46-5619; Filed, Apr. 3, 1946; 4:34 p. m.]

Chapter XX—Office of Contract Settlement

[Reg. 15,[1] Amdt. 1]

PART 8085—RULES OF PRACTICE AND PROCEDURE FOR THE APPEAL BOARD OF THE OFFICE OF CONTRACT SETTLEMENT

MISCELLANEOUS AMENDMENTS

Pursuant to sections 4 (b) (1) and 13 of the Contract Settlement Act of 1944, Regulation No. 15 of this Office is hereby amended as follows:

1. Rule 1 thereof, which reads: "The address of the principal office of the Appeal Board is: Federal Reserve Building, Washington 25, D. C. This office will be open each business day from 9 o'clock a. m. to 5:30 o'clock p. m." is modified to read: "The address of the principal office of the Appeal Board is: Federal Reserve Building, Washington 25, D. C. This Office will be open to the public from 9 o'clock a. m. to 5:00 o'clock p. m. from Monday to Friday inclusive in each week except on holidays designated by Federal statute or Executive order."

2. Subparagraph (5) of paragraph (a) of Rule 4 thereof, which reads: "A statement that appellant has sent to the appropriate office of the contracting agency, as provided in paragraph (d) hereof, a copy of the notice of appeal and one complete set of the documents filed with the notice in support of the appeal. The statement shall contain the name and post office address of the office of the contracting agency to which the notice and the supporting documents were sent, and the date on which they were sent;" is modified to read: "A statement that appellant has sent to the appropriate office of the contracting agency, as provided in paragraph (d) hereof, a copy of the notice of appeal (without signature) and one complete set of the documents filed with the notice in support of the appeal. The statement shall contain the name and post office address of the office of the contracting agency to which the notice and the supporting documents were sent, and the date on which they were sent;

[1] 10 F.R. 3132.

3. Paragraph (d) of Rule 4 thereof, which reads:

(d) *Transmission by appellant to contracting agency of notice of appeal and documents in support of appeal.* Not later than the date on which the notice of appeal and the documents in support of the appeal are filed with the Board at its principal office in Washington, D. C., as provided in paragraphs (a) and (b) hereof, appellant shall send a copy of the notice and one complete set of the supporting documents to the office of the contracting agency which made the findings from which the appeal is taken, or upon which a demand for findings was made, if the appeal is taken because of the failure of the agency to make findings after appellant's written demand therefor.

is modified to read:

(d) *Transmission by appellant to contracting agency of notice of appeal and documents in support of appeal.* Before the time when the notice of appeal and the documents in support of the appeal are filed with the Board at its principal office in Washington, D. C., as provided in paragraphs (a) and (b) hereof, appellant shall send a copy of the notice and one complete set of the supporting documents to the office of the contracting agency which made the findings from which the appeal is taken, or upon which a demand for findings was made, if the appeal is taken because of the failure of the agency to make findings after appellant's written demand therefor.

4. Rule 8 thereof, which reads: "From time to time, the Chairman may divide the Board into panels of one or more members, assign the members of the Board thereto, and in case of a panel of more than one member, designate the presiding officer thereof." is modified by adding the following sentences: "A majority of the members of any panel shall constitute a quorum and, if a quorum is present, action of a majority of those present shall constitute action of the panel. Action of a panel, the members of which are all the full-time members of the Board shall constitute action of the Board."

5. Rule 19 thereof, which reads:

RULE 19. *Award or decision.* Unless the case is remanded, as provided in Rule 17, the Board or any panel thereof shall enter the appropriate award or decision on the basis of the law and facts, and may increase or decrease the amount allowed by the findings of the contracting agency.

Immediately upon the entry of an award or decision in any proceeding, notice of the award or decision and the date thereof will be sent to the parties by registered mail.

is modified to read:

RULE 19. *Assignment of cases to panels; reports by panels; review of reports; entry of awards or decisions; date of awards or decisions*—(a) *Assignment of cases to panels.* Each case shall be assigned in accordance with section 13 (d) (2) of the Contract Settlement Act, by the Chairman, to a designated panel for hearing, and, subject to the review provisions of these rules, for disposition.

(b) *Reports by panels.* Each panel shall, as soon as practicable after hearing, prepare a report in the form of its proposed disposition of each case assigned to it and such report shall be submitted to the Chairman of the Board. Such report shall become the award or the decision of the panel only when entered as such award or decision upon direction of the Chairman or upon his omission to direct within 10 days after its submission to him that it be reviewed as hereinafter provided.

(c) *Review of reports.* In order to insure consistency in the application of the Act, panel reports shall upon direction of the Chairman be subject to review by a panel the members of which are all the full-time members of the Board. The panel report shall be given the benefit of every reasonable intendment in its favor so far as questions of fact and the proposed disposition of the case are concerned; and any part-time member of the Board acting as a member of the panel submitting the report shall be entitled to participate in the review, although the votes of the full-time members will be determinative. The reviewing panel may, where advisable, reopen the hearing or take such other action as it deems necessary to a just decision of the case. An award or decision entered upon such review shall constitute the award or decision of the Board.

(d) *Entry of awards or decisions.* As soon as the Chairman has directed the entry of the report of a panel as its award or decision or has omitted for 10 days to direct its review as hereinbefore provided, or as soon as the Board has made an award or decision, the award or decision of the panel or Board shall be entered in the Office of the Clerk of the Board as the award or decision of the Board. Upon such entry a certified copy of the award or decision with notice of the date of the entry thereof will be sent by registered mail to each of the parties to the case.

(e) *Date of awards or decisions.* The date of the award or decision of the Board or panel shall be the date of the entry thereof in the office of the Clerk of the Board.

6. There is added a new rule to be known as Rule 21, which reads as follows:

RULE. 21. *Claims against contracting agencies not originally parties.* (a) Whenever it shall appear that a contracting agency other than the respondent may be concerned in the subject matter of an appeal, the Appeal Board may request the appellant to furnish to the Board for forwarding to such agency copies of the notice of appeal and of the claim, and such other documents or memoranda as the Appeal Board may determine, together with a notice substantially in the following form:

Pursuant to Rule 21 of the Rules of Practice and Procedure of the Appeal Board of the Office of Contract Settlement, and without waiving any rights against any other contracting agency, claim is hereby made against you for the relief specified in the accompanying claim, and demand is hereby made for findings thereon. Pursuant to said rule, said findings may be embodied in a response filed by you in the proceeding, and the filing of a response containing such finding shall constitute delivery of findings to the undersigned.

Appellant

(b) The notice of appeal with such accompanying papers when received by such agency shall be deemed for all purposes, including negotiation and settlement or appeal, to constitute a claim by appellant against such agency and a demand for findings thereon.

(c) Upon the filing with the Appeal Board of a response by such agency, or, if no response is filed by it, then at the expiration of 90 days from the receipt of copy of the notice of appeal by it, such agency shall be deemed a party to the appeal as fully as though the notice of appeal had been originally filed against it after submission to it by the appellant of a claim and a demand for findings. A response filed by such agency within the 90 days shall be considered by the Appeal Board as constituting both findings and response on appeal, and the failure of such agency to file a response within the 90 days shall be deemed by the Appeal Board to be both a failure of such agency to make the findings demanded and to respond to the notice of appeal.

(d) In the event that such agency considers that it is not a contracting agency responsible for settling appellant's claim or any part thereof within the meaning of section 13 (a), or of section 13 (a) as supplemented by section 17 (c), of the Contract Settlement Act of 1944, and consequently does not intend to negotiate with appellant, it is hereby required, pursuant to sections 4 (b) and 13 (a) (1) of the Act, that such agency expedite the proceedings before the Appeal Board by filing its written findings with the Appeal Board, in the form of a response, within 20 days from the receipt of a copy of the notice of appeal by such agency. Neither the filing of such a response nor the omission to do so, within such period, shall affect the determination of the question whether such contracting agency is the agency responsible for settling appellant's claim or any part thereof.

(e) Admission by such agency in its findings and response that it is an agency responsible for settling appellant's claim, or part thereof, shall not of itself deprive such agency of any defense on appeal other than a defense based upon the claim that the agency is not an agency so responsible.

(f) No proceedings pursuant to this regulation shall affect the authority of a contracting agency, which shall have received a copy of a notice of appeal forwarded to it pursuant to this regulation, to make a settlement of the claim by agreement with the appellant at any time before the proceedings before the Appeal Board are concluded.

H. CHAPMAN ROSE,
Director.

MARCH 26, 1946.

[F. R. Doc. 46-5656; Filed, Apr. 4, 1946; 11:27 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 180, Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of April A.D. 1946.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F.R. 14970) as amended (11 F.R. 1627, 1991), and good cause appearing therefor: *It is ordered*, That:

Fourth Revised Service Order No. 180, as amended, be, and it is hereby, further amended by substituting the following paragraphs (a) and (c) for paragraphs (a) and (c) thereof:

Demurrage charges on refrigerator cars. (a) (1) After the expiration of the free time lawfully provided by tariffs (subject to modification by service orders), on a refrigerator car held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading, the demurrage charges shown in paragraph (a) (2) of this order shall be applicable in lieu of tariff charges.

(a) (2) Demurrage charges shall be $2.20 per car per day or a fraction thereof for the first two days; $5.50 per car per day or a fraction thereof for the third and fourth days; and $11 per car per day or a fraction thereof for each succeeding day.

(c) *Exceptions*—(1) *Extreme weather.* During the period when weather conditions exist as described in Rule 8, Section A, Agent B. T. Jones' Tariff I. C. C. No. 3963, the provisions of this order are suspended. In lieu thereof the rules, regulations, and charges provided in lawfully published tariffs shall apply.

(2) *Floods; rising waters.* When because of rising waters it is not practicable, or because of flood conditions it is impossible for railroads to set refrigerator cars for delivery at the usual places contemplated by lawfully published tariffs, the provisions of this order are suspended on such cars. In lieu thereof the rules, regulations, and charges provided in lawfully published tariffs shall apply.

(3) *Strikes.* This order is suspended during the period when, and on cars subject to, the provisions of Rule 8, Section G—Interference due to strikes—of Agent B. T. Jones' demurrage tariff I. C. C. No. 3963, or similar provisions in other tariffs apply.

It is further ordered, That this amendment shall become effective at 7:00 a. m., April 3, 1946; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-5609; Filed, Apr. 3, 1946; 12:19 p. m.]

[Rev. S. O. 188, Amdt. 3]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of April A. D. 1946.

Upon further consideration of Revised Service Order No. 188 (10 F.R. 15175) as amended (11 F.R. 1626, 1992), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 188, as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Demurrage charges to be applied on refrigerator cars engaged in intraterminal transportation.* (1) The State Belt Railroad of California shall apply the demurrage charges shown in paragraph (a) (2) to any refrigerator car used for transporting any commodity to, from, or between industries, plants, or piers located at points or places named in District A and/or B as described in Item No. 15 of Tariff I. C. C. No. 5 of the State Belt Railroad operated by the State of California.

(2) After the expiration of forty-eight (48) hours' free time after a refrigerator car is first placed for loading and until shipping instructions covering such car are tendered to said carrier's agent and/or after forty-eight (48) hours' free time after a refrigerator car is first placed for unloading and until such car is unloaded and released, the demurrage charges shall be $2.20 per car per day or fraction thereof for the first two days; $5.50 per car per day or fraction thereof for the third and fourth days; and $11.00 per car per day or fraction thereof for each succeeding day.

NOTE: After a refrigerator car is loaded and released for movement by the tender of shipping instructions to said carrier's agent, if the car is not actually placed for unloading for any reason within forty-eight (48) hours after such car is released for movement, but is held by the carrier short of place of delivery for unloading, such car will be considered as constructively placed at the expiration of the said forty-eight (48) hours and demurrage time shall be computed from the expiration of the said forty-eight (48) hours until said car is unloaded and released.

It is further ordered, That this amendment shall become effective at 7:00 a. m., April 3, 1946; that a copy of this order and direction shall be served upon the California State Railroad Commission and upon the State Belt Railroad of California; 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. 46-5610; Filed, Apr. 3, 1946; 12:19 p. m.]

[S. O. 369A]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of April A. D. 1946.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F.R. 15073; 11 F.R. 639, 2383), and good cause appearing therefor; *It is ordered*, That:

Service Order No. 369, as amended, be, and it is hereby, suspended until 7:00 a. m., September 15, 1946.

It is further ordered, That this amendment shall become effective at 7:00 a. m., April 3, 1946; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-5612; Filed, Apr. 3, 1946; 12:19 p. m.]

[S. O. 370-A]

PART 95—CAR SERVICE

DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2nd day of April A. D. 1946.

Upon further consideration of Service Order No. 370 (10 F.R. 14031), as amended (10 F.R. 15176; 11 F.R. 639, 2383), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 370, as amended, be, and it is hereby, suspended until 7:00 a. m., September 15, 1946.

It is further ordered, That this amendment shall become effective at 7:00 a. m., April 3, 1946; that a copy of this order and direction shall be served upon the California State Railroad Commission and the State Belt Railroad of California; and upon the Association of

American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-5613; Filed, Apr. 3, 1946; 12:19 p. m.]

[Rev. S. O. 462-A]

PART 95—CAR SERVICE

MOVEMENT OF CARBON BLACK FOR EXPORT RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2nd day of April A. D. 1946.

Upon further consideration of Revised Service Order No. 462 (11 F. R. 2714), and good cause appearing therefor; *It is ordered*, That:

Revised Service Order No. 462, be, and it is hereby, suspended until 11:59 p. m., July 21, 1946.

It is further ordered, That this order shall become effective at 12:01 a. m., April 3, 1946; that copies of this order and direction 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. 46-5615; Filed, Apr. 3, 1946; 12:19 p. m.]

[S. O. 474-A]

PART 95—CAR SERVICE

PRIORITY FOR CERTIFIED SEED POTATOES FROM MAINE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of April A. D. 1946.

Upon further consideration of Service Order No. 474 (11 F.R. 2999), and good cause appearing therefor; *It is ordered*, That:

Service Order No. 474, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., April 3, 1946; that copies of this order and direction shall be served upon the Maine Public Utilities Commission; upon all common carriers operating in the State of Maine; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-5611; Filed, Apr. 3, 1946; 12:19 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Misc. 1730280]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

MARCH 27, 1946.

Notice is given that the plats of survey of secs. 23, 24, 25, and N½, SE¼ sec. 36, T. 16 S., R. 29 E.; sec. 1, T. 17 S., R. 29½ E., and secs, 5 and 6, T. 17 S., R. 30 E., Gila and Salt River Meridian, Arizona, accepted January 24, 1945, will be officially filed in the district land office at Phoenix, Arizona, at 10:00 a. m. on the 63d day from the date on which this notice is signed.

These lands are partly within the Coronado National Forest and partly within the Chiricahua National Monument. They first were withdrawn for forest purposes by proclamation of July 30, 1902. By subsequent proclamations portions of the lands were made a part of the above-named national monument.

Anyone having a valid settlement or other right to any of these lands, initiated prior to the withdrawal of July 30, 1902, should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Register, District Land Office, Phoenix, Arizona.

FRED W. JOHNSON, *Commissioner.*

[F. R. Doc. 46-5632; Filed, Apr. 4, 1946; 9:41 a. m.]

[Misc. 1730280]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

MARCH 27, 1946.

Notice is given that the plats of survey of secs. 1 to 27, N½ secs. 28 and 29, and secs. 34 to 36, inclusive, T. 9 S., R. 18 E.; T. 10 S., R. 31 E., and secs. 2, 3, 11, 14, 15, 22, 23, 26, 27, 34, and 35, T. 23 S., R. 32 E., Gila and Salt River Meridian, Arizona, accepted January 24, 1945, will be officially filed in the district land office at Phoenix, Arizona, effective at 10:00 a. m. on the 63d day from the date on which this notice is signed. At the time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938, 52 Stat. 609 (43 U. S. C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (Public Law 434—78th Congress), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as herein above provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Applications by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the district land office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

All inquiries relating to these lands should be addressed to the Register, District Land Office.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 46-5631; Filed, Apr. 4, 1946; 9:41 a. m.]

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

MILK IN GREATER BOSTON, MASS. MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement and to a proposed amendment to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area.

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum., Supp., 900.1 et seq., 10 F.R. 11791), notice is hereby given of the filing with the hearing clerk of this report of the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested parties may file exceptions to this report with the Hearing Clerk, Room 1331 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the seventh day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The proceeding was initiated by the Production and Marketing Administration as a result of requests received from co-operative associations of producers and from handlers of milk in the Boston milkshed. In a letter dated November 15, 1945, the Market Administrator of the Greater Boston marketing area notified all handlers, co-operative associations, and other interested persons that they should file not later than December 1, 1945, any proposals which they wished to make with respect to amendments to the order. Nearly 50 separate proposals were submitted by co-operative associations and handlers, and an additional 13 proposals were submitted by the Dairy Branch, Production and Marketing Administration. After consideration of these various proposals, it was concluded that a hearing should be held to accept evidence on 57 separate proposals, which appeared in the notice of hearing issued on January 14, 1946. The hearing was held at St. Johnsbury, Vermont, on February 1 and 2, 1946, and continued at Boston, Massachusetts, on February 4–9, February 15–16, and March 11–13, 1946.

The issues developed at the hearing concerned principally the following points:

(1) Increase in the Class I price.

(2) Broadening of the formula basis for the Class I price.

(3) Plans to encourage adjustment of seasonal milk production to meet market needs for Class I milk.

(4) Basis for inclusion of milk in the market pool and prevention of seasonal loading of the pool with surplus milk of other markets.

(5) Pricing of skim milk contained in Class II milk.

(6) Pricing basis for butterfat made into butter or Chedar-type cheese.

(7) Handling allowances on Class I milk and Class II milk.

(8) Transportation allowances on Class I milk and Class II milk received at country plants.

(9) Definition and assignment of classes of emergency milk, and incidence of extra costs on such milk.

(10) Assignment to classes of milk received from plants subject to Order 27, regulating the handling of milk in the New York metropolitan marketing area.

(11) Substitution of individual handler pools for market pool in September–February.

(12) Payments to co-operative associations.

(13) Creation of "fall and winter payment reserve" from the market pool in April–June, to be prorated to producers in November–January according to the proportion of their handlers' milk sold as Class I milk in the marketing area.

(14) Permissive variation in butterfat differentials.

(15) Prices to producers within the 80-mile zone.

(16) Location differentials to producers in Barnstable and Plymouth Counties, Massachusetts.

(17) Classification of milk moved to third persons and to plants not subject to the Boston Order.

(18) Time limit on re-audits and rebillings.

(19) Clarification of provision for "interest" on overdue accounts.

(20) Powers and duties of the Market Administrator.

(21) Establishment of an industry advisory committee.

(22) Responsibility of agents of handlers.

(23) Improvement in references to quotations for manufactured dairy products.

Some of the issues developed cannot be acted upon immediately. There is need for action on other points before the season of heaviest production this year, May and June.

Accordingly, this report recommends deferring any decision on a few issues and making amendments to the order promptly on the other matters. Those issues upon which action must be deferred are the Class 1 price, broadening of the formula basis for the Class 1 price, plans to encourage adjustment of seasonal milk production, transportation allowances on Class 1 milk, time limit on re-audits and re-billings, and payments to co-operative associations. With respect to all other issues developed at the hearing, conclusions as to what action should be taken by the Secretary are contained in the balance of this report. Some of the considerations leading to the conclusions are indicated.

(4) *Basis for inclusion of milk in the market pool and prevention of seasonal loading of the pool with surplus milk of other markets.* During the past few years a number of plants have been withdrawn from the pool on a temporary basis and groups of producers have been shifted between the Greater Boston market and other markets by handlers having operations in both the primary market and secondary markets. In general, plants and producers have tended to be shifted away from the Greater Boston market and out of the pool when the handler had an outlet for the milk as Class 1 milk in other markets. There is a larger outlet for such milk in other markets in the fall and winter months, when production is lowest in the region. These plants and groups of producers tend to be returned to the Boston market and included in the pool during the season of heavy production, when the milk is not needed as Class 1 milk in any of the markets. This shifting of milk between markets in this manner causes the market pool for the Greater Boston area to carry much of the seasonal surplus milk of other markets in the region.

Dairy farmers whose milk is delivered to other markets in the season of relatively short supplies are not really producing for the Greater Boston marketing area. Their milk should not participate in the Boston pool in the season of heavy production, simply because the milk is not then needed in the other markets.

In the amendments that became effective in February 1940, an attempt was made to deal with the problem of producers being shifted in and out of the market. The so-called "transfer" provisions which have been in effect since that time have permitted handlers with nonpool plants in secondary markets to transfer surplus milk from such plants to pool plants on a seasonal basis, with the producers regarded as producers for other markets and their milk allocated to Class 11 milk in the pool. However, this classification of the producers and the milk has depended upon the handler's exercising an option of reporting the producers as under contract to have their milk received and paid for as part of that handler's supply for the secondary market. The record in this hearing indicates that in the last three years substantial quantities of milk have been handled in this way, but on only a small proportion of such milk have the handlers exercised the option which would prevent this seasonal surplus of other markets from being loaded on the market pool for the Greater Boston area. Similarly, the so-called "transfer" provisions permitted a handler to transfer regular producers for the marketing area to a nonpool plant when the milk was needed there and to report the producers as under contract for Boston so that the milk would be included in the pool and charged to the handler as Class 1

milk. This option also has been exercised in a diminishing degree during recent years. In other words, these so-called "transfer" provisions have failed to prevent seasonal loading of the market pool with surplus milk of other markets.

Under the present provisions of the order it may be said in general that inclusion of a plant in the market pool in any given period is based on the actual shipment of Class 1 milk to the marketing area, or on the shipment of milk or cream to the marketing area accompanied by approval by health authorities of the plant as a source of fluid milk for the marketing area. In February 1940 the order was amended to include the so-called "10 per cent" provision. The primary purpose of this provision was to allow milk distributors who sell only a small part of their total supply as Class 1 milk in the marketing area to account to the Market Administrator only on their Class 1 milk sold in the marketing area. During the season of heaviest production in both of the past two years, this 10 percent provision has been suspended in order to enable handlers to utilize fully their manufacturing facilities. Repeated suspension of this provision indicates the need for its being modified so as not to apply in the season of heaviest production to country plant operators who have manufacturing facilities. Qualified cooperative associations have been exempted from the 10 percent provision, but from the record there appears to be no need on their part for such an exemption at the present time.

In the latest hearing there were several proposals designed to deal with this situation. Four large Boston handlers made four different proposals which were contained in the hearing notice, but which were considered together at the hearing. The specific remedy proposed at the hearing by these handlers was an elaborate plan for determinations by the Market Administrator as to what plants should be included in the pool. These determinations were to be based on the situation of the plant with respect to the pool in December 1945, or on the plant location, approval by health authorities, willingness of the operator to ship Class 1 milk to the marketing area at reasonable prices, and the absence of commitments for utilization of milk other than as Class 1 milk. Under this plan, plants would be excluded from the pool if the operators did not meet certain standards with respect to willingness and ability to supply Class 1 milk to the marketing area at reasonable prices in the fall and winter months. This plan aims at giving to the marketing area prior rights on the milk in the pool during a period of short supply.

The complexity of this proposed plan called forth extended evidence in the hearing in support of it and in opposition to it. Both the proponents and the opponents devoted major attention to it in their briefs. The plan does not address itself to the problem of groups of producers, rather than plants, being shifted in and out of the pool. Yet, it is apparent that there would be many administrative difficulties in putting the plan into operation. Wide discretionary power would be lodged with the Market Administrator. He would be burdened with the task of determining reasonable prices on interhandler sales and the costs of additional handling on certain types of sales. The evidence indicates that the plan might cause serious inequities as between handlers and as between milk distributors in other markets in the region. Obviously, there would be many difficulties in carrying out through this order a program designed to assure handlers in the Greater Boston marketing area of a full supply of milk at a time when dealers in other markets in the region were unable to obtain a sufficient supply. This is true because many of the other markets are located nearer than the marketing area to parts of the Boston milkshed.

It is believed that protection of the market pool from unwarranted surplus, at which this plan is aimed by its proponents, can be achieved more effectively by simpler means.

Three co-operative associations proposed another plan with essentially the same objective, except that it does not attempt to give priority to the marketing area on Class I milk. This proposal essentially is that plants participating in the pool in any April, May, or June cannot leave the pool until the following April. A corollary proposal would operate in the same manner with respect to producers who deliver to a handler's pool plant in the flush season and subsequently deliver to a nonpool plant of the same handler. In effect, this proposal would require participation in the pool by plants and such groups of producers on a year-round basis if their milk was included in the pool in April, May, or June. This general principle of year-round participation in the pool by plants and groups of producers is sound.

It is concluded that the best way to deal with this problem is to write into the order provisions having the effect that plants which are withdrawn from the pool and groups of producers that deliver to nonpool plants of handlers in the season of relatively short production should not have their milk participate in the pool in the following season of heavy production. More specifically, it is recommended that any farmer whose milk is received at a non-pool plant of a handler on more than three days in any month from August through January shall be considered as producing for that market and that his milk shall not participate in the pool on the regular basis during the following April, May, June, or July. The provisions recommended above would replace the so-called "transfer" provisions of the order. The "10 per cent" provision should be modified so that it applies equally to co-operative and to proprietary handlers but so that it does not apply in April, May, or June to any handler who receives milk from producers at a country plant.

After review of all of the evidence and the arguments on this issue, it is believed that the provisions recommended above will correct most of the present difficulties. They will provide standards regarding pool participation which will be clear, definite, and enforceable and which will leave the minimum of administrative discretion consistent with achieving the basic objectives. These changes should be put into effect not later than May 1, 1946, in order to prevent heavy loading of the market pool with seasonal surplus of other markets this year.

(5) *Pricing of skim milk contained in Class II milk.* Four large handlers proposed that the price of skim milk in Class II milk should be raised from August through February by giving increased weight to the quotations for human food powder and decreased weight to the quotations for animal feed powder. The handlers also proposed to lower the price for skim milk in May and June by shifting the weights given to the two quotations. The lowering effect on the price of skim in May and June from the heavier weight given to the animal feed quotation would be partly offset in the proposal by elimination of any differential for skim milk made into casein.

The proponents urged adoption of this proposal on the basis that it would encourage fall milk production, reflect the utilization of some of the skim milk in lower-value products in the flush season, encourage full utilization of skim in the season of heavy production, and make handlers more willing to sell Class I milk during the shortage season. Testimony was introduced to show that a single price for skim milk in all months would encourage handlers to risk the investment necessary to manufacture their skim milk into those products having the highest value. A higher price for skim in the fall months will make manufacturing operations less attractive as an alternative to sales of Class I milk. Handlers incur extra costs for manufacturing skim milk in the season of heaviest production because of the necessity for employing more men, paying extra wages for overtime hours, and transporting milk to manufacturing plants from the receiving stations to which it is delivered by producers.

It is evident that a higher price for skim milk in the periods of relatively short production will reflect more accurately the value of the products into which skim milk is made at those seasons, will discourage any tendency on the part of handlers to continue manufacturing when their milk is needed in the market as Class I milk, and will contribute to a small extent to a solution of the seasonal production problem. Accordingly, the portion of the proposal calling for changes in the formula for pricing skim milk contained in Class II milk for the months from August through February should be adopted.

The necessity for lowering the price of skim milk in May and June is not established by the evidence in the hearing record. The proponents argued that it had become difficult to find an outlet for all of the skim milk in the flush season and that some of it had been wasted. However, the statistics of the market show that receipts from producers in June 1945 reached an all-time high level and that in that month less than three-fourths of one per cent of the milk was dumped. No encouragement to the use

of skim milk in making casein will be afforded to handlers if the formula for the casein adjustment is kept on a basis which does not permit a profit from making casein. Approximately 5 per cent of the skim milk contained in Class II milk in May and June 1945 was made into casein. In recognition of the fact that under present circumstances it may be difficult for handlers to equip themselves to make other products, it is recommended that the provision for the casein adjustment be continued.

It is concluded that the price for skim milk in Class II milk from March through July should not be changed. An additional advantage resulting from no change in this price, which has not been mentioned above, is that it will keep the price for skim milk in the Boston milkshed on the same basis as the price in the New York milkshed. This point carries some weight because there is an overlapping of these two major milksheds at some points.

One co-operative association proposed that the formula for the pricing of skim milk in Class II milk should reflect the use made of the skim milk, by using appropriate quotations and giving a weight to each in proportion to the quantity of skim milk used in each product. In order to establish the proper basis for such a provision, it would be necessary to have evidence as to the availability of reliable quotations for each product, the cost of manufacture of the product, and the yield per hundredweight of skim milk. No evidence on these points was introduced at the hearing. Furthermore, it is not clear as to how it would be practicable to administer such a provision since the Class II price could not be determined until there was complete information as to the utilization of all of the skim milk in Class II milk. Accordingly, this proposal cannot be adopted.

Three co-operative associations proposed to change one of the factors in the formula for the casein differential from 6.6 cents to 13.1 cents. This factor is the one which is deducted from the market quotation for domestic casein. The evidence supporting this proposal described the problem as one of inadequate published price quotations for domestic casein. The proponents did not propose any other quotation to be substituted for the one now being used, neither did they submit any records of actual selling prices for their casein.

A comparison of the quotations for domestic casein in the "Oil, Paint and Drug Reporter," with information on prices for casein as published in the "Monthly Domestic Dairy Markets Review" issued by the United States Department of Agriculture, shows that the quotations contained in the trade journal apparently were on a conservative basis and did not overstate the actual market prices. Accordingly, it is recommended that this proposal should not be adopted. However, the present language with respect to the casein differential should be changed slightly so that the adjustment could never exceed the regular price of skim milk.

Two co-operative associations proposed that in the calculation of the pool in each month from October through January each handler should be charged the Class I price for any Class II milk in excess of 10 per cent of his receipts from producers. The proposal would allow handlers to recover in the payments to their own producers the difference between the Class I price and the Class II price on such milk. The proponents stated that this proposal would provide a greater incentive for handlers to get their milk to the market in the season of short supplies.

It was brought out that in only four months in the past three years has the percentage of Class II milk in the market pool been below 10 per cent. There was testimony to indicate that the proposal might be damaging to operating co-operatives who sell largely to other handlers. An increase in the price of skim milk in the fall and winter months, which has already been recommended above, should provide sufficient incentive for the shipment of Class I milk. That plan is considered preferable to the one proposed by the co-operatives. Accordingly, the latter should not be adopted.

One handler proposed that the price for Class II milk received from producers at city plants should be reduced 29 cents per hundredweight in May and June. The proponent stated that this reduction should be made in order to lower the cost of the skim milk in such Class II milk. There was testimony to the effect that handlers operating city plants only could not regulate or control the volume of Class II milk received from producers and that they have difficulty in disposing of some of this skim milk without a loss under present prices.

The proponent indicated that he could not dispose of Class II milk in the higher value Class II use for thinning cream but the record indicates that there is a substantial amount of Class II milk used in the city market for this use in May and June. From the evidence it is concluded that handlers operating city plants have no pressing problem in this connection. Adoption of the proposal would disturb in May and June the present basis of uniformity of cost to all handlers for Class II milk in the marketing area, whether received from producers at city plants or shipped from country plants in the 200-mile zone. Accordingly, this proposal should not be adopted.

(6) *Pricing basis for butterfat made into butter or Cheddar-type cheese.* Three co-operative associations proposed an amendment to restore permanently the butter and cheese adjustment which became inoperative on September 12, 1945. The proponents testified that there were many uncertainties in the situation for 1946, that a handler could not afford to make Cheddar-type cheese at the regular Class II price, and that restoration of the butter and cheese adjustment would enable more efficient use of facilities. This provision would bring to producers the same return for milk made into cheese as they would obtain if the butterfat from the milk were made into butter. It was claimed that there should be no discrimination against the manufacture of Cheddar-type cheese as compared to the manufacture of butter as an outlet for excess butterfat. It was stressed that efficiency required that the butter made should be churned in as few plants as possible and that the adjustment should be allowed if the butter is made by a second person.

There was no testimony in opposition to allowing the adjustment made on butterfat made into butter to apply to butterfat made into Cheddar-type cheese. Witnesses for two other co-operatives and for one large handler supported the proposal. Several witnesses emphasized that the butter adjustment should apply to butter made by a second handler if any butter adjustment is to be continued in the order. During the period from May 13, 1944, through September 11, 1945, approximately one-half of the butter made from butterfat contained in pool milk was made at the plants of second persons.

It is concluded that the present provision for an adjustment in the price of milk made into butter should be replaced by provisions for an adjustment on butterfat made into either butter or Cheddar-type cheese and that the adjustment should apply if the butterfat is made at a plant of the handler who received the milk from producers or at a plant of a second person to which such butterfat is moved.

Another proposal by three co-operatives was that the adjustment of the price of butterfat made into butter or Cheddar-type cheese should apply throughout the year rather than being limited to certain months. The statistics of the Market Administrator show that in every year the importation of bottling-quality cream from outside the milkshed in the months of July, August, and September has exceeded the quantity of cream churned in the milkshed. The same has been true in April of each year except 1944. In May of both 1944 and 1945, and in June of each of the past three years, more butterfat has been churned than was contained in cream of bottling quality brought into the market from outside the milkshed. With all restrictions removed on the sale of heavy cream and on the manufacture of ice cream and cheeses of various types, there appears to be no likelihood that the volume of Class II milk in 1946, even in the month of June, will provide enough butterfat to supply fluid cream, ice cream, and frozen cream needed in New England.

It is evident that butterfat in Class II milk in the Boston milkshed should be utilized in fluid cream, ice cream, and frozen cream to the greatest practical extent. Provisions of Order No. 4 should be designed to encourage such use of the butterfat and to discourage its use in the manufacture of butter and Cheddar-type cheese. The manufacture of these two products in New England, at a time when there are heavy shipments of cream from outside areas to the region, merely results in inefficient and uneconomic utilization of butterfat as between regions.

It seems to be a reasonable estimate that the over-all demand for cream, ice cream, and frozen cream in New England in the spring of 1946 will equal at least the entire production of butterfat in Class II milk in that region. However,

under present conditions it may be necessary to continue the importation of some western cream. Some handlers, particularly the co-operative associations, may be forced to manufacture some of their butterfat into butter and Cheddar-type cheese in the months of heaviest production. Accordingly, it is recommended that the butter and cheese adjustment should apply in the months of April, May, and June.

Two co-operative associations proposed to change the overrun factor in the butter adjustment from 20 per cent to 16⅔ per cent. The proponents presented evidence on the loss of butterfat in handling and manufacturing operations. They did not present any information on the actual yields of butter from butterfat-in-cream although they testified that they manufactured substantial quantities of butter. There was some testimony to the effect that butter cannot be made at a profit under the present butter adjustment, but this evidence does not directly support a change in the overrun factor. Neither does it support any change in the formula since adjustments which would make the manufacture of butter profitable would encourage such use of the butterfat in the Boston milkshed. As pointed out above, this would be an uneconomic development and it would lower the blended price in the pool. It is concluded that no change should be made in the overrun factor.

One co-operative association proposed a separate class for milk made into Cheddar-type cheese. Evidence introduced at the hearing showed that in the years 1938–1940 the regular Class II price exceeded the value of milk for manufacture into Cheddar-type cheese by 27 to 30 cents per hundredweight. Since 1941, this difference has increased to approximately 60 cents per hundredweight. The proponent indicated that he had been able to manufacture Cheddar-type cheese in 1944 and 1945 under the pricing provisions contained in the butter and cheese adjustment then in effect. It is recommended that there should be no separate class for milk made into Cheddar-type cheese. The amendment recommended above for pricing butter fat made into Cheddar-type cheese will allow the manufacture of such cheese in the Boston milkshed and will return to producers for the milk as high a price as they would obtain if the butterfat were made into butter. If the price of cheese in the future should be relatively lower than the price of butter, it would not be necessary to continue the manufacture of cheese.

Two co-operative associations proposed that the butter adjustment should not apply to butterfat from route returns. It does not so apply under the present provision of the order. The proponents based their proposal on the fact that losses from route returns in the city are a part of the cost of distribution and should not be absorbed by producers. However, handlers who press the sale of milk and cream on retail routes are likely to have most of the route returns in the market and such sales promotion is beneficial to producers. The volume of butter made from route returns during the past two seasons has not been large enough to affect the blended price by more than one-tenth of a cent per hundredweight of milk. It is concluded that with a butter and cheese adjustment in effect in only three months no exception should be made for butter from route returns.

The present method of pricing milk made into butter provides for no adjustment to the handler in the cost of butterfat in excess of 3.7 per cent of the producer milk. The butter and cheese adjustment in effect during the past two seasons provided for a larger adjustment on the butterfat in excess of the 3.7 per cent equivalent of the milk made into butter than was allowed on the butterfat up to 3.7 per cent. The Dairy Branch proposed a single adjustment rate per pound of butterfat, regardless of the butterfat test of the milk involved or the location of the plant where the milk was received from producers.

An adjustment rate per pound of butterfat is preferable to an adjustment per hundredweight of milk in the case of butter manufacture because it is the butterfat which is made into butter. There is no inconvenience to an adjustment per pound of butterfat in the case of the manufacture of Cheddar-type cheese. In order to provide uniformity in costs among handlers, the adjustment return should be the same on each pound of butterfat made into butter or cheese, regardless of the butterfat test of the original milk. Other provisions of the order result in each handler's cost for cream being uniform at the point of separation of milk into cream.

The butter and cheese adjustment in effect during the past two seasons provided slight differences in the rate according to the zone in which the milk was received from producers. These zone differentials were small but they made it necessary for the Market Administrator to allocate on an arbitrary basis to various plants the butterfat made into butter. Such allocations are undesirable and should be avoided.

It is recommended that the butter and cheese adjustment should provide for a single rate per pound of butterfat and that this rate should be the one provided under the butter and cheese adjustment in effect last year for the fat up to 3.7 per cent in milk received from producers at plants in the 201–250-mile zone. This zone is the approximate center of the Boston milkshed. The adjustment rate would represent the difference between the value of butterfat in 3.7 per cent Class II milk recieved from producers in the 201–250-mile zone and the value of butterfat to be made into butter.

The Dairy Branch also proposed a specific method to be set forth in the order for allocating to the various sources of a handler's butterfat the quantity of butterfat made into butter. It was proposed at the hearing by representatives of the Market Administrator that the quantity of butterfat-in-cream received from nonpool sources by a handler during the month in which he claims a butter adjustment should first be offset against the butterfat used to make butter. The intent of this proposal apparently would be to discourage the importation of outside cream by a handler in the same months in which he was making butter.

There was testimony at the hearing to the effect that such a provision would be discriminatory as between handlers who ordinarily purchase outside cream and those who do not make such purchases. Briefs submitted by interested parties raised several questions on this point of discrimination. It is not entirely clear as to how the method of allocation proposed by the Market Administrator would work out in practice and no one else proposed specifically any other method. Accordingly, it is recommended that on the present record no amendment should be made to the Order in this respect.

(7) *Handling allowances on Class I milk and Class II milk.* The proponent of increased handling allowances presented the results of a survey of receiving and handling costs for the year 1944. This survey covered 47 country plants which handled 39.5 per cent of all the milk in the pool received from country plants in 1944. On the basis of this survey it was claimed that receiving and handling costs averaged 23.8 cents per hundredweight in 1944, and that this amount was approximately 6 cents per hundredweight greater than such costs in 1941, an increase of about one-third.

On the proponent's assumption that the handling costs at city plants have also increased one-third since 1941, the additional cost (except for transportation) of handling milk received at country plants compared with milk received at city plants would have increased from the 13 cents per hundredweight, reflected in the location differential in §904.10 (e) of the order, to 16 cents per hundredweight. To correct this discrepancy in favor of city-delivered milk it was proposed, if Class I prices are changed, to include a rate of increase 3 cents more per hundredweight for milk delivered at city plants than whatever the increase is at country plants. Handlers who are large receivers of producer milk at city plants testified that the cost of receiving such milk had increased by more than one-third since 1941. Since the proposal to change the present difference between city and country producer prices is based on an assumption which was refuted by the handlers who are in the best position to know the facts on city plant costs, no change in the order on this point is recommended.

A second proposal based on the same survey of handling costs at country plants would increase the Class II handling allowance 3 cents per hundredweight. The receiving and handling costs in the survey were computed by taking total operating and administrative expenses at country plants, and reducing such expenses by the cost of manufacturing Class II products, using the rates in the order for both cost of manufacture and yield of product per unit of fluid milk rather than actual cost rates and yields of the concerns involved.

In other words, handling costs are shown in the survey as the residual amount after manufacturing costs have been deducted at the rates allowed in

the order. Under this method of allocating costs of manufacturing, the handling cost is exaggerated if the actual cost of manufacturing exceeds the allowance in the order. In testifying on other points, the proponent of this proposal testified that its costs of manufacturing did exceed allowances.

It is difficult to reconcile the proposal to increase handling allowances with the increasing number of country plants and the intense competition for milk in the country. More evidence than is contained in the record is needed to justify a change in the order and, therefore, no change is recommended.

(8) *Transportation allowances on Class I milk and Class II milk received at country plants.* The proposals relating to changes in allowances on Class I milk are so closely related to Class I prices that action on all such proposals is being deferred until such time as a decision is reached with respect to Class I prices. The table of plant handling and transportation differentials should be brought up to date by inserting the rates actually in effect as a result of changes in rail tariffs on May 15, 1943.

The evidence in support of the proposal to allow a whole milk freight rate on a limited amount of Class II milk shipped to the market shows that the proposal was intended to apply to an unlimited amount of both whole milk and skim milk shipped to the marketing area. If adopted, the proposal would restore to the order some of the undesirable features which were eliminated by the adoption of the amendment which became effective August 1, 1941. Accordingly, the proposal should not be adopted.

(9) *Definition and assignment to classes of emergency milk, and incidence of extra costs on such milk.* It was proposed that the order contain a definition of emergency milk, and that provision be made for the classification of emergency milk; for its exclusion from the milk included in the computation of the blended price, and for the payment from the proceeds of the pool of the premiums paid to obtain emergency milk.

The testimony emphasized the shortages in the supply of milk for the market during the fall and winter months of the past three years, and the substantial quantities of milk which had to be imported from emergency sources, particularly in the winter months of 1945. There was also testimony that milk from sources other than the regular supply will probably have to be brought in during the fall and winter months of 1946.

The record established the need for defining emergency milk and making provision for exempting it from inclusion in the pool. It was shown that the order does not adequately set forth a basis for including emergency milk in the pool, and that it was necessary to obtain a special interpretation in order to handle the extraordinary situation created by importations of emergency milk during the past winter. There are important objections to including in the pool the milk of midwestern shippers, who supply most of the emergency milk. It is conceivable that the zone Class II price for such milk would exceed the zone Class I price, unless a special basis for graduating the zone Class I and Class II prices were set up. Also the order would be setting up prices for the western shippers to pay producers in a region which is not primarily in the fluid milk business.

It is concluded that there should be two definitions with respect to emergency milk, the first to define such milk, and the second to define the emergency period. In defining emergency milk, no geographical limits should be designated which would restrict the source of such milk, since the prime objective during an emergency period is to attract milk to the market from whatever source, whether it be New England or the midwest. The only limitations being recommended is that the milk must be received from plants which were not in the Boston pool during the delivery period or portion of a delivery period net previous to the beginning of the emergency period.

In defining the term "emergency period" it is recognized that the Market Administrator is the person best able to determine when an emergency exists in the supply of milk for the market and that he is in a position to act promptly. Although it is reasonable to expect that an emergency would generally arise during the months of low production, there are other factors which might result in making the supply of milk available to the market from regular sources inadequate for varying periods of time. For example, a serious flood or breakdown of transportation facilities in northern New England may make it impossible for handlers to ship milk to the market. This could occur in the spring, rather than in the fall or winter. Accordingly, it is concluded that emergency period should be defined as the period of time during which the Market Administrator declares that an emergency exists.

With respect to the basis for excluding emergency milk from a handler's gross Class I milk or Class II milk, the record established that no emergency milk was imported during November and December 1944 nor October 1945, although the percentages of Class II milk in the market during those months were 12 percent, 18 percent, and 11.3 percent, respectively. There was also evidence to the effect that the demand for milk does not fluctuate as widely in the fall and winter as in the summer, so that a handler can fairly well safeguard himself against the probability of importing a quantity of emergency milk which would result in his having Class II milk in excess of 10 percent. Accordingly, it is concluded that the percentage of Class II milk up to which a handler's receipts of emergency milk will first be allocated to Class I milk should be fixed at 10 percent of the handler's total receipts of milk during the emergency period. This should result in substantial equity to handlers while providing adequate safeguards to protect the interests of Boston producers.

It is concluded that that portion of the proposal relating to making payment to handlers from the pool for the additional costs of emergency milk should not be adopted. There is validity to the objection to reducing returns to producers in periods in which emergency milk is brought in partly to supply the increased demand for milk in secondary markets, which absorb much smaller proportions of pool milk as Class I milk during the months of flush production.

(10) *Milk subject to the New York Order.* The order presently provides that milk subject to the New York order shall not be subject to the Boston order. It was proposed that the provisions of the order be made more specific to provide clearly that milk considered as received from producers under the New York order shall not be considered as received from producers under the Boston order. It was also proposed that the Boston order set forth specifically the basis on which milk received from plants subject to Order No. 27 shall be allocated to a Boston handler's Class I and Class II milk. Specifically, it was proposed that the New York milk be allocated to Class I milk if it is classified in Class I by the administrator of Order No. 27, unless the Boston handler's records clearly established that the milk had been utilized as Class II milk. In the case of skim milk and buttermilk, it was proposed that receipts from New York plants be allocated to Class II milk, except where the Boston handler's total Class II utilization of such products at the receiving plant was less than the corresponding receipts from New York, in which event the difference would be allocated to Class I milk.

On the basis of the record, it appears that milk is imported from plants subject to the New York order very largely to make up deficiencies in the regular Boston supply. The provisions of one Federal order, insofar as possible, should not interfere with the free flow of milk which one Federally regulated market has available and which the other such market requires.

On the other hand, there is merit in the objection made at the hearing to permitting absolutely unrestricted importations of New York milk in the periods of heavy production. Accordingly, the proposal, as originally made, is being recommended for adoption, with one significant change to provide that in the months of April, May, June, and July, all milk, skim milk, and buttermilk is to be allocated to Class II milk. This would prevent the lowering of the blended price through importations of New York milk at a time when the regular Boston supply is more than ample for the Class I requirements of the market.

(11) *Substitution of individual handler pools for market pool in September-February.* Four handlers proposed an amendment to provide for an individual handler pool instead of a market-wide pool from September through February as a means of inducing handlers to offer their supplies freely for Class I use and to eliminate the alternative of manufacturing profits as a basis for computing a premium to be charged for the milk when offered for sale as Class I. The proponents also requested that the market-wide pool be discontinued until a plan had been developed to prevent the loading of the pool in the flush months with milk from producers or plants which withdraw deliveries during other periods.

Seven co-operatives opposed the proposal on the grounds that the proponents had failed to prove that milk had not been freely offered as Class I, and the co-operatives supplying city handlers would be at a disadvantage.

This proposal involves a fundamental change from the market-wide pool in use since the effective date of Order No. 4, which could not be abandoned, even for certain months of the year, without more consideration than is devoted to the subject in this record. A proposal designed to prevent the loading of the pool in the flush months is being recommended. Therefore, the proposal should not be adopted.

(13) *Creation of a fall and winter payment reserve from the pool to encourage production and shipment of milk to the marketing area in fall and winter months.* The proposal provides for the deduction from the blended price in April, May, and June of 50 cents per hundredweight of milk, the money to be paid back to producers during the following November, December, and January, on the basis of the ratio of each handler's Class I sales in the marketing area to total Class I sales in the area. The evidence shows that from a practical standpoint the proposal could not be administered. Therefore, the proposal cannot be adopted.

(14) *Permissive variation in butterfat differential.* The testimony on this proposal was made in connection with the testimony on the need for a higher Boston milk price in order to bring producer prices in the competitive marginal zone of the Boston and New York milksheds more nearly in line. It was claimed that the difference in the butterfat differentials in the New York and Boston Orders made it particularly hard for Boston handlers to buy low test milk in the spring months, when production was the heaviest and butterfat tests averaged the lowest.

The evidence did not support the need for the proposal. Accordingly, the proposed permissive variation in the differential should not be adopted.

It should be noted that an amendment to Order No. 27 effective August 1, 1945, changed the method of determining the butterfat differential under that order. That change will eliminate most of the difference between the New York and Boston butterfat differentials in the spring months.

(15) *Price to producers within the 80-mile zone.* The order provides that the Class I price at city plants shall be the maximum required price to producers whose farms are located within 80 miles of Boston. This maximum prevents producers delivering to city plants from receiving credit from the pool at more than the Class I price for their milk after the addition of the location differential but it has not prevented producers in the 41–80-mile zone delivering to country plants from receiving credit from the pool in certain months at more than the Class I price in effect at the plants to which they deliver. The clear intent of the provision was that no producer should be required to be paid a blended price higher than the Class I price at the plant to which his milk was delivered and the order should so provide.

(16) *Location differentials to producers in Barnstable and Plymouth Counties, Massachusetts.* It was proposed to delete from the order the provision applicable to location differentials payable to producers whose farms are located beyond the 40-mile zone in Barnstable and Plymouth Counties, Massachusetts. This provision was adopted in 1939 because a handler receiving milk from a group of producers on Cape Cod contended he could not hold the supply unless those producers received the additional price for their product. All those producers have discontinued making deliveries and no deliveries from this area have been received by any Boston handler since June 1942. Therefore, the proposal should be adopted.

(17) *Classification of milk moved to third persons and to plants not subject to the Boston Order.* It was proposed that the classification section be amended so as to permit classification of milk in accordance with its utilization at any pool handler's plant regardless of the number of interplant movements. This would exempt from mandatory Class I classification any milk moved to a third person who is a pool handler. Such handlers are regularly audited by the Market Administrator and no additional administrative difficulties or expense would be involved in permitting classification on the basis proposed. No opposing testimony was offered which related directly to the proposal and it is recommended that the proposal be adopted.

Another proposal for amending the classification section would remove the requirement that milk moved to a plant not subject to the order shall be classified as Class I milk up to the total Class I use at the receiving plant. As an alternative, it was proposed that if pool milk is moved to a plant not subject to the order and does not become commingled with other milk at that plant, it shall be classified in accordance with its utilization, but, if it is intermingled with other milk at the plant, it shall be classified as Class I milk up to the total quantity of Class I milk at the receiving plant.

It was argued that the Class I classification of milk moved to plants not subject to the order, regardless of the specific use of the milk, is inconsistent with the other paragraphs of the classification section. The proponents maintained that it hampers resonably free movement of milk and the realization of maximum returns to producers. On the other hand, there was testimony that before the present provision was included in the order, the Market Administrator had investigated a number of claims for the separate handling of milk, but in the overwhelming majority of cases no separate handling of the Boston milk could be established.

It appears that if the proposal were adopted, the end result would be to encourage the movement of milk as Class II milk to plants not subject to the order. Also, it would cause pool milk to be classified in a lower use classification and grant priority to unregulated milk.

On the basis of the record, it is recommended that the proposal should not be adopted.

(19) *Clarification of provision for "interest" on overdue accounts.* The proponents offered no proposals to clarify the "interest" provision of the order after the Market Administrator explained how it is being applied.

(20) *Powers and duties of the Market Administrator.* In verifying the utilization of milk and the quantities utilized the Market Administrator must necessarily make determinations in individual cases as to how the order applies. In some instances he has already issued instructions to handlers, advising them of the method he will use in carrying out certain provisions of the order. It should be a regular function of the Market Administrator to issue as rules and regulations such determinations and instructions as have a general application in administering the order.

If it were a duty of the Market Administrator to determine a handler's willingness to ship Class I milk to the marketing area or the reasonableness of interhandler prices or any other factors that would not depend on the physical handling of milk, then some formal procedure for issuing and amending rules and regulations might be justified. No such duties are being recommended.

Procedure was suggested at the hearing to insure that rules and regulations be made public, that they would not be made subject to retroactive change, and that except in emergencies the views of the industry would be obtained before changes were made. The evidence shows that it would be difficult to apply formal procedure, based on the concept of a public hearing, to auditing problems. Since the power to issue rules and regulations is recommended in the interest of a more general knowledge of the accounting procedure, no provisions to formalize the issuance and amendment of rules and regulations are recommended. This will not prevent the Market Administrator from seeking the advice and criticism of the industry before issuing rules and regulations.

The Market Administrator should have the power to recommend amendments to the order. The function of preparing and disseminating market information should be transferred from the list of the Market Administrator's powers to the paragraph which sets forth his duties.

(21) *Establishment of an Industry Advisory Committee.* The suggestion that an advisory Committee of handlers and producers be provided in the order was stated to be a result of the failure of distributors and co-operative leaders to hold meetings and prepare amendments to the order. This proposal by four Boston handlers was opposed by counsel for seven co-operatives on the ground that it is unnecessary. It was pointed out at the hearing that in the case of at least two other Federal Orders a marketing committee can be created only on petition by the industry. In the hearing the industry was far from unanimous in supporting this proposal. Since the record fails to show any broad support for this proposal among those who would have to do the work to make the committee a success, the proposal should not be adopted.

(22) *Responsibility of agents of handlers.* It has been proposed to define the

term "handler" so that persons actually in control of the major marketing functions should be held responsible under the order, whether or not they happen to be the first receivers of milk from producers. No fundamental difficulties were shown to exist under the present definition in the order and the record abounds in examples of the confusion that might result from attempting to place ultimate responsibility on an agent of the first receiver. The proposal should not be adopted.

(23) *Improvement in references to quotations for manufactured dairy products.* Clarification of the wording of the order should be made, where possible, to avoid any misunderstanding as to the basis for determining Class I and Class II prices.

Incorporation into the order of these recommendations will require changes in the wording of certain related paragraphs. Several new definitions of terms are needed to give greater clarity to certain sections of the order that are being amended. These newly defined terms can be utilized to advantage in clarifying other paragraphs in which no substantive changes are being made.

The following proposed amendments to the order as amended, are recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the proposals applicable to it would be the same as those contained in the order, as amended and as proposed here to be further amended.

1. Delete § 904.3 (a) (5) and insert the following:

(5) The term "dairy farmer" means any person who produces milk.

2. In § 904.3 (a) renumber subparagraphs (6), (7), (8), and (9) as (7), (8), (15), and (16), respectively, and add new subparagraphs (6), (9), (10), (11), (12), (13), and (14), to read as follows:

(6) The term "producer" means any dairy farmer who, in conformity with the health regulations which are applicable to milk which is sold for consumption as milk in the marketing area, distributes or delivers to a handler milk of his own production.

(9) The term "pool handler" means any handler, other than a producer-handler, who receives milk from producers.

(10) The term "regulated plant" means any plant at which milk is received from producers, or any other plant from which Class I milk is distributed in the marketing area.

(11) The term "city plant" means any plant which is located not more than 40 miles from the State House in Boston.

(12) The term "country plant" means any plant which is located more than 40 miles from the State House in Boston.

(13) The term "emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers and pool plants under the New York order (Order No. 27 regulating the handling of milk in the New York metropolitan marketing area) is insufficient to meet the demand for Class I milk in the marketing area.

(14) The term "emergency milk" means that milk received at a regulated plant during an emergency period from a plant which was an unregulated plant in the delivery period or in the portion of a delivery period which immediately preceded the beginning of the emergency period.

3. Insert the word "pool" immediately before the word "handler" or any variation thereof in the first instance in which this word appears in § 904.6 (a), (b), (b) (1), and (b) (2); § 904.7 (c) and (d); § 904.10 (a), (d), (e), (e) (1), (e) (2), (f), (h), and (j); § 904.11 (a) (1) and (f).

4. In § 904.6 (a) (1) and (b) (1), and in § 904.10 (e) (2), delete the words "plant located not more than 40 miles from the State House in Boston", and substitute therefor the words "city plant."

5. In § 904.6 (a) (2) and (b) (2), and in § 904.10 (e) (1) and (f) (2), delete the words "plant located more than 40 miles from the State House in Boston", and substitute therefor the words "country plant".

6. Revise § 904.4 (c) to read as follows:

(c) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

7. In § 904.4 (d) renumber subparagraphs (6) and (7) as (7) and (8), and add a new subparagraph (6) to read as follows:

(6) Prepare and disseminate for the benefit of producers, consumers, and handlers statistics and information concerning the operation of this order.

8. Delete § 904.5 (a), (b), and (c) and substitute therefor the following:

(a) *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to the other provisions of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk the utilization of which is established:

(i) As being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 per cent or more but less than 16 per cent of butterfat; and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) As plant shrinkage not in excess of 2 per cent of the volume handled.

(b) *Classification of milk utilized at regulated plants of pool handlers.* All milk and milk products received at a regulated plant of any pool handler shall be classified in accordance with their utilization at such plant, except as provided otherwise in paragraph (c) of this section.

(c) *Classification of milk moved to other plants.* All milk, including skim milk and buttermilk, which is moved to any unregulated plant or to any regulated plant of a nonpooled handler shall be classified as follows:

(1) If moved from a regulated plant of a pool handler to any other regulated plant, the milk shall be classified in accordance with its utilization at the plant to which it is moved.

(2) If moved from a regulated plant of a pool handler to any unregulated plant, the milk or milk product so moved shall be classified as Class I milk up to the total quantity of milk or the corresponding milk product which was utilized as Class I milk at the unregulated plant.

(3) If moved from either an unregulated plant or a regulated plant of a nonpooled handler to any other such plant, the milk or milk product so moved shall be classified as Class I milk.

9. Revise § 904.6 (a) (3) to read as follows:

(3) For the purpose of this paragraph, the milk received from producers which was sold or distributed during each delivery period by each pool handler as Class I milk shall be considered to have been first, that milk which was received from producers' farms at such handler's city plants; and then, that milk which was received from producers' farms at his country plants and which was shipped as milk, skim milk, or buttermilk from each of his country plants, in the order of the nearness of the plants to Boston.

10. In § 904.6 (b) (2) (i) and § 904.10 (d) delete the words "in the Boston market" and substitute therefor the words "f. o. b. Boston".

11. Delete § 904.6 (b) (2) (iii) and substitute therefor the following:

(iii) Compute any plus amount for skim milk value which results from the following calculation. Using the midpoint in any range as one quotation, compute the average quotation per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the delivery period by the United States Department of Agriculture for New York City. Multiply each such average quotation by the applicable percentage indicated for the delivery period in the following table and combine the results; subtract 4 cents; and multiply the remainder by 7.5.

Delivery period	Percent	
	Human food products	Animal feed products
January	100	0
February	100	0
March	50	50
April	50	50
May	50	50
June	50	50
July	50	50
August	75	25
September	75	25
October	100	0
November	100	0
December	100	0

12. Delete § 904.6 (b) (3).

13. In § 904.6 (c) decrease the differentials in column B of the table by one-half cent in all zones up to 170 miles and by one cent in all zones beyond 170 miles.

14. Revise § 904.6 (e) to read as follows:

(e) *Butter and cheese adjustment.* During the months of April, May, and June, the value of a pool handler's milk computed pursuant to § 904.9 (a) shall be reduced by an amount determined as follows:

(1) From the average price for the delivery period as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this function) for 92-score butter at wholesale in the New York market, deduct 5 cents and add 20 percent.

(2) Divide by 3.7 the value determined as applicable to milk delivered to country plants in the 201–250 freight mileage zone pursuant to § 904.6 (b) (2) (i) or (ii), whichever applies, and subtract therefrom the value determined in (1) hereof. The result is the butter and cheese differential.

(3) Determine the pounds of butterfat in milk received from producers, which was made into butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat is moved.

(4) Multiply the pounds of butterfat determined pursuant to (3) hereof by the butter and cheese differential determined pursuant to (2) hereof.

15. Revise § 904.6 (f) to read as follows:

(f) *Casein adjustment.* During the months of April, May, and June, the value of a handler's milk computed pursuant to § 904.9 (a) shall be reduced by an amount determined as follows:

(1) Divide by .9075 any plus amount for skim value determined pursuant to § 904.6 (b) (2) (iii).

(2) Using the midpoint of any range as one quotation, compute the average of all quotations per pound for domestic, acid-precipitated casein, in lots of 100 bags or more, f. o. b. shipment point as published during the delivery period in the "Oil, Paint and Drug Reporter"; subtract 6.6 cents; and multiply by 2.42.

(3) Subtract any plus value determined in subparagraph (2) hereof from the value determined in subparagraph (1) hereof. The result is the casein differential per hundredweight of skim milk. If the value determined in subparagraph (2) hereof is zero or a minus value, the value determined in subparagraph (1) hereof shall be the casein differential.

(4) Multiply the number of hundredweight of skim milk obtained from milk from producers, which was used to make casein, by the casein differential determined pursuant to subparagraph (3) hereof.

16. In § 904.7 (a) delete the words "handler who receives milk from producers" and substitute therefor the words "pool handler".

17. Revise § 904.7 (a) (3) to read as follows:

(3) Receipts at each plant pursuant to § 904.8 (c);

18. Revise § 904.7 (b) to read as follows:

(b) *Reports of handlers who receive no milk from producers.* Each handler who receives no milk from producers shall file reports with the market administrator relating to the receipt and utilization of milk and milk products. Such reports shall be made at such time and in such manner as the market administrator may require.

19. Delete § 904.7 (c) (5).

20. Delete § 904.8 and substitute therefor the following:

§ 904.8 *Application of provisions.* Insofar as the provisions of this section are inconsistent with other terms and provisions of this order, the provisions of this section shall prevail.

(a) *Producer-handlers and buyer-handlers.* The provisions of this order, except as set forth in § 904.7, shall not apply to a producer-handler or to a handler whose sole source of milk supply consists of receipts from other handlers.

(b) *Milk received from producer-handlers.* Milk of a producer-handler's own production which is delivered in bulk to another handler shall be considered as being delivered by a producer unless the receiving handler is also a producer-handler or a handler subject to the provisions of paragraph (f) hereof.

(c) *Receipts from dairy farmers for outside markets.* Milk received at a regulated plant in April, May, June, or July from farms from which dairy farmers delivered milk to an unregulated plant of such handler (or of any person affiliated with, or controlled directly or indirectly by, such handler) on more than three days in any one of the preceding months of August to January, inclusive, shall be considered as receipts from dairy farmers for outside markets and not as receipts from producers. Such milk shall be allocated to classes in the same manner as milk received from producers, shall be reported pursuant to § 904.7, and the handler shall make payments in connection therewith as provided in § 904.10 (h) and (i), and § 904.12.

(d) *Milk subject to the New York order.* (1) Milk considered as received from producers under the provisions of the New York order (Order No. 27 regulating the handling of milk in the New York Metropolitan marketing area) shall not be considered under the provisions of this order as received from producers, nor shall the provisions of paragraph (f) of this section apply to handlers subject to the New York order.

(2) All milk, including skim milk and buttermilk, received in all delivery periods except April, May, June, and July from a plant subject to the New York order shall be allocated to classes in the following manner:

(i) If received as milk, it shall be allocated to Class I milk to the extent that it is classified in Classes I–A, I–B, or I–C, under the New York order, except that the quantity of such milk respecting which Class II utilization is established shall be allocated to Class II milk;

(ii) If received as skim milk or buttermilk, it shall be allocated to Class II milk, except that if the quantity so received is in excess of the total quantity of skim milk or buttermilk classified as Class II milk at the receiving plant, such excess shall be allocated to Class I milk.

(3) All milk, including skim milk and buttermilk, received in April, May, June, and July from a plant subject to the New York order shall be allocated to Class II milk,

(e) *Emergency milk.* Emergency milk shall not be considered as received from producers, nor shall the provisions of paragraph (f) of this section apply to handlers of such milk. Receipts of emergency milk shall be allocated to classes in the following manner:

(1) Emergency milk received by a pool handler shall be allocated to Class II milk to the extent that it is specifically established as used as Class II milk, or to the extent that such handler's Class II milk is in excess of 10 per cent of his total supply of milk during the emergency period within the month, whichever is greater.

(2) Any remaining quantity of emergency milk shall be allocated to Class I milk.

(f) *Handlers with less than 10 per cent of total receipts as Class I in the marketing area.*

(1) Milk received from dairy farmers by a handler who sells or distributes as Class I milk in the marketing area less than 10 per cent of his total receipts of milk shall not be considered as receipts from producers. Such handlers shall make payments on the quantity of milk received from dairy farmers which is sold or distributed as Class I milk in the marketing area, as provided in § 904.10 (g) and (i), and § 904.12,

(2) During April, May, and June the provisions of (1) of this paragraph shall not apply to any handler who operates a country plant.

21. In § 904.9 (a) delete the words prior to subparagraph (1) and substitute therefor the following:

(a) *Computation of value of milk received from producers.* For each delivery period, the market administrator shall compute the value of milk received from producers which is sold, distributed, or used by each handler in the following manner:

22. Revise § 904.9 (b) (5) to read as follows:

Divide by the total quantity of milk for which a value is determined pursuant to subparagraph (1) hereof.

23. In § 904.9 (c) delete the words "* * * handlers who received milk from producers" in the two instances in which these words appear and substitute therefor the words "pool handlers".

24. In § 904.10 (e) delete in subparagraph (3) and subparagraph (4) the words "* * * the highest Class I price in effect pursuant to subparagraph (1) of § 904.6 (a)," and substitute therefor "* * * the Class I price pursuant

to § 904.6 (a) which is effective at the plant to which such milk is delivered".

25. In § 904.10 (e) (4) delete the words "* * * or whose farm is located in Barnstable or Plymouth Counties, Massachusetts".

26. Revise § 904.10 (f) (1) to read as follows:

(1) With respect to milk delivered by producers to a city plant which is located outside the marketing area and more than 14 miles from the State House in Boston, 10 cents per hundredweight.

27. Revise § 904.10 (g) to read as follows:

(g) *Payments by handlers with less than 10 per cent of total receipts as Class I in the marketing area.* On or before the 23d day after the end of each delivery period, each handler subject to the provisions of § 904.8 (f) (1) shall pay to producers through the market administrator the value determined by multiplying the quantity of milk received from dairy farmers which was sold or distributed as Class I milk in the marketing area by the difference between the price pursuant to § 904.6 (a) and the price pursuant to § 904.6 (b) effective in the location or freight mileage zone of the plant at which such milk was received.

28. Revise § 904.10 (h) to read as follows:

(h) *Payments for milk received from dairy farmers for other markets.* On or before the 23d day after the end of each delivery period, each handler who received milk pursuant to § 904.8 (c) shall pay to producers through the market administrator the value determined by multiplying the quantity of such milk in each class by the prices applicable pursuant to § 904.6 and, subtracting the value of such milk at the Class II price in effect for the plant at which such milk was received.

29. Revise § 904.12 (a) to read as follows:

(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler, except as set forth in § 904.8 (a), shall, on or before the 23d day after the end of each delivery period, pay to the market administrator a sum not exceeding 2.5 cents per hundredweight with respect to all milk which he received from producers during such delivery period, including milk received from his own production, and with respect to all milk upon which he is required to make payments for such delivery period pursuant to § 904.10 (g), or (h), the exact sum to be determined by the market administrator, subject to review by the Secretary.

This report filed at Washington, D. C., this 4th day of April 1946.

[SEAL] G. T. PEYTON,
Acting Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration.

[F. R. Doc. 46-5635; Filed, Apr. 4, 1946; 11:03 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-507, G-508, G-510, G-516, G-519, G-702]

HOPE NATURAL GAS CO. ET AL.

ORDER POSTPONING HEARING

APRIL 2, 1946.

In the matters of Hope Natural Gas Company, Docket No. G-507; New York State Natural Gas Corporation, Docket No. G-508; The Manufacturers Light and Heat Company, and Manufacturers Gas Company, Docket No. G-510; United Fuel Gas Company, Docket No. G-516; Home Gas Company, Docket No. G-519; Central New York Power Corporation, Docket No. G-702.

It appearing to the Commission that:

(a) On March 26, 1946, the Commission ordered that a public hearing in the above-entitled matters be held commencing on April 8, 1946, at 10:00 a. m. (e. s. t.), in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

(b) Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders that: The public hearing in the above-entitled matters is hereby postponed to April 23, 1946, commencing at 10:00 a. m. (e. s. t.), in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-5652; Filed, Apr. 4, 1946; 11:23 a. m.]

[Docket No. G-625]

METROPOLITAN EASTERN CORP.

ORDER POSTPONING HEARING

MARCH 29, 1946.

Upon consideration of the request filed March 26, 1946, by Metropolitan Eastern Corporation for a continuance of the hearing date on its application in the above-entitled proceeding, now set for April 15, 1946;

The Commission orders that:

The hearing on the application of Metropolitan Eastern Corporation now set for April 15, 1946, in the above-entitled proceeding be and it hereby is postponed to a time and place to be hereafter determined.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-5654; Filed, Apr. 4, 1946; 11:23 a. m.]

[Docket No. G-707]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

APRIL 2, 1946.

Notice is hereby given that on March 25, 1946, an application was filed with the Federal Power Commission by The Ohio Fuel Gas Company (hereinafter referred to as the "Applicant" or "Ohio Company"), an Ohio corporation, with its principal place of business at 99 North Front Street, Columbus, Ohio, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate certain additional natural gas pipe line and appurtenant facilities, hereinafter more particularly described, which, if constructed, are to be used to furnish improved natural gas service at wholesale to certain communities in Ohio, where service is rendered at retail by The Dayton Power and Light Company.

In addition to gas obtained from its own wells or other sources in Ohio, the Ohio Company purchases substantial quantities of natural gas in interstate commerce from United Fuel Gas Company, this supply being composed of gas produced in West Virginia and Kentucky and augmented by deliveries through the facilities of Tennessee Gas and Transmission Company. Applicant also purchases substantial quantities of natural gas from Panhandle Eastern Pipe Line Company. The Ohio Company supplies natural gas at wholesale and retail for ultimate consumption in numerous communities in the State of Ohio.

The facilities which the Ohio Company seeks authorization to construct and operate are described in its application as follows:

The project consists of the construction of about 15 miles (80,000 feet) of 12¾-inch O. D. natural gas transmission line. The transmission line will be located in Butler Township, Montgomery County, and in Monroe and Concord Townships, Miami County, Ohio, extending from Applicant's existing 16-inch natural gas transmission line (Z-50) in Butler Township, Montgomery County, to Applicant's existing eight-inch natural gas transmission line (Z) at the western edge of the City of Troy, Concord Township, Miami County, Ohio. Also the construction of about one mile (5,600 feet) of four-inch natural gas transmission line from a point of connection on the above 12¾-inch line in a generally easterly direction to Applicant's existing measuring station on the western edge of the community of Tipp City, all lying in Monroe Township, Miami County, Ohio. Also connections, valves and regulators to permit attachment and connection of proposed facilities to Applicant's existing facilities. Transmission line will be of steel pipe, ¼-inch wall thickness, 33.38 pounds per lineal foot, of all welded construction, located on private rights-of-way.

The purpose of the project, the Ohio Company says, is to furnish improved natural gas service at wholesale to certain communities where service is rendered at retail by The Dayton Power and Light Company. The present status of wholesale delivery by Applicant and retail service by The Dayton Power and Light Company is not to be changed, nor is it contemplated that additional markets will be connected and served, this additional construction being necessary for a continuous and adequate service to customers already being supplied. These Ohio communities include New Bremen, Minster, Fort Laramie, Sidney, Versailles, Bradford, Covington, Piqua, Pleasant

Hill, Troy, Tipp City, West Milton and Vandalia, with a total of 15,669 gas customers and an annual delivery in 1945 of 1,592,089 Mcf. There are no industrial customers, the Applicant states, to be attached to this proposed line, and no other sales or interchanges are contemplated beyond the normal growth of business in territory presently served.

In the winter of 1944–45, on the peak day experienced by Applicant's system, the maximum demand of the group of markets to be served by the proposed line was 8.4 million cubic feet. The deliveries for the month of December 1945 were eight and one-half percent above those of the previous year, and, Applicant says, adjustments for temperatures would indicate a peak day 11½ percent above 1944, or 9.4 million cubic feet. To date estimates prepared by The Dayton Power and Light Company indicate a maximum daily demand of 13 million cubic feet in the winter of 1949–1950 at a temperature of 0° F.

The estimated total cost of the proposed facilities, the Applicant states, is $266,030. There will be no special financing of this project, Applicant using cash in its treasury to defray the estimated cost. It is anticipated that the operating expenses attributable to the new facilities, the Ohio Company says, will amount to approximately $200 per year and, continues saying, inasmuch as the facilities will be utilized to improve existing service and will not result in service to new or additional consumers, no estimate as to expected revenues can be given.

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

Any person desiring to be heard or to make any protest with reference to the application of the Ohio Company should, on or before the 19th day of April, 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46–5653; Filed, Apr. 4, 1946; 11:23 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 396, Special Permit 35]

RECONSIGNMENT OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (11 F.R. 2193), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, March 28, 1946, by Carbone Brothers & Company, of car GARX 8006, peas, now on the C. R. I. & P. Railroad to Carbone Brothers & Company, Buffalo, New York (N. Y. C. & St. L.).

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 28th day of March 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46–5614; Filed, Apr. 3, 1946; 12:20 p. m.]

[S. O. 483]

UNLOADING OF CARS AT LAREDO, TEX., ON TEXAS MEXICAN RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of April A. D. 1946.

It appearing, that car PRR 439980 containing ice cans at Laredo, Texas, on The Texas Mexican Railway Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Cans at Laredo, Texas, be unloaded. (a) The Texas Mexican Railway Company, its agents or employees, shall unload forthwith car PRR 439980 loaded with cans now on hand at Laredo, Texas.

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

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46–5617; Filed, Apr. 3, 1946; 12:19 p. m.]

[S. O. 479, General Permit 1]

ICING OF POTATOES FROM FLORIDA

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 479 of March 28, 1946 (11 F.R. 3367), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide initial icing only on any refrigerator car loaded with potatoes originating at any point in or south of the counties Manatee, Hardee, Highlands, Okeechobee and Indian River, in the State of Florida.

This general permit shall become effective at 12:01 a. m., April 5, 1946, and the icing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire at 11:59 p. m., June 30, 1946.

The waybill shall show reference to this special 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 28th day of March 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46–5616; Filed, Apr. 3, 1946; 12:20 p. m.]

[S. O. 484]

UNLOADING OF CARS AT LAREDO, TEX., ON INTERNATIONAL-GREAT NORTHERN RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of April A. D. 1946.

It appearing, that certain cars containing various commodities at Laredo, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Commodities at Laredo, Texas, be unloaded. (a) The International-Great Northern Railroad Company, (Guy A. Thompson, Trustee), its agents or em-

ployees, shall unload forthwith the following cars loaded with various commodities now on hand at Laredo, Texas:

Init. & No.	*Contents*
UP 193285	Machinery.
PRR 49881	Stone.
ATSF 97906	Tanks.
UP 183047	Crates.
PRR 61355	Machinery.
GTW 42374	Paint.
ATSF 142188	Cans.
B&M 71372	Bottles.
FW&D 8203	Tin plate strips.

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

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46–5618; Filed, Apr. 3, 1946; 12:19 p. m.]

[S. O. 485]

UNLOADING OF JUICE AT BROOKLYN, N. Y.

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

It appearing, that B&O 271417 and GN 52360 containing canned orange juice at Brooklyn, N. Y., on the Long Island Rail Road Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

Juice at Brooklyn, N. Y., be unloaded. (a) The Long Island Rail Road Company, its agents or employees, shall unload forthwith the cars B&O 271417 and GN 52360 loaded with canned orange juice now on hand at Bushwick Station, Brooklyn, N. Y.

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

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46–5655; Filed, Apr. 4, 1946; 11:24 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5387, Amdt.]

DORA MARQUARDT

In re: Property and estate of Dora Marquardt, an incompetent; File F–28–13042; E.T. sec. 11016.

Vesting Order Number 5387, executed on November 24, 1945, is hereby amended to read as follows:

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

That the property described as follows: All the property and estate of Dora Marquardt, an incompetent, of any nature whatsoever situated within the United States, including particularly but not limited to the following:

(a) An undivided one-half interest in that certain real property particularly described as follows: West 70 acres of the South ½ of the Southeast ¼ of Section 5, T. 2 N. R. 8 E. M. D. B. and M. in the County of San Joaquin, State of California,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries;

(b) A one-half interest in farm machinery and equipment located on the above described real property, including but not limited to one hay rake, one mower, one drill, and one corn cutter;

(c) The sum of $765.30 on deposit in a commercial account styled "Dora and Rosa Marquardt Estates" in the American Trust Company, Stockton, California, representing that portion of the funds in said account identified as the individual property of Dora Marquardt;

(d) The sum of $4,850.20, plus any interest accruals, on deposit in a savings account in the American Trust Company, Stockton, California, identified as Savings Account No. 9651 in the name of "Jacob Marquardt, Guardian of the Estate of Dora Marquardt,"

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

National and Last Known Address

Dora Marquardt, Germany.

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

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

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

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

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

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

Executed at Washington, D. C., on March 6, 1946.

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

[F. R. Doc. 46–5556; Filed, Apr. 3, 1946; 11:26 a. m.]

[Vesting Order 5388, Amdt.]

ROSA MARQUARDT

In re: Property and estate of Rosa Marquardt, an incompetent; File F–28–13041; E. T. sec. 11053.

Vesting Order Number 5388, executed on November 24, 1945, is hereby amended to read as follows:

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

That the property described as follows: All the property and estate of Rosa Marquardt, an incompetent, of any nature whatsoever situated within the United States, including particularly but not limited to the following:

(a) An undivided one-half interest in that certain real property particularly described as follows: West 70 acres of the South ½ of the Southeast ¼ of Section 5, T. 2 N. R. 8 E, M. D. B. and M. in the County of San Joaquin, State of California,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries;

(b) A one-half interest in farm machinery and equipment located on the above described real property, including but not limited to one hay rake, one mower, one drill, and one corn cutter;

(c) The sum of $904.31 on deposit in a commercial account styled "Dora and Rosa Marquardt Estates" in the American Trust Company, Stockton, California, representing that portion of the funds in said account identified as the individual property of Rosa Marquardt,

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

National and Last Known Address

Rosa Marquardt, Germany.

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

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

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

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

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

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

Executed at Washington, D. C., on March 6, 1946.

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

[F. R. Doc. 46–5557; Filed, Apr. 3, 1946; 11:26 a. m.]

[Vesting Order 5962]

CHARLES BERKOWITZ

In re: Estate of Charles Berkowitz, deceased; File No. D–57–425; E. T. sec. 14330.

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

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Clara Berkowitz, now known as Mrs. Sigmund Katz in and to the Estate of Charles Berkowitz, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

National and Last Known Address

Clara Berkowitz, now known as Mrs. Sigmund Katz, Rumania.

That such property is in the process of administration by Roslyn B. Neger, as Administratrix c. t. a., acting under the judicial supervision of the Surrogate's Court, New York County, New York;

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 (Rumania);

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

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

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

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

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

Executed at Washington, D. C., on February 26, 1946.

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

[F. R. Doc. 46–5558; Filed, Apr. 3, 1946; 11:26 a. m.]

[Vesting Order 6057]

TAKEICHI MIYATA

In re: Estate of Takeichi Miyata, deceased; File No. D–39–18355; E. T. sec. 12942.

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

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Tomiye Yorimoto in and to the Estate of Takeichi Miyata, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Tomiye Yorimoto, Japan.

That such property is in the process of administration by Toyono Miyata, as Administratrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

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

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

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

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

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

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

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

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

[F. R. Doc. 46-5559; Filed, Apr. 3, 1946; 11:26 a. m.]

[Vesting Order 6060]

ERNST SCHWENDER

In re: Estate of Ernst Schwender, deceased; File D-28-9869; E. T. sec. 13926.

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

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of William (Wilhelm) Schwender in and to the estate of Ernst Schwender, deceased,

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

National and Last Known Address

William (Wilhelm) Schwender, Germany.

That such property is in the process of administration by Carl F. Schwab, 929 N. Third Street, Milwaukee, Wisconsin, and Emil F. Schwab, c/o Evan C. Schwemer, 135 W. Wells Street, Milwaukee 3, Wisconsin, as Executors of the estate of Ernst Schwender, deceased, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

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

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

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

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

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

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

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

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

[F. R. Doc. 46-5560; Filed, Apr. 3, 1946; 11:26 a. m.]

[Supp. Vesting Order 6128]

KALIO, INC.

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

1. Having found and determined in Vesting Order No. 2079, dated September 1, 1943, that Kalio, Inc., is a business enterprise within the United States and a national of a designated enemy country (Germany);

2. Finding that out of the issued and outstanding capital stock of Kalio, Inc. consisting of 2437 shares of common, having a par value of $100 each, 2 shares (0.08%) are registered in the name of Theodore H. Thiesing and are beneficially owned by the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Richard Lieberknecht, deceased, and represents an interest in said business enterprise;

3. Finding that the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Richard Lieberknecht, deceased, whose last known addresses are Germany, are nationals of a designated enemy country (Germany):

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (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 2 shares of common capital stock of Kalio, Inc., more fully described in subparagraph 2 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

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

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

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

Executed at Washington, D. C., on April 1, 1946.

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

[F. R. Doc. 46-5561; Filed, Apr. 3, 1946; 11:26 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 130 Under 3 (e)]

MARCALUS MFG. CO. INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.3 (e) (1) of the General Maximum Price Regulation, *It is ordered:*

(1) That Marcalus Manufacturing Company, Inc., may sell and deliver its new grade of Marcal paper hankies consisting of one hundred forty-four (144) boxes of fifty two-ply tissue (100 sheets), 10" x 10", basis weight 12 pounds, 100% Alpha pulp at eleven dollars and fifty-two cents ($11.52) per case delivered to distributors or to direct buying retailers.

(2) Direct buying retailers may sell and deliver these Marcal Hankies to consumers at no higher than twelve cents (12¢) per box.

Marcalus Manufacturing Company, Inc., shall notify its direct buying retail customers by invoice, bill or otherwise that the maximum price for Marcal Hankies at retail shall not exceed twelve cents (12¢) per box.

All prices shall be subject to the discounts and allowances customarily granted by the trade that were in effect during March 1942 for similar items.

This order may be revoked or amended at any time by the Price Administrator.

This order shall become effective immediately.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5585; Filed, Apr. 3, 1946; 11:33 a. m.]

[Rev. SO 119, Order 143]

UNITED METAL MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 143 under Revised Supplementary Order No. 119. Adjustment of maximum prices for sales of specified low pressure valves manufactured by the United Metal Manufacturing Company of Norwich, Connecticut. Docket No. 6123-SO 119-44.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Supplementary Order No. 119, it is ordered:

(a) *Maximum prices for United Metal Manufacturing Company, Inc.* (1) The above manufacturer may determine his maximum prices for his line of radiator valves, return elbows, sill faucets, boiler drains, low pressure stops and stop and waste valves by increasing by 18 percent his prices on these items in effect on October 1, 1941, to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941 plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category on October 1, 1941.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 143 under Revised Supplementary Order No. 119 authorizes 18 percent increase in October 1, 1941 net prices for sales of radiation valves, sill faucets, boiler drains, low pressure stops and stop and waste valves, manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted by Order No. 143.

(d) All prayers for relief not granted herein are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5593; Filed, Apr. 3, 1946; 11:34 a. m.]

[Order 131 Under 3 (e)]

HETTOM INDUSTRIES

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation; *It is ordered:*

(a) Maximum delivered prices for sales in 4 ounce containers of "Glip Rust Remover and Chrome Cleaner", manufactured by Hettom Industries, 1309 South Maple Avenue, Berwyn, Illinois, are established as follows:

On sales to—		
Jobbers and salesmen	Retailers	Consumers
$0.246	$0.29	$0.49

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of the aforesaid commodity to a jobber, salesman, or retailer, the manufacturer shall furnish such jobber, salesman, or retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been established by the Office of Price Administration.

(d) Prior to making any delivery of such commodity after the effective date of this order, the manufacturer shall mark or cause to be marked thereon the following legend:

Maximum retail price—49 cents.

This order shall become effective April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5586; Filed, Apr. 3, 1946; 11:33 a. m.]

[SO 142, Order 68]

KNICKERBOCKER CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 68 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. The Knickerbocker Company. Docket No. 6083-SO 142-136-177.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 2 of Supplementary Order 142; *It is ordered:*

(a) The maximum prices for sales by the Knickerbocker Company of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142, shall be determined as follows: The maximum prices for any of the above-described products, having a base date price, shall be the applicable base date price increased by 30% of that price.

The phrase in this order "base date price" shall mean a price frozen under the applicable regulation (by reference to published list prices, and to sales made during a defined period of time prior to a base date), except that for every product covered by this order the base date to be used for establishing a frozen price shall be October 1, 1941. The phrase does not include any price adjusted upward by industry-wide or individual adjustment orders.

(b) For any product for which a price is established under section 8 of Revised Maximum Price Regulation 136; section 4 (d) (1) (i) of Maximum Price Regulation 67; § 1361.53 of Maximum Price Regulation 246; or § 1390.205 (d) of Maximum Price Regulation 351, the maximum price shall be computed under the appropriate provisions of the applicable regulation using the price computed under paragraph (a) of this order for the frozen priced product before change or modification.

(c) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(d) The Knickerbocker Company shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5594; Filed, Apr. 3, 1946; 11:34 a. m.]

[SO 142, Order 69]

CABOT SHOPS, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 69 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Cabot Shops, Inc. Docket No. 6083-S. O. 142-136-167.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by Cabot Shops, Inc., of oil well pumping equipment shall be determined by increasing by 4.2% the maximum prices in effect for these products just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the percentage amount by which his net invoiced cost has been increased by reason of this order.

(c) Cabot Shops, Inc., shall notify each purchaser, who buys the products listed in paragraph (b) above for resale of the percentage amount by which his order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5595; Filed, Apr. 3, 1946; 11:34 a. m.]

[SO 148, Order 1]

W. E. KAUTENBERG CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Supplementary Order No. 148, it is ordered:

(a) *Manufacturer's ceiling prices.* The W. E. Kautenberg Company may increase its maximum price for sales of its No. 77 household mop stick to jobbers to $16.50 per gross.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A reseller who determines his maximum resale price under the General Maximum Price Regulation shall calculate his ceiling price by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all information called for by OPA Form 620-759 with regard to how he determined his ceiling prices for as long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5597; Filed, Apr. 3, 1946; 11:35 a. m.]

[MPR 120, Amdt. 15 to Order 1548]

ELLIOTT COAL MINING CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.212 (c) of Maximum Price Regulation No. 120; *It is ordered:*

Order No. 1548 under Maximum Price Regulation No. 120 is hereby amended in the following respects.

Paragraph (a) is amended by adding thereto the following, in the manner indicated:

Producer and address	Mine name	Mine index number	Location and name of preparation plant through which the coals are prepared
• •	•	•	• • •
Juliette Coal Company, Grant Building, Pittsburgh, Pa.	Juliette No. 6	5007	Juliette No. 1 preparation plant of Juliette Coal Co., Cairnbrook, Pa., on Penn RR.
Clarion Coal Mining Co., 512 Main Street, Clarion, Pa.	Dell No. 1	3423	Clarion Coal Mining Co. preparation plant, Limestone, Pa., on N. Y. C. RR.
	Dell No. 2	3424	

This Amendment No. 15 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5582; Filed, Apr. 3, 1946; 11:31 a. m.]

[MPR 389, Order 35]

SPIEGL FOODS CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On January 21, 1946, Spiegl Foods Company, Box 1481, Salinas, California, filed an application for the establishment of maximum prices on sales of the sausage product known as "Chili con Carne" with beans, packed in 1-pound and 4-pound containers, and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-45.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as "Chili con Carne" with beans, packed in 1-pound and 4-pound containers and made by Spiegl Foods Company, Salinas, California, in accordance with the individual formula submitted to the

Office of Price Administration with the application for this order, except that boneless processing beef of cutter and canner grade may be substituted as the meat ingredient, shall be determined by the seller as follows:

(1) The base prices for the product listed are established at the following amounts per hundredweight:

	Per cwt.
1-pound containers	$15.50
4-pound containers	14.50

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage other than kosher sausage, all beef sausage, and sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of "Chili con Carne" with beans to a wholesaler, peddler truck seller, or intermediate distributor Spiegl Foods Company shall supply each such seller with a written notice in the following form:

(Insert date)

"Our OPA ceiling prices for "Chili con Carne" with beans have been established by the Office of Price Administration at the base price of $15.50 per hundredweight in the 1 pound size, and $14.50 per hundredweight in the 4 pound size, to which may be added the zone differential provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for the respective sizes of this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of "Chili con Carne" with beans to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert data)

Our OPA ceiling prices for "Chili con Carne" with beans in 1 pound and 4 pound containers have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for each size container of this item in accordance with the provisions of Maximum Price Regulation No. 336.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labeling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 35 may be revoked or amended by the Price Administrator at any time.

This Order No. 35 shall become effective April 3, 1946.

NOTE: This order has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5584; Filed, Apr. 3, 1946; 11:31 a. m.]

[MPR 591, Order 403]

VIKING MFG. CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following self-contained air conditioning units manufactured by The Viking Manufacturing Corporation, 1747 Chester Avenue, Cleveland 14, Ohio, and as described in the application dated February 26, 1946, which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On Sales to—		
	Distributors	Dealers	Consumers
Model 0-30 three-phase	$469.50	$587.80	$881.25
Model 0-30 single-phase	521.47	651.84	978.75

(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 in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Viking Manufacturing Corporation of Cleveland, Ohio, shall stencil on the lid or cover of the self-contained air conditioning units covered by this order, substantially the following:

OPA Maximum Retail Price—$6

Plus freight and crating as provided in Order No. 403 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 April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5587; Filed, Apr. 3, 1946; 11:32 a. m.]

[MPR 591, Order 404]

LIQUID CARBONIC CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following ice cream cabinets manufactured by The Liquid Carbonic Corporation, 3100 South Kedzie Avenue, Chicago 23, Illinois, and as described in the application dated March 6, 1946, which is on file with the Prefabrication and Building Eqiupment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to—		
	Jobbers	Ice cream manufacturers	Consumers
4-hole double row	$147.40	$163.00	$236.00
6-hole double row	198.00	219.00	317.00
8-hole double row	234.20	259.00	374.00
12-hole double row	283.20	313.00	455.00

(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 in the same general category on October 1, 1941.

(d) On sales by a jobber or ice cream manufacturer 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 an ice cream manufacturer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the efffective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except an ice cream manufacturer, including allowable transportation and crating charges.

(f) The Liquid Carbonic Corporation shall stencil on the lid or cover of the ice cream cabinets covered by this order, substantially the following:

OPA Maximum Retail Price—$------

Plus freight and crating as provided in Order No. 404 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 April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5588; Filed, Apr. 3, 1946; 11:32 a. m.]

[MPR 591, Order 405]

VALLEY LUMBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Walk-In Freezer manufactured by the Valley Lumber Company, Parkwater, Wash., and as described in the application dated January 22, 1946, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to—		
	Distributors	Dealers	Consumers
No. 124 "Frigid" walk-in freezer ¾ h. p. condensing unit.	$818.00	$892.00	$1,189.00

(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 in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above.

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Valley Lumber Company, Parkwater, Washington, shall stencil on the lid or cover of the Model No. 124 "Frigid" Walk-In Freezer covered by this order, substantially the following:

OPA Maximum Retail Price $1,189.00

Plus freight and crating as provided in Order No. 405 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 April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5589; Filed, Apr. 3, 1946; 11:32 a. m.]

[MPR 591, Order 407]

MAGIC FREEZER SERVICE

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 home freezer, manufactured by the Magic Freezer Company, 6631 Stewart Avenue, Richmond, Virginia, and as described in the application dated January 2, 1946, which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to—		
	Distributors	Dealers	Consumers
No. 17—17 cu. ft. ⅓ h. p. condensing unit	$262.00	$314.00	$524.00

(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 in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Magic Freezer Service of Richmond, Virginia, shall stencil on the lid or cover of the food freezer covered by this order, substantially the following:

OPA Maximum Retail Price $524.00

Plus freight and crating as provided in Order No. 407 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 April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5591; Filed, Apr. 3, 1946; 11:33 a. m.]

[MPR 591, Order 408]

TUMPANE CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum list prices, f. o. b. point of shipment, for sales to plumbing and heating contractors, installers and commercial and industrial users by any person of the following chrome plated swing spout sink faucet, deck type, and chrome plated 4" center set manufactured by The Tumpane Company of Long Island City, New York, and described in its application dated March 19, 1946, shall be:

No. 203—("Top-Deck"). Special chrome plated brass swing spout faucet, deck type, with replaceable brass valve cylinder: $9.20.

No. 303 ("Mariner"). Brass combination lavatory fitting 4" center set, chrome plated, with replaceable valve cylinders and drain plug with bead chain, rubber stopper and 1¼" tail piece: $5.59.

(b) The maximum net prices, f. o. b. point of shipment, for sales by any person to jobbers shall be the maximum list prices specified in (a) above, less the following discounts:

(1) No. 203—Discounts of 25 and 5 percent.

(2) No. 303—Discounts of 20 and 5 percent.

(c) The maximum prices specified in (a) and (b) above, for sales by The Tumpane Company shall be f. o. b. point of manufacture with full freight allowed on shipments of 150 pounds or more.

(d) The maximum net prices established by this order shall be subject to such further discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(e) The maximum prices of the commodities covered by this order on an installed basis shall be determined in accordance with Revised Maximum Price Regulation 251, as amended.

(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, upon resale.

(g) The maximum prices approved under this order include all price increases authorized by section 2.6 of Order 48 under Maximum Price Regulation No. 591, to date, and may not be further increased pursuant to the provisions of that order as are in effect as of the date of this order.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5592; Filed, Apr. 3, 1946; 11:33 a. m.]

[2d Rev. Order 73 Under 3 (e)]

AEROSOL INSECTICIDE DISPENSERS

AUTHORIZATION OF MAXIMUM PRICES

Revised Order 73 under § 1499.3 (e) of the General Maximum Price Regulation is revised and amended to read as follows:

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by § 1499.3 (e) of the General Maximum Price Regulation, *It is hereby ordered:*

Authorization of maximum prices for aerosol insecticide dispensers not sold or delivered during March of 1942.

(a) *Product covered.* This order covers sales of aerosol insecticide dispensers, consisting of a metal container constructed to carry gas or liquid under pressure, containing an insecticidal substance such as pyrethrum concentrate or a combination of ingredients toxic to insects in a mixture with Freon-12 or other gases, under pressure, the dispenser so equipped with a discharge valve as to permit release of the contents into the air as desired.

(b) *Maximum prices.* The maximum prices for sales of aerosol insecticide dispensers, all transportation costs to be borne by the seller, shall be:

(i) Approximately 1 pound capacity (minimum net content of 15 ounces):

	Each
For sales to wholesalers or distributors	$2.40
For sales to retailers	3.00
For sales to consumers	4.00

(ii) Capacity of more than 1 pound: A price per pound of net contents to each class of purchaser as specified in (i) above less 10 percent.

(iii) Capacity of less than 1 pound:

Contents	For sales to wholesalers or distributors	For sales to retailers	For sales to consumers
15 ounces	$2.40	$3.00	$4.00
14 ounces	2.38	2.98	3.75
13 ounces	2.34	2.93	3.65
12 ounces	2.28	2.85	3.55
11 ounces	2.20	2.75	3.45
10 ounces	2.10	2.63	3.30
9 ounces	1.98	2.48	3.10
8 ounces	1.84	2.30	2.90
7 ounces	1.68	2.10	2.65
6 ounces	1.50	1.87	2.35
5 ounces	1.30	1.63	2.00
4 ounces	1.08	1.35	1.70
3 ounces	.84	1.05	1.30
2 ounces	.58	.73	.90
1 ounce or less	.30	.38	.50

Except for dispensers whose content is less than one ounce, the maximum price shown above for the lower even ounce content will apply when the content is established in ounces and fractions thereof.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 8, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5622; Filed, Apr. 3, 1946; 4:52 p. m.]

[MPR 591, Order 406]

FLEISCHMAN FREEZER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following frozen food and display cabinets, manufactured by the Fleischman Freezer Company of Bronx 51, New York, and as described in the applications dated February 15, 1946, which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to—		
	Distributors	Dealers	Consumers
510-B—10 cu. ft., no refrigeration	$143.00	$172.00	$286.00
505—5 cu. ft., ⅓ hp. condensing unit	145.00	174.00	290.00
510-B-10 cu. ft., ¼ hp. condensing unit	193.00	232.00	306.00
510-A—10 cu. ft., no refrigeration	148.00	178.00	296.00
510-A—10 cu. ft., ¼ hp. condensing unit	198.00	238.00	396.00
515-B—15 cu. ft., no refrigeration	200.00	240.00	400.00
515-B—15 cu. ft., ⅓ hp. condensing unit	260.00	312.00	520.00
515-A—15 cu. ft., no refrigeration	210.00	252.00	420.00
515-A—15 cu. ft., ⅓ hp. condensing unit	270.00	324.00	540.00
520-B—20 cu. ft., ½ hp. condensing unit	322.00	387.00	644.00
520-B—20 cu. ft., no refrigeration	242.00	280.00	484.00
520-A—20 cu. ft., no refrigeration	255.00	306.00	510.00
520-A—20 cu. ft., ½ hp. condensing unit	335.00	402.00	670.00

(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 in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) Fleischman Freezer Company of Bronx 51, New York shall stencil on the lid or cover of the frozen food and display cabinets covered by this order, substantially the following:

OPA Maximum Retail Price—$------

Plus freight and crating as provided in Order No. 406 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 April 4, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5590; Filed, Apr. 3, 1946; 11:32 a. m.]

[MPR 188, Order 12 Under Order 6]

MANNING, BOWMAN & CO.

APPROVAL OF UNIFORM RETAIL CEILING PRICES

Correction

Section 1499.159c cited in the prefatory paragraph of Federal Register Document 46-3668, page 2481, issue of Saturday, March 9, 1946, and § 1499.159a in paragraphs (b) and (d) should read "§ 1499.159e."

[RMPR 528, Order 100]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

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 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for the following sizes and types of new tires manufactured by The Firestone Tire & Rubber Company, Akron, Ohio, shall be:

Size	Ply	Type	Maximum retail price, each
9.00-18	12	All Traction Logger Tire	$97.60
12.00-20	12	ANS Earthmover Tire	136.40
12.00-20	16	Rock Grip Excavator Tire	197.00
18.00-24	24	Rock Grip Excavator Tire	671.95

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective April 5, 1946.

Issued this 4th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5663; Filed, Apr. 4, 1946; 11:45 a. m.]

[MPR 592, Amdt. 36 to Order 1]

FIRECLAY AND SILICA REFRACTORY BRICK

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 1 is amended in the following respects:

1. Section 5.1 (a) (2) is amended to read as follows:

(2) The manufacturers' maximum f. o. b. plant or delivered prices as increased pursuant to (1) above, may be further increased by an amount not in excess of 11 percent.

2. A new section 5.1 (a) (3) is added to read as follows:

(3) Manufacturers of the commodities described in (1) above, may round off to the nearest $0.05 the adjusted maximum prices resulting from the increases permitted by this paragraph.

3. A new section 5.2 (c) is added to read as follows:

(c) Notwithstanding the provisions of (a) and (b) above, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

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

Issued this 3d day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-5626; Filed, Apr. 3, 1946; 4:50 p. m.]

[MPR 592, Amdt. 37 to Order 1]

CLAY MELTING POTS, TANK BLOCKS AND ACCESSORIES

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 7.7 is amended to read as follows:

SEC. 7.7. *Modification of maximum prices for clay melting pots, tank blocks and accessories.* (a) (1) The manufacturers' maximum f. o. b. plant or delivered prices established pursuant to Maximum Price Regulation No. 592, for clay glass melting pots and companion accessories produced in the United States of America may be increased by 5.3 percent.

(2) The manufacturers' maximum prices, f. o. b. plant or delivered, for clay glass melting pots and companion accessories as increased pursuant to (1) above, may be further increased by an amount not in excess of 16 percent.

(b) The manufacturers' maximum f. o. b. plant or delivered prices established pursuant to Maximum Price Regulation 592 for clay tank blocks and companion accessories, produced in the United States of America may be increased by an amount not in excess of 16 percent.

(c) Manufacturers of the commodities described in (a) and (b) above, may round off to the nearest $0.05 the adjusted maximum prices resulting from the increases as permitted in (a) and (b) above.

(d) The maximum prices granted herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

This Amendment No. 37 shall become effective as of April 1, 1946.

Issued this 3d day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-5627; Filed, Apr. 3, 1946; 4:51 p. m.]

[MPR 120, Order 1610]

PENN-BUCODA COAL CO.

ESTABLISHMENT OF PRICES AND PRICE CLASSIFICATIONS

Correction

In the table in Federal Register Document 46-4117, page 2732, issue of Friday, March 15, 1946, the price 446 should be "445," 525 should be "535" and 480 should read "460."

[MPR 594, Amdt. 4 to Order 6]

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 1 of Maximum Price Regulation 594; *It is ordered:*

Order No. 6 under Maximum Price Regulation 594 is amended in the following respects:

1. The item, "spotlight assembly (with bracket)" and its net wholesale price of $10.00 in the schedule of optional equipment in subparagraph (2) (i) of paragraph (a) is amended to read as follows:

SCHEDULE

Description:	*Net wholesale price*
Spotlight assembly with bracket (5EH-18552)	$12.49

2. The item, "spotlight assembly (with bracket)" and its respective price of $15.75 in the schedule of optional equipment in subparagraph (2) (i) of paragraph (c) is amended to read as follows:

SCHEDULE

Description:	*List price*
Spotlight assembly with bracket (5EH-18552)	$19.50

This amendment shall become effective April 3, 1946.

Issued this 3d day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-5628; Filed, Apr. 3, 1946; 4:52 p. m.]

Regional and District Office Orders.

[Seattle 2d Rev. Order G-1 Under 18 (c)]

CERTAIN FIREWOOD IN YAKIMA COUNTY, WASH.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Seattle District Director of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Revised General Order No. 32 and Eighth

Regional Order of Delegation No. 75, Revised Order No. G–1 is amended and revised to read as follows:

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in Yakima County, Washington, as established under §§ 1499.2 and 1499.3 of the General Maximum Price Regulation, or by any previous order issued pursuant to such regulation or any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraph (b) hereof; *Provided,* That this order shall have no application to sales of firewood by a producing mill.

(b) Adjusted maximum prices per cord of the specified sizes and kinds of firewood delivered in Yakima County, Washington, shall be as follows:

(1) Sales of mixed millwood, planer ends, or box wood in lengths of 16" or less to consumers other than industrial or commercial users.

TABLE I

	F. o. b. dealer's yard		Delivered to premises of consumer	
	Green	Seasoned	Green	Seasoned
Locally produced wood[1]. Wood produced at Enumclaw, Buckley, or in Kittitas County	-------	$6.50	$6.50	$8.50
Imported wood	$7.75	9.75	9.75	11.75
	8.50	10.50	10.50	12.50

[1] Where locally produced wood is delivered to a consumer at a point more than 10 miles from its point of production, the seller may add $1 per cord; or, where such wood is delivered to a consumer at a point more than 45 miles from the point of production, the seller may add $2 per cord.

(2) Sales of imported wood to industrial or commercial users, delivered by truck to buyer's customary receiving point or by rail to siding nearest point of intended use.

TABLE II

Mixed 4' Millwood or Slabwood[1]	$8.25
Dry 4' Tie Mill Slab	10.50

[1] For this type of wood produced in Oregon, the seller may add $1.00 per cord.

(3) No seller shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(c) *Definitions.* As used herein, the term:

(1) "Cord" shall mean 128 cubic feet of stacked wood or 192 cubic feet of loose measure wood fuel.

(2) "Seasoned" shall refer to wood fuel that has been seasoned in the dealer's yard or storage facilities for a period of not less than three months.

(3) "Locally Produced Wood" shall mean wood produced by mills located within the County of Yakima, or the County of Klickitat.

(4) "Imported Wood" shall mean wood shipped by rail from mills located outside of Yakima or Kittitas Counties, except wood produced by mills located in Enumclaw or Buckley.

(5) "F. O. B. Yard" shall mean loaded on buyer's vehicle.

(d) *Invoices and records.* Every person making a sale of firewood for which an adjusted maximum price is set by this order shall give the purchaser or his agent at the time of the sale an invoice or other memorandum of sale which shall show:

(1) The date of sale.
(2) The name and address of the buyer and seller.
(3) The quantity of firewood sold.
(4) Description of firewood sold in the same manner as it is described in this order, i. e., "dry tie mill slab in 4-foot lengths."
(5) Place of sale.
(6) The total price of the wood.

The seller shall keep an exact copy of such invoice or memorandum of sale for a period of two years following the sale. Such copy shall be made available for inspection by the Office of Price Administration.

(e) This order supersedes Revised Order G–1, issued on June 16, 1944, and all other previous orders issued by either the Eighth Regional Office or the Seattle District Office establishing maximum prices for the sales of firewood for which adjusted maximum prices are established by this order.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective November 26, 1945.

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

Issued this 20th day of November 1945.

IRVIN A. HOFF,
District Director.

[F. R. Doc. 46-5543; Filed, Apr. 2, 1946; 4:34 p. m.]

[Seattle Rev. Order G–22 Under 18 (c)]

CERTAIN FIREWOOD IN CENTRALIA-CHEHALIS AREA, WASHINGTON

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Seattle District Director of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Revised General Order No. 32, and Order of Delegation No. 75 issued by the Regional Administrator of the Eighth Region, and under the authority to revise reserved in Order No. G–22, *It is hereby ordered:*

(a) The maximum price for all sales and deliveries at retail in the Centralia-Chehalis area of the types and kinds of firewood specified in this Revised Order No. G–22 as established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation as amended or by any previous order issued pursuant to such regulation or any supplementary regulation thereto are hereby adjusted to the maximum prices provided in this Revised Order No. G–22; *Provided, however,* That the area maximum prices established by this Revised Order No. G–22 shall not be applicable to sales or deliveries by any producing mill.

(b) *Definitions.* When used in this order the following terms shall have the meanings set forth below:

(1) "Centralia-Chehalis area" shall mean the area within the corporate limits of the cities of Centralia and Chehalis, Washington, and the area within a radius of four miles from the corporate limits of the cities of Centralia and Chehalis, Washington.

(2) "Wood fuel" shall mean all wood fuels of the types and kinds described in Revised Order No. G–22, produced within the United States.

(3) "Millwood" shall mean all the wood fuel of the types and kinds described in Table I in paragraph (c) (1) produced by mills located within the United States.

(4) "Forest wood" shall mean wood, other than the product of a producing mill, processed by an individual or group of individuals, for the sole purpose of sale for firewood of the types and kinds described in Table II of paragraph (c) (1).

(5) "Cord" shall mean 128 cubic feet of stacked wood or 192 cubic feet loose measure.

(6) "Unit" shall mean 200 cubic feet.

(7) "Dry or seasoned wood fuel" shall mean thoroughly seasoned wood fuel, either kiln dried or air dried, provided that air dried wood may not be sold as dry or seasoned wood unless it has been seasoned for a period of not less than 90 days.

(8) "Sale at retail" shall mean a sale or selling to an ultimate consumer other than an industrial or commercial user.

(9) "Producing mill" shall mean a mill engaged in producing any of the types or kinds of wood fuel described in Table I of paragraph (c) (1) in Order No. G–22.

(c) *Maximum prices.* (1) Except as provided in paragraph (d) hereof, the maximum prices for sales at retail of the kinds and types of wood fuel described in Tables I and II set forth below, delivered to the premises of the consumer within the Centralia-Chehalis area by any seller shall be the prices set forth in the appropriate column and line of the tables stated below:

TABLE I—MILLWOOD

	Per cord
Green mill slab, mixed mill, mill run:	
24" or less	$6.00
4" lengths	5.75
Green inside block, green or dry planer ends	7.00
Green tie slab:	
24 inches or less	8.00
4-foot or 8-foot lengths	7.00
Dry mill slab, mixed mill, mill run:	
24" or less	8.50
4' lengths	8.00
Dry inside block	8.50
Dry tie slab, 24 inches or less	11.50
Dry tie slab, 4-foot or 8-foot lengths	9.00

TABLE II—FOREST WOOD

Old growth, green or dry, 16" or less	13.00
Second growth, green or dry, 16" or less	12.00

(2) Where a retail fuel dealer whose place of business is located in Chehalis, Washington, makes deliveries of the kinds and types of wood described in Table I set forth above to the premises of the consumer in that portion of the Centralia-Chehalis area within the corporate limits of the city of Centralia, Washington, or east of the corporate limits of the city of Centralia, Washington, the maximum prices provided in

Table I may be increased by $0.50 per cord.

(3) Where a retail fuel dealer whose place of business is located in Centralia, Washington, makes deliveries of the kinds of types of wood fuel described in Table I set forth above to the premises of the consumer in that portion of the Centralia-Chehalis area within the corporate limits of the city of Chehalis, Washington, or west of the corporate limits of the city of Chehalis, Washington, the maximum price provided in Table I may be increased by $.50 per cord.

(4) The maximum prices for the kinds and types of firewood described in Table I set forth above delivered to the premises of the consumer within the Centralia-Chehalis area in fractional cord lots shall be the appropriate fraction of the per cord price set forth in the appropriate column and line of the tables set forth above, plus $.50 per half cord for sales in half cord lots, $.35 per third cord for sales in third cord lots, or $.25 per quarter cord for sales in quarter cord lots.

(5) The maximum prices provided by this order are subject to the seller's discounts and differentials in effect in March 1942 including the discount for prompt payment and the discount for sales of multiple cords or units.

(d) *Invoices and records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent at the time of the sale an invoice or other memorandum of sale which shall show:

(1) The date of sale.
(2) The name and address of the buyer and seller.
(3) The quantity of firewood sold.
(4) Description of firewood sold in the same manner as it is described in this order.
(5) Place of sale.
(6) The total price of the wood.

The seller shall keep an exact copy of such invoice or memorandum of sale for so long as the Emergency Price Control Act of 1942 as amended remains in effect. Such copy shall be made available for inspection by the Office of Price Administration.

(e) This order may be revoked, amended, or corrected at any time.

NOTE: The record-keeping provision of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective December 14, 1945.

Issued this 14th day of December 1945.

REED C. MILLER,
Acting District Director.

[F. R. Doc. 46-5544; Filed, Apr. 2, 1946; 4:34 p. m.]

[Seattle Order G-30 Under 18 (c)]

CERTAIN WOOD FUELS SOLD IN LEWIS COUNTY, WASH.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Seattle District Director of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Revised General Order No. 32, and Eighth Regional Order of Delegation No. 75, *It is hereby ordered:*

(a) The maximum prices for certain sales and deliveries of specified kinds of wood fuel as established under §§ 1499.2 and 1499.3 of the General Maximum Price Regulation, or by any order issued pursuant to such regulation or any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be those set forth in paragraph (c) hereof; *Provided,* That this order shall have no application to sales of wood fuel by any producing mill.

(b) This order shall apply to that portion of Lewis County lying east of U. S. Highway 99, excluding the cities of Centralia and Chehalis and the area within a radius of four miles of the corporate limits of said cities.

(c) The adjusted maximum prices for the described sales of the specified sizes and kinds of wood fuel delivered in the area defined by paragraph (b) above shall be as follows:

TABLE I—SALES TO DOMESTIC CONSUMERS

	Green		Seasoned	
	Delivered to the premises of the consumer	F. o. b. dealer's yard	Delivered to the premises of the consumer	F. o. b. dealer's yard
	Per cord	*Per cord*	*Per cord*	*Per cord*
16" Mill wood edgings and trimmings	$5.00	------	$7.00	------
16" Mixed mill run or slab wood	6.00	------	8.00	------
16" Tie mill slab (heavy)	7.00	$5.00	9.00	$7.00
4' Tie mill slab (heavy)	6.50	4.50	7.50	5.50
			Green or seasoned	
16" Second growth forest wood	------	------	$8.25	$6.25
4' Second growth forest wood	------	------	6.75	4.75
16" Old growth forest wood	------	------	9.25	7.25
4' Old growth forest wood	------	------	7.75	5.75

TABLE II—SALES TO ALL BUYERS

8' green or dry tie mill slab loaded on rail car	$5.50

(d) *Definitions.* As used herein, the term:

1. "Cord" shall mean 128 cubic feet of stacked wood or 192 cubic feet of loose measure wood fuel.

2. "Seasoned" shall refer to wood fuel that has been seasoned in the dealer's yard or storage facilities for a period of not less than three months.

3. "f. o. b. Yard" shall mean loaded on buyer's vehicle at the dealer's place of business.

4. "Wood Fuel" shall mean all wood fuel of the types and kinds described in the tables in paragraph (c) above, produced by mills located within the United States.

(e) *Invoices and records.* Every person making a sale of wood fuel for which an adjusted maximum price is set by this order shall give the purchaser or his agent at the time of the sale an invoice or other memorandum of sale which shall show:

1. The date of sale.
2. The name and address of the buyer and seller.
3. The quantity of firewood sold.
4. Description of firewood sold in the same manner as it is described in this order, e. g., "16" tie mill slab (heavy)."
5. Place of sale.
6. The total price of the wood.

The seller shall keep an exact copy of such invoice or memorandum of sale for a period of two years following the sale. Such copy shall be made available for inspection by the Office of Price Administration.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective December 7, 1945.

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

Issued this 7th day of December 1945.

IRVIN A. HOFF,
District Director.

[F. R. Doc. 46-5545; Filed, Apr. 2, 1946; 4:34 p. m.]

[Region VIII Order G-5 Under Supp. Service Reg. 43 to RMPR 165, Amdt. 3]

CUSTOM PRICING AND GRADING OF EGGS IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

In Order No. G-5 under Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165 the paragraph establishing the effective date is amended to read as follows:

This order shall become effective June 10, 1945 and shall remain in effect until revoked.

This amendment shall become effective March 7, 1946.

Issued this 7th day of March 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-5541; Filed, Apr. 2, 1943; 4:33 p. m.]

[Spokane Order 132B Under MPR 426]

LETTUCE IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of

transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Lettuce.
(b) Basing point: Salinas, Calif.
(c) Wholesale receiving point: Spokane, Wash.
(d) Method of transportation: Carlot.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $0.90.

	Per unit of sale	
	Per crate of 60 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.70	
(g) Basing point cost	3.25	
(h) Protective services	.20	
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	4.15	$0.0691

This order shall become effective April 1, 1946, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of March 1946.

HARVEY GUERTIN,
District Director.

[F. R. Doc. 46-5532; Filed, Apr. 2, 1946; 4:31 p. m.]

[Spokane Order 133B Under MPR 426]

LETTUCE IN KENNEWICK, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Lettuce.
(b) Basing point: Salinas, Calif.
(c) Wholesale receiving point: Kennewick, Wash.
(d) Method of transportation: Carlot to Walla Walla, l. c. l. Kennewick.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $0.90 plus $0.32.

	Per unit of sale	
	Per crate of 60 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.95	
(g) Basing point cost	3.25	
(h) Protective services	.20	
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h"	4.40	$0.0733

This order shall become effective April 1, 1946, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of March 1946.

HARVEY GUERTIN,
District Director.

[F. R. Doc. 46-5533; Filed, Apr. 2, 1946; 4:31 p. m.]

[Spokane Order 134B Under MPR 426]

LETTUCE IN WALLACE IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Lettuce.
(b) Basing point: Salinas, Calif.
(c) Wholesale receiving point: Wallace, Idaho.
(d) Method of transportation: Carlot Spokane, l. c. l. Wallace.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $0.90 plus $0.51.

	Per unit of sale	
	Per crate of 60 lbs.	Per lb.
(f) Freight charge by Method (d)	$1.10	
(g) Basing point cost	3.25	
(h) Protective services	.20	
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	4.55	

This order shall become effective April 1, 1946, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of March 1946.

HARVEY GUERTIN,
District Director.

[F. R. Doc. 46-5534; Filed, Apr. 2, 1946; 4:31 p. m.]

[Region I Order G-1 Under Gen. Order 68]

HARD BUILDING MATERIALS IN VERMONT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. *What this order covers.* This order covers all "retail sales" of the commodities listed in Table I by any seller to a purchaser in the State of Vermont. For the purposes of this order a "retail sale" means a sale to an ultimate user, or a sale to a contractor or builder for resale on an installed basis within the meaning of section 1 (b) (2) of Revised Maximum Price Regulation 251. The term "customary place of business" means the location where the materials are generally stored and available for delivery.

SEC. 2. *Items covered by this order.* This order covers the list of hard building materials set forth in Appendix A, Table I, appearing below and made part of this order. Other related items may be added from time to time.

SEC. 3. *Maximum prices.* (a) The prices listed in Appendix A, Table I, appearing below, and made a part of this order, shall be the maximum prices for "retail sales" of the respective items of hard building materials listed in said table.

(b) Maximum prices established by this order shall be reduced by 2% whenever cash payment is made to the seller within 10 days of receipt of an invoice by the buyer.

(c) In Column B of Table I of the appendix where the words "customary discount" appear in place of dollar and cent prices for large sale units, maximum prices for such large sale units shall be

the maximum price for small sale units listed in Column A of said Table I reduced by the customary discounts granted during March 1942 by the seller to purchasers of the same class on sales of the same quantity. Records or other satisfactory evidence of each seller's customary discounts referred to in the preceding sentence shall be available for inspection by representatives of the Office of Price Administration.

SEC. 4. *Delivery.* The maximum prices fixed by this order include free delivery by the seller within a five-mile radius of his customary place of business. However, where a seller's free delivery zone during March 1942 exceeds the five-mile radius of his customary place of business, he shall nevertheless continue to maintain his March 1942 free delivery zone. Transportation charges may be made for deliveries beyond the free delivery zones referred to in the preceding sentences at the rates or by the method customarily charged or used by the seller during March 1942. In the case of an isolated sale of a small sale unit the seller may maintain his customary delivery practices relating to such sales which were in effect for him during March 1942. Records or other satisfactory evidence of each seller's delivery rates and/or practice during March 1942 shall be available for inspection by representatives of the Office of Price Administration.

SEC. 5. *New sellers.* A seller who was not engaged in the sale and delivery of hard building materials during March 1942, may file an application for authority to use the customary discounts and/or delivery rates and practices of his most closely competitive seller of the same class. (The discounts, delivery rates and practices are those referred to in sections 3 (c) and 4 of this order.) The application shall state the name and address of his most closely competitive seller of the same class, shall specify the discounts and rates, and shall describe the delivery practices. If the application contains the required information and is not disapproved within 15 days after it has been duly filed, the applicant may use the discounts, rates and practices set forth in the application. If a seller is unable to ascertain the customer's discounts and/or delivery rates and practices of his most closely competitive seller of the same class, he may apply to the Vermont District Office for assistance to obtain such information. The authority to use the customary discounts and/or the delivery rates and practices is subject to non-retroactive revision, modification or denial if warranted or required.

SEC. 6. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum prices or pricing methods previously fixed by any other order or regulation issued by the Office of Price Administration. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation shall apply to sales covered by this order.

SEC. 7. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of Appendix A, Table I in his customary place of business in a manner plainly visible to all purchasers.

SEC. 8. *Sales slips and records.* (a) For any sale of $50.00 or more, each seller (regardless of previous custom) must keep records showing the following:

1. Name and address of buyer;
2. Date of transaction;
3. Place of delivery;
4. Complete description of each item sold and price charged.

(b) Every seller covered by this order shall give to the purchaser a sales slip receipt or other evidence of purchase showing the name and address of the seller, the date of purchase, a description, quantity and the price of each item sold, the said description to be in detail sufficient to determine whether the price charged has been properly computed under this order. However, in the case of sales amounting to less than a total of $7.50 only the name and the address of the seller and the amount of the sale need be shown. The seller shall prepare the sales slips, receipts, or other evidence of purchase, hereinbefore described, in duplicate, and he must keep for at least six months after delivery a duplicate copy.

SEC. 9. *Evasion.* The price limitations of this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodities covered by this Regulation or by way of commissions, services, transportation, or other charges, or by tying agreement or other trade understanding, or by making the terms and conditions of the sale more onerous to buyers than they were in March 1942.

SEC. 10. *Enforcement.* Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses, provided by the Emergency Price Control Act of 1942 as amended.

SEC. 11. *Amendment.* This order may be modified, amended, revised or revoked at any time by the Office of Price Administration.

This order shall become effective March 11, 1946.

Issued this 5th day of March 1946.

ELDON C. SHOUP,
Regional Administrator.

APPENDIX A

TABLE I—MAXIMUM PRICES FOR HARD BUILDING MATERIALS IN THE STATE OF VERMONT

Free delivery zone prices for small quantity and large quantity sales

Item	A Small sale		B Large sale		Cash discount
	Unit	Price	Unit	Price	
					Percent
Plaster:					
Hard wall (neat)	100# bag	$1.10	Ton	$20.00	2
Gauging	100# bag	1.75	[1]	[1]	2
Keene's cement	100# bag	2.35	[1]	[1]	2
Finishing lime	50# bag	.75	[1]	[1]	2
Gypsum lath, ⅜"	Sq. ft	.03	1,000 sq. ft	29.25	2
Metal lath, corner bead expanded type	Lin. ft	.05	[1]	[1]	2
Portland cement (paper)	94# bag	.85	20–94# bags or over	.80	2
Masonry mortar (paper)	70# bag	.85	25–70# bags or over	.80	2
Mason's hydrated lime	50# bag	.63	40–50# bags or over	.58	2
Gypsum wallboard:					
⅜"	Sq. ft	.04	1,000 sq. ft	40.00	2
½"	Sq. ft	.04½	1,000 sq. ft	45.00	2
Gypsum sheathing, ½"	Sq. ft	.04	1,000 sq. ft	40.00	2
Asphalt roofing, 90# (mineral surface)	Roll	2.60	[1]	[1]	2
Asphalt or tarred felt:					
19#	Roll (432 ft.)	2.70	[1]	[1]	2
30#	Roll (216 ft.)	2.50	[1]	[1]	2
Asphalt shingles:					
10# (3-in-1 thick butt)	Square	6.10	[1]	[1]	2
165# 2 tab hexagon	Square	4.80	[1]	[1]	2
Fibre insulation board:					
½" standard lath and board	Sq. ft	.04½	1,000 sq. ft	45.00	2
25/32" asphalt sheathing	Sq. ft	.06½	1,000 sq. ft	62.00	2
Asbestos cement siding:					
12", 24", or 27" gray	Square	7.75	[1]	[1]	2
12", 24", or 27" white	Square	8.40	[1]	[1]	2
Thermal insulation blankets (paper-backed):					
Thick	Sq. ft	.06½	1,000 sq. ft	65.00	2
Medium	Sq. ft	.05½	1,000 sq. ft	50.00	2
Single	Sq. ft	.05	1,000 sq. ft	45.00	2
Thermal insulation batts (paper-backed) full thick.	Sq. ft	.06	1,000 sq. ft	60.00	2
Thermal insulation:					
Loose-Plain	20 sq. ft	1.25	[1]	[1]	2
Loose-Modulated	20 sq. ft	1.50	[1]	[1]	2

[1] Customary discount.

[F. R. Doc. 46–5608; Filed, Apr. 3, 1946; 11:35 a. m.]

[Spokane Order 135B Under MPR 426]

LETTUCE IN LEWISTON, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Lettuce.
(b) Basing point: Salinas, Calif.
(c) Wholesale receiving point: Lewiston, Idaho.
(d) Method of transportation: Carlot.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $0.90.

	Per unit of sale	
	Per crate of 60 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.70	
(g) Basing point cost	3.25	
(h) Protective services	.20	
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	4.15	$0.0691

This order shall become effective April 1, 1946, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of March 1946.

HARVEY GUERTIN,
District Director.

[F. R. Doc. 46-5535; Filed, Apr. 2, 1946; 4:32 p. m.]

[Spokane Order 136B Under MPR 426]

LETTUCE IN WALLA WALLA, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Lettuce.
(b) Basing point: Salinas, Calif.
(c) Wholesale receiving point: Walla Walla, Wash.
(d) Method of transportation: Carlot.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $0.90.

	Per unit of sale	
	Per crate of 60 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.70	
(g) Basing point cost	3.25	
(h) Protective services	.20	
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	4.15	$0.0691

This order shall become effective April 1, 1946, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of March 1946.

HARVEY GUERTIN,
District Director.

[F. R. Doc. 46-5536; Filed, Apr. 2, 1946; 4:32 p. m.]

[Region IV Order G-18 Under SR 15, MPR 280, and MPR 329, Amdt. 4]

FLUID MILK IN ATLANTA REGION

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of Supplementary Regulation 15 to the General Maximum Price Regulation, *It is hereby ordered,* That the above named order be amended in the following respects:

1. That section 14 (c), Area 3, Table 3, be amended by adding Table 3-A following the second proviso to read as follows:

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container in the specific sizes hereinafter enumerated within Coahoma and Tunica Counties in the State of Mississippi shall be the maximum prices set forth in Table 3-A below:

TABLE 3-A

Type	Container size or quantity	Wholesale	Retail
		Cents	*Cents*
Whole milk	Quart	15	17
	Pint	8	9
	½ pint	4½	5
Buttermilk	Quart	9	11
	Pint	5	6

Provided, That these maximum prices shall remain in effect only so long as the milk distributors selling and delivering milk in the named counties shall import more than 50% of their milk supply from areas located beyond the boundaries of the Clarksdale, Tunica, Northern Mississippi and Memphis, Tennessee, Milk Sheds. Each seller of milk governed by this Table 3-A shall file with the Mississippi District Office, Jackson, Mississippi, a report setting forth the following information: the total quantity by volume of milk sold by him in the area during the preceding calendar month and the quantity by volume of milk importing from outside the Clarksdale, Tunica, Northern Mississippi and Memphis, Tennessee, Milk Sheds during such calendar month indicating in each instance the sources of supply of such importing milk. This report shall be filed within ten days following the close of the calendar month. Whenever the supply of milk from the Clarksdale, Tunica, Northern Mississippi and Memphis, Tennessee, Milk Sheds exceeds 50% of the total supply the Regional Administrator may revoke this pricing table and restore the prices set forth in Table 3.

Provided further, The adjusted maximum wholesale or retail price of plain buttermilk, cultured or churned, sold or delivered in Tunica County in the quart and pint sizes shall be the maximum price named in Table 3-A above or the maximum price established under the General Maximum Price Regulation or Maximum Price Regulation 280, whichever is higher.

2. Section 17 is amended as follows: Immediately following the Table of Counties in section 17 the following paragraph shall be added:

Provided, The alternative maximum prices payable to producers by purchasers of "milk" whose bottling plants are located in Coahoma and Tunica Counties, Mississippi, shall be $4.40 per cwt. or .378¢ per gallon for "milk" with a 4% butterfat content, f. o. b. bottling plant.

This provision shall be effective so long as Table 3-A in section 14 (c), Area 3, shall be operative.

This amendment shall become effective April 3, 1946.

Issued April 3, 1946.

JOHN D. MOSBY,
Acting Regional Administrator.

Approved: March 27, 1946.

T. G. STITTS,
Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture.

[F. R. Doc. 46-5607; Filed, Apr. 3, 1946; 11:35 a. m.]