FEDERAL REGISTER

VOLUME 11 NUMBER 190

Washington, Saturday, September 28, 1946

Regulations

TITLE 7—AGRICULTURE

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

[Orange Reg. 100]

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

LIMITATION OF SHIPMENTS

§ 933.301 *Orange Regulation 100*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp. 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 30, 1946, and ending at 12:01 a. m., e. s. t., October 14, 1946, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Citrus Fruits, issued by the United States Department of Agriculture, effective July 12, 1943); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

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

Done at Washington, D. C., this 26th day of September 1946.

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

[F. R. Doc. 46-17593; Filed, Sept. 27, 1946; 8:46 a. m.]

[Grapefruit Reg. 72]

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

LIMITATION OF SHIPMENTS

§ 933.302 *Grapefruit Regulation 72*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and

(Continued on p. 11061)

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REGULATIONS AND NOTICES

FEDERAL REGISTER

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upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 30, 1946, and ending at 12:01 a. m., e. s. t., October 14, 1946, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U.S. No. 3 grade (as such grades are defined in the U. S. Standards for Citrus Fruits, issued by the United States Department of Agriculture, effective July 12, 1943);

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

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

Done at Washington, D. C., this 26th day of September 1946.

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

[F. R. Doc. 46-17591; Filed, Sept. 27, 1946; 8:47 a. m.]

[Tangerine Reg. 55]

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

LIMITATION OF SHIPMENTS

§ 933.303 *Tangerine Regulation 55*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 *et seq.*; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 30, 1946, and ending at 12:01 a. m., e. s. t., November 11, 1946, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended); or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,728 cubic inches).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

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

Done at Washington, D. C., this 26th day of September 1946.

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

[F. R. Doc. 46-17592; Filed, Sept. 27, 1946; 8:46 a. m.]

[Lemon Reg. 195]

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

LIMITATION OF SHIPMENTS

§ 953.302 *Lemon Regulation 195*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 29, 1946, and ending at 12:01 a. m., P. s. t., October 6, 1946, is hereby fixed at 285 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

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

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

Done at Washington, D. C., this 26th day of September, 1946.

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

PRORATE BASE SCHEDULE

Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, California.

Storage date: September 22, 1946.
Regulation No. 195.

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

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

[F. R. Doc. 46-17590; Filed, Sept. 27, 1946; 8:47 a. m.]

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

[War Food Order 45, Amdt. 10]

PART 1491—BEANS

RESTRICTION ON PURCHASE AND DELIVERY OF BEANS

War Food Order No. 45, as amended (9 F. R. 9775), is further amended to read as follows:

§ 1491.1 *Beans required to be set aside*—(a) *Definitions.* (1) "Beans" means dry threshed beans as defined in the United States Standards for beans, as revised, effective September 1, 1941, of the following classes: Pea, Great Northern, Red Kidney, (Dark, Light, and Western), Pink, and Small Red.

(2) "Authorized purchaser" means (i) any person who, at the time he purchases beans set aside hereunder, holds an existing contract to deliver beans, or any product prepared, in whole or in part, from beans, to a governmental agency, (ii) any person who, at the time he purchases beans set aside hereunder, holds an existing contract to deliver beans, or any product prepared, in whole or in part, from beans, to the General Supplies Administration, Government of Puerto Rico, or (iii) any person designated as an authorized purchaser by the Order Administrator.

(3) For the purposes of this order, "country shipper" means any person who purchases in excess of 20,000 pounds of beans from producers during any calendar month beginning October 1, 1946. Any person who once qualifies as a country shipper within this definition shall thereafter be deemed to be a country shipper and subject to the terms and conditions of this order, regardless of the volume of his deliveries in succeeding months, unless he obtains a release from the Administrator. This definition includes but is not limited to producer cooperatives and similar associations but does not include commission merchants, brokers, or other persons who do not take title to the beans handled by them.

(4) "Purchase" means (i) a transaction in which title to beans passes from a producer to a country shipper or, (ii) a transaction in which title to beans against which set aside has not been made passes from a country shipper to another country shipper under the provision of paragraph (c) hereof.

(5) "Producer" means any person who grows beans for his own account or for the joint account of himself and another.

(6) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(7) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, or any employee of said Department to whom the Administrator has delegated, or may hereafter delegate, any or all of the authority vested in him by this order.

(8) "Governmental agency" means (i) the Armed Services of the United States, (ii) the United States Department of Agriculture (including but not restricted to any corporate agency thereof), (iii) the Veterans' Administration, (iv) the Maritime Commission, and (v) any other instrumentality or agency designated by the Administrator.

(b) *Restrictions on country shipper.* (1) No country shipper shall in any calendar month beginning October 1, 1946, purchase beans from a producer or other country shipper unless (i) he shall set aside, in such calendar month, a percent-

age of his total purchases of each class of beans, as follows:

Class of beans:	*Percentage to be set aside*
Pea	20
Great Northern	20
Red Kidney (Dark, Light and Western)	33⅓
Pink	15
Small Red	15

and (ii) offer to deliver the beans so set aside to a governmental agency or to an authorized purchaser not later than the 30th day after the calendar month in which such beans were purchased. Beans so set aside shall not be delivered to an authorized purchaser unless a certificate, certifying that such set-aside beans will be delivered to a governmental agency or to the General Supplies Administration, Government of Puerto Rico, shall be issued and retained in accordance with the provisions of paragraph (g) hereof.

(2) Beans so set aside and offered for delivery shall be of U. S. Grade No. 2 or better, as defined in the United States Standards for beans, as revised, effective September 1, 1941. Deliveries of each class of set-aside beans shall be made in carload lots and shall conform to the specifications of the agency or administration to which they are delivered as to packaging, storage, and time and manner of delivery.

(3) Set-aside beans left on hand because they constitute less than a carload lot shall be offered for delivery with set-aside beans of the same class in each succeeding calendar month. Set-aside beans which cannot be delivered as required herein, for the reason that offers of delivery were not accepted, shall not thereby lose their character as set-aside beans. Such beans shall be reoffered as set-aside beans by the country shipper in each succeeding calendar month until delivered.

(c) *Exemption from restriction; delivery to other country shipper; certificate to be issued and retained.* Notwithstanding the restriction of paragraph (b), a country shipper may purchase beans without making the required set aside if, not later than the 30th day after the calendar month in which such beans were purchased, such beans are delivered to another country shipper and a certificate, certifying that the required set aside will be made by him, is issued by the country shipper taking delivery of such beans. Copies of such certificate shall be issued and retained in accordance with the provisions of paragraph (g) hereof.

(d) *Exemption from restriction; beans purchased for use as seed or feed; certificate to be issued and retained.* Notwithstanding the restriction of paragraph (b), a country shipper may purchase beans without making the required set aside if such beans are in good faith purchased exclusively for use (i) as seed for planting, in accordance with regulations issued or to be issued by the Office of Price Administration, or (ii) as feed for poultry or livestock. When beans purchased by a country shipper for either of such uses are sold by the country shipper, there shall be issued and retained a certificate, certifying that such use will be made of said beans, in accordance with the provisions of paragraph (g) hereof.

(e) *Exemption from restriction; delivery of set-aside beans to another country shipper; certificate to be issued and retained.* Notwithstanding the restriction of paragraph (b), a country shipper may, in lieu of delivering set-aside beans to a governmental agency or authorized purchaser under the provisions of said paragraph (b), deliver such set-aside beans to another country shipper not later than the 30th day after the calendar month in which they were purchased. A certificate, certifying that such beans will be offered for delivery to a governmental agency or to an authorized purchaser within 30 days thereafter, shall be issued and retained in accordance with the provisions of paragraph (g) hereof.

(f) *Restrictions on authorized purchaser.* No authorized purchaser shall deliver set-aside beans except (i) in performance of a contract with a governmental agency, (ii) in performance of a contract with the General Supplies Administration, Government of Puerto Rico, or (iii) to a person designated by the Order Administrator.

(g) *Certificates.* The certificates required hereunder shall follow the form annexed hereto, marked Exhibit A, and shall be completed in accordance with the instructions appearing therein. Two copies of each certificate required shall be signed by the person taking delivery of the beans and one such signed copy shall be delivered to the person making the delivery at the time the delivery is made. A separate certificate shall be made for each separate transaction subject to this order. Such certificates shall be retained by each party to the transaction for at least two years after the date thereof for inspection by the Administrator and, upon his request, for delivery to him. No person shall be entitled to rely on any such certificate if he knows or has reasonable cause to believe it to be false. Each such certificate shall be deemed to be a representation to the United States Department of Agriculture of the truth and performance of all matters stated therein.

(h) *Records and reports.* (1) Every person who is a country shipper shall mail to the Order Administrator, War Food Order No. 45, Production and Marketing Administration, Washington 25, D. C., prior to the 10th day of each month beginning November 1, 1946 (on Form FDO–45–4, as revised September 1946, furnished by said Order Administrator), a report showing the quantities of beans purchased from producers or other country shippers and delivered to governmental agencies, authorized purchasers, and other country shippers.

(2) The Administrator shall be entitled to obtain such other information from and require such other reports and the keeping of such records by any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Administrator may designate), maintain an accurate record of his transactions in beans.

(i) *Contracts.* The restrictions hereof shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of beans made prior to the effective date hereof.

(j) *Audits and inspections.* The Administrator shall be entitled to make such audit or inspection of the books, records, and other writings, premises, or stocks of beans of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship upon him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator. After such review the Administrator may take such action as he deems appropriate, which action shall be final.

(l) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using dry threshed beans. Any person who wilfully violates any provisions of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Releases.* (1) The Administrator may, notwithstanding any of the provisions hereof, release any or all of the beans set aside pursuant to the provisions of this order when he deems such action in the public interest.

(2) Upon application, the Order Administrator is hereby authorized to release any person from the classification of a country shipper if the person seeking removal from such classification shows to the satisfaction of the Order Administrator (i) that his total purchases of beans during each of the two calendar months immediately prior to the date of his application, have not exceeded 20,000 pounds; (ii) that he is currently in compliance with the provisions of the order; (iii) that he has delivered or contracted to deliver to governmental agencies or authorized purchasers all of the beans required to be set aside. If after release, any person again comes within the definition of a country shipper he shall be subject to all provisions of this order.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to the Order Administrator,

War Food Order No. 45, Grain Branch, Production and Marketing Administration, Washington 25, D. C. Ref: WFO-45.

(o) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture insofar as such powers relate to the administration of the order, are hereby delegated to the Administrator, Production and Marketing Administration and may be redelegated by him to any employee of the United States Department of Agriculture.

(p) *Territorial Scope.* This order shall apply within the 48 States and the District of Columbia.

(q) *Effective date.* This amendment shall become effective at 12:01 a. m., E. S. T. October 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 45, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements of this order will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. War, App. Supp. 1152 (a))

Issued this 24th day of September 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

EXHIBIT A—CERTIFICATE REQUIRED BY WAR FOOD ORDER 45, AS AMENDED

I hereby certify to the U. S. Department of Agriculture that I purchased from --------

---

Name of Selling Country Shipper

Address of Selling Country Shipper

---, ---,
Quantity Unit

---- of ---- beans on
Grade Class

---- which beans
Date

(strike or omit inapplicable paragraphs)

(1) are beans from which no set aside has been made. I agree that I will make such set aside and deliver the set aside beans to a governmental agency, an authorized purchaser or another country shipper within 30 days of the date hereof.

(2) are beans purchased for use exclusively as seed beans for planting, or for use exclusively as feed for livestock or poultry, and that such use will be made of such beans.

(3) are set-aside beans and are purchased by me as a country shipper and will be offered for delivery to a governmental agency or an authorized purchaser within 30 days of the date hereof.

(4) are set-aside beans and are purchased by me as an authorized purchaser and will be delivered to a governmental agency in performance of a presently existing contract with such agency or will be delivered to the General Supplies Administration, Government of Puerto Rico, in performance of a presently existing contract with such administration.

I further certify that I am familiar with the terms and conditions of War Food Order 45, as amended, and that the purchase of beans described above is authorized by the order.

Name and Address of Country Shipper or Authorized Purchaser

By ----
Signature of Official

Title

If (1) or (3) above is applicable, furnish the following information:

Name and Address of Governmental Agency

Contract No.

Name and Address of Authorized Purchaser

Contract No.

[F. R. Doc. 46-17525; Filed, Sept. 27, 1946; 8:54 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 105—SAFEGUARDING TECHNICAL INFORMATION

MISCELLANEOUS AMENDMENTS

In revision of AR 380-5, 15 August 1946, §§ 105.1-105.4 are retained without change; §§ 105.5 (a) and (b), 105.17 (b) (3) and (4) and 105.19 (c) are amended to read as follows:

§ 105.5 *Requests for military information.* (a) All requests from private individuals, firms, or corporations and Federal or State agencies or departments for classified military information (except those requests defined under paragraphs (b) and (c) of this section) are subject to policies established by the Director of Intelligence, War Department General Staff.

(b) (1) Exchanges of classified or unclassified military information, other than technical information, with foreign nationals will be made only through or with the express permission of the Director of Intelligence, War Department General Staff.

(2) Exchanges of classified or unclassified technical information with foreign nationals will be made in accordance with existing War Department instructions issued on this subject to the Commanding Generals, Army Air Forces, Army Ground Forces, and chiefs of technical services.

* * * * *

§ 105.17 *Authority for admission of visitors.* * * *

(b) *Foreign nationals.* * * *

(3) Foreign nationals may be admitted to Government facilities; military installations except as provided in (2) above; and commercial facilities where classified work, projects or features will be shown or discussed, only on written authority of the Director of Intelligence, War Department General Staff.

(4) Application for visits which require War Department authorization will be made through the appropriate diplomatic representatives, except in the case of foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States for whom applications will be submitted by their employers, approved by the commanding officer or management of the facility to be visited, and forwarded with the recommendation of the chief of the technical service or appropriate commanding general of the army concerned to the Director of Intelligence, War Department General Staff, who will secure the recommendation of the Navy Department. Applications submitted through either of the channels described above will include the following information:

(i) Name in full.

(ii) Official title or position.

(iii) Name of plant or plants, posts, camps, or airfields to which admission is desired.

(iv) Date of visit or dates between which visits are desired.

(v) Purpose of visit.

For foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States the following additional information will be required:

(vi) Nationality.

(vii) Length of service with present employer.

* * * * *

§ 105.19 *Responsibility of Government contractors regarding admission of persons and visitors.* * * *

(c) War Department contractors will submit to the commanding general of the army or chief of technical service, whichever is appropriate, immediately upon completion of the visit, a report of all visitors, except United States citizens, who have gained information concerning the classified work or projects. The reports will include the following information:

(1) Name, official position, and nationality.

(2) Authority for visit.

(3) Matters in which the visitors showed the greatest interest.

(4) General nature of questions asked.

(5) Expressed object of the visit.

(6) Estimate of the real object of the visit.

(7) General estimate of ability, intelligence, and technical knowledge of the visitor and his proficiency in the English langauge.

(8) A brief list of what was shown and explained.

(R. S. 161; 5 U. S. C. 22)

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

[F. R. Doc. 46-17503; Filed, Sept. 27, 1946; 8:47 a. m.]

PART 111—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERONNEL

NOTIFICATION TO NEAREST RELATIVE OR OTHER PERSON DESIGNATED TO BE NOTIFIED IN CASE OF EMERGENCY

Amend paragraph (c) of § 111.1 to read as follows:

§ 111.1 *Notification to nearest relative or other person designated to be notified in case of emergency.* * * *

(c) When the person to be notified resides within the geographical limits of the theater, command, or department in which death occurs the notification of the fact of death to such person will be made in the name of the Secretary of War by the appropriate commander. The Adjutant General will be advised that the notification has been made. (R. S. 161; 5 U. S. C. 22; 41 Stat. 809, 46 Stat. 1203; 10 U. S. C. 1584; 1584a) [AR 600-550, 23 Dec 1944 as amended by C3, 22 Aug 1946]

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

[F. R. Doc. 46-17502; Filed, Sept. 27, 1946; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51537]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF AIRPORTS OF ENTRY

SEPTEMBER 24, 1946.

The following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. title 49, sec. 179 (b)), for a period of 1 year from the dates shown opposite their names:

Name, location and date of redesignation:
Malone-Dufort Airport, Malone, N. Y. September 10, 1946.
Chalks Flying Service, Seaplane Base, Miami, Fla. September 17, 1946.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 C. F. R., Cum. Supp., 6.13), is hereby amended by changing the dates of the designations opposite the names of these airports as indicated herein.

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U. S. C., Sup., 177 (b))

Publication of notice and public procedure with respect to redesignation of Malone-Dufort Airport and Chalks Flying Service Seaplane Base as airports of entry are found impracticable for the reason that the notice and public procedure thereon cannot be afforded prior to the expiration of the previous designations of such airports.

The dates of redesignation of Malone-Dufort Airport and of Chalks Flying Service Seaplane Base as airports of entry shall be effective immediately, the requirements of section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress) being dispensed with because of the lapsing of previous designations of these airports.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-17504; Filed, Sept. 27, 1946; 8:45 a. m.]

[T. D. 51536]

PART 60—IMPORTATION OF ARTICLES IN CONNECTION WITH THE INTER-AMERICAN TRADE EXPOSITION AT FORT WORTH, TEXAS, UNDER PUBLIC LAW NO. 434, 79TH CONGRESS [1]

Sec.
60.1 Invoices; marking; bond.
60.2 Entry; appraisement; procedure.
60.3 Compliance, provisions of Plant Quarantine Act of 1912.
60.4 Detail of customs officers to protect revenue; expenses.
60.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 60.1 to 60.5, inclusive, issued under Public Law No. 434, 79th Congress.

§ 60.1 *Invoices; marking; bond.* (a) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of Public Law No. 434, 79th Congress, and valued at more than $100, must be covered by consular invoices certified as provided for in § 8.14 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.14). Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (U. S. C. Title 19, sec. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

(c) The Texas Pan-American Association shall give to the deputy collector of customs at Dallas, Texas, a bond on customs Form 7555, appropriately modified, to secure compliance with Public Law No. 434, 79th Congress, and the regulations in this part.

§ 60.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Dallas, Texas, in the name of the Texas Pan-American Association which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such

[1] "That all articles which shall be imported from foreign countries for the purpose of exhibition at the Inter-American Trade Exposition, an international exposition, to be held at Fort Worth, Texas, from October 6 to 12, 1946, inclusive, by the Texas Pan-American Association, a corporation, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Texas Pan-American Association, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this act, shall be reimbursed by the Texas Pan-American Association, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the apppropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1940 edition, title 19, sec. 1524). (Public Law No. 434, 79th Congress)

entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law in the name of any person duly authorized in writing by the Texas Pan-American Association to make such entry, may be accepted by the deputy collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Dallas shall be entered for immediate transportation without appraisement to the latter port in the manner provided by the general customs regulations.

(c) Upon the arrival at the port of Dallas of articles to be entered under the regulations in this part, the same should be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. 1—

Entry at the port of Dallas of articles consigned or transferred to the Inter-American Trade Exposition under ... I. T. No. .... ex S. S. ..... from ..... on the ..... day of ..... 194 .. for exhibition purposes under Public Law No. 434 of the Seventy-ninth Congress, approved June 24, 1946.

Mark	Number	Package and contents	Quantity	Invoice	Value
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----

TEXAS PAN-AMERICAN ASSOCIATION
By .....

(d) Upon such entry being made, the deputy collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the deputy collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. Upon the receipt of the articles at such buildings or at the appraiser's stores, the same shall be given a tentative appraisal prior to their exhibition or use. All imported exhibits so received in such buildings shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 60.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.49 (c)), except that in each case an entry under § 60.2 (c) shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 60.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.33).

§ 60.3 *Compliance, provisions of Plant Quarantine Act of 1912.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (U. S. C., Title 7, secs. 151 to 164a, inclusive, and sec. 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations.

§ 60.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Galveston, Texas, shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the Texas Pan-American Association to the Government, payment to be made monthly to the deputy collector of customs, Dallas, Texas, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 60.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any articles entered under the regulations of this Part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (U. S. C., Title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 434 of the Seventy-ninth Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

In view of the fact that the exhibition at the Inter-American Trade Exposition will commence on October 6, 1946, notice of a proposal to issue the regulations in this part and procedure thereon pursuant to section 4 of the Administrative Procedure Act (Public Law No. 404, 79th Congress) are impracticable, and it is hereby found that there is good cause for dispensing with such notice and procedure.

The regulations in this part shall become effective immediately, publication thereof not less than 30 days prior to their effective date, pursuant to section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress), being dispensed with because of the urgency above mentioned.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: September 23, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-17505; Filed, Sept. 27, 1946; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration

[Regs. 3,[1] further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE UNDER TITLE II OF THE SOCIAL SECURITY ACT

LUMP-SUM DEATH PAYMENTS

Regulations No. 3, as amended (20 CFR, Cum. Sup., 403.1 et seq.) are further amended as follows:

1. Effective June 18, 1946, subparagraph (2) of paragraph (b) of § 403.408 is amended to read as follows:

§ 403.408 *Lump-sum death payments.* * * *

[1] 5 F. R. 1849.

(b) *Persons entitled to receive payments.* * * *

(2) *Persons equitably entitled.* If none of the persons described under subparagraph (1) of this paragraph is living on the date of the Administration's determination of relationship, the lump sum will be payable to any person or persons equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the burial expenses of the deceased insured individual.

Where an estate is a person equitably entitled, payment will be made to the legal representative of such estate. On and after June 18, 1946, when it appears reasonably certain that a legal representative has not been and will not be appointed, application may be filed and payment made on behalf of such estate in accordance with the following rules:

Where an individual paid part of the burial expenses and the balance was paid from funds belonging to the wage earner, the proportionate share of the lump sum due to the estate may be paid to reimburse such individual to the extent of his contribution, provided there are no outstanding debts for last illness expenses which under state law would be entitled to equal preference with or priority to claims for burial expenses.

Where burial expenses were paid in whole or in part from funds belonging to the wage earner, the entire lump sum or such part thereof as remains after fully reimbursing individuals who have paid part of the burial expenses, may be paid to a blood relative or brother or sister by adoption of the wage earner, provided, the wage earner left no unpaid debts, all of the readily available heirs consent to such payment, and the applicant promises to distribute the payment to the person or persons entitled thereto and to account therefor to a legal representative if any should be appointed.

Where an individual who has paid the wage earner's burial expenses dies before collecting the lump sum, payment may be made as in the case where the burial expenses were paid from funds belonging to the wage earner, except that the deceased individual's spouse may be preferred as payee on behalf of the state in which event consent of the other heirs may be waived.

The term "person or persons equitably entitled" does not include, among others, any of the following:

(i) The United States Government or any wholly owned instrumentality thereof.

(ii) Any person under contractual obligation to pay the burial expenses of the deceased, to the extent of such obligation.

(iii) Any person paying the expenses of the burial of a member or employee of such person, to the extent of any payment under a plan, system, or general practice.

(iv) Any person furnishing goods or services in connection with the burial of the deceased, to the extent that goods or services are furnished.

2. Effective June 18, 1946, subparagraph (2) of paragraph (c) of § 403.701 is amended to read as follows:

§ 403.701 *Filing of applications and other forms.* * * *

(c) *Persons who may execute applications.* * * *

(2) If, however, the applicant (regardless of his age) has a legally appointed guardian, committee, or other legal representative, the application shall be executed by such guardian, committee, or representative. For authority to file application on behalf of an estate which is equitably entitled see § 403.408 (b) (2).

(Sec. 205 (a), 53 Stat. 1368; sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a), 1302: Interprets sec. 202 (g), 53 Stat. 1366; 42 U. S. C. 402 (g))

In pursuance of sections 205 (a) and 1102 of the Social Security Act, section 4 of Reorganization Plan No. 2 of 1946 (11 F. R. 7873), and section 1 of Federal Security Agency Order 57 (11 F. R. 7943), the foregoing regulations, this day adopted by me, are hereby prescribed this 23d day of September 1946.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: September 23, 1946.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 46-17484; Filed, Sept. 27, 1946; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

PART 751—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

SUBPART B—REGIONAL OFFICES

Section 751.10 (11 F. R. 177A-858) is hereby amended to read as follows:

§ 751.10 *Regional expediter.* The Regional Expediter is responsible to the Administrator-Expediter, through the Deputy Expediter, Office of Field Operations. The Regional Expediter directs the execution of the Agency's program in the region, secures cooperation of CPA, OPA, and other agencies closely related to the achievement of regional goals, and integrates the activities of FHA, FPHA, and FHLBA in carrying out the emergency program. In the area designated as the Washington Metropolitan Area (consisting of the District of Columbia; Calvert, Charles, Montgomery, Prince Georges, and St. Marys Counties, and the locality of Odenton in Anne Arundel County in Maryland; Arlington and Fairfax Counties and the City of Alexandria in Virginia; Panama Canal Zone, Puerto Rico, Samoa, the Virgin Islands, and other off-continent areas except Hawaii) the Area Representative shall have all the authority conferred on the Regional Expediter by any regulation, order, or other issuance of the OHE, NHA, or the CPA unless otherwise specifically provided therein.

(60 Stat. 237)

This amendment shall be effective as of September 23, 1946.

Issued this 28th day of September 1946.

WILSON W. WYATT,
Housing Expediter-Administrator.

[F. R. Doc. 46-17485; Filed, Sept. 27, 1946; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 402]

PART 612—REGISTRATION

PLACE AND TIME OF REGISTRATION

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

Amend § 612.11 of the regulations to read as follows:

§ 612.11 *Place and time of registration.* Any person required to be registered may present himself for and submit to registration at the office of any local board during the usual business hours, or at such other time or place as may be prescribed by the State Director of Selective Service.

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

LEWIS B. HERSHEY,
Director.

SEPTEMBER 25, 1946.

[F. R. Doc. 46-17527; Filed, Sept. 27, 1946; 8:55 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-971]

PRESTON C. SHERROD

Preston C. Sherrod is engaged in business as a general contractor at 1761 Walworth Avenue, Pasadena, California. On April 2, 1946 as a contractor for C. K. Sivas he began without authorization from the Civilian Production Administration the construction of two 4-unit "motel" structures at 1214 East Huntington Drive, between Arcadia and Azusa, Los Angeles, California, at an estimated cost of $8,000 each of which was in excess of the $1,000 limit permitted by Veterans' Housing Program Order 1. On May 1, 1946, Preston C. Sherrod began without authorization the construction at 1214 East Huntington Drive of a garage-dwelling at an estimated cost of $3,500 and a family residence at an estimated cost of $6,000, each of which exceeded the limit permitted by Veterans' Housing Program Order 1 and was in violation thereof. Preston C. Sherrod was aware

of the restrictions on construction and his beginning and carrying on of each of these construction jobs constituted a wilful violation of Veterans' Housing Program Order 1. These acts have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.971 *Suspension Order No. S–971.* (a) For a period of four months from the effective date of this order no authorization shall be granted to Preston C. Sherrod to do construction, nor shall he during such period apply or extend any preference ratings, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) Preston C. Sherrod shall cancel immediately all preference ratings which he has applied or extended to orders which have not yet been filled, except that if he has extended a customer's rating to get an item for delivery without change in form to that customer (as distinct from replacing it in inventory), he need not cancel the rating, provided the item when received is promptly delivered to the customer whose rating was extended.

(c) All preference ratings, allotments and allocations presently outstanding in connection with orders for delivery of materials to Preston C. Sherrod or placed prior to the termination date of this order are void and shall not be given any effect by suppliers of Preston C. Sherrod or any other person. This does not apply to material already delivered or in transit for delivery to him on the effective date of this order.

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

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

(f) The restrictions and prohibitions contained herein shall apply to Preston C. Sherrod, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(g) This order shall take effect on the 27th day of September 1946.

Issued this 18th day of September 1946.

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

[F. R. Doc. 46–17627; Filed, Sept. 27, 1946; 11:15 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order · S–977]

J. J. LANSBURGH

J. J. Lansburgh of 3300 Collins Avenue, Miami Beach, Florida, on or about April 1, 1946, began the construction of a new one family residence at 4640 Royal Palm Avenue, in the City of Miami Beach, Florida, and on or about April 8, 1946, he began construction of another new one-family residence at 4630 Royal Palm Avenue, in the City of Miami Beach, Florida, each without authorization from the Federal Housing Administration. The estimated cost of each of these residences amounted to $13,000, which amount in both instances exceeded the $400 limit permitted by Veterans' Housing Program Order No. 1, and constituted a wilful violation thereof. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.977 *Suspension order No. S–977.* (a) Neither J. J. Lansburgh, his successors or assigns, nor any other person shall do any construction on either of the premises known as 4630 and 4640 Royal Palm Avenue, in the City of Miami Beach, Florida, including putting up, altering or completing the structures, unless hereafter authorized in writing by the Civilian Production Administration and the Federal Housing Administration.

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

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

Issued this 27th day of September 1946.

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

[F. R. Doc. 46–17628; Filed, Sept. 27, 1946; 11:15 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[2d Rev. Procedural Reg. 13, Amdt. 1]

PROCEDURE APPLICABLE TO INDUSTRY ADVISORY COMMITTEES APPOINTED UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

2d Revised Procedural Regulation 13 is amended in the following respects.

1. Section 1300.1012 (c) is amended to read as follows:

(c) *Notices and agenda.* The Chairman, in the case of meetings called by him, and the Price Executive, in the case of meetings called by him or the Administrator, shall send written notice of the time and place of the meeting, with the proposed agenda, to all members of the committee. Seven copies of the notices and agenda shall also be sent to the Director of the Office of Industry Advisory Committees. Copies of the notices and agenda of meeting of regional committees must also be sent to the chairman of the national committee, if any, for the same commodity. Except as otherwise provided in § 1300.1013a these notices and agenda shall be sent at least two weeks in advance of the meeting date. In the case of any meeting at which an application for an increase in maximum prices under section 6 (of the Emergency Price Control Act of 1942, as amended), a petition for decontrol or a request for hearings on a petition for decontrol is to be considered, the agenda must state that the filing of such an application, petition, or request is to be considered, and shall describe the commodity or commodities involved."

2. Section 1300.1012 is amended by adding the following paragraph (h).

(h) "No meeting of a committee or standing sub-committee may be recessed or adjourned for a period or periods aggregating over 48 hours, not including Saturdays, Sundays and national holidays."

3. A new § 1300.1013a is added to read as follows:

§ 1300.1013a *Petition to Price Decontrol Board.* A petition to the Price Decontrol Board for review of the action of the Administrator or the Secretary of Agriculture shall be regarded as coming from the committee if the petition was agreed to by a majority vote of the committee taken subsequent to the action of the Administrator or Secretary of Agriculture. Such majority vote may be taken either (a) at a meeting of the members attended by a quorum and called not less than seven days after written notice of the time, place and agenda for such meeting is mailed by the Chairman as provided in § 1300.1012 or (b) by mail. In the event that the vote is to be taken by mail, the Chairman shall mail to all members of the committee an identical letter forwarding to each member a copy of the action of the Administrator or Secretary of Agriculture with the statement of the economic data or other facts of which the Administrator or Secretary of Agriculture took official notice in connection with such action and requesting that each member reply in writing in duplicate, to the Chairman indicating whether he votes in favor of, or against a petition to the Price Decontrol Board for review of the action. The replies of the members must be received by the Chairman on or before a date which shall be prescribed by the Chairman in his letter. The Chairman shall mail two copies of such letter to the Director of the Office of Industry Advisory Committees at the same time that he mails the letter to the members. The Chairman upon receipt of the duplicate replies, and not later than one day after the date prescribed by the Chairman for receipt of such replies, shall mail two complete sets of such replies to the Director of the Office of Industry Advisory Committees to be kept with the minutes of the meetings of the committee. The vote by mail shall be deemed to be a majority vote only if responses from a quorum of the committee are received by the Chairman, on or before the date prescribed in the Chairman's letter. Nothing in this rule shall apply to a petition

filed with the Price Decontrol Board on account of failure of the Administrator or Secretary of Agriculture to act upon a petition for decontrol within the time prescribed by law.

This amendment shall become effective September 28, 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-17634; Filed, Sept. 27, 1946; 11:42 a. m.]

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

[MPR 149, Amdt. 29]

MECHANICAL RUBBER GOODS

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 149 is amended in the following respects:

1. Section 1315.21a (a) (2) (ii) is amended to read as follows:

(ii) *Mechanical rubber goods which are the same as those dealt in by the manufacturer on October 1, 1941, except for the substitution of GR–S or GR–I or reclaimed rubber for natural rubber.* This subdivision is applicable to any mechanical rubber good covered by this subparagraph which differs from a mechanical rubber good for which the manufacturer had a price stated in his price list in effect on October 1, 1941, or for which he regularly quoted a price in any other manner on that date, only by reason of the changes made necessary by the substitution of GR–S or GR–I or reclaimed rubber for natural rubber. The maximum price of any mechanical rubber good covered by this subdivision shall be the maximum price established by subparagraph (1) for the mechanical rubber good when made of natural rubber.

2. Section 1315.21a (b) (2) is amended to read as follows:

(2) *Redetermined maximum prices for molded, extruded, lathe-cut and chemically-blown sponge rubber products.* (i) This subparagraph (2) applies to those mechanical rubber goods listed in § 1315.35, Appendix B, which are generally known by the terms, "molded, extruded, lathe-cut and chemically-blown sponge rubber products" (including hard rubber goods) and whose selling prices have been determined under and in accordance with subparagraph (1) above. This subparagraph (2) does not apply to flooring, mats and matting, foamed latex products, rubber covered rolls, brake lining and clutch facings.

(ii) A manufacturer's redetermined maximum price for a mechanical rubber good covered by this subparagraph (2) shall be 117% of the selling price for it that has been determined under subparagraph (1) above.

3. The headnote of § 1315.21b and paragraphs (a) and (b) of the section are amended to read as follows:

§ 1315.21b *Maximum wholesalers' prices for mechanical rubber goods*—(a) *Applicability of this section.* This section is applicable to sales by wholesalers (as defined in paragraph (a) (10) of § 1315.31) of mechanical rubber goods except automotive parts and subassemblies which are priced at the wholesale level under Maximum Price Regulation 453 (items listed in Appendix A of Maximum Price Regulation 453), packing and gaskets.

(b) *Maximum prices: How the wholesaler calculates the maximum price.* The maximum price for a sale by a wholesaler of any mechanical rubber goods covered by this section shall be determined as follows: The wholesaler shall multiply the purchase price (determined in accordance with subparagraph (1) below) of the commodity being priced by the percentage (determined in accordance with subparagraph (2) below) which he used in pricing a mechanical rubber good which he offered for sale on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A, and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B.

(1) The purchase price shall be the net invoiced cost, not to exceed the supplier's applicable maximum price of the commodity being priced. If actual cost is not available, the wholesaler shall use the net invoiced cost as estimated by his supplier, not to exceed the supplier's maximum price. If the invoiced cost is not on a delivered basis, the wholesaler shall add actual cost of transportation to his place of business.

(2) The percentage which the wholesaler must use shall be determined as follows:

(i) The wholesaler shall first determine what mechanical rubber good he must use in determining the percentage. That mechanical rubbber good shall be the first applicable of the following mechanical rubber goods which he purchased from the same class of seller as the mechanical rubber goods being priced and which he offered for sale on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A, and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B.

(a) The mechanical rubber good which is the same as the mechanical rubber good being priced.

(b) The mechanical rubber good which has the same use as the mechanical rubber good being priced. If there is more than one mechanical rubber good which has the same use as the mechanical rubber good being priced, the wholesaler shall use that one of those mechanical rubber goods whose purchase price is nearest to the purchase price of the mechanical rubber good being priced.

(c) The mechanical rubber good whose purchase price is nearest to the purchase price of the mechanical rubber good being priced.

(ii) The wholesaler shall then determine the price at which on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B, he was offering to sell that mechanical rubber good to a purchaser of the same class.

(iii) The wholesaler shall then determine the percentage by dividing this selling price by the purchase price that was in effect to him on the date on which he established that selling price.

4. In § 1315.37 (a) (1), Table 1–D, under the heading, "Type of hose", subheading, "Air and air tool hose, grade I (molded-braided type)", the price 38.5 is substituted for the price "39.91" in line 2; and the price 38.5 is substituted for the price "37.19" in line 4.

5. Section 1315.37 (b) (2) is amended to read as follows:

(2) *How the manufacturer calculates his maximum price.* The manufacturer shall calculate the maximum price of the following commodities by adding to the list price in effect on October 1, 1941, the amount determined by multiplying that list price by the following percents:

	Percent
Solid neoprene multiple V-belts	7.8
Solid neoprene FHP V-belts (A and B sections only)	6.3
Automotive equipment solid neoprene fan belts	3.0
Neoprene cover multiple V-belts	13.9
Neoprene cover FHP V-belts (A and B sections only	12.8

The manufacturer shall then deduct from the resulting figures all discounts, allowances and other deductions from the list price that he had in effect to a purchaser of the same class on October 1, 1941.

6. In § 1315.37 (g), the headnote of the section and the paragraph preceding Table VI–D are deleted, and the following substituted:

(g) *Maximum manufacturers' prices for Grade I neoprene transmission belting.* This paragraph is applicable to Grade I transmission belting made in whole or in part of neoprene, with either a 33 to 35 ounce hard duck, or a 32 ounce soft duck. The maximum manufacturer's price of belting covered by this paragraph shall be calculated as follows. First, determine the base price for belting made with 33 to 35 ounce hard duck by adding 2.5 percent, and for belting made with 32 ounce soft duck, by deducting 18 percent from the price listed in Table VI–D. Then determine the maximum price by deducting from the base price all discounts, allowances and other deductions from the base price for transmission belting that the manufacturer had in effect to a purchaser of the same class on October 1, 1941. The manufacturer may add a charge for splicing, stitching and other operations associated with the manufacture of belting calculated on the same basis that he calculated such charges on October 1, 1941.

7. In § 1315.37 (k) (2), the headnote of Table X–D and the tables in subdi-

visions (i) (ii) and (iii) of these tables are amended to read as follows:

TABLE X-D—MANUFACTURER'S MAXIMUM LIST PRICES FOR RUBBER FLOORING OTHER THAN NEOPRENE FLOORING [1]

(i) *Flooring in tile.*

[Per square foot]

Gauge	Standard colors [2]			Special or deluxe colors [3]		
	Reg. size 0-499 sq. ft.	Reg. size 500-1,999 sq. ft. for shipment at one time	Reg. size 2,000 sq. ft. and over for shipment at one time	Reg. size 0-499 sq. ft.	Reg. size 500-1,999 sq. ft. for shipment at one time	Reg. size 2,000 sq. ft. and over for shipment at one time
3/32"	$0.26	$0.25	$0.24	$0.30	$0.29	$0.28
1/8"	.33	.32	.31	.39	.38	.37
5/32"	.46	.45	.44	.51	.50	.49
1/4"	.60	.59	.57	.67	.66	.65

(ii) *Flooring in rolls.*

[Per lineal yard, 36 inches wide]

Gauge	Standard colors [2]	Special or deluxe colors [3]
3/32 inch	$2.10	$2.45
1/8 inch	2.75	3.25
5/16 inch	3.90	4.40
1/4 inch	5.10	5.75

(iii) *Cove base.*

(Per lineal foot, 3/16 inch gauge [2])

	Black color			Colors other than black		
	Reg. size 0-499 sq. ft.	Reg. size 500-1,999 sq. ft. for shipment at one time	Reg. size 2,000 sq. ft. and over for shipment at one time	Reg. size 0-499 sq. ft.	Reg. size 500-1,999 sq. ft. for shipment at one time	Reg. size 2,000 sq. ft. and over for shipment at one time
4" height	$0.20	$0.19	$0.18	$0.31	$0.30	$0.29
6" height	.25	.24	.23	.37	.36	.34

8. In § 1315.37 (m), the heading of Table XI-D is amended to read as follows:

TABLE XI-D—MANUFACTURERS' MAXIMUM PRICES FOR THE FOLLOWING PACKING AND FOR THE FOLLOWING RUBBER BELTING AND HOSE OTHER THAN NEOPRENE RUBBER BELTING AND HOSE.[1], [2], [3]

9. In § 1315.37 (m), footnote [1] accompanying Table XI-D is amended to read as follows:

[1] This table does not apply to neopreme belting and hose, but does apply to neopreme packing as well as other rubber packing.

10. In § 1315.37 (m), footnote [7] and [8] accompanying Table XI-D are amended to read as follows:

[7] Sheet packing (including slab, packing and gaskets cut from sheet or slab packing) without reinforcement is that type generally understood by the industry to be made without a reinforcement, commonly referred to as red sheet, all rubber sheet, oil resisting sheet, etc.

[8] Sheet packing (including slab packing and gaskets cut from sheets or slab packing) with reinforcement is that type generally understood by the industry to be made with a reinforcement, commonly referred to as cloth inserted sheet, diaphragm sheet, chute lining sheet, wire inserted sheet, compressed asbestos, etc.

11. A new paragraph designated (O) is added to § 1315.37 to read as follows:

(O) *Redetermined manufacturers' maximum prices for rubber jar rings, container sealer compounds, plumbers supplies and plumbers specialties.* The redetermined maximum prices for a manufacturer's sales of a rubber jar ring, container sealer compound, plumber's supply or plumber's specialty that is covered by § 1315.34 Appendix A and priced by § 1315.21a (a) shall be 117% of the selling price for it that has been computed in accordance with § 1315.21a (a).

This amendment shall become effective October 2, 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 29 TO MAXIMUM PRICE REGULATION 149

Molded, Extruded, Lathe-Cut and Chemically-Blown Sponge Rubber Products. Amendments No. 20 and No. 27 to Maximum Price Regulation 149 granted increases of about 15% in manufacturers' January 5, 1942, base date standard list and regularly quoted prices for molded, extruded, lathe-cut and chemically-blown sponge rubber products but granted no adjustment in manufacturers' maximum prices for these products that were established under the formula pricing method provided in the regulation. The formula pricing method applies when the manufacturer has no base date standard list price for regularly quoted price for a product, in which case he determines his prices by the use of the price determining method which he used during the base period and has filed with this Office. The use of this pricing method yields maximum prices which the manufacturer derived during the base period or would have derived had he sold the commodity during the base period. As manufacturers' existing maximum prices for approximately 80% of the total dollar volume of these products are established under the formula, maximum prices for only the remaining 20% of the total dollar volume of these products were increased by Amendments No. 20 and No. 27.

By the current action, manufacturers' maximum prices for these products that are derived under the formula pricing method provided in the regulation, are increased approximately 17% and the manufacturers' base date standard list and regularly quoted prices are increased to 17% over base date prices. These increases are necessary to reflect increased wage and material costs incurred by manufacturers and to enable the industry to realize the same return on net worth that it realized during the 1936–1939 period. These increases apply to those mechanical rubber goods which are generally known by the term, "molded, extruded, lathe-cut and chemically-blown sponge rubber products" (including hard rubber goods) and also includes jar rings and container sealing compounds, and plumbers supplies and specialties. These increases in manufacturers' prices are reflected in increased prices for sales of these goods by wholesalers.

Approximately 96% of the total dollar volume of these products is used for industrial purposes and is not sold directly to the individual consumers. There are about 150 important companies and many smaller companies manufacturing these goods with an estimated production of over 70% of the total volume made by twenty companies. Single line companies account for about 60% and multi-line companies account for about 40% of the total production of the industry. The increases provided at the manufacturing level are based on a survey of the costs and earnings of companies representing over 50% of the total production covering the first quarter of 1946 and the period 1936–1939. The sample consisted of single-line producers and multi-line producers, each of these classes of producers accounting for about half of the production included in the survey. The data of these producers for the first quarter of 1946 were adjusted for an increased volume of about 23.5% that is expected to be produced during the ensuing year. This is believed to give a fair evaluation of the volume which the industry is expected to produce in the coming twelve months.

Adjustments were made, however, in the figures for the first quarter of 1946 for known cost increases which have occurred since that time. Cost increases resulting from wage rate adjustments had already been experienced by some companies during the last quarter of 1945 and during the first quarter of 1946. Since the first quarter of 1946 additional companies have been affected by such cost increases. Approved wage increases have been made by industry members accounting for over 90% of the total industry output. Such increases have amounted in the case of companies for which data are available to an average of 10.05% of labor cost, equivalent to an increase of 5.7% on sales.

It is, of course, impossible for the Administrator to say what, if any, hourly wage increases may be agreed to or approved for the remaining companies in the industry. However, inasmuch as it appears reasonable to expect that the above average percentage increase in labor costs will adequately cover any foreseeable subsequent wage adjustments that may be made by these companies which represent the remaining volume of production, it is the judgment of the Administrator that effective price control will best be served by a uniform price increase for the entire industry at this time.

Deductions were made to the extent of 1.25% of labor costs because of an expected increase in labor efficiency. Overtime reported in the first quarter was reduced by 50% and this was increased 21% to allow for increased production volume expected during the ensuing year. It is believed that this reduced amount of overtime reflects the approximate amount of overtime that will be experienced during the ensuing year. No adjustment was made for the

effects of volume increases on fixed and variable overhead expenses and for "all other commercial expenses" since it is believed that such increased expenses will not be experienced by the companies during the ensuing year. Account was taken of known increases in material costs since the first quarter of 1946. These increased material costs have occurred principally as a result of packing and of higher prices for metal inserts and of increases in the costs of chemicals used in the compounds made necessary by substituting more expensive chemicals for others now in short supply. This increase amounted to about 6.29% of material cost, or 2.31% of sales.

After adjusting the data for the first quarter of 1946 for all such cost increases, it was found that if no change is made in existing maximum prices, the industry will fail by approximately 14.88% to recover its total costs during the ensuing year. It was found that the industry would require an additional increase of about 2.12% to provide it with the approximate rate of return on net worth that it experienced during the years 1936–1939. This results in a general increase in price of about 17%. This price increase is to be applicable to base period standard list and regularly quoted prices and to prices computed under the formula.

Maximum prices for sales of these products by wholesalers are by this action increased by the same percent as manufacturers' prices to reflect the increase in manufacturers' prices. Thus the margins of these resellers are maintained at the levels that were in effect on March 31, 1946, in accordance with the requirements of the Emergency Price Control Act of 1942, as amended. Retailers of the very small percentage of these goods sold by retailers may secure similar adjustments in their maximum prices under appropriate regulations of the Office of Price Administration.

Rubber Flooring. Amendments No. 23 and No. 25 to Maximum Price Regulation 149 established manufacturers' dollars and cents maximum prices and adjusted manufacturers' maximum prices for rubber flooring to reflect increased costs in wages and materials that had been incurred prior to February 1946. The increase of approximately 11% in base date prices granted by these amendments were required under the Office of Price Administration criteria. Since February 1946, wage and materials costs have increased substantially and it has been determined on the basis of a cost study made by the Office of Price Administration that an average increase of approximately 16% (instead of the 11% increase granted by Amendments No. 23 and No. 25) in base date prices is required if the industry is to realize its average base period percent margin over allowable costs. Accordingly, the dollars and cents maximum prices for these products established by the current action allows manufacturers an average increase of 16% (instead of the 11% increase granted by Amendments No. 23 and No. 25) in base date prices. The criteria used in making this reconversion pricing adjustment is the same as that used in Amendments No. 23 and No. 25 and is set forth in the statements of considerations accompanying those amendments.

Substitution of Reclaimed Rubber for Natural Rubber. Where, because of the shortage of natural rubber, reclaimed rubber has been used in its place, some manufacturers have been pricing commodities containing reclaimed rubber at the base period price of the commodity containing natural rubber, others have been pricing the commodity containing reclaim as a new product under the formula provided in the regulation, and others have been pricing the commodity containing reclaimed rubber at the lower of these two prices. Before this amendment, the regulation did not expressly state which was the proper method of pricing the commodity made of reclaim and some confusion existed as to the proper method of pricing such a commodity. The substitution of reclaim for natural rubber in the making of a commodity is generally necessitated by the shortage of natural rubber. In many cases, the commodity containing reclaim is not inferior to the commodity containing natural rubber. In many cases, the commodity containing reclaim is better than the commodity in which GR–S is substituted for natural rubber and the regulation provides that the commodity containing GR–S shall have the same maximum price as the commodity containing natural rubber.

On the other hand, where the formula method of pricing is used in pricing the commodity containing reclaim, it generally results in a higher price for the commodity containing reclaimed rubber than for the base period commodity containing natural rubber. This again is not desirable as the commodity containing reclaimed rubber is not superior to and is frequently inferior to the commodity containing natural rubber. Accordingly, this amendment expresses clearly the interpretation previously made by this Office by providing that where, because of shortage of natural rubber, reclaimed rubber is substituted for the natural rubber used in making a commodity during the base period, the commodity containing reclaimed rubber shall have as its maximum price, the maximum price of the base period commodity containing natural rubber.

Miscellaneous. Mistakes were made in computing the maximum prices for certain items of hose and belting that were established by Amendment No. 27. These errors are corrected. The pricing method set forth in section 1315.37 (m) for determining the maximum prices for the belting, hose and packing listed in Table XI (D) was intended to apply only to non-neoprene belting, non-neoprene hose and both neoprene and non-neoprene packing, respectively. This amendment clearly expresses the meaning originally intended. The section dealing with the pricing of sales by wholesalers is clarified so as to state more clearly that the commodity chosen as a basis for pricing must be (1) one which the wholesaler purchased from the same class of supplier as the commodity he is pricing and (2) one that he sold to the same class of buyer as the commodity he is pricing. This does not change the meaning of the section dealing with wholesalers but clarifies the meaning originally intended and is in accordance with many interpretations previously made by the Office of Price Administration.

The Administrator has consulted with members of the industry and has given consideration to their recommendations. In the opinion of the Administrator the maximum prices established by this action are fair and equitable and consistent with the general level of prices under the regulation and are consistent with and effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46–17640; Filed, Sept. 27, 1946; 11:44 a. m.]

PART 1340—FUEL

[MPR 120, Amdt. 164]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Section 1340.230 (b) (1) (i) is added to read as follows:

(i) Maximum prices for coal produced at the Hanna No. 4 Mine in Subdistrict No. 3 and Subdistrict No. 2 Mines (Rock Springs) of the Union Pacific Coal Company when purchased by the Union Pacific Railroad Company for railroad fuel use shall be $3.00 and $3.40 per net ton respectively.

This Amendment No. 164 to Maximum Price Regulation No. 120 shall become effective October 2, 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 164 TO MAXIMUM PRICE REGULATION NO. 120

The Union Pacific Coal Company has petitioned for an increase in the maximum prices prescribed in Section 1340.230 (b) (1) of Maximum Price Regulation No. 120 as to coal sold by petitioner, a wholly owned subsidiary of Union Pacific Railroad Company, to the latter company, which coal is produced at petitioner's mines in Subdistrict Nos. 2 and 3 of District No. 19.

The Union Pacific Coal Company does not engage generally in the commercial sale of coal and does not compete in any way for commercial markets in Wyoming or elsewhere. The company exists solely for the purpose of producing coal to be used by the parent company as railroad fuel. During times of short supply, petitioner has made available, at the request of the Solid Fuels Administration, a limited amount of coal for domestic and export purposes.

The maximum price in District No. 19 for all coal sold for railroad locomotive fuel use is the same for size groups 1 to 13 inclusive. Sales by commercial mines in

District No. 19 for locomotive fuel use are resultant coals from which the premium top sizes are taken. However, sales by the petitioner are made on a mine run basis at the locomotive fuel price which embraces all sizes including any premium sizes. Thus, the commercial mines are in a position to secure additional realization not available to petitioner.

It further appears that by reason of increased labor costs and other cost increases an increase in price will become necessary to permit petitioner to operate on a seven day work week during the winter season as it has in the past few years, in order to make additional supplies of coal available to alleviate severe shortages, which, as in the past, are expected to occur during the coming heating season.

Under these circumstances, it is the opinion of the Price Administrator that an adjustment in the maximum prices of petitioner's coals when sold to the Union Pacific Railroad Company is warranted. Such increase will further the production of an essential commodity and will not affect the cost of living. Accordingly, the accompanying amendment permits the Union Pacific Coal Company to charge a flat price of $3.00 per ton for coal delivered from its Hanna No. 4 mine in Subdistrict No. 3 and $3.40 per ton for coal delivered from its Subdistrict No. 2 (Rock Springs) mines when sold to the Union Pacific Railroad Company for railroad fuel use.

In the judgment of the Price Administrator, this action will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and various Executive orders of the President.

[F. R. Doc. 46-17638; Filed, Sept. 27, 1946; 11:43 a. m.]

PART 1340—FUEL

[MPR 189, Amdt. 36]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

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. 189 is hereby amended in the following respects:

Section 1340.313 (g) (6) is amended by amending the last undesignated paragraph to read as follows:

There may be added to the maximum prices for bunker fuel at all ports as established by § 1340.313 (g) an amount not to exceed six cents per net ton, except for bunker fuel which is transported to the loading port by rail without subsequent haul in cargo lots by water carrier.

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

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 36 TO MAXIMUM PRICE REGULATION NO. 189

Amendment No. 34 to Maximum Price Regulation No. 189 authorized an increase of 6 cents per net ton in the maximum price of bunker fuel sold at ports on the Great Lakes, except Lake Ontario and Lake Erie ports. It was intended by this action to compensate all bunker fuel suppliers on the Great Lakes for increases incurred in acquisition costs by reason of increased water transportation costs. It now appears that some bunker fuel sold at the port of Buffalo, N. Y., (a Lake Erie port) is transhipped in vessels from Toledo, Ohio and increases in water transportation costs are incurred on this movement.

Therefore, this Amendment is being issued in order to carry out the intent of Amendment No. 34 to compensate all bunker fuel suppliers for increased water transportation costs. Bunker fuel suppliers at all ports may now increase their maximum prices by 6 cents per net ton except in those cases where the coal is transported to the loading port by all rail shipment without subsequent haul in cargo lots by water carrier.

Since this Amendment corrects an omission in Amendment No. 34, it is being made effective as of the effective date of Amendment No. 34.

In the opinion of the Administrator, the action taken under the Amendment is fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17641; Filed, Sept. 27, 1946; 11:45 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 592, Amdt. 8]

SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

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 592 is amended in the following respects:

1. Section 8 (c) is amended by adding the following paragraph:

Each Regional Administrator, or any District Director so authorized by the appropriate Regional Administrator, is hereby authorized to approve, or disapprove maximum prices for concrete masonry units (concrete block and brick) in accordance with this section, and may authorize maximum prices under the first of the following applicable sections in the event this section 8 is not applicable.

2. Section 9 (c) is amended by adding the following paragraph:

Each Regional Administrator, or any District Director so authorized by the appropriate Regional Administrator, is hereby authorized to approve, or disapprove maximum prices for concrete masonry units (concrete block and brick) in accordance with this section, and in the event that this section 9 is not applicable, may issue orders under section 10 establishing maximum prices in accordance with its terms.

3. Section 10 (d) is amended by adding the following paragraph:

Each Regional Administrator, or any District Director so authorized by the appropriate Regional Administrator, is hereby authorized to issue orders under this section 10, establishing maximum prices for concrete masonry units (concrete block and brick).

This amendment shall become effective October 2, 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING AMENDMENT NO. 8 TO MAXIMUM PRICE REGULATION NO. 592

The accompanying amendment revises the provisions of Sections 8, 9, and 10 of Maximum Price Regulation 592 to authorize Regional Administrators and District Directors so authorized by the appropriate Regional Administrator, to approve and establish maximum prices for new manufacturers of concrete masonry units (concrete block and brick) under the second, third, and fourth pricing methods of the regulation.

Heretofore, pursuant to the provisions of Maximum Price Regulation 592, the Building and Construction Price Division has referred to the Regional Offices the processing of all new product pricing reports and applications in connection with concrete masonry units. Since these prior references with respect to new product pricing of concrete masonry units are expected to be permanent, the Price Administrator has determined that an amendment to spell out specifically such authorization in the regulation is appropriate. Accordingly, the accompanying amendment effectuates this purpose.

[F. R. Doc. 46-17643; Filed, Sept. 27, 1946; 11:45 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1] Amdt. 5 to Supp. 15 (§ 1351.480)]

CERTAIN FRUIT PRESERVES, JAMS AND JELLIES AND APPLE BUTTER

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

Supplement 15 to Food Products Regulation No. 1 is amended in the following respects:

1. Section 7 (a) (1) is amended to read as follows:

(1) *General pricing method.* The maximum price per dozen or other unit which a wagon wholesaler may charge for an item of fruit preserves, jams or jellies or apple butter covered by this supplement shall be his net delivered cost plus a markup of 24%.

[1] 10 F. R. 14437, 11 F. R. 402, 3254, 4239, 6979.

2. The last sentence in section 7 (a) (3) is amended to read as follows: "Net delivered cost shall be figured on the basis of the wagon wholesaler's first delivery of an item on or after October 2, 1946, and shall be refigured upon receipt of an item whenever there is a change in the maximum price of his supplier."

This amendment shall become effective October 2, 1946.

Issued this 27th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: September 18, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 5 TO SUPPLEMENT 15 TO FOOD PRODUCTS REGULATION NO. 1

The accompanying amendment to Supplement 15 to Food Products Regulation No. 1 revises the markup provision for wagon wholesalers in accordance with the requirements of the Emergency Price Control Act of 1942, as amended. Under the original provision in Supplement 15 the wagon wholesaler increased or decreased his maximum price established under the predecessor regulation for fruit preserves, jams and jellies and apple butter by the amount of the increase or decrease in his supplier's maximum price under Supplement 15. An increase of a wagon wholesaler's price by virtue of an increase in his supplier's maximum price did not maintain the wagon wholesaler's markup in effect on March 31, 1946, but allowed only the dollar-and-cents increase to be passed on.

In order to maintain the percentage markup of wagon wholesalers in effect on March 31, 1946, this amendment provides a markup of 24% over the net delivered cost to the wagon wholesaler. The 24% markup was the maximum markup allowed under Supplement 15 before this amendment and was in effect on March 31, 1946.

The accompanying amendment also amends the definition of "net delivered cost" so that a wagon wholesaler may refigure his net delivered cost on the basis of the first delivery to him of an item on or after the effective date of this amendment and may refigure his maximum price whenever there is a change in the maximum price of his supplier. In effect this change will keep the 24% markup constant in the wagon wholesaler's maximum price.

In the opinion of the Price Administrator this amendment brings the pricing provision for wagon wholesalers into compliance with Section 2 (t) of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17633; Filed, Sept. 27, 1946; 11:42 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[MPR 53,[1] Corr. to Amdt. 66]

FATS AND OILS

1. The table in section 10.1 (d) of Amendment 66 to MPR 53 is corrected to read as follows:

	North	South	Pacific Coast
	Cents	*Cents*	*Cents*
(1) Drums (per pound)	16.60	16.60	17.10
	Dollars	*Dollars*	*Dollars*
(2) 1/5-gal. can (per can)	6.65	6.55	6.75
(3) 6/1-gal. cans (per case)	8.20	8.10	8.50

2. The printed copy of Amendment 66 to MPR 53 is corrected in the following respect. The price of Deodorized White (bleached) refined peanut oil delivered at New York in the table in Section 4.1 (b) is corrected to read 15.56.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-17637; Filed, Sept. 27, 1946; 11:43 a. m.]

PART 1362—CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASONRY MATERIALS

[RMPR 206, Amdt. 25]

VITRIFIED CLAY SEWER PIPE AND ALLIED 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 No. 206 is amended in the following respects:

1. Section 9.4 (b) is redesignated section 9.4 (b) (1).

2. A new section 9.4 (b) (2) is added to read as follows:

(2) On all rail shipments of Nos. 1 and 2 sewer pipe, 27"-36" inclusive, A. S. T. M. specifications, from the West Central Area, as defined in section 8.1 above, to the South Central Area, the charge per lineal foot may not exceed the maximum prices established in Chart II, f. o. b. factory, plus actual freight charges at the minimum carload rate from St. Louis, Missouri, to destination on the basis of the weights established in the invoice weight column of Chart II, below:

CHART II

Large sewer pipe ASTM specification C13 44T (inside diameter, inches)	Invoice weights (pounds) per foot	Texas	Louisiana (west of the Mississippi River)
27" #1 per foot	245	$3.25	$3.25
30" #1 per foot	300	3.90	3.90
33" #1 per foot	355	4.65	4.65
36" #1 per foot	395	5.20	5.20
27" #2 per foot	245	2.60	2.60
30" #2 per foot	300	3.15	3.15
33" #2 per foot	355	3.75	3.75
36" #2 per foot	395	4.40	4.40

This amendment shall become effective October 2, 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING AMENDMENT NO. 25 TO REVISED MAXIMUM PRICE REGULATION 206

The accompanying amendment modifies f. o. b. factory prices for 27" through 36" vitrified clay sewer pipe when shipped from the West Central Area to the South Central Area.

Producers in the West Central Area have historically supplied a substantial portion of the requirements of the South Central Area for the large sizes of sewer pipe affected by this action. Prior to June 1946, prices for large sewer pipe in the West Central and South Central Areas were identical. Since that time, the Price Administrator has taken certain actions which have inadvertently disturbed the normal distribution pattern of sewer pipe between these areas. Amendment 20 to Revised Maximum Price Regulation 206, effective June 10, 1946, permitted a 6.1% increase on sewer pipe products sold in the South Central Area. Amendment 22 to this regulation, effective July 26, 1946, permitted a 13.2% increase on sewer pipe products delivered in the West Central Area. The differential amount of adjustment appears likely to divert, unduly, shipments normally sold in the South Central Area. Moreover, it appears that an adjustment of 13.2% was appropriate under the Administrator's standards for all shipments originating in the West Central Area. Under the circumstances, the 13.2% adjustment, rather than the previously applicable 6.1%, has been applied to these shipments of large sewer pipe made in the South Central Area by producers located in the West Central Area.

Prior to the issuance of this amendment, the Price Administrator consulted, so far as practicable, with representatives of the industry and has given considerations to their recommendations. The Price Administrator, after due consideration of the foregoing, finds that this action is appropriate under the circumstances and consistent with the purposes of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17642; Filed, Sept. 27, 1946; 11:45 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 26,[1] Amdt. 2]

DOUGLAS FIR AND OTHER WEST COAST 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.

Table 21 of Second Revised Maximum Price Regulation 26 is amended to read as follows:

TABLE 21—LATH AND SHINGLE BANDS

Green or dry—per 1,000 pieces	Fence	No. 1 plaster	No. 2 plaster	No. 3	No. 1 shingle bands
48", 1½" or 1⅝"	xxx	8.00	7.00	5.00	xxx
32", 1½" or 1⅝", 3 pcs to 1"	xxx	5.00	4.25	3.25	xxx
48", 1½" or 1⅝", 2 pcs to 1"	9.25	xxx	xxxx	xxxx	xxx
19½", ¾" x 1½"	xxx	xxx	xxxx	xxxx	8.00

This amendment shall become effective October 2, 1946.

[1] 10 F. R. 14186; 11 F. R. 2043, 3358, 3878.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 2 TO SECOND REVISED MAXIMUM PRICE REGULATION 26

This amendment is issued to reduce the price of plaster lath and all other items in table 21 of 2nd Revised Maximum Price Regulation 26, Douglas fir and other West Coast lumber, by $1.00 per thousand pieces. This is a price decrease of approximately 12 percent. Order No. 1 to Revised Maximum Price Regulation 26 issued September 18, 1946, granted increases for broom and mop handle squares averaging approximately $7.50 per thousand pieces or about 35 percent. The two actions together will establish a price relationship which should result in the desired production relationship between plaster lath and handle squares.

Both plaster lath and handle squares are made from slabs and edgings and both are manufactured on the same machines. An increase of over 80 percent in the price of plaster lath was granted temporarily by amendment 21 to Revised Maximum Price Regulation 26 and continued by the 2nd revision of that regulation. The available information indicates that a substantial increase in the production of lath resulted, thereby materially reducing the critical shortage which was the basis for the incentive increase. The price increase resulted in a greater utilization of machine capacity and waste. But a part of the increased lath production has been at the expense of handle square production and has resulted in an increasingly acute shortage of this necessary item. The Civilian Production Administration, therefore, has certified to this office that present essential consumer requirements will be most effectively met by restoring a more nearly normal relationship between the production of plaster lath and broom and mop handle squares. That agency has urged the Price Administrator to establish a price relationship which will achieve that objective.

That recommendation has been followed in the price increase granted on handle squares by Order No. 1 and the present price decrease of $1.00 per thousand pieces in the prices for plaster lath (and the less important associated items). This decrease will place the price for plaster lath more nearly in line with handle square prices. At the same time lath will continue to be priecd favorably in relation to handle squares. The decrease of $1.00 per thousand piece is therefore believed to be the most appropriate price reduction.

Because of the unavailability of exact data on lath and handle square production, no accurate estimate can be made of the effect on average realization of the price changes on those items. The increases and decreases will partially offset each other. In any case, these items constitute such a small part of total production that the price changes will have no substantial effect on over-all realization.

In view of the above considerations, the Administrator finds that this amendment is necessary and proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17636; Filed, Sept. 27, 1946; 11:43 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127[1], Amdt. 54]

FINISHED PIECE 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.

Maximum Price Regulation No. 127 is amended in the following respects:

1. Section 1400.78 (c) (35) is revoked.

2. Section 1400.81 (a) (31) is added to read as follows:

(31) "Chain store" means a store which is one of a group of five or more commonly owned or controlled retail stores using a common name.

3. Section 1400.82(1) is amended to read as follows:

(1) *Substandard goods, shorts, and remnants.* The maximum prices set forth above for finished piece goods, shall be discounted for substandard goods, shorts, and remnants, as follows:

(1) Regular sized pieces discounted by 10%.

(2) 20 to 40 yard lengths discounted by 15%.

(3) 10 to 19.99 yard lengths discounted by 20%.

(4) 1 to 9.99 yard lengths discounted by 30%.

4. Section 1400.82 (aa) is amended to read as follows:

(aa) (1) *Restriction on producers' and converters' deliveries at Class II markup.* (i) Except as provided in (ii) below, the percentage of total deliveries of finished piece goods on which a producer or converter may charge a Class II markup, in any calendar month, shall be no greater in relation to his total deliveries of finished piece goods than the percentage of total deliveries of such goods made in 1941 to persons who are now defined as Class II purchasers (exclusive of chain store deliveries.); *Provided,* That a producer or converter, who in any calendar month does not deliver his entire permissible quota of finished piece goods to Class II purchasers at a Class II markup, may add the unused dollar balance of his quota (or a portion thereof) to his permissible percentage quota of deliveries at a Class II markup in any succeeding month.

(ii) A producer or converter who during 1941 delivered finished piece goods to persons now defined as Class II purchasers, and who does not desire to examine his delivery records in order to determine the exact amount of such deliveries, may charge a Class II markup on deliveries to Class II purchasers to an extent which does not exceed 5% of his total dollar deliveries of finished piece goods in any calendar month; *Provided,* That he has filed a statement with the Office of Price Administration, Washington 25, D. C. (and received an acknowledgment thereof) stating:

(*a*) That during the year 1941 he delivered finished piece goods to persons now defined as Class II purchasers. and

(*b*) That he intends to charge a Class II markup on deliveries to Class II purchasers to an extent not to exceed 5% of his total deliveries of finished piece goods in any calendar month.

This amendment shall become effective immediately, except that § 1400.82 (aa) shall become effective October 1, 1946.

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

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 54 TO MAXIMUM PRICE REGULATION NO. 127

I

This amendment alters the provisions of Amendment 52 to Maximum Price Regulation 127 by providing that the restrictions imposed by Section 1400.82 (aa) shall be applicable to "deliveries". However, in order to permit a fulfillment of their commitments by producers and converters who prior to September 4, 1946, booked orders or made contracts to sell finished piece goods at Class II prices to persons formerly defined as Class II purchasers, the effective date of this change has been deferred until Oct. 1, 1946. Consequently, sellers of finished piece goods will have until Sept. 30 to fulfill such contracts entered into prior to September 4, 1946. Commencing October 1, 1946, deliveries at Class II prices may be made only to persons who were defined as Class II purchasers by Amendment 52 issued on September 4, 1946, regardless of the date of the order or contract to sell.

This amendment also permits producers and converters, who in any calendar month did not deliver their full quota of finished piece goods at a Class II markup, to add the unused dollar balance to their percentage quota in any succeeding month. This provision was added for the purpose of permitting those sellers who normally have a seasonal fluctuation in the volume of their deliveries to Class II purchasers to obtain the full benefit of their established permissible quota of deliveries at a Class II markup. In addition to the foregoing the term "chain store" is defined in this amendment.

II

Since March 1942 when the price of finished piece goods remnants was frozen by the enactment of the General Maxi-

[1] 10 F. R. 14507, 15006; 11 F. R. 1783, 2075, 2224, 2986, 3863, 14628, 4339, 4541, 5120, 5542, 7282, 8646, 8961.

mum Price Regulation, sellers of piece goods in one to ten yard lengths have been subject to a squeeze resulting from the increased cost of grey goods. The Administrator is of the opinion that the most suitable means of arriving at an equitable ceiling price for this commodity is to bring it within the pricing provisions of Maximum Price Regulation No. 127 and to require that it be sold at a discount equivalent to that which was customarily allowed on piece goods in one to ten yard lengths, and this amendment so provides.

[F. R. Doc. 46-17639; Filed, Sept. 27, 1946; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 614, Amdt. 1]

RETAIL SALES OF SPECIFIED ARTICLES OF HARDWARE

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 614 is amended in the following respects:

1. The second undesignated paragraph of section 2 is amended to read as follows:

"Net cost" means the invoice cost of the article you are pricing less all discounts except cash discounts but including all incoming transportation charges.

"Incoming transportation charges" means the transportation charges from the supplier's shipping point to the point at which you first offer the article for sale at retail. In establishing maximum prices you must elect to allocate transportation charges exclusively (and you may not after October 10, 1946 change your election) either

(a) By allocating such charges to the article you are pricing on the basis of the value of the article.

Example: Take the incoming freight cost on any shipment and divide this figure by the total invoice cost of the articles included in that shipment. The resulting figure is your freight factor for the shipment. To determine the amount of freight properly allocable to the article in the shipment, multiply the invoice cost of the article by the freight factor.

(b) Or by using any method which you have established and which you customarily used immediately prior to August 9, 1946, of arriving at a freight factor to be included in your net cost in pricing articles subject to this regulation.

This amendment shall become effective October 2, 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 1 TO MAXIMUM PRICE REGULATION 614

The accompanying amendment provides sellers with an alternate method of allocating transportation charges to articles in determining their net cost. Inasmuch as many sellers had an established method of allocating transportation charges prior to the issuance of this regulation and are unable readily to use the system heretofore provided by the regulation, such sellers will be permitted to use the method which they had established and customarily used immediately prior to August 9, 1946, the date on which the regulation was issued. Use of this method will not affect the price level and once elected must be used exclusively.

[F. R. Doc. 46-17644; Filed, Sept. 27, 1946; 11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14F, Amdt. 25]

SOYBEAN ADHESIVES AND ISOLATED PROTEINS

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.

A new section 39 is added to SR 14F, to read as follows:

SEC. 39. *Soybean adhesives and isolated proteins*—(a) *Sales by producers.* The maximum price per hundred pounds for a producer's sales of soybean adhesives to any class of purchasers shall be the producer's maximum price per hundred pounds for sales to that class of purchasers of the grade of soybean adhesive established under the GMPR plus an addition per hundred pounds of such adhesive determined by multiplying $0.70 or $0.78 by the percent content of soybean meal or soybean flour respectively, depending upon which is actually used in the manufacture of the soybean adhesive.

The maximum prices per hundred pounds for a producer's sales of proteins isolated from soybean meal to any class of purchasers shall be the producer's maximum price per hundred pounds for sales to that class of purchasers of the grade of proteins isolated from soybean meal established under the GMPR plus an addition per hundred pounds of such isolated protein determined by multiplying $0.70 by the number of pounds of soybean meal used to produce one pound of isolated protein.

On and after July 25, 1946, for every increase of $1.00 per ton in the delivered cost of soybean meal over a base delivered cost of $62.00 per ton, bulk, f. o. b. Decatur, Ill., the producer of soybean adhesives made from soybean meal may increase his maximum price per hundred pounds for such adhesives by adding to the maximum price the result of the multiplication of the percent content of soybean meal contained therein by 5 cents. Where soybean flour is used in the production of such adhesives, the maximum price may be further increased by the cost of converting soybean meal to soybean flour, not exceeding three-fourths of one cent per 100 lbs. of adhesive.

On and after July 25, 1946, for every increase of $1.00 per ton in the delivered cost of soybean meal over a base delivered cost of $62.00 per ton, bulk, f. o. b. Decatur, Ill., the producer of proteins isolated from soybean meal may increase his maximum price per hundred pounds for such proteins isolated from soybean meal by adding to the maximum price the result of the multiplication of the number of pounds of soybean meal used to produce one pound of isolated protein by 5 cents.

For the purposes of the above computations, the delivered cost of soybean meal shall be the actual average cost of inventory on hand at the end of each calendar month, provided, however, that soybean meal purchased from July 1 to July 25 inclusive may not be used in calculating the actual inventory.

(b) *Adjusted price for resellers' sales*—(1) *Percentage increases.* Where a supplier increases his price to a reseller on or after June 10, 1946 such reseller may increase his ceiling price by the percentage of the increase in his supplier's price to him.

(2) *Notification.* A supplier, who increases his price to a reseller, shall send a notice to such reseller stating the percentage of the supplier's increase in price to such reseller and that the supplier's price does not exceed the OPA ceiling price.

(c) *Freight and trade practices.* The maximum prices established by paragraphs (a) and (b) above shall be subject to the freight and trade practices in effect on sales of soybean adhesives or isolated proteins by that seller in March 1942.

This amendment shall become effective October 2, 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 25 TO SUPPLEMENTARY REGULATION 14F

The accompanying amendment increases the maximum prices established by the GMPR for soybean adhesives and proteins isolated from soybean meal.

Soybean meal or soybean flour is a main ingredient used in the manufacture of soybean adhesives and proteins isolated from soybean meal. These products are imported adhesives utilized in the manufacture of furniture, plywood and other items. A considerable number of important industries are dependent upon the continued production of these products which are already in short supply.

On June 10, 1946 this Office issued Order 54 under Section 19a of GMPR authorizing sales of soybean adhesives and isolated proteins from soybean meal at adjustable maximum prices. The statement of considerations accompanying the issuance of the Order, insofar as here relevant, states the following:

"By Amendment 5 to Supplement 3 to Food Price Regulation 3 the Office of Price Administration has increased the maximum price of soybean meal by $14.00 per ton. A small portion of soybean meal is ground into soybean flour which in turn is made into adhesives and isolated proteins sold almost exclusively to industrial users.

"Because of this cost increase, a number of requests have been made by the producers of adhesives and isolated proteins containing soya meal or soya flour

for the revision of the maximum prices established under the GMPR which do not reflect this recent raw material increase. Producers have indicated their unwillingness to produce at the present prices. This has resulted in a threatened shutdown in the production of these products which are already in short supply."

The manufacturers comprising this industry are multi-line companies. The current over-all earning position of these companies is favorable compared to the base period. The minimum requirement for the Administrator under the circumstances is to establish ceiling prices which will cover average factory unit cost and he may, because of the importance of these products in the transition period, allow an increase to cover average total unit cost.

The accompanying amendment provides for an increase of 70¢ per hundred pounds depending upon the percent content of soybean meal used in the manufacture of the soybean adhesive. This upward adjustment of the GMPR maximum price reflects the increase in raw material costs of soybean meal from $48.00 per ton to $62.00 per ton, the price which prevailed on June 30, 1946. Where soybean flour is used, an additional 8¢ is allowed to cover extra costs of grinding, labor, loss, factory overhead, etc., necessitated in the conversion of soybean meal to soybean flour.

The amount of adjustment granted herein was computed after an extensive survey by this Office of the current total cost-price relationship of these products. This study showed that in the soybean adhesive group, the percentage content of soybean meal or flour varied between 35 to 95 percent in the various grades, that some grades contained casein, which had recently received an upward price adjustment, and other grades contained no casein. Furthermore, it appeared on an industry-wide basis that no clear cut correlation existed between increased costs, either factory or total, and the percentage content of soybean meal or flour. Inasmuch as producers of more than 80 percent of total industry production indicated their willingness to accept an increase in their ceiling prices in an amount sufficient to recover the increase in the raw material cost of $14 per ton for the soybean meal and a slightly higher cost for the soybean flour, the adjustment figures of 70 cents and 78 cents respectively per hundred pounds were designated. On the average, it is expected that this adjustment in price will approximate total costs.

It appears that the price of soybean meal had risen beyond $62.00 per ton bulk, f. o. b. Decatur, Ill., between July 25th and September 3. Consequently, this amendment contains an automatic adjustment provision whereby a producer may advance the maximum price of soybean adhesive by an amount by which the soybean meal cost per hundred pounds is increased depending upon the percent content of soybean meal contained therein. The delivered cost of soybean meal, in connection with this computation, shall be the actual average cost of inventory on hand at the end of each calendar month. It is intended, therefore, that this calculation shall occur at the end of each calendar month. However, soybean meal, purchased from July 1 to July 25, inclusive, may not be used in calculating such inventory. In addition to such increased cost of the soybean meal, provision is made for further increasing the maximum price by the cost of converting soybean meal to soybean flour. A similar automatic adjustment provision is provided with respect to proteins isolated from soybean meal.

In the opinion of the Administrator, the maximum prices established by this amendment are generally fair and equitable, consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17632; Filed, Sept. 27, 1946; 11:42 a. m.]

Chapter XVIII—Office of Economic Stabilization, Office of War Mobilization and Reconversion

PART 4003—SUBSIDIES; SUPPORT PRICES

[Directive 137, Amdt. 1]

MODIFICATION IN PREMIUM PRICE PLAN FOR COPPER, LEAD AND ZINC

On Friday, September 13, 1946 the Stabilization Director issued Directive 137 modifying the Premium Price Plan for Copper, Lead and Zinc in accordance with the terms of the Price Control Extension Act of 1946 (P. L. 548, 79th Cong., 2d Sess.). Directive 137 appearing at 11 F. R. 10531 is amended by designating the text thereof as § 4003.67a, and paragraph (1) (d) is redesignated paragraph (a) (4) and the text thereof is amended to read as follows:

§ 4003.67a *Modifications in premium price plan for copper, lead and zinc.* * * *

(a) * * *

(4) *Provision for adequate allowance for depletion.* To margins calculated as heretofore under the Premium Price Plan for Copper, Lead and Zinc shall be added 25% of the net market value for each metal, other than copper, lead and zinc, contained in his ores for which payment is made to the producer by the processing plant, provided the producer owns the property from which the ores are produced.

This amendment shall be effective July 1, 1946.

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; 15 U. S. C. 713a-8, 713a-8 note; 50 U. S. C. App. 901-903, 921-925, 961-971; Pub. Law 548, 79th Cong.; E. O. 9250, 9328, 9599, 9651, 9697, 9699, 9762, 7 F. R. 7871, 8 F. R. 4681, 10 F. R. 10155, 13487, 11 F. R. 1691, 1929, 8073)

JOHN R. STEELMAN,
Director of War Mobilization and Reconversion,
Director of Economic Stabilization.

[F. R. Doc. 46-17607; Filed, Sept. 27, 1946; 9:15 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 7]

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

PRICES FOR MARITIME COMMISSION VESSELS

Subject to the provisions of the Merchant Ship Sales Act of 1946 (60 Stat. 41) and 46 CFR, Part 299, appearing at 11 F. R. 4459, 4702, 8370, 8972 and 9936, the following additional vessel prices are published:

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

Type vessel	Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
Dry cargo			*50% 1941 cost*	*55% war cost*
C2-S1-AJ4 [2] (combination cargo-passenger)	$3,280,000		$1,640,000	
C3 P&C [1]	3,800,000	$4,940,000	1,900,000	$1,729,000
Passenger and cargo	3,300,000	4,300,409	1,650,000	1,505,143
P1-S2-L2	[1] 3,615,000	[1] 5,018,004	[1] 1,807,500	[1] 1,756,301
P2	[1] 6,949,967	[1] 9,647,293	[1] 3,474,983	[1] 3,376,553
YF covered barge	161,000	209,300	80,500	73,255

[1] Price based on bare boat ship after removal of national defense features and without passenger accomodations or additional cargo handling gear.

[2] For adjustment for prior sales; not available for disposal. In the case of the C2-S1-AJ4, the purchaser's contract shall provide for payment of the floor price if the floor price calculated upon the war-built cost (when available later) is higher than the statutory sales price, and for adjustment of the statutory sales price if the difference between the domestic war cost and the prewar domestic cost is greater than 80%.

SUBPART F—PREWAR DOMESTIC COSTS; STATUTORY SALES PRICES

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

2. Design characteristics are not set forth for types not available for disposal but included merely for adjustment for prior sales to citizens in accordance with section 9 of the act. (It should be noted that applications for such adjustment must be made within 60 days of publication of applicable prices.)

§ 299.56 *Prewar domestic costs; statutory sales prices* is amended as follows: 1. Paragraph (z) is revised to read: (z) *Miscellaneous.* The following types and prices are included for purposes of adjustment for prior sales to citizens in accordance with section 9 of the act. No vessels of these types are available for disposal.

Prices for the C2-S-A1, C5-S-AX1, L6, R2-ST-AU1, and T3-S-BF1 types were published in the FEDERAL REGISTER of

August 17, 1946. Prices for the C2–S1–AJ4 combination cargo-passenger and the C3 and P&C types have not previously been published.

Type	Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
Dry cargo				
C2-S1-AJ4 [1] (combination cargo-passenger)	$3,280,000		$1,640,000	
C2-S-A1	2,275,000	$2,964,676	1,137,500	$1,037,637
C3 P&C	3,800,000	4,940,000	1,900,000	1,729,000
C5-S-AX1	3,460,000	4,508,914	1,730,000	1,578,120
L6	1,792,000	2,335,252	896,000	817,338
R2-ST-AU1	4,300,000	5,530,684	2,150,000	1,935,739
Tankers				
T3-S-BF1	1,789,500	2,244,925	1,565,812	1,122,463

[1] The purchaser's contract shall provide for payment of the floor price if the floor price calculated upon the war-built cost (when available later) is higher than the statutory sales price, and for adjustment of the statutory sales price if the difference between the domestic war cost and the prewar domestic cost is greater than 80%.

2. The following paragraphs are added at the end of the said § 299.56: (bb) *Type passenger and cargo.* (Not previously published.) The passenger and cargo type vessel is a single screw, turbine-propelled vessel with a raked stem and contour stern.

Vessels of this type available for disposal are now military auxiliaries.

When reconverted to passenger and cargo vessels, the principal design characteristics will be as follows:

Length over-all	491′ 0″.
Beam molded	67′ 6″.
Depth molded	39′ 9″.
Load draft molded	25′ 6″.
Deadweight tons	9,021.
Gross tons	7,980.
Net tons	4,540.
Bale cubic capacity	453,273.
Propulsion	Turbine
Shaft h. p., normal	7,800.
Speed, knots	16½.
Passengers	67.
Staterooms	26.

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,300,000	$4,300,409	$1,650,000	$1,505,143

(cc) *Type P1–S2–L2.* (Not previously published) The P2–S2–L2 is a steel vessel with raked stem and transom stern. It is a passenger type vessel of special design converted to a Navy troop ship.

Principal design characteristics are as follows:

Length over-all	414′ 4″.
Beam molded	56′ 0″.
Depth molded	34′ 0″.
Load draft molded	18′ 0″.
Deadweight tons	1,877.
Gross tons	
Net tons	
Bale cubic capacity	82,182.
Propulsion	Turbine.
Shaft h. p., normal	8,000.
Speed, knots	19.
Passengers	
Staterooms	

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
[1] $3,615,000	[1] $4,018,004	[1] $1,807,500	[1] $1,756,301

[1] Price based on bare boat ship after removal of national defense features and without passenger accommodations or additional cargo handling gear.

(dd) *Type P2.* (Not previously published) The P2 type is a steel, twin screw combination vessel with a curved stem and cruiser stern.

There are two standard designs of the P2 type, the P2–SE2–R1 and the P2–S2–R2, both of which are military transports. Principal design characteristics are as follows:

	P2-SE2-R1	P2-S2-R2
Length over-all	608′ 11″	622′ 7″.
Beam molded	75′ 6″	75′ 6″.
Depth molded	52′ 6″	51′ 6″.
Load draft molded	26′ 6″	26′ 1″.
Deadweight tons	11,913	10,025.
Gross tons	15,940	17,830.
Net tons	9,320	10,000.
Bale cubic capacity	106,349	145,680.
Propulsion	Turb.-elect	Turbine.
Shaft hp., normal	18,000	17,000.
Speed, knots	19	19.
Passengers		
Staterooms		

Prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
[1] $6,949,967	[1] $9,647,293	[1] $3,474,983	[1] $3,376,553

[1] Price based on bare boat ship after removal of national defense features and without passenger accommodations or additional cargo handling gear.

(ee) *Type YF covered barge.* (Not previously published) The YF covered barge is a Navy designed non-propelled barge, capable of being used for ocean service, built of steel with one continuous deck and four cargo holds. Cargo side ports are provided in the deck house together with hatch openings for all holds. Accommodations for personnel are installed forward.

Principal design characteristics are as follows:

Length over-all	260′ 0″.
Beam molded	48′ 0″.
Depth molded (Mn. dk.)	15′ 0″.
Draft molded	9′ 6″.
Deadweight tons	2,000.
Bale cubic capacity	162,000 (est.).

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$161,000	$209,300	$80,500	$73,255

(60 Stat. 41)

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

SEPTEMBER 25, 1946.

[F. R. Doc. 46-17529; Filed, Sept. 27, 1946; 9:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 135, Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of September A. D. 1946.

Upon further consideration of the provisions of Service Order No. 135 (8 F. R. 9569), as amended (8 F. R. 10941; 11 F. R. 8451), and good cause appearing therefor:

It is ordered, That Service Order No. 135, as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) of § 95.502 *Demurrage charges at Mexican border points.*

§ 95.502 *Demurrage charges at Mexican border points.* (a) After expiration of the free time allowed by tariffs lawfully on file with this Commission on interstate or foregin shipments in carloads originating at points in, or moving through, the United States and destined to points in Mexico the demurrage charges at Brownsville, Texas (see exception below); Calexico, California; Cantu, Calif.; Divison, California; Douglas, Arizona; Eagle Pass, Texas; El Paso, Texas; Laredo, Texas; Naco, Arizona; Nogales, Arizona; Presidio, Texas; and San Ysidro, California; on such carload shipments shall be $5.50 per car per day or fraction thereof, for each of the first two (2) days, and shall be $22.00 per car per day or fraction thereof, for each succeeding day.

Exception: The provisions of this order shall not apply to freight in carloads, at or short of the port of Brownsville, Texas, which is transshipped at that port to vessels for export, coastwise or intercoastal movement.

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 26, 1946; that a copy of this order and direction 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. 46-17488; Filed, Sept. 27, 1946; 8:46 a. m.]

Notices

TREASURY DEPARTMENT.

United States Coast Guard.

APPROVAL OF EQUIPMENT

Correction

In Federal Register Document 46–17150, appearing on page 10782 of the issue for Wednesday, September 25, 1946, under the headnote "Lifeboats" the first line of the second paragraph should read: "18′ x 6.25′ x 2.75′ aluminum oar-pro-" and the first line of the fourth paragraph should read: "12′ x 4.92′ x 1.92′ steel oar-propelled".

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

FRESH CELERY IN FLORIDA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED ORDER REGULATING HANDLING

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), notice is hereby given of the filing with the Hearing Clerk, of the report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order regulating the handling of fresh celery grown in the State of Florida, 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, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The public hearing, on the record of which the proposed marketing agreement and the proposed order were formulated, was initiated by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by numerous growers and shippers of fresh celery grown in the State of Florida. The notice of hearing was published in the FEDERAL REGISTER on June 11, 1946 (11 F. R. 6342); and the hearing was convened at the following times and places:

June 27, 1946, at 10:00 a. m., e. s. t., County Courthouse, Sanford, Florida;

July 1, 1946, at 10:00 a. m., e. s. t., City Hall, Belle Glade, Florida;

July 3, 1946, at 10:00 a. m., e. s. t., County Courthouse, Sarasota, Florida.

The major issues developed at the hearing were concerned with: (1) whether celery grown in Florida is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce in celery; (2) whether regulations by grades and sizes and the point at which control is effected under such methods of regulations contained in the proposed marketing agreement and proposed order, will tend to accomplish the purposes of the act; (3) whether regulation by available supply (volume control) and the point at which control is effected under such method of regulation contained in the proposed marketing agreement and proposed order will tend to accomplish the purposes of the act; (4) whether marketing or economic conditions justify the issuance of an order; (5) the proper size of the marketing area; (6) the adequacy of the composition, and distribution, of member representation among the districts for the Industry Committee and the Shippers Advisory Committee; and (7) the practicableness of a fixed reduction of an allotment percentage for handlers electing to modify their allotments from those issued in accordance with Method III (available supply).

The conclusions reached, on the basis of the hearing record, with respect to these issues, together with some of the supporting reasons for such conclusions, are set forth below:

(a) Fresh celery to be regulated under the proposed marketing agreement and proposed order is in the current of interstate and foreign commerce or directly burdens, obstructs, or affects such commerce in celery.

Celery is one of the principal vegetables marketed from Florida. It represents a considerable proportion of the total quantity of celery marketed, from all winter and spring celery production areas, from December of each year through June of the following year.

An exceedingly high proportion of Florida's celery production moves, in fresh form, into interstate and foreign commerce directly. Of the remainder, a high proportion is subsequently shipped into interstate commerce in direct competition with other celery shipped from Florida and from other states. It is estimated that 98 per cent of Florida's production actually moves into interstate commerce. Celery initially sold within the State very frequently finds its way into interstate channels through direct sales to truck operators or through sales to fresh produce markets within the State and subsequent resales to persons who move the celery, or cause the celery to be moved, to out-of-state markets for ultimate sale in such other states.

Individual sales of celery within the State of Florida vary widely in the number of crates sold; and the ultimate market outlets are numerous. During periods in which a large volume of celery is shipped to large numbers of buyers who are actively bidding for each potential consumer outlet, each sale within the State affects the sensitive market condition in general. Sales to truckers and to, or through, local wholesale produce markets normally are made (1) when the total volume of celery available for shipment is in excess of other foreseeable sales outlets, (2) when the volume of one variety, better grades, or particular sizes of celery exceed demand, and (3) when truckers are willing to speculate on the probable return accruing from the combined services of transportation and selling. Sales within the State of Florida are an integral part of all sales in all market outlets for celery and thus, depending upon relative market locations and prices, affect, in varying degrees, the quantities of celery that may be channeled into markets over a wide area, and the prices obtainable.

Visible supplies of celery include rail, boat, and truck shipments, truck holdings, and unharvested celery available for harvesting during succeeding weeks. Prices obtainable in the central markets react to the volume of visible supplies of celery in relation to consumer demand. Dealers in the central markets engage representatives, stationed in the producing areas in Florida, who keep the dealers informed regarding the condition of the crop, the probable volume of celery available for harvesting during succeeding weeks, and other factors that will enable the dealers to bid more effectively for the visible supply. Conditions forseeable for succeeding weeks, as well as current and preceding weeks activities, directly affect the price obtainable at any particular time.

It is the policy of the Agricultural Marketing Agreement Act of 1937, as amended, that agreements made and orders issued pursuant thereto may effect a proper price to growers for the agricultural commodity involved and to bring about the orderly marketing of such commodity. During periods in which the volume of production of such agricultural commodity is sufficiently great to reduce the price below that determined in accordance with the act as the price necessary to assure proper returns for the marketing season, it is contemplated that regulations of the type permitted by the act will be instituted to regulate the flow of the commodity in distribution channels. In so doing, it is recognized that the volume of the commodity restricted from shipment would, if permitted to be shipped, defeat the purposes of the act. Outlets for celery are almost exclusively limited to the fresh market; and intrastate uses are almost negligible in relation to the total production of Florida celery and would not exceed the volume that would be excluded, or be affected, by any restrictive regulation. To permit the restricted volume to move in intrastate channels would directly affect prices at that level and, in the knowledge that irregular shipments may move into interstate commerce, would create uneasiness and instability of prices in out-of-state markets and consequently tend to defeat the purposes of the act. Celery is, generally, harvested for no purpose other than for sale in fresh form in interstate commerce; it has virtually no other use.

If prices in Florida for Florida celery were not affected by prices for such celery elsewhere, or did not affect prices elsewhere, the sales prices for Florida celery sold in the State presumably would have little relationship to central market prices. Yet the relationship is remarkably close. Exhibit 6, received in evidence and made a part of the hearing record, contains prices, by grades, sizes, and varieties, obtained by certain ship-

pers in 1945 and an earlier year. Tables 6 and 7 of Exhibit 14, also received in evidence and made a part of the hearing record, show the relationship between the Jacksonville, Florida, wholesale market price and the average prices obtained at ten central markets between 1933 and 1940. These data clearly reflect close price relationships between sales of celery within the State of Florida and in other states.

(b) The regulation of shipments and the point at which control will be effected by Methods I and II (i. e. by grades and sizes, respectively) will tend to accomplish the purposes of the act.

Testimony presented at the hearing indicates that not all growers will at all times produce celery of like quality or of like sizes; and, if a regulation is issued during certain weeks, it might be more burdensome upon some growers than on others. Proponents of the proposed marketing agreement and proposed order stated that such an occurrence was anticipated in their proposal and that it was their intention to prevent possible inequities by providing for representation on both committees, to be established pursuant to the marketing agreement and order, sufficiently large that possible inequities will be brought to the attention of the committees and the Secretary, and by requiring one of the committees to obtain detailed information by grade and size.

That restrictions of shipments by either grade, size, or volume (available supply) will tend to accomplish the purposes of the act is clearly established by proponents and opponents. While volume of the commodity is the principal factor affecting the price of celery, there are periods during each season, when, because of specific preferences in the various markets for celery by grades or sizes or varieties, it may be advisable to regulate shipments by Method I or Method II.

Should regulations be made effective pursuant to Method I or Method II, control over celery immediately prior to, and during, the time it is loaded out of the first handler's packing house will be necessary to accomplish the purposes of the act. The only practicable time during which inspections, with respect to compliance, can be made to determine grades and sizes of celery included in packages of celery to be shipped is after the packages have been filled and during the process of loading them out of the packing house.

(c) The regulation of shipments and the point at which control will be effected by Method III will tend to accomplish the purposes of the act.

Arguments were presented at the hearing by opposition witnesses that regulation by Method III would not be equitable since celery of all growers would not be harvested each week and the volume of celery available for harvesting would not be proportionally distributed among all growers during each week of the season. If heavy plantings of celery are concentrated into a few weeks so as to cause a disorderly pyramiding of shipments to build up during one or more three-or-four-week periods, it is conceivable that unusually heavy restrictions of shipments could occur during such weeks. However, at the hearing, it was argued that without shipment regulations during such periods, disorderly marketing conditions could cause such abnormally poor prices that the returns to growers would not equal the harvesting costs; and that it is highly improbable that returns would equal the total cost of production, harvesting, and marketing. Under regulated shipments, as provided in the proposed marketing agreement and proposed order, proponents and opponents agree that the price obtainable for celery shipped would result in higher prices to growers and effect higher grower returns.

In planning the planting of celery, growers determine the acreage that should be planted for harvesting during a particular one-week period by estimating the approximate harvesting date or period, which they may be reasonably sure will fall within a particular thirty-day period. The selection of a particular week for planting celery involves an appraisal of the relative favorableness of the price that may be obtained when the celery matures. Normally, every grower will hedge his appraisal of the price for celery anticipated during a particular harvesting period by staggering his plantings so that he will have celery available for harvesting from two to six or seven months of the marketing season. Each district, defined in the proposed marketing agreement and proposed order, has celery available for harvesting during essentially the same series of months with the exception that the South Florida District, the Florida West Coast District, and parts of the Central and North Florida District conclude their harvesting and marketing seasons during late April and early May, while other parts of the Central and North Florida District do not conclude their harvesting and marketing seasons until June. Therefore, the independent action of growers, in each district, at planting time may contribute to the relative disorderliness of marketings three to four months afterwards.

The price obtained for celery at any particular time is largely dependent upon the volume of celery available in the central markets or the relative congestion of celery in those markets. Such price usually is affected by the ability of the markets to absorb the visible supply of celery during a period of days or weeks. Regulations restricting shipments are to be designed to reduce the congestion in the markets through the anticipation of such occurrences by careful study of anticipated supplies and other factors in the committee's marketing policy report, required by Section 4 of the proposed marketing agreement and proposed order. Hence, wide variations in the proportions of the weekly available supplies that will be restricted from shipment may be largely avoided. Day-to-day shipments of celery may vary widely, but on a week-to-week basis the patterns of shipments will be fairly smooth. So, the committees, in making recommendations for regulations, may anticipate a problem a few weeks in advance of its occurrence and minimize its effect by a well planned series of recommendations which, if made effective by means of regulations, would tend to eliminate market congestion.

In the case of regulation by Method III, the only effective time at which the volume of celery can be regulated, and, incidentally, the most economical point in the successive steps of the handling of celery, is at the time of harvesting. At any other point in the handling, the ability to enforce the regulation would become increasingly difficult, and expensive to growers and shippers.

The harvesting of celery is a handler function; and control at the point of harvesting, in the event regulations are issued pursuant to Method III, is necessary to accomplish the purposes of the act. In the Central and North Florida District and in the Florida West Coast District all celery is harvested by the handler, or by grower-shipper acting in his capacity as a handler. In the South Florida district some celery is harvested by the grower in cooperation with, and as agent for the handler, in order that the handler may make preliminary arrangements for the sale of the celery and may properly coordinate the functions of harvesting, washing, packing, precooling, loading, and selling the celery. Without this effective control over the harvesting of celery by the handler, large quantities of this highly perishable commodity would be lost by spoilage during the initial stages of its preparation for market.

(d) Marketing and economic conditions justify the issuance of a marketing agreement and order.

Since 1938 prices for celery have followed an upward trend in response to increased purchasing power of consumers; and a consequent expansion of the industry has resulted. The significance of the price influence is evident by comparison of trends in the acreage devoted to celery. Between 1932 and 1938 the Florida celery acreage ranged between 5,450 acres to 7,200 acres. Since 1938 the acreage has ranged from 6,700 acres to more than 14,000 acres in 1946. This expansion of acreage of celery has been associated with an expansion into sections of the State where celery was not previously grown. Prior to 1941 celery production was confined largely to Seminole, Sarasota, and Manatee Counties. Recently the industry has expanded in the vicinity of Belle Glade, Canal Point, and Pahokee in Palm Beach County, and in the vicinity of Weirsdale, Island Grove, Oklawaka, and Zellwood in the Central and Northern Florida District.

This augmentation in celery acreages is also associated with the development, within the industry, of large-scale operations involving a few hundred acres of celery operated by one individual, whereas the earlier history of the industry has been one of considerably smaller operations. The newer acreages are located in muck soil areas; and such soil requires less fertilizer than the sand lands which constituted the initial source of celery acreage for the industry.

Prices for celery during the war period have been favorable; and the scarcity and rationing of other vegetables coupled with the high consumer purchasing power have contributed to the realization

of that price level. During the 1945–46 season, prices for celery declined markedly following the over-expansion of the industry and the relaxation of military demands and rationing controls on virtually all foods. The evidence adduced at the hearing indicates that a large part of the industry fears that adjustment to a peace-time economy will be disorderly and extremely costly to them, will be harmful to the Florida agricultural economy, and may exert an adverse effect on the marketing of other fresh vegetables, unless a marketing agreement and order program is instituted to moderate the effects of such an adjustment.

(e) The marketing area should include the entire State of Florida.

A market reputation has been developed for Florida celery. No distinction is made as to the celery produced in the different districts. In the present celery producing districts there are found the two major soil types, already described, and practically the entire range of temperatures common to the State. There is little reason, therefore, why celery could not be grown in virtually any part of the State where adequate irrigation and proper drainage can be maintained. Delimitation of the area to one containing fewer counties or to a part of the State is not practicable.

(f) There should be an Industry Committee to administer the terms and provisions of the proposed agreement and proposed order and a Shippers Advisory Committee. The Industry Committee should be composed of nine members, with four members from the Central and North Florida District, three members from the South Florida District, and two members from the Florida West Coast District. The Shippers Advisory Committee should be composed of ten members, with four members each from the Central and North Florida District and the South Florida District, and two members from the Florida West Coast District.

Representation on the Industry Committee is designed to afford an adequate distribution of membership to each of the geographic divisions or districts in the area. It is related generally to the size of each geographic part of the industry with respect to production, or acreage devoted to the crop, and to the number of growers. The number of representatives in each district is designed to permit representation of each recognized part of the industry within such district.

Two representatives from the Florida West Coast District is considered to be the minimum desirable number, since (1) a considerable part of the production in that area is handled through one cooperative marketing organization and (2) it is considered imperative that opportunity for representation be afforded to the group of growers associated with the cooperative marketing organization, as well as to others. Three representatives is considered to be the minimum desirable number for the South Florida District to afford representation for growers associated with cooperative, as well as non-cooperative organizations, and because of the much greater magnitude of production in that area as compared with the Florida West Coast District. Four representatives from the Central and North Florida District is considered to be the minimum desirable number for that district to afford proper representation. The latter district has producing sections that are much more scattered than in the case of the other two sections, and has a larger production of celery and the greatest number of growers. Such representation is desirable to afford adequate representation for growers who are associated with cooperative marketing associations, and other growers, for growers operating in the sand and muck land sections, and for small and large growers.

In determining this representation by districts, the proponents chose not to relate representation strictly to acreage, production, or the number of producers because of recent changes within the industry in this respect. The current basis affords a proper representation from within each district and in combination with the other districts, particularly in relation to the quorum and voting requirements of the proposed marketing agreement and order.

Representation on the Shippers Advisory Committee is designed to afford adequate representation in accordance with the prevailing types of marketing organizations and the approximate relationship to the volume of the marketings, and to permit the inclusion of a sufficient number of handlers so that complete information concerning the various markets may be available for consideration prior to the making of recommendations. The provision for the largest shipper in each district to nominate one member is designed to furnish the committee with a representative, from each district, who has the broadest knowledge of the markets. This arrangement will permit nominations for other members of the committee in each district by all other handlers and, thus, assure a fair distribution of membership.

In order that at least one handler representative may be obtained, in addition to the largest shipper, the Florida West Coast District will have two handler representatives. In each of the two other districts four handlers are deemed to be the minimum desirable number of representatives to afford proportional representation somewhat in relation to the volume of celery shipped from the respective districts and to afford adequate representation among all types of handlers.

(g) The adjustment of individual allotments, when handlers modify their allotments issued pursuant to Method III, should be flexible.

The incidence of a change in the quantity of celery that may be harvested for shipment occasioned by withdrawing or exceeding allotments, in accordance with paragraph (h) of section 5 of the proposed marketing agreement and proposed order, will be variable depending upon the extent to which prices or supplies may be affected. In recommending allotments, the committees will consider the advisable supply of celery to be shipped during a series of weeks in relation to the available supply of celery. Each change in the quantities of celery permitted to be shipped will tend to upset the committee's plans and the prices obtainable for, or the allotment issued with respect to, all celery depending upon the sensitiveness of market conditions at any particular time. The decision with respect to the adjustment of the allotment percentage should be left to the committees, established pursuant to the proposed marketing agreement and proposed order, and the Secretary.

The following proposed marketing agreement and proposed order are recommended as the detailed means by which the above conclusions may be carried out. The provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order.

Proposed Marketing Agreement and Proposed Order

Findings. Upon the basis of the evidence introduced in the public hearing and the record thereof, it is hereby found that:

(1) The proposed marketing agreement and the proposed order regulating the handling of fresh celery grown in the State of Florida and all terms and conditions of the marketing agreement and order will tend to effectuate the declared policy of the act;

(2) Celery to be regulated by such marketing agreement and order is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce in celery;

(3) Such marketing agreement and order are the only practicable means, pursuant to the act, to advance the interests of the producers of celery which is produced for sale in the said marketing area; and

(4) The proposed marketing agreement and order regulate the handling of celery in the same manner as, and is applicable only to handlers defined in, a marketing agreement and order upon which a hearing has been held.

Provisions

SECTION 1. *Definitions.* (a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(c) "Person" means any individual, marketing agent or agency, partnership, corporation, association, legal representative, business trust, or any organized group or business unit of individuals whether incorporated or not.

(d) "Area" means the entire State of Florida.

(e) "Celery" means all varieties of celery grown within the area.

(f) "Stalk of celery" means an individual celery plant which has been well trimmed.

(g) "Well-trimmed" shall have the meaning set forth for the same term in

the U. S. Standards for Rough Celery, issued by the U. S. Department of Agriculture and effective January 10, 1938, or in such U. S. Standards as subsequently amended or otherwise modified.

(h) "Variety" or "varieties" means any one or more or all of the following classifications or groupings of celery; (1) Golden or Golden self-blanching types of celery; (2) Pascal types of celery, whether Giant or Dwarf; and (3) all other celery.

(i) "Standard pack" means, with respect to a crate of celery packed in accordance with the recognized commercial practice in use in Florida for packing celery, (1) that the stalks of celery are properly arranged in such crate, and (2) that the crate is tightly packed and contains any one of the following number of stalks of celery, by count or in terms of dozens as herein set forth, of fairly uniform size:

12 stalks (1 dozen), 18 stalks (1½ dozen), 24 stalks (2 dozen), 30 stalks (2½ dozen), 36 stalks (3 dozen), 48 or 50 stalks (4 dozen), 72 stalks (6 dozen), 96 stalks (8 dozen), 120 stalks (10 dozen), 144 stalks (12 dozen), 180 stalks (15 dozen).

(j) "Size" means, with respect to an individual stalk of celery, the number, in terms of dozens, as aforesaid, of such stalks that would constitute a standard pack.

(k) "Fairly uniform size" means that not more than ten per cent (10%), by count, of the stalks of celery in a standard pack vary in size from the standard size stalks in such standard pack. Whenever 1 dozen or 1½ dozen stalks of celery are packed, as aforesaid, in a crate, such term shall mean that not more than two such stalks vary in size from the standard size stalks in such standard pack.

(l) "Standard size stalks" means stalks of celery which vary not more than one size smaller or larger than the size of stalks of celery which, when packed as aforesaid in a crate, would constitute a standard pack.

(m) "Crate" means a shipping container, the inside dimensions of which are sixteen (16) inches by twenty-two (22) inches by ten (10) inches. Such term shall also mean the number of stalks of celery of a particular size constituting a standard pack.

(n) "Ship" or "handle" means to sell, transport, or in any other way (except as a common carrier of celery owned by another person) to place celery in fresh form in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect such commerce. Neither the term "ship" nor the term "handle" shall include the act of a grower merely transferring to a shipper the ownership of, or the title to, celery.

(o) "Shipper" or "handler" means any person, whether as owner, agent, or otherwise, who first ships celery in fresh form, or causes such celery to be so shipped.

(p) "Grower" or "producer" means any person who is engaged in the production of celery for market.

(q) "Fiscal period" means the period beginning on the first day of August of each year and ending on the last day of July of the following year, both dates inclusive, except that the first fiscal period shall begin on the date designated by the Secretary and end on the last day of July following, both dates inclusive.

(r) "Committees" means the committees established in accordance with the provisions hereof.

(s) "Block" means a row or an uninterrupted series of rows of celery of the same variety which were planted in a particular field during the same calendar week.

(t) "Field" means a well-delineated plot of cultivated land upon which celery is grown.

(u) "Available supply of celery" means the linear feet of rows of unharvested celery of a particular variety ready for harvest for shipment during a particular calendar week.

(v) "District" means each of the following: (i) South Florida District; (ii) Florida West Coast District; (iii) Central and North Florida District.

(w) "South Florida District" means that part of the State of Florida comprising the Counties of Martin, Dade, Broward, Collier, Monroe, Lee, Charlotte, St. Lucie, Okeechobee, Highlands, Indian River, Glades, Hendry, and Palm Beach.

(x) "Florida West Coast District" means that part of the State of Florida comprising the Counties of Sarasota, DeSoto, Hardee, Pinellas, Pasco, Polk, Manatee, and Hillsborough.

(y) "Central and North Florida District" means that part of the State of Florida comprising the Counties of Seminole, Osceola, Brevard, Sumter, Hernando, Citrus, Volusia, Flagler, Putnam, Alachua, Levy, Holmes, Lake, Orange, Marion, Washington, Bay, Walton, Okaloosa, Santa Rosa, Escambia, Dixie, St. Johns, Clay, Duval, Nassau, Bradford, Union, Baker, Gilchrist, Columbia, Suwannee, Lafayette, Hamilton, Madison, Taylor, Jefferson, Leon, Wakulla, Franklin, Liberty, Gulf, Gadsden, Calhoun, and Jackson.

SEC. 2. *Industry Committee and Shippers Advisory Committee*—(a) *Establishment of Industry Committee.* (1) An Industry Committee, consisting of nine (9) members is hereby established to administer the terms and provisions hereof. Four (4) members shall be from the Central and North Florida District, three (3) members shall be from the South Florida District, and two (2) members shall be from the Florida West Coast District. There shall be an alternate for each member of such Industry Committee. Each member, alternate, and successor shall be a grower in the district from which such person is selected, as hereinafter provided, whether or not such person is also a handler. No such member or alternate shall also serve as a member or alternate of the Shippers Advisory Committee, established pursuant to (d) of this section 2, during any period in which he is serving as a member or alternate of the Industry Committee. The members of said Industry Committee and their respective alternates shall be selected in accordance with the provisions hereof.

(2) The initial members and their respective alternates shall each hold office for terms beginning on the date designated by the Secretary and ending as follows: (i) three (3) members and their alternates on July 31, 1947, or such later date when the respective successor is selected and has qualified; (ii) three (3) members and their alternates on July 31, 1948, or such later date when the respective successor is selected and has qualified; and (iii) three (3) members and their alternates on July 31, 1949, or such later date when the respective successor is selected and has qualified. After July 31, 1947, each successor member and each successor alternate shall hold office beginning on the first day of August, or as soon thereafter as such successor has been selected and has qualified, for three (3) consecutive fiscal periods and until such person's successor is selected and has qualified. Each member, alternate, and the respective successor shall be nominated pursuant hereto by growers, whether or not such growers are also handlers, and shall thereafter be selected by the Secretary, and shall qualify as hereinafter provided.

(b) *Nomination of members and alternate members for Industry Committee.* (1) The Secretary shall give public notice of a meeting of growers in each district to be held within fifteen (15) days after the effective date hereof, and in ensuing years not later than July 10, for the purpose of making nominations for members and alternate members of the Industry Committee. Notice shall also be given of a meeting of growers to be held for the purpose of nominating growers for selection, by the Secretary, of successor members or alternates to fill vacancies on the Industry Committee. The Secretary shall prescribe uniform rules to govern such meetings and the balloting for nominees. The chairman of each meeting shall publicly announce, at each such meeting, the names of the persons nominated and the total number of votes cast for each; and the chairman and the secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. At each such meeting, growers in such district shall nominate at least two (2) growers for each member position and at least two (2) growers for each alternate member position on the Industry Committee. Each nominee shall be a grower in the district from which he is nominated.

(2) In voting for nominees for the Industry Committee, each grower shall be entitled to cast but one (1) vote, regardless of the number of districts in which he may be a grower, for each member position, and for each alternate member position for which such voter is entitled to participate in designating a nominee at the respective nomination meeting. The vote of each such grower shall be cast on behalf of himself, his agents, affiliates, subsidiaries, and representatives.

(c) *Selection of members of Industry Committee.* In selecting the initial members and alternates of the Industry Committee, the Secretary shall select from the nominees submitted, as aforesaid, the following number of members and alternates for the period beginning on the date designated by the Secretary and ending on the dates hereafter spec-

ified: (i) two (2) members and their alternates from the Central and North Florida District, and one (1) member and his alternate from the South Florida District on July 31, 1947, or such later date when the respective successor is selected and has qualified; (ii) one (1) member and his alternate from each district on July 31, 1948, or such later date when the respective successor is selected and has qualified; and (iii) one (1) member and his alternate from each district on July 31, 1949, or such later date when the respective successor is selected and has qualified.

(d) *Establishment of Shippers Advisory Committee.* (1) A shippers Advisory Committee consisting of ten (10) members is hereby established. Four (4) members shall be from the Central and North Florida District, four (4) members shall be from the South Florida District, and two (2) members shall be from the Florida West Coast District. There shall be an alternate for each member of said committee. Each such member, alternate, and successor shall be a handler irrespective of whether or not such handler is also a grower. No such member or alternate shall also serve as a member or alternate of the Industry Committee, established pursuant to (a) of this section 2, during any period in which he is serving as a member or alternate of the Shippers Advisory Committee. The members of said Shippers Advisory Committee and their respective alternates shall be selected in accordance with the provisions hereof.

(2) The initial members and their respective alternates shall each hold office for a term beginning on the date designated by the Secretary and ending on July 31, 1947, or such later date when the respective successor is selected and has qualified. After July 31, 1947, the term of office of successor members and alternates shall begin on the first day of August or as soon thereafter as such successor has been selected and has qualified and shall continue for one fiscal period and until such person's successor is selected and has qualified. Each member, alternate, and the respective successor shall be nominated pursuant hereto by handlers, whether or not such handlers are also growers, and shall thereafter be selected by the Secretary, and shall qualify, as hereinafter provided.

(e) *Nomination of members and alternate members for Shippers Advisory Committee.* (1) The Secretary shall give public notice of a meeting of handlers in each district to be held within fifteen (15) days after the effective date hereof, and in ensuing years not later than July 10, for the purpose of making nominations for members and alternate members of the Shippers Advisory Committee. Notice shall also be given of a meeting of handlers to be held for the purpose of nominating handlers for selection, by the Secretary, of successor members or alternates to fill vacancies on the Shippers Advisory Committee. The Secretary shall prescribe uniform rules to govern such meetings and the balloting for nominees. The Chairman of each such meeting shall publicly announce, at each such meeting, the names of the persons nominated and the total number of votes cast for each; and the Chairman and the Secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. At each such meeting, handlers in each such district shall nominate, in accordance with the provisions of (e) (2) and (e) (3) of this section 2, handlers for each member position and each alternate member position. Each such nominee shall be a handler in the district from which he is nominated.

(2) In nominating persons for member positions and alternate member positions of the Shippers Advisory Committee, only the handler in each district who shipped, during the portion of the current fiscal period ending on June 30, inclusive, the largest proportion of the total volume; in terms of crates, of all celery produced in such district and shipped by all handlers of such district, may nominate, in such district, one (1) handler for one (1) member position and only one (1) handler for one (1) alternate member position. Any handler who shipped from more than one district the largest proportion, as aforesaid, from each such district shall designate the district in which he will nominate, as aforesaid, one (1) handler for one (1) member position and one (1) handler for one (1) alternate member position. In each district other than the one so designated, the handler who shipped the next largest proportion, as aforesaid, in such district shall be deemed to be the handler who shipped the largest proportion, as aforesaid, in such district. Each handler who is so deemed to have shipped the largest proportion in any district, shall also be subject to the restrictions of this paragraph (2) with respect to designating a particular district and nominating one (1) handler for one (1) member position and one (1) handler for one (1) alternate member position. With respect to the nomination of initial members and alternate members for the Shippers Advisory Committee, the handler in each district who shipped, or is deemed to have shipped, the largest proportion, as aforesaid, during the period August 1, 1945, and June 30, 1946, shall nominate one initial member and one initial alternate member in accordance with the provisions of this paragraph (2).

(3) In nominating persons for member positions and alternate member positions other than those provided for in (e) (2) of this section 2, only the handlers in each district who did not nominate in accordance with (e) (2) of this section 2 may participate in voting for nominees. In voting for such nominees, each handler entitled to participate in designating nominees at the respective nomination meeting may cast only one (1) vote in each district in which he is a handler for each member position and one (1) vote for each alternate member position on the Shippers Advisory Committee; and each such vote shall be cast on behalf of the voting handler, his agents, affiliates, subsidiaries, and representatives. Each such vote shall be weighted by the total volume, in terms of crates, of celery produced in the district in which such vote is cast and shipped by the voting handler during that portion of the then current fiscal period ending on June 30, inclusive. With respect to votes cast for the initial members and alternate members for the Shippers Advisory Committee, each such vote shall be weighted by the total volume, as aforesaid, shipped during the period August 1, 1945, to June 30, 1946, both dates inclusive.

(f) *Selection of members of Shippers Advisory Committee.* In selecting members and alternate members of the Shippers Advisory Committee, the Secretary shall select, from the nominees of the respective districts, four (4) members and their alternates from the Central and North Florida District; four (4) members and their alternates from the South Florida District; and two (2) members and their alternates from the Florida West Coast District.

(g) *Vacancies.* (1) To fill any vacancy occasioned by the failure of any person, selected as a member or alternate member of either of the committees, to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for the unexpired term of such person shall be selected by the Secretary.

(2) In the event nominations for members or alternate members of either of the committees are not made pursuant to the provisions of this section 2, the Secretary may select such members or alternate members without regard thereto.

(h) *Acceptance of membership.* Each person selected by the Secretary as a member or alternate member of either of the committees shall qualify by filing a written acceptance with the Secretary within ten (10) days after being notified of such selection.

(i) *Alternate members.* An alternate for a member of either of the committees shall act in the place and stead of such member (1) in his absence, or (2) in the event of his resignation, disqualification, or death and until a successor for the unexpired term of such member is selected and has qualified.

(j) *Compensation.* (1) Each member of the Industry Committee and each alternate member when acting as a member of such committee may receive compensation in an amount not in excess of five dollars ($5.00) per day for attendance at each meeting (other than a meeting held pursuant to the provisions of (a) (2) of this section 2) of such committee called in performance of such committee's duties hereunder.

(2) Each member of the Industry Committee and each alternate member when acting as a member of such committee may receive compensation in an amount not in excess of five dollars ($5.00) per day for attendance at any consultation or conference with any other committee, or representative thereof, established under any marketing agreement and order program pursuant to the act, with respect to the handling of celery grown in any State or region outside the area, when such member or

alternate is designated by the Industry Committee to attend such consultation or conference.

(3) In addition to any other compensation hereinbefore prescribed, each member of either of the committees and each alternate member when acting as a member may be reimbursed for such reasonable and necessary expenses as are actually incurred in attending each meeting of the respective committee (other than meetings pursuant to (n) (2) of this section 2), and each conference or consultation, as aforesaid.

(k) *Powers of Industry Committee.* The Industry Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violation hereof; and

(4) To recommend to the Secretary amendments hereto.

(l) *Duties of Industry Committee.* The Industry Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any grower or handler;

(2) To keep minutes, books, and records which will clearly reflect all of its acts and transactions; and such minutes, books, and records shall at all times be subject to examination by the Secretary;

(3) To furnish the Secretary such available information as may be requested by the Secretary;

(4) To select a chairman, other officers, and other committees, from among its membership, and to adopt such rules and regulations for the conduct of its business as it may deem advisable in the performance of its duties hereunder;

(5) To appoint such employees as it may deem necessary, and to determine their salaries and define their duties;

(6) To cause its books to be audited by one or more certified public accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary at least two copies of each such audit report;

(7) To prepare monthly statements of the financial operations of the Industry Committee and to make such statements, together with the minutes of the meetings of the Industry Committee, available at the office of such committee, for inspection by any grower or shipper;

(8) To submit to the Secretary within thirty (30) days after the date designated by the Secretary for the first fiscal period, and in subsequent fiscal periods prior to October 1st thereof, a budget of its expenses and a proposed rate of assessment for the respective fiscal period;

(9) To consult with any other committee established under any marketing agreement and order program, pursuant to the act, with respect to the handling of celery grown in any State or region outside of the area, whenever the committee deems it advisable;

(10) To prepare and maintain, in cooperation with handlers, an accurate map or diagram for each field of celery by grower designation and by blocks;

(11) To provide an adequate system for determining the total crop of each variety of celery, and to make such determinations, including determinations by grade and size, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration hereof;

(12) To investigate compliance with respect to any regulation pursuant to section 5 hereof, applicable to shipments of celery or harvesting of celery for shipment;

(13) To investigate growing, harvesting, shipping, and marketing conditions with respect to celery and to assemble data in connection therewith; and

(14) To notify members of the Shippers Advisory Committee in the same manner as it notifies its own members of the time at which it will meet to make the recommendations required by section 5 hereof.

(m) *Duties of Shippers Advisory Committee.* The Shippers Advisory Committee shall have the following duties:

(1) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To keep minutes, books, and records which will clearly reflect all of its acts; and such minutes, books, and records shall at all times be subject to examination by the Secretary; and

(3) To notify the members of the Industry Committee in the same manner as it notifies its own members of the time at which it will meet to make the recommendations required by section 5 hereof.

(n) *Procedure.* (1) Each of the committees may, upon the selection and qualification of at least six (6) of its initial members, organize and commence to function. Six (6) members of a committee shall constitute a quorum; and any decision or recommendation of either of the committees shall be valid only if approved by at least six (6) concurring votes of the respective committee's members.

(2) Each of the committees may provide for meetings of the respective committee's members by mail, telephone, or telegraph. Action taken by such committee in such manner shall have the same force and effect as though an assembled meeting had been held.

(3) Each committee shall give to the Secretary, or to his designated representative, the same notice of its meetings as is given to its members. Each member and each alternate of the respective committee shall be given adequate notice in writing or by telegraph of each meeting.

(o) *Funds.* All funds received by the Industry Committee pursuant hereto shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) The Secretary may, at any time, require the Industry Committee and its members, including alternate members and all employees of such committee, to account for all receipts and disbursements for which such committee, members, alternate members, or employees are accountable; and (2) upon the removal, or expiration of the term of office, of any member or alternate member or employee of the Industry Committee, such person shall account for all receipts and disbursements, and deliver all property and funds, together with all books and records in his possession, to his successor in office or to such other person as the Secretary may designate, and such person shall also execute such assignments and other instruments as may be necessary or appropriate to vest in the successor or in such designated person full title to all the property, funds, and claims vested in such person pursuant hereto.

SEC. 3. *Expenses and assessments*—(a) *Expenses.* The industry Committee is authorized to incur during each fiscal period such expenses as the Secretary finds may be necessary to carry out the functions of both committees hereunder during each such fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as hereinafter provided.

(b) *Assessments.* (1) Each handler shall, with respect to all the celery shipped by him, pay to the Industry Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the Industry Committee for the maintenance and functioning, during each fiscal period, of the committees established hereunder. Each handler's share of such expenses shall be that proportion thereof which the total quantity, in terms of crates, of celery shipped by such handler during the applicable fiscal period is of the total quantity, in terms of crates, of celery shipped by all handlers during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers. The rate of assessment for the fiscal period ending July 31, 1947, shall be 1 cent per crate of celery shipped by such handler.

(2) At any time during or after any fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover said expenses. Such increase shall be applicable to all celery shipped during the given fiscal period. In order to provide funds to enable the Industry Committee to perform its functions hereunder, handlers may make advance payments of assessments.

(c) *Accounting.* (1) If, at the end of any fiscal period, it shall appear that the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless such handler demands payment thereof, in which case such sum shall be paid to him.

(2) The Industry Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of said expenses.

SEC. 4. *Marketing policy*—(a) *Must be submitted prior to recommendation.* Before making any recommendations pursuant to section 5 hereof for any variety of celery, the Industry Committee and the Shippers Advisory Committee shall, with respect to the regulations permitted by such section, submit to the Secretary a detailed report setting forth an advisable marketing policy for such variety for the then current shipping season. Such report shall set forth (1) the proportion of the estimated total crop of such variety (determined by the Industry Committee to be available for shipment during such season) deemed advisable by the Industry Committee and the Shippers Advisory Committee to be shipped during such season; (2) the proposed regulations which may be recommended by the aforesaid committees during such season, and the justification therefor; and (3) the estimates and other factors enumerated in section 4 (b) hereof. In the event the committees deem it advisable to alter such marketing policy or advisable proportion as the shipping season progresses, in view of changed demand and supply conditions with respect to celery, the said committees shall submit to the Secretary a report thereon. The Industry Committee shall notify producers and handlers of the contents of each such report by publishing a summary thereof in such daily newspapers of general circulation in each district as the Industry Committee may select.

(b) *Factors to be considered.* In determining each such marketing policy and advisable proportion, and any revisions thereof, the Industry Committee and the Shippers Advisory Committee shall give due consideration to the following factors and conditions relating to celery produced in Florida and in other States: (1) the available crop of each variety of celery in Florida (by districts) and in other States; (2) the probable shipments of celery from each district during each calendar week of the then current shipping season; (3) the probable shipments of celery during each such week from other States; (4) the prospective supply of competitive commodities; (5) the probable market prices and marketing conditions which are expected to prevail for celery grown in Florida; (6) the probable harvesting and marketing costs and charges applicable to celery grown in Florida; (7) the level and trend in consumer income; and (8) other pertinent factors bearing on the marketing of celery.

SEC. 5. *Shipment regulations*—(a) *Recommendation for regulations.* (1) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety pursuant to this section, the said committee shall recommend the particular method or methods of regulation, set forth in section 5 (c) hereof, deemed advisable by it to be made effective during a specified calendar week. In making such determination, the said committee shall give due consideration to the following factors relating to celery produced in Florida and in other States: (i) market prices, including prices in Florida by grades and sizes of each variety for which regulation is recommended; (ii) amount of celery on hand at the principal markets, as evidenced by supplies on track; (iii) maturity, condition, and the available supply of celery in Florida (including the grades and sizes thereof), and in other States; (iv) the level and trend in consumer income; and (v) other pertinent market information. The Shippers Advisory Committee shall promptly report the recommendations so made, with supporting information, to the Industry Committee; and the Industry Committee shall, in turn, submit the same to the Secretary, together with its own recommendations and supporting information respecting the factors hereinbefore enumerated.

(2) The failure of the Shippers Advisory Committee to make a recommendation, after having received notice of the intention of the Industry Committee to meet for the purpose of receiving such recommendation, with respect to regulation pursuant to this section, shall not preclude the Industry Committee from submitting its recommendations and supporting information to the Secretary.

(3) The Industry Committee shall give notice to all handlers of each meeting to consider the recommendation of regulations pursuant to this section. Such notice shall contain a direction to handlers to make the applications required by (d) (3) of this section. Such notice shall be given prior to 12:01 p. m. (EST) on Monday of the calendar week the Industry Committee meets to consider regulations for the succeeding week. The Industry Committee shall promptly give notice of any such recommendation at least forty-eight (48) hours before the recommended effective time of the proposed regulation by mailing a copy of such recommendation to each handler who has filed his address with the Industry Committee for this purpose.

(b) *Regulation by the Secretary.* Whenever the Secretary finds from the recommendations and reports of the Shippers Advisory Committee or the Industry Committee, or from other available information, that to limit the shipment of any variety or varieties by one or more or all of the methods set forth in section 5 (c) hereof, would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified calendar week. Prior to the beginning of each such regulation, the Secretary shall notify the Industry Committee of the regulation issued by him, and such committee shall promptly give notice thereof to all handlers, and also shall mail a copy thereof to each handler who has filed his address, as aforesaid, with the Industry Committee.

(c) *Methods of regulating shipments*—(1) *Method I: Grades.* Regulation by this method shall be by specification of the grade or grades of celery of any variety or varieties which may be handled during a specified calendar week.

(2) *Method II: Sizes.* Regulation by this method shall be by specification of the size or sizes of stalks of celery of any variety or varieties which may be handled during a specified calendar week.

(3) *Method III: Available supply.* Regulation by this method shall be by specification, for each handler, of such portion of the handler's reported available supply of celery which may be harvested for shipment during a specified calendar week.

(d) *Information and reports to be furnished by handlers; applications for allotment.* (1) Upon the request of the Industry Committee, each handler shall provide the Industry Committee, prior to October 10 of each fiscal period, with three copies of a map or diagram of each field of celery owned by such handler, and of each field with respect to which such handler furnishes the Industry Committee evidence satisfactory to such committee that such handler has contracted to buy some or all of the celery produced thereon or has entered into an agreement with the grower authorizing the handler exclusively to harvest for shipment any portion of the celery produced thereon. Each such copy shall be certified by the handler as to his ownership of, or authority to handle, the celery; shall be identified as to the grower; and shall show the various blocks thereof properly designated by number. Together with the aforesaid copies of maps or diagrams, each handler shall submit to the Industry Committee the following information relative to each field of celery, as aforesaid, planted during August and September of the then current fiscal period:

(i) The variety of celery planted in each block;

(ii) The calendar week during which such celery was planted;

(iii) The number of rows of such celery; and

(iv) The number of linear feet constituting each such row.

(2) Upon the request of the Industry Committee, each handler shall submit to the Industry Committee, not later than the 10th day of each calendar month during the period November through May of each fiscal period, a report concerning all fields of celery, as aforesaid, planted during the immediately preceding calendar month. Each such report shall also contain so much of the information, including copies of maps or diagrams, referred to in section 5 (d) (1) hereof, as may be necessary to reflect a complete report on all fields of celery, as aforesaid, planted since August 1 of such fiscal period.

(3) Upon the request of the Industry Committee, each handler shall submit, during the calendar months of December through June of each fiscal period, not later than 12:01 p. m., EST, of Tuesday of each calendar week thereof, a written report to the Industry Committee, on a form approved by such committee, setting forth his available supply of celery of each variety for the following calendar week; and each such report shall identify such available supply of celery by reference to the particular field and block from which such handler expects the celery will be harvested for shipment during such calendar week. In the event the Industry Committee gives notice to all handlers of a meeting to consider the recommendation of regulations pursuant to this section 5, each handler shall submit, as a part of such report, a request for an allotment of linear feet of rows of celery in each block

of celery to be harvested for shipment during the following calendar week. Such request for allotment shall be based upon the respective handler's reported available supply of celery in each block of celery set forth in his written report. Each such report of the available supply of celery and each such request for an allotment shall be subject to inspection, and correction of errors, by the Industry Committee. Upon the request of the Industry Committee, each handler shall submit with the aforesaid report an additional written report setting forth, by block and field designation, for the immediately preceding calendar week and with respect to each block from which any celery was harvested by such handler: (i) the total number of linear feet of rows of celery of each variety harvested; and (ii) the total number of linear feet of rows of celery of the same variety not harvested from each such block. Whenever, during any calendar week, any variety is regulated pursuant to Method III, as set forth in section 5 (c) hereof, each handler shall submit, in connection with the information required to be submitted by (i) and (ii) of this paragraph relative to such calendar week, a statement of the total number of linear feet of rows of celery of each variety harvested for shipment during such calendar week by such handler pursuant to an allotment from the Secretary in accordance with section 5 (c) hereof, and a statement of the number of linear feet of rows of celery of each variety contained in such handler's reported available supply of celery of each variety for such calendar week and not included in the aforesaid allotment.

(4) Except as permitted pursuant to (h) of this section 5, no handler shall include in any of his reports of the available supply of celery any previously reported celery.

(e) *Recommending allotments.* In recommending allotments for any calendar week with respect to any variety or varieties for handlers pursuant to the aforesaid Method III, the Industry Committee shall consider only the linear feet of rows of celery of each block of such variety contained in all handlers' reports of the available supply of celery of such variety upon which such handlers based their applications for an allotment for such calendar week and for which such handlers had provided the Industry Committee with the information, copies of maps or diagrams, and reports required by the provisions of section 5 (d) hereof. Such allotment recommendation shall be in terms of a specific percentage of each handler's reported available supply of celery in each block of such variety for such calendar week. Such percentage shall be calculated by dividing the total number of linear feet of rows of celery of such variety determined, by the Industry Committee, to be advisable to be harvested for shipment during such calendar week by all handlers by the total number of linear feet of rows of celery within each block of such variety in all handlers' reports of available supply of celery of such variety upon which such handlers based their applications for allotment for such calendar week. Such calculations shall be made to the nearest one-hundredth. In determining the total number of linear feet of rows of celery of any variety advisable to be harvested for shipment during a particular calendar week, the Industry Committee shall:

(1) Estimate the total quantity of celery of such variety, in terms of crates, advisable to be shipped during such calendar week because of the factors enumerated in paragraph (a) (1) of this section 5;

(2) Estimate, for such calendar week, the area average yield, in terms of crates, from the reports by field representatives of the Industry Committee relative to yields throughout the area and maturity and other conditions for such week;

(3) Calculate the number of acres of celery deemed advisable to be harvested for shipment during such calendar week by dividing the quantity estimated pursuant to paragraph (e) (1) of this section 5 by the area average yield, estimated as aforesaid; and

(4) Multiply the number of acres, calculated as aforesaid, by the area average number of linear feet of rows of celery per acre, as determined by the Industry Committee.

(f) *Fixing allotment.* In fixing allotments with respect to any variety or varieties for each handler pursuant to the aforesaid Method III for any calendar week, the Secretary shall consider only the linear feet of rows of celery contained in blocks of such variety reported by such handler and included in the Industry Committee's recommendations for allotments. The Secretary shall allot to each such handler the total number of linear feet of rows of celery of each such variety that he may harvest for shipment during such calendar week. Each such allotment shall be in terms of a specific percentage, calculated as aforesaid, of the respective handler's reported available supply of celery of each such variety for such calendar week and shall be applicable to each block of celery contained in such handler's available supply of celery, as aforesaid.

(g) *Harvesting for shipment.* (1) All celery which may be harvested for shipment, pursuant to an allotment by the Secretary, and all celery authorized to be harvested for shipment pursuant to paragraph (h) (2) of section 5 hereof, shall be harvested, by the respective handler, only from such rows of celery which are contained in the blocks specified in the applicable report of the available supply of celery for such calendar week or in the notice to the Industry Committee, pursuant to section 5 (h) (2) hereof, as the case may be, and shall be harvested from the same relative location in each row of each block within each field, or from consecutive complete rows except that the last row cut may be a fraction of a row to complete the linear feet of rows of celery represented by an allotment.

(2) Celery contained in any handler's reported available supply of celery for a particular calendar week and not included in the allotment, as aforesaid, for such week shall remain unharvested until a certificate of compliance has been issued by any designated agent of the Industry Committee with respect to such unharvested celery. None of such unharvested celery may thereafter be harvested for shipment unless all handlers' unharvested celery, originally contained in reports of available supply of celery for a particular calendar week, is authorized by the Secretary to be harvested for shipment. The Secretary may issue such authorization upon the recommendation of the Industry Committee or upon other available information.

(h) *Modification of allotments.* (1) Each handler who gives written or telegraphic notice to the Industry Committee that such handler will not, during a particular calendar week of regulation pursuant to Method III, harvest for shipment all or a portion of the celery included in the allotment to the handler by the Secretary for such calendar week, may withdraw his application for such allotment or portion thereof. All such rows of celery which are not harvested for shipment, as aforesaid, may thereafter be included in such handler's report of his available supply of celery for any subsequent calendar week; and an application for an allotment may be made for such week based thereon. In the event of regulation, pursuant to the aforesaid Method III, of celery of the variety which was withdrawn, as aforesaid, during such subsequent calendar week, the allotment percentage for such withdrawn celery for such subsequent calendar week shall be (i) five (5) percentage points lower than the allotment percentage which is fixed by the Secretary, as aforesaid, for such variety for such calendar week, or (ii) such adjustment of the allotment for such withdrawn celery as the Secretary determines on the basis of the Industry Committee's recommendation or other available information.

(2) Each handler who gives written or telegraphic notice to the Industry Committee that such handler desires, during a particular calendar week of regulation pursuant to Method III, to harvest for shipment a quantity of celery in excess of his allotment for such calendar week may exceed his allotment on the following conditions in addition to those set forth in section 5 (g) hereof: (i) the total number of linear feet of rows of celery which such handler desires to harvest for shipment shall be included in the aforesaid notice and shall be identified by field, block, and row; and (ii) the allotment percentage for such total number of linear feet of rows of celery shall be (*a*) five (5) percentage points lower than the allotment percentage fixed by the Secretary for such calendar week for celery of the same variety, or (*b*) such adjustment of the allotment for such celery harvested in excess of an allotment, as aforesaid, as the Secretary determines on the basis of the Industry Committee's recommendation or other available information.

SEC. 6. *Inspection and certificates.* Each handler shall, prior to making each shipment of celery, cause each such shipment of celery to be inspected by the Federal-State Inspection Service. A copy of the certificate issued by the Federal-State Inspection Service with regard to each such shipment of celery shall be

made available to the Industry Committee.

SEC. 7. *Compliance.* Except as provided herein:

(a) No handler shall ship celery, the shipment of which has been prohibited in accordance with the provisions hereof;

(b) No handler shall ship celery except in conformity with the provisions hereof and of the regulations, if any, issued by the Secretary pursuant hereto; and

(c) No handler shall harvest celery for shipment or ship celery during any calendar week in which a regulation issued by the Secretary pursuant to Method III of section 5 is in effect, unless such handler has received an allotment covering such celery.

SEC. 8. *Reports.* Upon request of the Industry Committee, made with the approval of the Secretary, every handler shall furnish to such committee, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein), such other information as will enable the Industry Committee to perform its duties and to exercise its powers hereunder.

SEC. 9. *Right of the Secretary.* The members of each of the committees (including successors and alternates thereof) and any agent or employee appointed or employed by either of the committees, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, determination, decision, or other act of each of the committees shall be subject to the continuing right of the Secretary to disapprove of the same at any time and upon his disapproval shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval.

SEC. 10. *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds, by referendum or otherwise, that such termination is favored by the majority of the producers who, during such representative period as may be determined by the Secretary, have been engaged in the production of celery for market: *Provided*, That such majority have, during such representative period, produced for market more than fifty (50) percent of the volume of celery produced for market within the area; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the Industry Committee shall continue as joint trustees, for the purpose of liquidating the affairs of said committee, of all funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The rules of procedure governing the activities of said joint trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the joint trustees, shall be prescribed by the Secretary.

(2) The said trustees (i) shall continue in such capacity until discharged by the Secretary; (ii) shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Industry Committee and of the joint trustees, to such person as the Secretary may direct; and (iii) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Industry Committee or the joint trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Industry Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

(4) Any funds collected pursuant to the provisions hereof, over and above amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation hereof and during the liquidation period, shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made pursuant hereto.

SEC. 11. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 12. *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

SEC. 13. *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 14. *Personal liability.* No member or alternate of either of the committees, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 15. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

SEC. 16. *Amendments*—(a) *Proposals.* Amendments hereto may be proposed, from time to time, by the Industry Committee or by the Secretary.

(b) *Hearing and approval*.* After due notice and hearing, and upon the execution of the proposed amendment by handlers, who, during the preceding fiscal period, shipped not less than fifty (50) percent of the celery shipped during such period, the Secretary may approve such amendment and it shall become effective at such time as the Secretary may designate: *Provided, however*, That in the event any amendment alters the manner in which the handling of celery is regulated by this agreement, the Secretary shall not approve such amendment unless he determines that such amendment is favored or approved by at least two-thirds (⅔) of the growers of celery, who, during a representative period determined by the Secretary, have been engaged in the State of Florida in the production of celery for market, or by growers of celery, who, during such representative period, have produced in the State of Florida for market at least two-thirds (⅔) of the volume of celery produced for market during such representative period.

SEC. 17. *Counterparts*.* This agreement may be executed in multiple counterparts and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

SEC. 18. *Additional parties*.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

SEC. 19. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair

any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

SEC. 20. *Order with marketing agreement*.*

Each signatory handler favors and approves the issuance, by the Secretary, of an order providing for the regulating of the handling of celery in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

This report filed at Washington, D. C., this 25th day of September, 1946.

E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 46-17524; Filed, Sept. 27, 1946; 8:54 a. m.]

LICENSING OF PRIVATE PERSONS TO INSPECT, GRADE AND CERTIFY TURPENTINE AND ROSIN

NOTICE OF PROPOSED AMENDMENT

A proposed amendment of the regulations under the Naval Stores Act (7 U. S. C. 91-99) is now under consideration in the United States Department of Agriculture. The proposed amendment would provide for the licensing of private persons to inspect, grade and certify turpentine and rosin at approved central gum buying and processing plants under the supervision of naval stores inspectors employed by the Department of Agriculture and would establish procedures for such inspection, grading and certification. Moreover, specifications as to fees for all inspection work, with certain exceptions, would be deleted from the present regulations and provisions made for announcement to the trade from time to time of the fees to be charged. Certain formal changes in the regulations are also proposed to delete references to officials in the Department other than the Secretary and to make such revision of the definitions and other provisions in the regulations as the foregoing changes require.

Any interested person who wishes to submit his views on the proposed amendments, or written data or arguments thereon, may file such views, data and arguments with the Director of the Special Commodities Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within fifteen business days after the date of publication of this notice.

[SEAL] H. C. ALBIN,
Director,
Special Commodities Branch.

[F. R. Doc. 46-17486; Filed, Sept. 27, 1946; 8:46 a. m.]

INSPECTION AND CERTIFICATION OF CANNED WET FOOD FOR DOGS, CATS AND OTHER CARNIVORA

The Department of Agriculture is now considering adoption of proposed regulations under the Agricultural Marketing Act of 1946 (Title II, Public Law 733, 79th Congress, 2d Session) for the inspection, certification and identification of the class, quality, quantity, and condition of canned wet food for dogs, cats and other carnivora.

Under the proposed regulations, the Department of Agriculture would certify that canned wet foods for dogs, cats and other carnivora constitute normal maintenance foods for such carnivora if such foods were prepared under federal inspection and otherwise in accordance with standards and requirements to be specified in such regulations.

Any interested person who wishes to submit written data, views or arguments concerning the proposed regulations may do so by filing them with The Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within fifteen business days after the date of publication of this notice.

Issued this 25th day of September 1946.

[SEAL] H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 46-17487; Filed, Sept. 27, 1946; 8:46 a. m.]

NORWEGIAN SARDINES AND KIPPERED HERRING

ANNOUNCEMENT RE IMPORT AUTHORIZATIONS UNDER WAR FOOD ORDER 63

The United States Department of Agriculture is now prepared to issue authorizations under War Food Order 63 for the importation of certain canned Norwegian sardines and canned Norwegian kippered herring to pre-war importers (i. e. persons who imported such fish in any year between 1935 and 1939, inclusive) and to new importers, including veterans, who did not import such fish during that period.

At the present time there is an approved international allocation under which the United States is to receive 17,370,000 pounds of the 1946-1947 Norwegian pack. The allocation consists of approximately 3,200,000 pounds of brisling sardines, 8,610,000 pounds of sild sardines, and 5,560,000 pounds of kippered herring (including kippered snacks).

Import authorizations will be available to new importers, both war veterans and nonveterans, as well as qualified pre-war importers, on the following basis:

(a) The applicant must mail to the Administrator of War Food Order 63, United States Department of Agriculture, Washington 25, D. C., prior to October 18, 1946, an application for a 1946-1947 quota for each type of canned fish, supplying the information required by this announcement, and may attach thereto executed form WFO 63-2 (obtainable from said Order Administrator).

(b) Pre-war importers must submit with their applications historical records of their importations of the respective types of fish. The years 1935-1939 inclusive are to be used as the base period, and an importer may select any three consecutive years of that period as his individual base period. This information need not be submitted if it is already on file in the Department, but previously submitted data may be supplemented or corrected.

(c) New importers must show clearly on their applications that they were established in business prior to September 20, 1946.

(d) Each new importer organization and its officers must be engaged in the importation and distribution of food and this fact must be stated in the application. Each new importer applicant is required to list on the application the names of all officials and principal stockholders.

(e) Each application for quota must carry the statement that neither directly nor indirectly will import licenses issued under such quota be transferred to any other person or company.

Import quotas will be established as follows:

(a) A uniform quota will be determined for each new importer, and an equal quantity will be established as the minimum quota for each pre-war importer.

(b) The remainder of the pack allocated for United States import will be distributed to qualified pre-war importers on a pro-rata basis determined by actual imports during a base period consisting of the average of any three consecutive years between 1935 and 1939, inclusive.

(c) Importers must import within two months after issuance of a license; or they must, within two months after the issuance of the license, file a statement with the Administrator of the Order showing the quantity purchased and to be shipped for import within three months after the issuance date of the import license.

(d) Failure to import or show record of purchase within the allowed two months will result in forfeiture of quotas; forfeited quotas will be redistributed on the pro-rata basis to pre-war firms.

Each importer will be notified of his quota when it has been determined. Upon receipt of such notification he must execute and mail to the Order Administrator form WFO 63-2 (obtainable from said Administrator) if it has not previously been filed. Licenses for the importation of brisling sardines, which are packed, will be issued to importers who have filed WFO 63-2, immediately after October 18, 1946. Licenses for the importation of sild sardines and kippered herring will be issued at a later date.

Applications for 1946-1947 quotas submitted after October 18, 1946 will not be considered.

Issued this 24th day of September 1946.

(War Food Order 63, 10 F. R. 8950, 11 F. R. 2630, 5105)

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

E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 46-17526; Filed, Sept. 27, 1946; 8:54 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-627 and G-635]

PITTSBURGH & WEST VIRGINIA GAS CO. AND KENTUCKY WEST VIRGINIA GAS CO.

ORDER POSTPONING HEARING

SEPTEMBER 24, 1946.

City of Pittsburgh, Complainant, v. Pittsburgh & West Virginia Gas Co., Kentucky West Virginia Gas Co., Defendants, Docket No. G-627; in the matter of: Pittsburgh & West Virginia Gas Co., Kentucky West Virginia Gas Co., Docket No. G-635.

Upon consideration of the request of Kentucky West Virginia Gas Company and Pittsburgh & West Virginia Gas Company for a postponement of the hearing in the above-entitled matters; the Commission orders that:

The hearing be and the same is hereby postponed from September 30, 1946 to October 14, 1946 at 10:00 a. m. o'clock, in the Hearing Room of the Commission, 1800 Pennsylvania Avenue N. W., Washington, D. C.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-17501; Filed, Sept. 27, 1946; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 614, Special Permit 1]

DELIVERY OF FREIGHT CARS AT MUSKEGON, MICH.

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph of Service Order No. 614, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 614 insofar as it applies to the delivery of cars on hand, or arriving before, 5:00 p. m., September 23, 1946, in the switching limits of Muskegon, Mich.

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 23d day of September 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-17491; Filed, Sept. 27, 1946; 8:47 a. m.]

[S. O. 615]

UNLOADING OF LUMBER AT BRADLEY, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of September A. D. 1946.

It appearing, that 7 cars containing lumber at Bradley, Illinois, on the Illinois Central Railroad 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:

(a) *Lumber at Bradley, Illinois, be unloaded.* The Illinois Central Railroad Company, its agents or employees shall unload immediately the following cars containing lumber on hand at Bradley, Illinois, consigned to Kroehler Manufacturing Company:

CGW 87882	SFe 147126
PRR 564671	NW 51119
MP 120677	DRG 61325
MILW 705959	

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., September 26, 1946, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, 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 be served upon the Illinois Central Railroad 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. 46-17489; Filed, Sept. 27, 1946; 8:47 a. m.]

[S. O. 616]

UNLOADING OF COMMODITIES AT BRADLEY, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of September A. D. 1946.

It appearing, that numerous cars containing lumber and cotton at Bradley, Illinois, on The New York Central Railroad 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:

(a) *Commodities at Bradley, Ill., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately the following cars now on hand at Bradley, Ill., consigned to Kroehler Manufacturing Company:

Initial and number	*Contents*
SP 27952	Lumber.
SOU 167968	Lumber.
GN 46381	Lumber.
NYC 175011	Cotton.
B&O 290871	Lumber.
TNO 39467	Lumber.
NKP 9184	Cotton.
NP 39767	Cotton.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., September 26, 1946, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, 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 New York Central Railroad 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. 46-17490; Filed, Sept. 27, 1946; 8:47 a. m.]

NATIONAL HOUSING AGENCY.

Federal Housing Administration.

2¾ Percent Housing Insurance Fund Debentures, Series D

NOTICE OF FOURTH CALL FOR PARTIAL REDEMPTION

SEPTEMBER 24, 1946.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Housing Insurance Fund Debentures, Series D, of the denomination and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1947, on which date interest on such debentures shall cease:

2¾ Percent Housing Insurance Fund Debentures, Series D

Denomination: $10,000.
Serial numbers (all numbers inclusive): 755 to 854.

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1946. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1946, and provision will be made for the payment of final interest due on January 1, 1947, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1946 to December 31, 1946, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1947, or for purchase prior to that date will be given by the Secretary of the Treasury.

RAYMOND M. FOLEY,
Commissioner.

Approved:

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-17506; Filed, Sept. 27, 1946; 8:54 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 7383]

HENRY KOLKHORST

In re: Estate of Henry Kolkhorst, also known as Henry C. Kolkhorst, and as H. C. Kolkhorst, deceased; file 017-14388.

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

That the property described as follows: Cash in the amount of $11,500

is property in the possession of the Alien Property Custodian;

That such property was held by Lena H. Schmidt and E. Clyde Harvey, Co-Executors of the Estate of Henry Kolkhorst, also known as Henry C. Kolkhorst, and as H. C. Kolkhorst and is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Wilhelm Kolkhorst, Germany.
Hermann Kolkhorst, Germany.
Sophia Kolkhorst, Germany.
August Kolkhorst, Germany.
Christian Kolkhorst, Germany.
Heinrich Kolkhorst, Germany.
Karl Kolkhorst, Germany.
Lina Kolkhorst, Germany.
Minna Kolkhorst, Germany.
Christian Schmidt, Germany.

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

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

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to 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 August 14, 1946.

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

[F. R. Doc. 46-17507; Filed, Sept. 27, 1946; 8:45 a. m.]

[Vesting Order 7412]

MARIE L. FRENZEN

In re: Estate of Marie L. Frenzen, deceased; File No. D-28-7387; E. T. sec. 7595.

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 Mathilde Schmitz, Anna Chabrié, Clara Strelow Töing, Margareta E. Nommensen, Maria Nommensen, Jonathan T. Nommensen, Lore Nommensen, Walter Naumann, Gertrude Naumann, Clara Bohe, Susanna Wintermeyer, and each of them, in and to the Estate of Marie L. Frenzen, deceased,

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

Nationals and Last Known Address

Mathilde Schmitz, Germany.
Anna Chabrié, Germany.
Clara Strelow Töing, Germany.
Margareta E. Nommensen, Germany.
Maria Nommensen, Germany.
Jonathan T. Nommensen, Germany.
Lore Nommensen, Germany.
Walter Naumann, Germany.
Gertrude Naumann, Germany.
Clara Bohe, Germany.
Susanna Wintermeyer, Germany.

That such property is in the process of administration by Miss Henrietta C. Schuetz, as Executrix of the Estate of Marie L. Frenzen, deceased, acting under the judicial supervision of the Passaic County Orphans' Court, Paterson, New Jersey;

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

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

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

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian, on Form APC-1, a notice

of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 15, 1946.

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

[F. R. Doc. 46-17508; Filed, Sept. 27, 1946; 8:45 a. m.]

[Vesting Order 7415]

ALEXANDER KOWALCZYK

In re: Estate of Alexander Kowalczyk also known as Maximilian Kowalczyk, deceased; File No. D-28-8255; E. T. sec. No. 9341.

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 Frau Maia Gertler in and to the Estate of Alexander Kowalczyk a/k/a Maximilian Kowalczyk, deceased,

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

National and Last Known Address

Frau Maia Gertler, Germany.

That such property is in the process of administration by the Reverend Henry Fiedorczyk, as Administrator d. b. n. of the Estate of Alexander Kowalczyk a/k/a Maximilian Kowalczyk, deceased, acting under the judicial supervision of the Court of Probate for the District of Berlin, New Britain, Connecticut;

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 15, 1946.

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

[F. R. Doc. 46-17509; Filed, Sept. 27, 1946; 8:45 a. m.]

[Vesting Order 7463]

JOSEPHINE PAPE GROTE

In re: Interest in real property owned by Josephine Pape Grote.

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

1. That Josephine Pape Grote, whose last known address is Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-fifth interest in and to real property, situated in the Township of Falls, County of Bucks, State of Pennsylvania, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (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 in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1946.

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

EXHIBIT A

PARCEL 1

Beginning at a point in the Oxford Valley-Edgewood Road said point being distant in a southerly direction ninety-six and sixteen hundredths feet from the line of land now or formerly owned by Michael Rice and running thence (1) North eighty-two degrees forty-two minutes east four hundred and fifty-four and four hundredths feet to a point in the westerly line of land known as Oxford Valley Heights, thence (2) South five degrees forty-six minutes east ninety-five and eighty-four hundredths feet along the westerly line of said land known as Oxford Valley Heights to a point thence (3) South eighty-two degrees forty-two minutes west four hundred and fifty-five and thirty-seven hundredths feet to a point in the Oxford Valley-Edgewood Road (said point being distant in a westerly direction two hundred thirty-three and ninety-six hundredths feet from the northerly line of land now or formerly of C. Watson Spencer) thence (4) North four degrees fifty-eight minutes west ninety-five and eighty-eight hundredths feet along the Oxford Valley-Edgewood Road to the point and place of beginning.

PARCEL 2

Beginning at a point in the Oxford Valley and Edgewood Road said point being distant in a southerly direction three hundred and thirty-six feet from the southerly line of land now or formerly owned by Michael Rice and running thence (1) North eighty-two degrees forty-two minutes east four hundred and fifty-seven and fifty-one hundredths feet to a point in the westerly line of Oxford Valley Heights thence (2) South five degrees forty-six minutes east one hundred and seventy-five hundredths feet along the westerly line of said Oxford Valley Heights to a stone monument in the northerly line of land now or formerly owned by C. Watson Spencer, thence (3) South eighty-four degrees three minutes west four hundred and fifty-eight and forty-seven hundredths feet along the northerly line of land now or formerly owned by C. Watson Spencer to a point in the Oxford Valley-Edgewood Road, thence (4) North four degrees fifty-eight minutes west ninety feet along the said road to the point and place of beginning.

[F. R. Doc. 46-17510; Filed, Sept. 27, 1946; 8:45 a. m.]

[Vesting Order 7476]

CHARLES JACKSON

In re: Trust under the Will of Charles Jackson, deceased; File No. D-28-7447; E. T. sec. 12622.

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 Caroline Grun, in and to the Trust created under the Will of Charles Jackson, deceased,

is property payable or deliverable to, or acclaimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Caroline Grun, Germany.

That such property is in the process of administration by Edwin H. Stern, as Trustee, acting under the judicial supervision of the Surrogate's Court of 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 persons be treated as a national of a designated enemy country (Germany);

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1946.

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

[F. R. Doc. 46-17511; Filed, Sept. 27, 1946; 8:45 a. m.]

[Vesting Order 7537]

AMIKAN FISHING NET MFG. CO., LTD.

In re: Drafts owned by and debt owing to Amikan Fishing Net Manufacturing Co., Ltd.

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

1. That Amikan Fishing Net Manufacturing Co., Ltd., the last known address of which is Tomida, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain draft, in the principal sum of $852.91, dated March 11, 1940, drawn by Amikan Fishing Net Manufacturing Co., Ltd., on Joao Burnay Bastos, Lisbon, Portugal, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Mitsui Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft,

b. That certain draft, in the principal sum of $1,956.60, dated April 9, 1940, drawn by Amikan Fishing Net Manufacturing Co., Ltd., on Fernendo Menendez, Lisbon, Portugal, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Mitsui Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft,

c. That certain draft, in the principal sum of $868.78, dated April 17, 1940, drawn by Amikan Fishing Net Manufacturing Co., Ltd., on Fernendo Menendez, Lisbon, Portugal, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Mitsui Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft, and

d. That certain debt or other obligation owing to Amikan Fishing Net Manufacturing Co., Ltd., by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Mitsui Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $1,732.24, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46-17512; Filed, Sept. 27, 1946; 8:46 a. m.]

[Vesting Order 7538]

K. ARIMOTO & CO., LTD.

In re: Drafts owned by and debt owing to K. Arimoto & Co., Ltd.

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

1. That K. Arimoto & Co., Ltd., the last known address of which is Kyoto, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain draft, in the principal sum of $120.00, dated February 5, 1941, drawn by K. Arimoto & Co., Ltd., on Julio de la Torre, Bueno Arequipa, Peru, and presently in the custody of the Superintendent of Banks of the State of New York, as liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft,

b. That certain draft, in the principal sum of $257.00, dated April 16, 1941, drawn by K. Arimoto & Co., Ltd., on Sr. Wadi Bitar, Buenos Aires, Argentina, and presently in the custody of the Superintendent of Banks of the State of New York, as liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft, and

c. That certain debt or other obligation owing to K. Arimoto & Co., Ltd., by the Superintendent of Banks of the State of New York, as Liquidator of the Busi-

ness and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $10,427.94, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46-17513; Filed, Sept. 27, 1946; 8:46 a. m.]

[Vesting Order 7547]

BREISGAU-WALZWERK, G. M. B. H.

In re: Bank account owned by Breisgau-Walzwerk, G. M. B. H.

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

1. That Breisgau-Walzwerk, G. M. B. H., the last known address of which is Singen, Hohentweil, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 1451 Broadway, New York, New York, arising out of a checking account, entitled Adolphe Hurst & Co., Inc., for account of Breisgau-Walzwerk, G. M. B. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Breisgau-Walzwerk, G. M. B. H., the aforesaid national of a designated enemy country;

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46-17514; Filed, Sept. 27, 1946; 8:46 a. m.]

[Vesting Order 7549]

REGINA BULLINGER

In re: Bank account owned by Regina Bullinger.

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

1. That Regina Bullinger, whose last known address is Malsch Ant. Ettlingen, Mulstrasse 458, Baden, Germany, is a resident of Germany and a national of a designated enemy country Germany);

2. That the property described as follows: That certain debt or other obligation owing to Regina Bullinger, by Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, Account Number 2631, entitled Regina Bullinger, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46-17515; Filed, Sept. 27, 1946; 8:46 a. m.]

[Vesting Order 7550]

MRS. AUGUSTE BUSCHE

In re: Savings share account owned by and debt owing to Mrs. Auguste Busche, also known as Mrs. Augusta Busche.

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

1. That Mrs. Auguste Busche, also known as Mrs. Augusta Busche, whose

last known address is Ahorn Str. 15, Hanover-Wulfel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mrs. Auguste Busche, also known as Mrs. Augusta Busche, by First Federal Savings & Loan Association of Augusta, Augusta, Georgia, arising out of a savings share account, Account Number 664, entitled Mrs. Augusta Busche by Fritz Busche, Agent, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Mrs. Auguste Busche, also known as Mrs. Augusta Busche, by Fritz Busche, 373 East Avenue, Mobile, Alabama, in the amount of $5,917.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46-17516; Filed, Sept. 27, 1946; 8:46 a. m.]

[Vesting Order 7555]

ING. FRIEDRICH GAITZSCH

In re: Bank account owned by Ing. Friedrich Gaitzsch.

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

1. That Ing. Friedrich Gaitzsch, whose last known address is 37 Kassberg Street, Chemnitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ing. Friedrich Gaitzsch, by Rhode Island Hospital Trust Company, 15 Westminster Street, Providence, Rhode Island, arising out of a savings account, Account Number 80267, entitled Dr. Ing. Friedrich Gaitzsch, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46-17517; Filed, Sept. 27, 1946; 8:46 a. m.]

[Vesting Order 7558]

AUGUSTE GORSLER ET AL.

In re: Bank accounts owned by Auguste Gorsler, and Marie Bachmann, nee Steinmetz.

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

1. That Auguste Gorsler and Marie Bachmann, nee Steinmetz, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Auguste Gorsler, by American Trust Company, 464 California Street, San Francisco, California, arising out of a savings account, Account Number 1735, entitled Auguste Gorsler, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Marie Bachmann, nee Steinmetz, by American Trust Company, 464 California Street, San Francisco, California, arising out of a savings account, Account Number 1306, entitled Marie Bachmann, nee Steinmetz, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46–17518; Filed, Sept. 27, 1946; 8:47 a. m.]

[Vesting Order 7559]

STANISLAUS GROBOWSKI

In re: Bank account owned by Stanislaus Grobowski, also known as Stanislaus Grabowski.

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

1. That Stanislaus Grobowski, also known as Stanislaus Grabowski, whose last known address is Hindenburgstrasse 129, Duisburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Stanislaus Grobowski, also known as Stanislaus Grabowski, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,350,168, entitled Stanislaus Grobowski and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46–17519; Filed, Sept. 27, 1946; 8:47 a. m.]

[Vesting Order 7563]

AUGUSTA HANSEN

In re: Bank account owned by Augusta Hansen, also known as Auguste Hansen.

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

1. That Augusta Hansen, also known as Auguste Hansen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 631, entitled California Holding Company, as Trustee for Augusta Hansen, maintained at the branch office of the aforesaid bank located at 1019 Fillmore Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

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

[F. R. Doc. 46–17520; Filed, Sept. 27, 1946; 8:47 a. m.]

[Supp. Vesting Order 7659]

Z. & F. ASSETS REALIZATION CORP.

In re: Z. & F. Assets Realization Corporation, pursuant to section 106 of the Stock Corporation Law of the State of New York, In Liquidation File F–28–736; E. T. sec. 9246.

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 rights and interests evidenced by Participation Certificates Series A, certificate numbers 393 and 133 in the face amounts of $124.33 and $170.87 respectively issued by Z. & F. Assets Realization Corporation (a New York Corporation), pursuant to a Trust agreement dated April 2, 1925, between said Z. & F. Assets Realization Corporation and the Guaranty Trust Company of New York, The New York Trust Company, The Equitable Trust Company, Hubert E. Rogers and Frederick F. Greenman (Trustees) including particularly but not limited to the right to all dividends and other distributions or payments, whether of principal or of income, heretofore or hereafter declared or made on account of such Participation Certificates, and the right to enforce and collect the same,

is property payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Rumania, namely,

Nationals and Last Known Address

Karl Oswald, Germany.
Erste Temesvarer Sparkasse, Rumania.

That such property is in the process of administration by the Z. & F. Assets Realization Corporation, c/o The New York Trust Company, 100 Broadway, New York, N. Y., acting under the judicial supervision of the Supreme Court of the State of New York, County of New York;

And determining that to the extent that such nationals are persons not within designated enemy countries, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries (Germany and 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.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

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

[F. R. Doc. 46-17521; Filed, Sept. 27, 1946; 8:47 a. m.]

[Supp. Vesting Order 7725]

Z. & F. ASSETS REALIZATION CORP.

In re: Z. & F. Assets Realization Corporation, pursuant to section 106 of the Stock Corporation Law of the State of New York, in liquidation.

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 rights and interests evidenced by Participation Certificates Series B in the numbers and face amounts set forth in Exhibit A, attached hereto and by reference made a part hereof, issued by Z. & F. Assets Realization Corporation (a New York corporation), pursuant to a Trust Agreement dated April 2, 1925, between said Z. & F. Assets Realization Corporation and the Guaranty Trust Company of New York, The New York Trust Company, The Equitable Trust Company, Hubert E. Rogers and Frederick F. Greenman (Trustees), including particularly but not limited to the right to all dividends and other distributions or payments, whether of principal or of income, heretofore or hereafter declared or made on account of such Participation Certificates, the right to enforce and collect the same, and the right to have the outstanding certificates cancelled on the books and records of said corporation and to have issued in lieu thereof new certificates in the name of the Alien Property Custodian evidencing such rights and interests.

is property payable or deliverable to, or claimed by, the persons whose names appear in Exhibit A, attached hereto and by reference made a part hereof, the last known address of each being Germany or Rumania, and who are nationals of designated enemy countries, Germany and Rumania;

That such property is in the process of administration by the Z. & F. Assets Realization Corporation, c/o The New York Trust Company, 100 Broadway, New York, N. Y., acting under the judicial supervision of the Supreme Court of the State of New York, County of New York;

And determining that to the extent that such nationals are persons not within designated enemy countries, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries (Germany and 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.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

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

Name	Certificate No.	Face amount	File No.
Eichborn & Co	533	$9,704.30	F-28-4099-A-1
A. G. Plauener Bank	1628	44,391.58	F-28-1029-A-1
B. & E. Sachs	2067	5,846.90	F-28-1033-A-1
Benedict Schoenfeld & Co	2071	14,484.78	F-28-5196-A-1
Preussische Zentralgenossenschaftskasse	1629	11,581.01	F-28-4377-A-1
Adolph Stuercke	2074	60,481.44	F-28-1036-A-1
Saechsische Staatsbank	2062	30,241.25	F-28-7395-A-1
A. E. Wasserman	2297	37,264.67	F-28-1037-A-1
Siegmund Pineus	1625	1,904.38	F-28-6639-A-1
J. Loewenherz	1306	601.76	F-28-6504-A-1
Barmer Bankverein	303	4,676.60	F-28-170-A-1
Aachener Bank Fuer Handel & Gewerbe	67	13,985.69	F-28-170-A-1
Aachener Bank Fuer Handel & Gewerbe for Gebr. Erasmus	47	1,600.00	F-28-170-A-1
Commerz-Und Privat Bank A. G	397	163,219.32	F-28-170-A-1
Lichtenstern & Co	1298	61,643.25	F-28-1027-A-1
Delbrueck, Schickler & Co	471	17,874.23	F-28-7114-A-1
Reichsbank	1757	107,083.98	F-28-1282-A-1
Reichsbank	1759	54,104.98	F-28-1282-A 1
Rheinische Bauernbank	1756	25,582.79	F-28-760-A-1
Westdeutsche Landbank	2299	400.00	F-28-760-A-1
Koelner Handelsbank	399	16,154.64	F-28-760-A-1
E. L. Friedmann & Co	663	34,313.97	F-28-5449-A-1
Paul Kapff	1162	37,281.53	F-28-1024-A-1
Berliner Handels-Gesellschaft	307	5,724.46	F-28-264-A-1
Lewinsky, Retzlaff & Co	1297	12,70[illegible].17	F-28-1026-A-1
William Rempe	2939	279.99	F-28-24004-A-1
Frederick August Kattan (Kattau)	2941	279.99	F-28-24004-A-1
Karl Frederick Kattan (Kattau)	2942	279.99	F-28-24004-A-1
Herman Otto Kattan (Kattau)	2940	279.99	F-28-24004-A-1
Erste Temesvarer Sparkasse	535	1,139.13	F-28-736
M. M. Warburg & Co	2796	411.03	F-28-736
Hansabank	981	2,568.39	F-28-736
Theo Goldschmidt Aktges	803	7,184.92	F-28-736
Dresdner Bank	2821	2,034.45	F-28-736

[F. R. Doc. 46-17522; Filed, Sept. 27, 1946; 8:47 a. m.]

[Vesting Order 6215, Amdt.]

Z. & F. ASSETS REALIZATION CORP.

In re: Z. & F. Assets Realization Corporation, pursuant to section 106 of the Stock Corporation Law of the State of New York, In Liquidation; File F-28-736; ET Sec. 9246.

Vesting Order Number 6215, dated April 23, 1946, is hereby amended as follows and not otherwise:

By deleting the sum of "$63.45", appearing in Exhibit A as the Face Amount of Certificate Number 68 in the name of Allgemeine Depositenbank and substituting therefor the sum of "$630.45".

By deleting the sum of "$51.25", appearing in Exhibit A as the Face Amount of Certificate Number 2505 in the name of Reichs-Kredit Gesellschaft and substituting therefor the sum of "$51.23".

By deleting the sum of "$534.27", appearing in Exhibit A as the Face Amount of Certificate Number 2110 in the name of Hans Thomsen, K. G. and substituting therefor the sum of "$534.12".

By deleting the sum of "$11,083.88", appearing in Exhibit A as the Face Amount of Certificate Number 472 in the name of Deutsche Handelsbank, A. G. and substituting therefor the sum of "$1,083.88".

By deleting the sum of "$11,070.63", appearing in Exhibit A as the Face Amount of Certificate Number 2441 in the name of Deutsche Laenderbank and substituting therefor the sum of "$11,770.63".

By deleting the sum of "$4,885.63", appearing in Exhibit A as the Face Amount of Certificate Number 515 in the name of Ephrussi & Co., and substituting therefor the sum of "$3,885.63".

By deleting the number "2130", appearing in Exhibit A as the number of the certificate in the name of Adolf Loehlein and substituting therefor the number "1203".

By deleting the sum of "$3,747.50", appearing in Exhibit A as the Face Amount of Certificate Number 1026 in the name of L. Josian & Co., and substituting therefor the sum of "$3,747.59".

All other provisions of said Vesting Order Number 6215 and all action taken

on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 19, 1946.

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

[F. R. Doc. 46-17523; Filed, Sept. 27, 1946; 8:48 a. m.]

UNITED STATES MARITIME COMMISSION.

"AURORA"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by Administrator, War Shipping Administration, pursuant to section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress).

Whereas the title to the vessel *Aurora* of Finnish registry was requisitioned pursuant to the Act of June 6, 1941 (Public Law 101—Seventy-Seventh Congress; 55 Stat. 242), as amended, on or about December 27, 1941; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress; 57 Stat. 45), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor that the ownership of any vessel (the title to which has been requisitioned pursuant to Section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner * * *;

and

Whereas neither the full amount nor 75 per centum of just compensation for such vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the former owner of the said vessel has consented to a determination that the use of the vessel is no longer required by the United States and to the return of the vessel and the conversion of the requisition of title thereto to a requisition of the use thereof in accordance with the act approved March 24, 1943 (Public Law 17—78th Congress); and

Whereas section 202 of the act of July 8, 1946 (Public Law 492, 79th Congress), provides that effective September 1, 1946, and continuing only during the period ending December 31, 1946, "all functions, powers, and duties of the War Shipping Administration, including all of the foregoing provisions in this act relating to said Administration are hereby transferred to and shall be exercised by the United States Maritime Commission under the same legal authorities and subject to the same conditions and limitations not otherwise altered by the foregoing provisions in this Act relating to said Administration, as will be applicable to the War Shipping Administration on August 30, 1946, and the War Shipping Administration shall cease to exist as of September 1, 1946;"

Now, therefore, I, A. J. Williams, Secretary, United States Maritime Commission, do hereby certify that on August 28, 1946, the Administrator, War Shipping Administration, acting pursuant to the Act approved March 24, 1943 (Public Law 17—78th Congress), determined that the ownership of said vessel is not required by the United States and that from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: September 25, 1946.

A. J. WILLIAMS,
Secretary,
United States Maritime Commission.

[F. R. Doc. 46-17528; Filed, Sept. 27, 1946; 9:29 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 1 to Order 5104]

WOOD COMMERCIAL FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

For the reason set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation 188, *It is ordered:*

Order No. 5104 under § 1499.159b of Maximum Price Regulation 188 is amended in the following respect:

1. Section 2 is amended to read as follows:

SEC. 2. *Articles covered by this order.* This order covers all types of wood commercial chairs, desks and tables covered by Maximum Price Regulation 188, except those whose maximum prices were established under the "cost method" of Order 4332 or Revised Order 4332 under the regulation. The term "wood commercial chairs, desks and tables" as used in this order means all chairs, desks and tables covered by Appendix C of Maximum Price Regulation 188, when primarily designed and generally used for non-household purposes, and when made with wood which accounts for at least 50% of the total cost of materials used, exclusive of joining hardware and upholstery materials.

This amendment shall become effective on the 2d day of October 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 5104 UNDER SECTION 1499.159B OF MAXIMUM PRICE REGULATION 188

This amendment provides that the cost of upholstery materials shall not be considered in determining whether the cost of the wood used in an article constitutes 50% or more of the total cost of materials, under the definition of "Wood commercial chairs, desks and tables" set forth in the Order.

The cost of joining hardware has already been eliminated by the original definition, as it was found that otherwise some types of chairs commonly considered wood would be classed as metal under the definition. Since issuance of the order, information has been received by the Office of Price Administration which indicates that for some types of upholstered chairs the cost of the wood would constitute less than 50% of the total cost (less the cost of joining hardware) owing to the high cost of upholstery materials. Since the order was intended to apply to such chairs, since both upholstered and non-upholstered chairs were included in the survey which preceded the order, and since otherwise no price adjustment would apply to such chairs, this amendment is issued to definitely include them within the scope of Order 5104.

[F. R. Doc. 46-17647; Filed, Sept. 27, 1946; 11:46 a. m.]

MPR 188. Amdt. 3 to Order 5122]

HOUSEHOLD KITCHEN WARE

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered,* That Order No. 5122 under § 1499.159b of Maximum Price Regulation No. 188 be amended in the following respects:

1. The first paragraph of section 2 is amended to read as follows:

SEC. 2. *Articles covered by this order.* This order applies to all sales and deliveries of all articles of the type of household ware which are listed in section 3 of this order; except as is otherwise provided for in section 7 of this order, and except "sub-standard enamelware". For the purposes of this order, "sub-standard enamelware" shall mean enameled household articles which have obvious defects, which the manufacturer does not sell as a line and which he sells at least 15 percent below his lowest ceiling price for a comparable enameled household article without such defects.

2. Paragraph (a) of section 5 is amended to read as follows:

(a) *Retail ceiling prices for retailers other than "Class I" sellers.* The retail ceiling price for an article covered by this order sold by a retailer other than a Class I seller (as defined below) shall be determined by adding to the "manufacturer's price" an amount equal to 100% of such price.

For the purposes of this section, the "manufacturer's price" is the highest of the following f. o. b. factory ceiling prices for his sales of the article to the class of wholesaler or Class I seller to whom he sells articles covered by this order in the largest dollar volume.

(1) The ceiling price as established under § 1499.153 to 14.99.158, inclusive, of Maximum Price Regulation No. 188 provided that the ceiling price as established under Maximum Price Regulation No. 188 does not include either directly or indirectly any adjustment, either individual or industry-wide, plus the percentage of that price specified below as applicable to the type of household ware which includes the article whose ceiling price is being determined.

Percentage of MPR 188 ceiling price that may be added for the purpose of determining the manufacturer's price:

Type of household ware:	
Cast iron ware	5
Enamel ware	5

(2) The price established by an individual adjustment order under Supplementary Orders Nos. 118, 133 or 148, or Revised Supplementary Order No. 119 or any other supplementary order which may provide for the individual adjustment of a manufacturer's ceiling price.

If a manufacturer cannot determine a retail ceiling price in accordance with the foregoing provisions of the order for any article of his manufacture because he does not have a ceiling price to wholesalers or Class I sellers for that article, but does have a ceiling price to a retailer other than a Class I seller for that article, he shall compute the retail ceiling price by multiplying by 150% his adjusted f. o. b. factory ceiling price for that article to the class of retailer other than a Class I seller who buys that article in the largest dollar volume.

If a manufacturer has ceiling prices to purchasers for resale which include any type of freight allowance, he shall convert his ceiling prices for the purpose of computing retail ceiling prices by subtracting from his ceiling prices which include the freight allowance, the maximum freight allowance included in such a price which is in excess of 50 cents per hundredweight.

3. The last sentence in the first paragraph in section 5 (b) is amended to read as follows: "However, the retail ceiling price for a sale by a mail order house of an article which it sold during 1941 shall be the last catalog price in effect prior to March 31, 1942, plus 5%."

4. Paragraph (d) of section 4 is amended to read as follows:

(d) *Adjustment of retail ceiling prices.* All retail ceiling prices established by this section shall first be calculated without regard to this paragraph. If any retail ceiling price so calculated is more than $1.00 and not a multiple of 5 cents, that retail ceiling price shall be adjusted up or down, whichever is applicable, to the nearest figure which is a multiple of 5 cents.

5. Section 6 is amended to read as follows:

SEC. 6. *Tagging.* (a) On and after October 15, 1946, no person may display, offer for sale, sell or deliver at retail any article covered by this order unless there appears on the article a price which does not exceed the retail ceiling price established by this order for a sale of that article by the class of seller making the sale at the place where the article is displayed, offered for sale, sold or delivered and which is clearly designated as "OPA Retail Ceiling Price."

(b) Anything contained in paragraph (a) of this section to the contrary notwithstanding the retail ceiling price need not appear on any article sold by mail order by a mail order house.

(c) It shall be the responsibility of the person making the display, offer for sale, sale or delivery at retail to write, stamp, label or tag the retail ceiling price on any article covered by this order in accordance with the requirements of paragraph (a) of this section. However, if on any article covered by this order there appears a tag, label or stamp affixed thereto by the manufacturer in the following form (with the blank properly filled in):

OPA Retail Ceiling Price—$_____ Plus 5% in Zone II Except Class I Sellers

the requirements of paragraph (a) of this section shall be deemed to have been satisfied.

6. Paragraph (b) of section 7 is amended to read as follows:

(b) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, but after September 30, 1946, each seller shall notify the purchaser in writing of the requirements of section 6 of this order, of the States in each zone as specified by this order and the retail ceiling prices established by this order for all articles sold or delivered on or after September 30, 1946; however, a seller who is also a purchaser for resale, need not give such notice with respect to any articles until such time as he receives the notice required to be given by this paragraph covering such articles from his seller. Manufacturers shall notify purchasers for resale at wholesale of all ceiling prices and conditions established by this order for sales by the purchaser.

This amendment shall become effective on the 30th day of September 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 3 TO ORDER NO. 5122 UNDER SECTION 1499.159B OF MAXIMUM PRICE REGULATION NO. 188

The accompanying amendment makes certain clarifying changes in Order No. 5122 under Section 1499.159e of Maximum Price Regulation No. 188, hereinafter referred to as Order No. 5122, which establishes adjusted ceiling prices for household cast iron and enamel ware and relieves manufacturers from the preticketing requirements heretofore imposed on them.

The amendment makes clear that Order No. 5122 applies to all household cast iron and enamel ware except sub-standard enamel ware covered by Maximum Price Regulation No. 188 and is not limited to household kitchenware. Ceiling prices for sub-standard enamel ware remain subject to Maximum Price Regulation No. 188 and the General Maximum Price Regulation depending on the character of the seller.

The accompanying amendment provides a method by which manufacturers' delivered ceiling prices can be converted into f. o. b. factory ceiling prices for the purposes of calculating retail ceiling prices; however a price which includes no more than a $.50 per hundredweight freight allowance shall be deemed to be a f. o. b. factory ceiling price. The $.50 per hundredweight freight allowance is permitted to be included in the f. o. b. factory ceiling price for this purpose because this allowance was included in the ceiling prices of most manufacturers in the industry and such prices were customarily doubled to determine retail prices. Prices which include greater freight allowances must be converted into f. o. b. factory prices with a $.50 per hundredweight freight allowance so that retail ceiling prices for articles of all manufacturers will be determined on a comparable basis.

The accompanying amendment also prescribes a method for determining retail ceiling prices of articles which are sold only to retailers other than Class I sellers without the use of wholesalers. Heretofore, it was impossible to calculate a retail ceiling price for an article which the manufacturer sold only direct to retailers other than Class I sellers. The prices so established are in line with the level of ceiling prices established for comparable articles.

The amendment provides that mail order house catalog ceiling prices may be increased by 5% so as to keep such prices in line with the level of ceiling prices established for other retailers.

The amendment requires retail sellers other than by mail order to label on and after October 15, 1946, all articles covered by Order No. 5122 with the retail ceiling price established by Order No. 5122 or a lower price, and it is the obligation of every seller to a purchaser for resale to advise the purchaser in writing of the ceiling prices established by Order No. 5122.

Heretofore, Order No. 5122 required manufacturers to pre-ticket all merchandise subject to the order with the retail ceiling prices; however the manufacturers of enamel ware have demonstrated that conditions peculiar to their manufacturing technique make it extremely difficult if not impossible for them to pre-ticket such merchandise. Accordingly, the Price Administrator has found that the most feasible method of securing compliance with the ceiling prices established by Order No. 5122 is to require retailers to label all such merchandise with the retail ceiling prices.

The Administrator has advised and consulted with members of the industries affected and has given consideration to their recommendations.

All provisions of the amendment and its effect upon business practices, cost practices or methods or means or aids to distribution in the industry have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids or methods established in the industry affected have been included in the

amendment, unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the order or of the price control act. To the extent that the provisions of the amendment compel or may operate to compel changes in business practices, cost practices or methods or means or aids to distribution established in the industry, or industries affected, such provisions are necessary to prevent evasion or circumvention of the order or of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17648; Filed, Sept. 27, 1946; 11:47 a. m.]

[RMPR 143, Order 46]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

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 7 of Revised Maximum Price Regulation 143, *It is ordered:*

(a) The maximum retail price for the following new size and type of truck tire, shall be:

NATURAL OR SYNTHETIC RUBBER TRUCK TIRE

Size	Replaces size	Ply	Maximum retail price, each
CC-12	5.50 x 18	6	$23.32

(b) The maximum wholesale price for sales of the tire described in paragraph (a) above, when sold by the manufacturer or brand owner, shall be determined by applying the appropriate discount determined under section 3 (b) (2) of RMPR 143 to the discount base for such tire listed below and adding to the price so computed the amount of the wholesale increase specified for such tire below:

NATURAL OR SYNTHETIC RUBBER TRUCK TIRE

Size	Replaces size	Ply	Discount base	Wholesale increase
CC-12	5.50 x 18	6	$22.75	$1.46

(c) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to retail sales of commodities covered by this order. All provisions of RMPR 143 not inconsistent with this order shall apply to wholesale sales of commodities covered by this order.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 28, 1946.

Issued this 27th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

OPINION ACCOMPANYING ORDER 46 UNDER REVISED MAXIMUM PRICE REGULATION 143

Applications have been received for the establishment of a maximum retail price for a new size natural or synthetic rubber truck tire. Since these tires are not listed in Appendix III to Revised Maximum Price Regulation 143 for the purpose of determination of wholesale prices when sold by the manufacturer or brand owner, it is necessary to establish such wholesale price by authorization under section 7 of that regulation. In connection with the establishment of wholesale prices, maximum retail prices may also be established under the provisions of that section since these tires are not priced at retail under Revised Maximum Price Regulation 528 nor were they listed in any price list of the manufacturer as of February 1, 1944. This order, therefore, establishes maximum retail price for sales of this tire by any person.

The maximum prices fixed by this order bear the normal relationship to the maximum prices fixed by the regulations for other sizes of this type of tire and such maximum prices are consistent with the level of maximum prices otherwise fixed by RMPR 143 for wholesale sales and RMPR 528 for retail sales.

[F. R. Doc. 46-17646; Filed, Sept. 27, 1946; 11:46 a. m.]

[MPR 580, Amdt. 2 to Order 4]

MARSHALL FIELD AND CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 2 to Order 4. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-792. For the reasons set forth in the opinion issued simultaneously herewith, Order 4 issued under section 13 of Maximum Price Regulation 580 on application of Marshall Field and Company, Inc., through its division Karastan Rug Mills, 295 Fifth Avenue, New York 16, New York, is amended in the following respects:

1. Paragraph (a) is amended by deleting the heading "Manufacturer's Selling Price" and substituting therefor the heading "Manufacturer's Unadjusted Selling Price".

2. Paragraph (a) is further amended by adding the following footnote:

"Manufacturer's Unadjusted Selling Price" is the manufacturer's selling price prior to the addition, in whole or in part, of the 4½% increase permitted under Amendment 7 to Revised Price Schedule 57.

3. Paragraph (a) is further amended by adding the following:

WOOL SHAG BROADLOOM CARPETING—"CHATEAU BY KARASTAN" GRADE

Manufacturer's unadjusted selling price	Retail ceiling price	
	East of Denver	West of Denver
Per sq. yd. $8.085	*Per sq. yd.* $14.20	*Per sq. yd.* $14.65

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

(b) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same unadjusted selling price to the retailer, the same brand or company name, and first sold by the manufacturer after the effective date of this order.

5. Paragraph (c) is amended by deleting the phrase "Maximum Price Regulation No. 580" and substituting therefor the phrase "the regulation which would apply in the absence of this order."

6. Paragraph (d) is amended to read as follows:

(d) At the time of or before the first delivery to any purchaser for resale of any article listed in paragraph (a), the seller shall send the purchaser a copy of this order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

7. Paragraph (e) is amended by deleting the phrase "Maximum Price Regulation No. 580" and substituting therefor the phrase "the regulation which would apply in the absence of this order."

This amendment shall become effective September 28, 1946.

Issued this 27th day of September 1946.

ROBERT A. NIXON,
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 4 UNDER MAXIMUM PRICE REGULATION NO. 580

The accompanying amendment to Order No. 4 issued to Marshall Field and Company, Inc., through its division Karastan Rug Mills, 295 Fifth Avenue, New York 16, New York, under section 13 of Maximum Price Regulation 580, establishes a uniform retail ceiling price, on a yardage basis, of additional carpeting. The amendment revises the heading "Manufacturer's Selling Price" to read "Manufacturer's Unadjusted Selling Price". This was done to indicate that the retail ceilings established by the order are based upon the manufacturer's unadjusted prices, that is, his prices before addition of the adjustment charge of 4½% permitted under § 1352.1a of Revised Price Schedule 57, as amended.

Paragraph (b) is amended to provide, under specified conditions, an automatic method for establishing a uniform retail ceiling for branded articles not included in the order and first sold by the manu-

facturer after the effective date of the order.

The amendment also broadens the notice provision contained in paragraph (d).

[F. R. Doc. 46-17649; Filed, Sept. 27, 1946; 11:47 a. m.]

[MPR 580, Amdt. 2 to Order 36]

VANITY FAIR MILLS, INC.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 2 to Order 36. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-804.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 36 issued under section 13 of Maximum Price Regulation 580 on application of Vanity Fair Mills, Inc., Reading, Pennsylvania, is amended in the following respects:

1. Paragraph (a) is amended by adding the following:

LADIES' UNDERWEAR, NIGHTWEAR, ENSEMBLE COATS, BED JACKETS, ROBES AND HOUSECOATS

Manufacturer's selling price (per dozen)	*Ceiling-price at retail (per unit)*
$4.25	$0.59
4.65	.65
5.55 to $5.65	.79
6.00	.85
6.40	.89
7.20 to 7.25	1.00
9.00	1.25
9.70	1.35
10.80	1.50
11.85	1.65
12.25	1.75
14.40	2.00
16.20	2.25
20.65 to 21.60	2.95
27.65 to 28.80	3.95
31.50	4.50
36.00	5.00
52.50	7.50
70.00	9.95
77.00	10.95
MEN'S UNDERWEAR	
14.40	2.00
18.00	2.50
21.60	3.00
25.20	3.50
28.80	4.00
36.00	5.00
LADIES' SPORT SHORTS	
14.00	2.00
17.50	2.50

This amendment shall become effective September 28, 1946.

Issued this 27th day of September 1946.

ROBERT A. NIXON,
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 36 UNDER MAXIMUM PRICE REGULATION NO. 580

The accompanying amendment to Order No. 36 issued to Vanity Fair Mills Inc., Reading, Pennsylvania, under section 13 of Maximum Price Regulation 580, establishes uniform retail ceiling prices for additional cost lines. This will enable the manufacturer to continue his practice of maintaining uniform retail selling prices on his branded merchandise.

[F. R. Doc. 46-17650; Filed, Sept. 27, 1946; 11:47 a. m.]

[MPR 580, Amdt. 2 to Order 199]

FELIX TAUSEND & SONS

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 2 to Order 199. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-790.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 199 issued under section 13 of Maximum Price Regulation 580 on application of Felix Tausend & Sons, 114 Franklin Street, New York 13, New York, is amended in the following respects:

1. Paragraph (a) is amended by deleting the heading "Manufacturer's Unadjusted Selling Price" and substituting therefor the heading "Manufacturer's Selling Price".

2. Paragraph (a) is further amended by deleting the footnote thereto.

3. Paragraph (a) is amended to increase the uniform retail ceiling prices established by the order for the articles listed below. The new cost-retail price lines are as follows:

Size	Article	Manufacturer's selling price	Retail ceiling price
54 x 70	Tablecloth with 6 15" napkins.	$8 per set	$13.50 per set.
65 x 85	Tablecloth	$7.50 each	$12.50 each.
65x108	Tablecloth	$9.50 each	$15.95 each.
20 x 20	Napkins	$7.50 per doz	$12.50 per doz.

4. Paragraph (d) is amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already covered by the order or changes the retail ceiling price of a covered article, Felix Tausend & Sons, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order.

5. Paragraph (e) is amended to read as follows:

(e) At the time of or before the first delivery to any purchaser for resale of any article covered by this order, the seller shall send the purchaser a copy of the order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

This amendment shall become effective September 28, 1946.

Issued this 27th day of September 1946.

ROBERT A. NIXON,
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER NO. 199 UNDER MAXIMUM PRICE REGULATION NO. 580

The accompanying amendment to Order 199 issued to Felix Tausend & Sons, 114 Franklin Street, New York 13, New York, under section 13 of Maximum Price Regulation 580, increases the uniform retail ceiling prices of napery. Prior to this amendment, the retail ceilings established by the order were based upon below-ceiling manufacturer's prices. The manufacturer now wishes to invoice his retailers at his ceiling prices. Accordingly, this amendment sets forth the manufacturer's ceiling prices and the increased retail prices. The new retail ceilings reflect markups which are not higher than they were prior to the amendment.

With respect to articles for which retail ceiling prices are established by amendment, provision is made for the suspension of the preticketing requirements for a specified period.

The amendment also revises the notice provision in paragraph (e).

[F. R. Doc. 46-17651; Filed, Sept. 27, 1946; 11:47 a. m.]

[MPR 580, Order 322]

VALMOR UNDERGARMENT CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 322. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-711.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Valmor Undergarment Co., Inc., 149 Madison Avenue, New York, New York, having the brand name "Val Mode" and described in the manufacturer's application dated June 12, 1946. The manufacturer's prices listed below are subject to a discount of 8%/10 EOM.

LADIES AND MISSES' SLIPS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$22.50	$2.98

(b) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same selling price to the re-

tailer, the same brand or company name and first sold by the manufacturer after the effective date of this order.

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 30, 1946, Valmor Undergarment Co., Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

Sec. 13, MPR 580
OPA Price—$------

On and after November 30, 1946, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 30, 1946, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

Upon issuance of any amendment to this order which either adds an article to those already listed in paragraph (a) or changes the retail ceiling price of a listed article, Valmor Undergarment Co., Inc., as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is preticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so preticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order.

(e) Within 15 days after the effective date of this order, the seller shall send a copy to each purchaser for resale to whom, within two months immediately prior to the effective date, the seller had delivered any article covered in paragraph (a). Copies shall be sent to all other purchasers at the time of or before the first delivery of any such article subsequent to the effective date of the order and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order or any provision thereof may be revoked, suspended, or amended by the Price Administrator at any time.

This order shall become effective September 28, 1946.

Issued this 27th day of September 1946.

ROBERT A. NIXON,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 322 UNDER MAXIMUM PRICE REGULATION NO. 580

In accordance with section 13 of Maximum Price Regulation No. 580, the applicant named in the accompanying order, Valmor Undergarment Co., Inc., has applied to the Office of Price Administration for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Price Administrator indicates that the applicant has complied with other stated requirements.

The Price Administrator has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this order are no higher than the level of maximum prices under Maximum Price Regulation No. 580. The articles for which the accompanying order fixes ceiling prices for sales at retail under section 13 will no longer be priced under any other section of this or of any other regulation.

The order also contains a provision requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying order. Applicant and subsequent sellers (except sellers at retail) are required to send purchasers of the articles a copy of this order, and, in specified cases, of subsequent amendments thereto.

[F. R. Doc. 46-17652; Filed, Sept. 27, 1946; 11:48 a. m.]

[MPR 594, Corr. to Amdt. 7 to Order 12]

HUDSON MOTOR CAR CO.

AUTHORIZATION OF MAXIMUM PRICES

Amendment 7 to Order 12 under Maximum Price Regulation 594 is corrected in the following respects:

1. The schedule in paragraph (a) (2) (i) is corrected in the following respects:

a. The item, under the column headed "description", reading "Special two paint copper red and harvest tan, all models" is corrected to read "Special two-tone paint, copper red and harvest tan, all models".

b. The item described as "Window reveal mouldings" is corrected to read as follows:

Description	Company net price to distributor	Distributor net price to dealer	List price
Window reveal moldings, models 51 and 53:			
Sedans and Broughams	$12.01	$12.87	$17.16
Coupes	6.73	7.21	9.61

2. The base amount in paragraph (c) (2) for Model 53 (Super Eight) chassis is corrected to read "$1058" instead of "$1038".

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-17653; Filed, Sept. 27, 1946; 11:48 a. m.]

PACKARD MOTOR CAR CO.

[MPR 594, Corr. to Amdt. 3 to Order 3]

AUTHORIZATION OF MAXIMUM PRICES

Amendment 3 to Order 23 under Maximum Price Regulation 594 is corrected in the following respect:

1. The "wholesale price installed-to dealer" for the item of extra or optional equipment described as "Exhaust pipe trim" is corrected to read "$1.39" instead of $1.29".

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-17654; Filed, Sept. 27, 1946; 11:48 a. m.]

[Order 54 Under 19 (a), Revocation]

SOYA MEAL OR FLOUR

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.19a of the General Maximum Price Regulation, *It is ordered:*

Order No. 54 under § 1499.19a of the General Maximum Price Regulation is hereby revoked.

This order shall become effective October 2, 1946.

Issued this 27th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING REVOCATION OF ORDER NO. 54 UNDER SECTION 1499.19A OF GENERAL MAXIMUM PRICE REGULATION

The accompanying order revokes Order No. 54 under Section 1499.19a of the General Maximum Price Regulation which authorized open-billing for sales of adhesives and isolated proteins made in whole or in part from soya meal or soya flour.

By Amendment 25 to SR 14F, industry-wide increases were granted in the maximum prices of these products to reflect the recent raw material increase in the cost of soybean meal, an important ingredient of these products. This action was taken after a study of the cost-price relationship of these products. Consequently, a generally fair and equitable price adjustment having been made, there is no longer a necessity for an open-billing authorization.

In accordance with the provision in the opinion accompanying Order No. 54 which stipulated that this order would be revoked once a final action was

adopted by the Office of Price Administration, Order No. 54 is revoked.

In view of the foregoing, the Administrator finds that the accompanying revocation order is in accord with the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46-17635; Filed, Sept. 27, 1946; 11:42 a. m.]

[MPR 594, Order 29]

WILLYS OVERLAND MOTORS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 9 of Maximum Price Regulation 594, *It is ordered:*

(a) Willys Overland Motors, Inc., hereinafter called the Company, is authorized to sell f. o. b. Toledo, Ohio, each of the Willys station wagons described in subparagraph (1) to its distributors at a price not to exceed the applicable list price in that subparagraph less a billing discount of 25%, plus applicable charges in subparagraph (2).

(1) *New station wagon.*

Description	*List price*
Station wagon, Model 4-63 not including in standard equipment an overdrive, 7th seat, wood slats and arm rests over wheelhouse	$1,337
Station wagon, Model 4-63 including in standard equipment an overdrive, 7th seat, wood slats and arm rests over wheelhouse	1,447

(2) *Charges*—(i) *Extra or optional equipment.* A charge for each group of extra or optional equipment described below when sold as original equipment, which shall not exceed the respective list price shown below less a billing discount of 25%.

Group No.	Description	List price
226-7	Overdrive (when not included in standard equipment).	$69.83
226-3	7th seat (when not included in standard equipment).	15.63
226-36	Arm rests over wheelhouse, left and right (when not included in standard equipment).	8.81
226-37	Wood slats (when not included in standard equipment).	15.73
226-1	Air cleaner (oil bath)	4.07
226-6	Ash receivers, 2 rear	1.52
226-28	Bumper bar rail	10.85
226-36	Arm rest on doors—left and right	2.43
226-38	Dome lamp (additional)	.47
226-16	Dual horns	2.32
226-4	Heater and defroster	25.71
226-26	License plate frame assembly	2.25
226-25	Lock gas cap	.79
226-19	Ratio axle, 5:13 to 1 (additional)	.19
226-22	Rear view mirrors (outside)	1.71
226-40	Spare tire cover	5.41
226-8	Tires and tubes—4 6.50 x 15 instead of 4 6.00 x 15.	9.79
226-5	Tire pump	1.55
226-2	Tropical roof	3.68
226-35	Wheel trim rings chrome	4.49

(ii) *Federal excise taxes.* A charge for Federal excise taxes at the current legal rates computed in accordance with the method the company had in effect on October 15, 1941.

(iii) *Cooperative advertising.* A charge for cooperative advertising not to exceed $10.00 when the distributor or direct dealer agrees to participate in the cooperative advertising program.

(iv) *Transportation.* A charge for transportation of the station wagon and extra or optional equipment from Toledo, Ohio to distributor, not to exceed a charge computed in accordance with the method the company had in effect on October 15, 1941, including transportation tax at the current legal rate.

(v) *Preparing and conditioning.* A charge not to exceed $20.00 for preparing and conditioning the new station wagon to make it ready for operation by a user.

(vi) *State and local taxes.* A charge equal to the company's expense for State or local taxes, if any, directly imposed on sale or delivery of the station wagon.

(vii) *Gasoline, oil and anti-freeze.* A charge for gasoline and anti-freeze not furnished as part of the service referred to in subdivision (v) above. The charge shall not exceed applicable maximum prices of such commodities.

(b) The Company shall submit to the Office of Price Administration, Automotive Branch, Washington, D. C., on or before February 28, 1947 the following information for the 3 month period commencing October 1, 1946 and ending December 31, 1946.

1. Overall Company profit and loss statement.
2. Total sales of Willys station wagons in units and dollars.
3. Unit manufacturing costs and unit selling, general and administrative expense of Willys station wagon.

The same information shall be submitted by the Company for each three month period after December 31, 1946 within 60 days after the end of each 3 month period.

(c) Any distributor, when selling under a distributor's sales agreement with the Company is authorized to sell to dealers the Willys station wagon listed in subparagraph (1) of paragraph (a) at a price not to exceed the applicable list price in that subparagraph less a discount of 22%, plus the total of the following applicable charges:

(1) *Extra or optional equipment.* A charge for each item of extra or optional equipment described in subparagraph (2) (i) of paragraph (a) affixed to or shipped with the new station wagon which shall not exceed the list price in that subparagraph less a discount of 22%.

(2) *Federal excise taxes.* A charge not to exceed the charge made by the company to provide for Federal excise taxes on the new station wagon and extra or optional equipment.

(3) *Advertising.* A charge for advertising expense not to exceed $10.00 when the purchasing dealer agrees to participate in the cooperative advertising program.

(4) *Transportation.* A charge to cover the distributors transportation expense not to exceed the following:

(i) *When transportation charge to distributor is prepaid.* A charge not to exceed the net invoice transportation charge to the distributor for the new station wagon and extra or optional equipment being sold; or

(ii) *When transportation charge to distributor is not prepaid.* A charge to cover transportation expense which shall not exceed the rail freight charge at carload rate or truck-away charge at truck load rate, whichever is higher, for the transportation of new station wagon, and extra or optional equipment, from the factory at Toledo, Ohio, by the most direct route to the place at which delivery is made to the purchaser including transportation tax at the current legal rate.

(5) *Preparing and conditioning.* A charge for preparing and conditioning the new station wagon and delivery not to exceed $20.00 when delivery is made to the user.

(6) *State and local taxes.* A charge equal to his expense for state and local taxes on the sale or delivery of the new station wagon and extra or optional equipment.

(7) *Gasoline, oil and anti-freeze.* A charge for gasoline, oil and anti-freeze supplied with the new station wagon when not furnished under subparagraph (5) above, not to exceed applicable maximum prices.

(d) A reseller is authorized to sell any purchaser each of the new Willys station wagon listed in subparagraph (1) of paragraph (a) at a price not to exceed the list price in that subparagraph plus the following applicable charges:

(1) *Extra or optional equipment.* A charge for each item of extra or optional equipment described in subparagraph (2) (i) of paragraph (a) when sold as original equipment which shall not exceed the applicable list price in that subparagraph.

(2) *Federal excise taxes.* A charge not to exceed the charge made by the distributor to provide for Federal excise taxes on the new station wagon and extra or optional equipment.

(3) *Charge for transportation.* A charge to cover the dealer's transportation expense not to exceed the following:

(i) *When the transportation charge to reseller is prepaid.* A charge not to exceed the net invoice transportation charge to the dealer for the new station wagon and extra or optional equipment being sold; or

(ii) *When the transportation charge to reseller is not prepaid.* A charge to cover transportation expense which shall not exceed the rail freight charge at carload rate or truck-away charge at truck load rate, whichever is higher, for the transportation of new station wagon, and extra or optional equipment, from the factory at Toledo, Ohio, by the most direct route to the place at which delivery is made to the purchaser including transportation tax at the current legal rate.

(4) *Preparing and conditioning charge.* A charge for preparing and conditioning the new station wagon for delivery not to exceed $20.00.

(5) *State and local taxes.* A charge equal to his expense for state and local taxes directly imposed on the sale or delivery of the new station wagon and extra or optional equipment.

(6) *Gas, oil and anti-freeze.* A charge for gas, oil and anti-freeze supplied with the new station wagon not to exceed applicable maximum prices.

(e) *Resale in Porto Rico and Alaska.* A reseller is authorized to sell each of the

station wagons and extra or optional equipment described in paragraph (a) in Porto Rico and Alaska at a price not to exceed the maximum price permitted by paragraph (c) or (d), whichever is applicable, to which he may add a sum equal to the expense incurred by or charged to him for: payment of territorial and insular taxes on the purchase, sale or introduction of the new station wagon in the territory or possession, when not charged under paragraph (c) or (d); export premiums; boxing and crating for export purposes; assembly cost, if any, marine and war risk insurance; landing, wharfage, and terminal operations; ocean freight; freight to port of embarkation when not charged under paragraph (c) or (d); and freight from the point of debarkation by the most direct route to the place of business of the reseller.

(f) All requests not granted herein are denied.

(g) This order may be amended or revoked by the Administrator at any time.

This order shall become effective September 27, 1946.

Issued this 27th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 29 UNDER MAXIMUM PRICE REGULATION 594

In the order which this opinion accompanies maximum prices are established under section 9 of Maximum Price Regulation 594 for a new jeep station wagon being manufactured for the first time by the Willys Overland Motors, Inc.

The new jeep station wagon is not similar to any model of automobile previously manufactured by the Willys Overland, Inc. For such a passenger automobile, the maximum price for sales at the manufacturing level must be determined under section 9 of Maximum Price Regulation 594. That section requires that the maximum price established shall be a price in line with the general level of maximum prices permitted by the regulation for new passenger automobiles having similar specifications for most major characteristics.

In determining an in-line factory price for the jeep station wagon, its engineering and design specifications were compared with comparable specifications of station wagons of competitive makes on the basis of rating factors for 41 engineering and design specifications suggested by the Bureau of Standards as most significant in automobiles. Through comparison of the specifications of the jeep station wagon with the station wagons of competitive makes, relative competitive ratings for 3 general specification groups were developed. These groups are: (1) Engine; (2) Auxiliary equipment; and (3) general. The body of the jeep station wagon, which is of all steel construction, was given the same rating as the bodies of the station wagons of competitive makes although the latter are of all wood construction. It was determined that the aggregate of the features of both types of bodies were appoximately in balance, and, therefore, the body was assigned the same rating for each of the competitive makes. The same rating was also given to each of the station wagons for certain types of parts and accessories which were considered to be virtually the same for these vehicles. Each of the three competitive ratings and the rating common to all the station wagons compared were weighted by the relative cost importance of the group it represented.

The result of these calculations was then related to the maximum prices already established for the station wagons of the makes competitive with the Willys make of automobile, and an in-line factory price was calculated for the jeep station wagon.

Prices for resales at the wholesale and retail levels were determined by adding to the factory price gross margins which reflect the pre-war margins of these distributive levels. In addition to the factory price and wholesale and retail list prices, maximum prices include charges for transportation, Federal excise taxes, preparing and conditioning, State and local taxes, and gasoline, oil and anti-freeze. The factory and wholesale price also include a charge for cooperative advertising.

When the Company has had cost data reflecting representative production experience, then the maximum price established for it in this order may be reviewed from the standpoint of cost and price. To permit the Administrator to make this review, a provision is included in the order which requires the company to furnish the Office of Price Administration with certain financial data reflecting actual production experience.

The maximum prices established in this action are in accordance with the provisions of Maximum Price Regulation 594 and the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17655; Filed, Sept. 27, 1946; 11:48 a. m.]

[MPR 594, Order 30]

KAISER-FRAZER 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 sections 9 and 9b of Maximum Price Regulation 594, it is ordered:

(a) *Company sales to dealers.* Kaiser-Frazer Corporation, Willow Run, Michigan, and its wholly owned subsidiaries, hereinafter called the Company, is authorized to sell and deliver f. o. b. factory, Willow Run, Michigan, to dealers, the new Kaiser Special passenger automobile described in subparagraph (1) at a price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for a new automobile not to exceed the applicable dealer price in the following schedule:

Mode	Description	Dealer price
K-100	4-door sedan	$1,28[illegible]

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment listed in the following schedule not to exceed the applicable dealer price in the schedule:

Description:	*Dealer price*
Group 1:	
Cigar lighter, Bumper guard (front and rear), Oil filter (replaceable element type), Heavy duty air cleaner, Storage tank for vacuum windshield wiper	$22.50
Wheel rings (set of 5)	7.00
Chrome tailpipe extension	1.25
Chrome trim rings (set of 5)	5.00

(3) *Charge for Federal excise taxes.* A charge to provide for Federal excise taxes at the current legal rate.

(4) *Charge for transportation.* A charge to cover transportation of the new automobile and extra or optional equipment not to exceed a charge computed in accordance with the method and rates approved by the Office of Price Administration.

(5) *Charge for preparing and conditioning.* A charge not to exceed $15.00 when the Company performs its customary preparing and conditioning operations on the new automobile to make it ready for operation by a consumer.

(6) *Charge for anti-freeze.* A charge for anti-freeze furnished with the automobile not to exceed the applicable maximum price.

(7) *Charge for advertising.* A charge for advertising not to exceed $10.00 when the dealer, agrees to participate in the cooperative advertising program.

(8) *Deposit for retail delivery record.* A deposit not to exceed $5.00 for a retail delivery record which shall be refunded when the record is prepared and furnished to the Company.

(b) *Company sales to United States.* The Company is authorized to sell and deliver f. o. b. factory, Willow Run, Michigan, to the United States, its agencies, and wholly-owned corporations for the use in the United States, the new Kaiser Special automobile described in subparagraph (1) of paragraph (a) at a price not to exceed the total of the following charges:

(1) *Charge for the new automobile.* A charge for the new automobile not to exceed the amount of the dealer price in subparagraph (1) of paragraph (a).

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (a) not to exceed the applicable dealer price in that paragraph.

(3) *Charge for preparing and conditioning.* A charge not to exceed $15.00 for preparing and conditioning the new automobile for delivery.

(4) *Other charges.* Charges permitted by subparagraph (3), (4) and (6) of paragraph (a).

(c) *Company sales to users.* The Company may sell and deliver to users

f. o. b. factory, Willow Run, Michigan, the new Kaiser Special automobile described in subparagraph (1) of paragraph (a) at a price not to exceed a total of the following charges:

(1) *Charge for new automobile.* A charge for the new automobile not to exceed the applicable factory retail price in subparagraph (1) of paragraph (e).

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (e) not to exceed the applicable factory retail price in that subparagraph.

(3) *Charge for state and local taxes.* A charge to cover state and local taxes on the sale or delivery of the new automobile and extra or optional equipment.

(4) *Charge for preparing and conditioning.* A charge not to exceed $15.00 for preparing and conditioning the new automobile for delivery.

(5) *Other charges.* Charges permitted by subparagraph (3), (4), and (6) of paragraph (a) when applicable to the sale.

(d) The company shall submit to the OPA Automotive Branch, Washington, D. C., on or before February 28, 1947 the following information by months for the period commencing October 1, 1946 and ending December 31, 1946.

1. Overall Company profit and loss statement.

2. Total sales of new passenger automobiles in units and dollars.

3. Unit total costs, with supporting details by months, of new passenger automobiles.

The same information shall be submitted by the company by months for a four, five and six month period, commencing October 1, 1946 within 60 days after the end of each period.

(e) *Sales by resellers in continental United States.* A reseller may sell and deliver at its place of business the new Kaiser Special passenger automobile described in subparagraph (1) below at a price not to exceed the total of the following charges:

(1) *Charge for automobile.* A charge for the new automobile not to exceed the applicable factory retail price in the following schedule:

Model	Description	Factory retail price
K-100	4-door sedan	$1,645

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in the following schedule when installed not to exceed the applicable factory retail price in the schedule:

Description:	*Factory retail price*
Group 1:	
Cigar lighter Bumper guards (front and rear) Oil filter (replaceable element type) Heavy duty air cleaner Storage tank for vacuum windshield wiper	$27.50
Wheel rings (set of 5)	10.50
Chrome tailpipe extension	1.75
Chrome trim rings (set of 5)	7.50

(3) *Charge for Federal excise taxes.* A charge not to exceed the charge made by the Company for Federal excise taxes on the new automobile and extra or optional equipment.

(4) *Charge for transportation*—(i) *When transportation charge to reseller is prepaid.* A charge not to exceed the average net invoice transportation charge for the new automobile and extra or optional equipment being sold; or

(ii) *When transportation charge to reseller is not prepaid.* A charge to cover transportation expense which shall not exceed the rail freight charge at carload rate, or the truckaway charge at truckload rate, whichever is higher, for the transportation of the new automobile and extra or optional equipment from the factory, Willow Run, Michigan, by the most direct route to the place at which delivery is made to the purchaser, including transportation tax at the current legal rate.

(5) *Charge for preparing and conditioning.* A charge for preparing and conditioning the new automobile for delivery not to exceed $25.00.

(6) *Charge for state and local taxes.* A charge equal to his expense for state and local taxes on the sale or delivery of the new automobile and extra or optional equipment.

(7) *Charge for gasoline, oil and anti-freeze.* A charge for gasoline, oil and anti-freeze furnished with the automobile not to exceed applicable maximum prices.

(f) *Resale in territories and possessions.* A reseller is authorized to sell the new Kaiser Special passenger automobile and extra or optional equipment described in paragraph (a) in a territory or possession of the United States at a price not to exceed the maximum price permitted by paragraph (e), to which he may add a sum equal to the expense incurred by or charged to him for: payment of territorial and insular taxes on the purchase, sale or introduction of the new automobile in the territory or possession, when not charged under paragraph (e); export premiums; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage, and terminal operations; ocean freight; freight to port of embarkation when not charged under paragraph (e); and freight from the point of debarkation by the most direct route to the place of business of the reseller.

(g) The maximum prices authorized in this order shall remain in effect for Kaiser Special automobiles and extra or optional equipment sold by the Company during the period September 27, 1946 to March 31, 1947.

(h) All requests not granted herein are denied.

(i) This order may be amended or revoked by the Administrator at any time.

This order shall become effective September 27, 1946.

Issued this 27th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

OPINION ACCOMPANYING ORDERS 30 AND 31 UNDER MAXIMUM PRICE REGULATION 594

The accompanying orders establish maximum prices on two makes of new four door sedan passenger automobiles produced by the Kaiser-Frazer Corporation and the Graham-Paige Motors Corporation of Willow Run, Michigan.

Section 9 of Maximum Price Regulation 594 provides for the determination of maximum prices for makes and models of new passenger vehicles which were not in production during the period from July 1, 1940 to June 30, 1941 and for which maximum prices cannot otherwise be determined. Such maximum prices are to be computed in line with the general level of prices already established by the regulation for comparable makes and models.

In applying for the establishment of maximum prices for the Kaiser Special and Frazer cars, neither of which was previously in production, the companies submitted complete engineering and design specifications. The specifications of the Kaiser Special were compared with comparable specifications of the standard four door sedan of other makes of automobiles on the basis of rating factors for 41 engineering and design specifications suggested as most significant in automobiles by the Bureau of Standards. Through comparison of the specifications of the Kaiser Special car with those of competitive makes, relative competitive ratings for 4 general specification groups were developed. These groups are: (1) Body; (2) Engine; (3) Auxiliary equipment; or (4) General. Certain parts and accessories which were considered virtually identical for the Kaiser Special and the competitive models of other makes were assigned the same rating. Each of the ratings was then weighted by the relative cost importance of the group it represented.

The result of these calculations was then related to the maximum factory prices established for the competitive makes of closely related design and engineering specifications and in-line maximum factory price was calculated for the Kaiser Special automobile. The requested factory price differential for the Frazer car, a deluxe version of the Kaiser Special, was found reasonable in the light of differences in specifications and existing differentials on deluxe models of competitive makes of cars.

The maximum prices so determined were appreciably below those requested by the companies, which had submitted in support of its request detailed estimates of cost of production at anticipated normal future volume. Examination of these estimates indicated that on the basis of anticipated production schedules the maximum prices determined by the in-line method would not permit break-even operations for at least six months. Moreover, only the attainment of production rates substantially in excess of those considered likely by the companies would yield an operating profit.

The Administrator has elsewhere recognized the highly abnormal conditions attending current production of passenger cars and the extent to which current operating costs are distorted by

shortages of parts and materials and resulting limited volume. While he anticipates the gradual disappearance of the factors now restricting the production of automobiles to levels below those achieved in 1941, and a consequent improvement in the industry's earnings, the Administrator has nevertheless found it necessary to provide a temporary hardship adjustment formula for producers of passenger cars who are currently operating at an overall loss with little likelihood of marked improvement in the near future. Although this formula was primarily developed for those companies who have by this time acquired actual cost and earnings experience in the production of 1946 and 1947 model passenger cars, the Administrator considers it desirable to apply the basic principles of that adjustment formula to the situation of a new producer who would otherwise sustain serious financial hardship.

In reaching this decision, the Administrator recognizes that in the automobile industry present shortages of parts and materials prevent the early attainment of production levels at least equal to 1941 volume. These conditions are undoubtedly accentuated in the case of new producers who must in the present short market even develop sources of supply for necessary materials and parts.

In addition, the long-cycle characteristics of production in this industry prevent the early development of actual cost experience on volume operations. This handicap is far less serious in the case of established companies, all of whom have not only recorded experience of pre-war operations at normal volume but who have as well cost experience regarding recent operations which in the light of pre-war operations can be adjusted to remove cost abnormalities reflecting present restricted volume. For such of these established companies as are unable at least to break even under present conditions, the Administrator has already provided a means of relief. The Administrator deems it proper to extend the basic principles underlying this formula to the case of a new producer, who, although he cannot demonstrate by actual experience the amount of his losses, can demonstrate that he would incur financial hardship in the absence of such action.

A careful review has been made of estimated costs for the production of the Kaiser and Frazer cars for the next six months. It appears to the Administrator that under the in-line prices determined for the Kaiser and Frazer cars the companies producing them would be currently in an over-all loss position with little prospect of change for the better in the near future. In such circumstances these companies are in the same position of hardship as the automobile companies which can qualify for an adjustment under the adjustment standard recently announced for automobile manufacturers with prewar production experience The Administrator, is therefore, of the opinion that the companies should have maximum prices which are a combination of in-line prices and a hardship adjustment.

On the basis of a careful review of estimated costs at an anticipated normal volume submitted by the companies, the Administrator is of the opinion that the maximum prices requested by them do not exceed those necessary to place them in a break-even position at representative volume. The Administrator has therefore decided to establish as temporary maximum factory prices those requested by the company. Insofar as the Administrator can determine from estimates of actual cost at representative volume, he is of the opinion that the temporary maximum prices do not include costs arising from labor inefficiency, abnormal materials prices and overhead operations attendant on low volume.

In addition to the factory price, the maximum prices for sales at the factory of the Kaiser Special and Frazer cars include charges for transportation, Federal excise taxes, preparing and conditioning, State and local taxes, anti-freeze, and a charge for cooperative advertising.

Prices for resales were determined by adding to the factory price gross markups which reflect customary pre-war margins in the automotive resale trade. The Kaiser Special cars will be sold directly by the factory to retail dealers, and, therefore, the only distributive level price authorized for this car is a retail price. The Frazer car will be sold to retail dealers through wholesale distributors. Therefore, for this car, wholesale as well as retail prices are established in this action.

In addition to wholesale and retail list prices, maximum resale prices include charges for transportation, Federal excise taxes, preparing and conditioning, State and local taxes, and gasoline, oil and anti-freeze.

The maximum prices set by the accompanying orders are subject to periodic review and modification by the Administrator at any time in the light of actual cost and volume experience in the production of these automobiles and the pricing policies then prevailing for other producers in the industry. Therefore, the maximum prices authorized in this action for the Kaiser-Frazer Corporation and the Graham-Paige Motors Corporation are effective only for the cars sold by the companies during the period ending March 31, 1947.

[F. R. Doc. 46-17657; Filed, Sept. 27, 1946; 11:49 a. m.]

[MPR 594, Order 31]

GRAHAM-PAIGE MOTORS 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 sections 9 and 9b of Maximum Price Regulation 594, it is ordered:

(a) *Company sales to distributors.* Graham-Paige Motors Corporation, Willow Run, Michigan, and its wholly owned subsidiaries, hereinafter called the Company, is authorized to sell and deliver f. o. b. factory, Willow Run, Michigan, to distributors, the new Frazer passenger automobile described in subparagraph (1) at a price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for a new automobile not to exceed the applicable distributor price in the following schedule:

Model	Description	Distributor price
F-47	4-door sedan	$1,3[illegible]

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment listed in the following schedule not to exceed the applicable distributor price in the schedule:

Description:	*Distributor price*
Group I:	
Cigar lighter	
Bumper guards (front and rear)	
Oil filter (replaceable element type)	$20.00
Heavy duty air cleaner	
Storage tank for vacuum windshield wiper	
Overdrive	46.00
Wheel rings (set of 5)	6.50
Chrome tailpipe extension	1.00
Chrome trim rings (set of 5)	4.50

(3) *Charge for Federal excise taxes.* A charge for Federal excise taxes at the current legal rate.

(4) *Charge for transportation.* A charge to cover transportation of the new automobile and extra or optional equipment not to exceed a charge computed in accordance with the method and rates approved by the Office of Price Administration.

(5) *Charge for preparing and conditioning.* A charge not to exceed $15.00 when the Company performs its customary preparing and conditioning operations on the new automobile to make it ready for operation by a consumer.

(6) *Charge for anti-freeze.* A charge for anti-freeze furnished with the automobile not to exceed the applicable maximum price.

(7) *Charge for advertising.* A charge for advertising not to exceed $10.00 when the distributor or dealer, whichever is applicable, agrees to participate in the cooperative advertising program.

(8) *Deposit for retail delivery record.* A deposit not to exceed $5.00 for a retail delivered record which shall be refunded when the record is prepared and furnished to the Company.

(b) *Company sales to United States.* The Company is authorized to sell and deliver f. o. b. factory, Willow Run, Michigan, to the United States, its agencies, and wholly-owned corporations for the use in the United States, the new Frazer automobile described in subparagraph (1) of paragraph (a) at a price not to exceed the total of the following charges:

(1) *Charge for the new automobile.* A charge for the new automobile not to exceed the amount of the distributor price in subparagraph (1) of paragraph (a).

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (a) not to exceed the applicable distributor price in that paragraph.

(3) *Charge for preparing and conditioning.* A charge not to exceed $15.00 for preparing and conditioning the new automobile for delivery.

(4) *Other charges.* Charges permitted by subparagraphs (3), (4), and

(6) of paragraph (a) if applicable to the sale.

(c) *Company sales to users.* The Company may sell and deliver to users f. o. b. the factory, Willow Run, Michigan, the new Frazer automobile described in subparagraph (1) of paragraph (f) at a price not to exceed a total of the following charges:

(1) *Charge for new automobile.* A charge for the new automobile not to exceed the applicable factory retail price in subparagraph (1) of paragraph (f).

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (f) not to exceed the applicable factory retail price in that subparagraph.

(3) *Charge for state and local taxes.* A charge to cover state and local taxes on the sale or delivery of the new automobile and extra or optional equipment.

(4) *Charge for preparing and conditioning.* A charge not to exceed $15.00 for preparing and conditioning the new automobile for delivery.

(5) *Other charges.* Charges permitted by subparagraph (3), (4), and (6) of paragraph (a) when applicable to the sale.

(d) The company shall submit to the OPA Automotive Branch, Washington 25, D. C. on or before February 28, 1947 the following information by months for the period commencing October 1, 1946 and ending December 31, 1946.

(1) Overall Company profit and loss statement.

(2) Total sales of new passenger automobiles in units and dollars.

(3) Unit total costs, with supporting details by months, of new passenger automobiles.

The same information shall be submitted by the Company by months for a four, five and six month period, commencing October 1, 1946 within 60 days after the end of each period.

(e) *Sales by distributor to dealer.* A distributor is authorized to sell and deliver to a dealer the new Frazer passenger automobile described in subparagraph (1) at a price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for new automobile not to exceed the applicable dealer price in the following schedule:

Model	Description	Dealer price
F-47	4-door sedan	$1,395

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment listed in the following schedule not to exceed the applicable prices listed in such schedule:

Description:	Dealer price
Group 1:	
Cigar lighter, Bumper guards (front and rear), Oil filter (replaceable element type), Heavy duty air cleaner, Storage tank for vacuum windshield wiper	$22.50
Overdrive	49.00
Wheel rings (set of 5)	7.00
Chrome tailpipe extension	1.25
Chrome trim rings (set of 5)	5.00

(3) *Charge for Federal excise taxes.* A charge for Federal excise taxes not to exceed the amount of the charge the selling distributor is billed for this expense.

(4) *Charge for transportation*—(i) *When transportation charge to distributor is prepaid.* A charge not to exceed the average net invoice transportation charge for the new automobile and extra or optional equipment being sold; or

(ii) *When transportation charge to distributor is not prepaid.* A charge to cover transportation expense which shall not exceed the rail freight charge at carload rate, or the truckaway charge at truckload rate, whichever is higher, for the transportation of a new automobile and extra or optional equipment from the factory, Willow Run, Michigan, by the most direct route, to the place at which delivery is made to the purchaser, including transportation tax at the current legal rate.

(5) *Charge for preparing and conditioning.* A charge not to exceed $25.00 when the distributor prepares and conditions the automobile for delivery to the person to whom the purchasing dealer sells the automobile or to the agent of such person.

(6) *Charge for anti-freeze.* A charge for anti-freeze furnished with the automobile not to exceed the applicable maximum price.

(7) *Charge for advertising.* A charge for cooperative advertising not to exceed $10.00 when the purchasing dealer agrees to participate in the cooperative advertising program.

(8) *Charge for retail delivery record.* A charge not to exceed $5.00 for a retail delivery record which shall be refunded when the record is prepared and furnished in accordance with the dealer agreement.

(f) *Sales by resellers in continental United States.* A reseller may sell and deliver at its place of business the new Frazer passenger automobile described in subparagraph (1) below at a price not to exceed the total of the following charges:

(1) *Charge for automobile.* A charge for the new automobile not to exceed the applicable factory retail price in the following schedule:

Model	Description	Factory retail price
F-47	4-door sedan	$1,795

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in the following schedule when installed not to exceed the applicable factory retail price in the schedule:

Description:	Factory retail price
Group 1:	
Cigar lighter, Bumper guards (front and rear), Oil filter (replaceable element type), Heavy duty air cleaner, Storage tank for vacuum windshield wiper	$27.50
Overdrive	66.00
Wheel rings (set of 5)	10.50
Chrome tailpipe extension	1.75
Chrome trim rings (set of 5)	7.50

(3) *Charge for Federal excise taxes.* A charge not to exceed the charge made by the supplier for Federal excise taxes on the new automobile and extra or optional equipment.

(4) *Charge for transportation*—(i) *When transportation charge to reseller is prepaid.* A charge not to exceed the average net invoice transportation charge for the new automobile and extra or optional equipment being sold; or

(ii) *When transportation charge to reseller is not prepaid.* A charge to cover transportation expense which shall not exceed the rail freight charge at carload rate, or the truckaway charge at truckload rate, whichever is higher, for the transportation of the new automobile and extra or optional equipment from the factory, Willow Run, Michigan, by the most direct route to the place at which delivery is made to the purchaser, including transportation tax at the current legal rate.

(5) *Charge for preparing and conditioning.* A charge for preparing and conditioning the new automobile for delivery not to exceed $25.00.

(6) *Charge for state and local taxes.* A charge equal to his expense for state and local taxes on the sale or delivery of the new automobile and extra or optional equipment.

(7) *Charge for gasoline, oil and anti-freeze.* A charge for gasoline, oil and anti-freeze furnished with the automobile not to exceed applicable maximum prices.

(g) *Resale in territories and possessions.* A reseller is authorized to sell the new Frazer passenger automobile and extra or optional equipment described in paragraph (a) in a territory or possession of the United States at a price not to exceed the maximum price permitted by paragraph (e) or (f), whichever is applicable, to which he may add a sum equal to the expense incurred by or charged to him for: payment of territorial and insular taxes on the purchase, sale or introduction of the new automobile in the territory or possession, when not charged under paragraph (e) or (f); export premiums; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage, and terminal operations; ocean freight; freight to port of embarkation when not charged under paragraph (e) or (f); and freight from the point of debarkation by the most direct route to the place of business of the reseller.

(h) The maximum prices authorized in this order shall remain in effect for Frazer automobiles and extra or optional equipment sold by the Company during the period September 27, 1946 to March 31, 1947.

(i) All requests not granted herein are denied.

(j) This order may be amended or revoked by the Administrator at any time.

This order shall become effective September 27, 1946.

Issued this 27th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

OPINION ACCOMPANYING ORDERS 30 AND 31 UNDER MAXIMUM PRICE REGULATION 594

The accompanying orders establish maximum prices on two makes of new four-door sedan passenger automobiles produced by the Kaiser-Frazer Corporation and the Graham-Paige Motors Corporation of Willow Run, Michigan.

Section 9 of Maximum Price Regulation 594 provides for the determination of maximum prices for makes and models of new passenger vehicles which were not in production during the period from July 1, 1940 to June 30, 1941 and for which maximum prices cannot otherwise be determined. Such maximum prices are to be computed in line with the general level of prices already established by the regulation for comparable makes and models.

In applying for the establishment of maximum prices for the Kaiser Special and Frazer cars, neither of which was previously in production, the companies submitted complete engineering and design specifications. The specifications of the Kaiser Special were compared with comparable specifications of the standard four-door sedan of other makes of automobiles on the basis of rating factors for 41 engineering and design specifications suggested as most significant in automobiles by the Bureau of Standards. Through comparison of the specifications of the Kaiser Special car with those of competitive makes, relative competitive ratings for 4 general specification groups were developed. These groups are: (1) Body; (2) Engine; (3) Auxiliary equipment; or (4) General. Certain parts and accessories which were considered virtually identical for the Kaiser Special and the competitive models of other makes were assigned the same rating. Each of the ratings was then weighted by the relative cost importance of the group it represented.

The result of these calculations was then related to the maximum factory prices established for the competitive makes of closely related design and engineering specifications and in-line maximum factory price was calculated for the Kaiser Special automobile. The requested factory price differential for the Frazer car, a deluxe version of the Kaiser Special, was found reasonable in the light of differences in specifications and existing differentials on deluxe models of competitive makes of cars.

The maximum prices so determined were appreciably below those requested by the companies, which had submitted in support of its request detailed estimates of cost of production at anticipated normal future volume. Examination of these estimates indicated that on the basis of anticipated production schedules the maximum prices determined by the in-line method would not permit break-even operations for at least six months. Moreover, only the attainment of production rates substantially in excess of those considered likely by the companies would yield an operating profit.

The Administrator has elsewhere recognized the highly abnormal conditions attending current production of passenger cars and the extent to which current operating costs are distorted by shortages of parts and materials and resulting limited volume. While he anticipates the gradual disappearance of the factors now restricting the production of automobiles to levels below those achieved in 1941, and a consequent improvement in the industry's earnings, the Administrator has nevertheless found it necessary to provide a temporary hardship adjustment formula for producers of passenger cars who are currently operating at an overall loss with little likelihood of marked improvement in the near future. Although this formula was primarily developed for those companies who have by this time acquired actual cost and earnings experience in the production of 1946 and 1947 model passenger cars, the Administrator considers it desirable to apply the basic principles of that adjustment formula to the situation of a new producer who would otherwise sustain serious financial hardship.

In reaching this decision, the Administrator recognizes that in the automobile industry present shortages of parts and materials prevent the early attainment of production levels at least equal to 1941 volume. These conditions are undoubtedly accentuated in the case of new producers who must in the present short market even develop sources of supply for necessary materials and parts.

In addition, the long-cycle characteristics of production in this industry prevent the early development of actual cost experience on volume operations. This handicap is far less serious in the case of established companies, all of whom have not only recorded experience of pre-war operations at normal volume but who have as well cost experience regarding recent operations which in the light of pre-war operations can be adjusted to remove cost abnormalities reflecting present restricted volume. For such of these established companies as are unable at least to break even under present conditions, the Administrator has already provided a means of relief. The Administrator deems it proper to extend the basic principles underlying this formula to the case of a new producer, who, although he cannot demonstrate by actual experience the amount of his losses, can demonstrate that he would incur financial hardship in the absence of such action.

A careful review has been made of estimated costs for the production of the Kaiser and Frazer cars for the next six months. It appears to the Administrator that under the in-line prices determined for the Kaiser and Frazer cars the companies producing them would be currently in an over-all loss position with little prospect of change for the better in the near future. In such circumstances these companies are in the same position of hardship as the automobile companies which can qualify for an adjustment under the adjustment standard recently announced for automobile manufacturers with pre-war production experience. The Administrator is, therefore, of the opinion that the companies should have maximum prices which are a combination of in-line prices and a hardship adjustment.

On the basis of a careful review of estimated costs at an anticipated normal volume submitted by the companies, the Administrator is of the opinion that the maximum prices requested by them do not exceed those necessary to place them in a break-even position at representative volume. The Administrator has therefore decided to establish as temporary maximum factory prices those requested by the company. Insofar as the Administrator can determine from estimates of actual cost at representative volume, he is of the opinion that the temporary maximum prices do not include costs arising from labor inefficiency, abnormal materials prices and overhead operations attendant on low volume.

In addition to the factory price, the maximum prices for sales at the factory of the Kaiser Special and Frazer cars include charges for transportation, Federal excise taxes, preparing and conditioning, State and local taxes, anti-freeze, and a charge for cooperative advertising.

Prices for resales were determined by adding to the factory price gross markups which reflect customary pre-war margins in the automotive resale trade. The Kaiser Special cars will be sold directly by the factory to retail dealers, and, therefore, the only distributive level price authorized for this car is a retail price. The Frazer car will be sold to retail dealers through wholesale distributors. Therefore, for this car, wholesale as well as retail prices are established in this action.

In addition to wholesale and retail list prices, maximum resale prices include charges for transportation, Federal excise taxes, preparing and conditioning, State and local taxes, and gasoline, oil and anti-freeze.

The maximum prices set by the accompanying orders are subject to periodic review and modification by the Administrator at any time in the light of actual cost and volume experience in the production of these automobiles and the pricing policies then prevailing for other producers in the industry. Therefore, the maximum prices authorized in this action for the Kaiser-Frazer Corporation and the Graham-Paige Motors Corporation are effective only for the cars sold by the companies during the period ending March 31, 1947.

[F. R. Doc. 46–17656; Filed, Sept. 27, 1946; 11:49 a. m.]

[RMPR 136, Amdt. 2 to Order 636]

WOODWORKING AND TIMBER WORKING MACHINERY AND EQUIPMENT

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and

filed with the Division of the Federal Register, *It is ordered:*

Order No. 636 under Revised Maximum Price Regulation 136 is amended in the following respects:

Paragraph (c) is amended to read as follows:

(c) *Manufacturers maximum prices.* The maximum prices for sales by manufacturers of woodworking and timber making machinery and equipment shall be:

(1) The manufacturer's base prices, as defined in (b) above, increased by 16% except that,

(2) If the manufacturer's base prices were approved by the Office of Price Administration as "in-line" prices under section 9 (c) of Revised Maximum Price Regulation 136 subsequent to May 29, 1946 and prior to September 27, 1946, the maximum prices shall be the prices so approved increased by 5.5%; and if the manufacturers base prices are approved by the Office of Price Administration as "in-line" prices under section 9 (c) of Revised Maximum Price Regulation 136 subsequent to September 27, 1946, the maximum prices shall be the prices so approved.

This order shall become effective September 27, 1946.

Issued this 27th day of September, 1946.

GEOFFREY BAKER,
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER 636 UNDER REVISED MAXIMUM PRICE REGULATION 136

Order No. 636 under Revised Maximum Price Regulation 136, issued and effective May 29, 1946, authorized a 10% interim increase over base date maximum sales prices for woodworking and timber working machinery and equipment. That action was based upon an industry-wide survey in which firms accounting for approximately 60% of the industry's total output were included. The financial data submitted by 39 representative companies and accepted for study consisted principally of fourth quarter 1945 profit and loss statements and in a few cases first quarter 1946 statements. At the instance of the Industry Advisory Committee of the Woodworking and Timber Working Machinery and Equipment Industry, the Office of Price Administration has reexamined the information submitted and has revised its adjustments in the light of subsequent occurrences. To augment the financial reports submitted on the original survey, a further and more detailed wage survey for the period subsequent to August 18, 1945 covering an additional 25% of the industry was conducted and the information reported was included in the resurvey.

As a consequence of the present study, the Administrator now finds that a further increase of 6% over base date maximum sales prices is required in order to remove a threatened impediment to production and he is accordingly amending Order No. 636 to provide a 16% increase over base date maximum sales prices for all woodworking and timber working machinery and equipment in lieu of the 10% originally authorized. In taking this action, the Administrator has been mindful of the current needs of the industry and the heavy demands being placed upon it. During the war years, woodworking and timber working machinery and equipment was produced in large volume and at the present time the annual output exceeds twice that for the year 1939. Despite this excellent performance, production must be enhanced if the building, housing and furniture requirements are to be met. However, some, but not all, of the producing firms are capable of immediately expanding their existing plants, increasing their work week, or otherwise augmenting their present output. Although all members of the industry will be greatly assisted by this action, those firms which are immediately capable of undertaking additional production should be encouraged to do so and they may, if they so elect, file separate applications on an individual basis under Supplementary Order 142 (Adjustment Provisions for Sales of Industrial Machinery) and upon proper demonstration, obtain whatever additional relief the circumstances warrant. Attention is now being directed to the matter of revising Supplementary Order 142 to effect this purpose.

At the time of the earlier survey, less than half of the reporting firms had granted approved wage increases. At that time, therefore, upward adjustments could be made in reported labor costs only in those instances where individual wage increases had been granted and had been approved by the Wage Stabilization Board. The information now available shows that since August 18, 1946, firms representing approximately 77% of the total industry output have granted wage increases which have been approved by the Wage Stabilization Board. It is not possible for the Administrator to say what, if any, hourly wage rate increases may be agreed upon or approved for the remaining 23% of the industry's production. However, it appears reasonable to expect that the reported average percentage increase in labor costs will adequately cover any foreseeable subsequent wage adjustments that may be made by those companies accounting for the small remaining volume of production. The Woodworking and Timberworking Machinery Industry is not concentrated in a few well defined areas but is widely spread over the entire United States and the reports received with respect to wage increases are representative of the industry, covering all geographical segments of the industry, and including all types and sizes of producers. Considering the magnitude of the industry and the large number of small widely scattered producers, the number of firms reporting on the wage survey is remarkably large. In view of the large percentage of production for which approved wage increases have been effected, the Administrator now finds that the authorization of a single uniform price increase will promote effective price administration. Accordingly, the average percentage increase in costs of direct and indirect labor over and above that already reflected in the financial reports submitted has been determined and reported costs adjusted upwards by this percentage amount, namely, 15.1%. In addition, that portion of selling and administrative expense properly chargeable to labor and not reflected in reported costs was likewise increased. Converted to sales prices, this aggregate rise in labor costs requires an increase of 5.7% over base date maximum sales prices.

Recent materials increases, principally for all types of steel, lumber, motors, malleable and grey iron castings, bearings and drive chains have occurred subsequent to the preparation of the financial data submitted and they have been given cognizance in determining the amount of relief required. On the average, materials increases amount to 10% and, accordingly, reported costs of direct and indirect materials were adjusted upward by this percentage amount. This adjustment entails an increase of 4.0% in base date maximum sales prices.

As noted in the earlier survey, more than one-third of the industry's total output is produced by single line companies. During the base period years, 1936–39, the industry earned an average 5.5% on its net worth. After eliminating price adjustments granted individual manufacturers included in the sample and after making the adjustments discussed above for allowable increases in materials and labor costs, the Administrator finds that in order to assure the same 5.5% return on current net worth, an average increase of 12.5% over base date maximum sales prices would be required. This computation does not include the usual reduction of 5% in reported direct and indirect labor costs by reason of anticipated improvements in labor efficiency. Were such downward adjustments to be included, the average percentage increase required to provide the base period rate of return on current net worth would be 10.8%. However, even an increase of 12.5% over base date maximum sales prices is insufficient to permit at least seventy-five percent of the industry's output to cover current total costs. The Administrator has found further, that on a company-by-company basis, an increase of 16% in maximum base date sales prices is required in order to permit recovery of at least current total costs for the bulk of the industry's output. The Administrator has, therefore, determined that in order to encourage vital production and to avoid administrative difficulties in processing a large number of individual applications for price relief, the increase factor authorized should be in a measure equal to the amount to which the bulk of the industry's total production would be entitled

on the basis of separate individual applications, namely, 16% over base date maximum sales prices.

Some individual adjustments each in excess of 16% have heretofore been authorized to individual manufacturers in this industry. Those actions have substantially reduced that portion of the industry here considered as requiring assistance beyond the 16% increase level in order to recover at least total current costs. Similar opportunities remain available to all and should be seriously considered by any of the remaining minority of producers who, despite the present industry increase may need some further relief. Furthermore, as stated above, additional relief will be made available depending upon individual needs, to that small but indeterminable group of producers who evidence their willingness and ability to increase their present output.

In accordance with the provisions of the Price Control Act of 1942, as amended, the present action authorizes resellers to pass-on the full percentage amount of their supplier's increase, thereby assuring to resellers of wooodworking and timber working machinery and equipment their March 31, 1946 markups.

In the opinion of the Administrator, this action will, for the bulk of the woodworking and timber working machinery and equipment industry, remove existing threats to production and permit it to continue to expand its present output of vitally needed machinery and equipment.

[F. R. Doc. 46-17645; Filed, Sept. 27, 1946; 11:45 a. m.]

Regional and District Office Orders.

[Twin Cities Order G-6 Under Gen. Order 68, Amdt. 1]

Hard Building Materials in Winona, Minn., Area

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. G-6, issued under the authority of General Order No. 68, is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A, which is incorporated into and made a part of this order.

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of resellers' maximum prices established under General Order No. 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This amendment No. 1 to Order No. G-6 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August, 1946.

Carel C. Koch,
District Director.

Appendix A

Commodity and unit	*Maximum prices*
Hardwell plaster, paper bag	$1.00
Plaster, gauging, paper bag	1.70
Keene's cement, 100-lb. bag	2.00
Finishing lime, 50-lb. paper bag	.78
Gypsum lath, 3/8", per sq. yd	.28
Portland cement, paper bag	.86½
Portland cement (maximum price in cloth bag does not include bag deposit), cloth bag	.81½
Masonry mortar, paper bag	.75
Mason's hydrated lime, 50-lb. paper bag	.56
Portland cement, white, paper bag	2.25
Hi-Early cement, 50-lb. paper bag	1.00
Vitrified clay sewer pipe, 4", lin. ft	.30
Vitrified clay sewer pipe, 6", lin ft	.42
Flue lining, 8½" x 8½", lin. ft	.60
Flue lining, 8½" x 12½", lin. ft	.81
Flue lining, 12½" x 12½", lin. ft	1.07
Gypsum wallboard, 3/8", per sq. ft	.045
Gypsum wallboard, ½", per sq. ft	.05
Asphalt roofing, mineral surface, 90-lb. roll, per roll	3.09
Asphalt or tarred felt, 15-lb., or 30-lb., per roll	3.01
Asphalt shingles, 210-lb. (3 in 1), thick butt, per sq	7.08
Asphalt shingles, 165-lb., 2-tab hex., per sq	5.50
Fibre insulation board, ½", lath and board, per sq. ft	.059
25/32" asphalt coated and impregnated insulating sheathing, per sq. ft	.097
Asphalt cement siding—standard colors, 12" x 24" or 27", per sq. ft	.10
Hard density synthetic fibre board, ⅛" tempered (standard size), per sq. ft	.10
Thermal insulation batts, paper backed, 2" thick, per sq. ft	.055
Thermal insulation batts, paper backed, full thick, per sq. ft	.08
Thermal insulation, plain, loose in bags, per bag	1.15

Opinion Accompanying Amendment No. 1 to Order No. G-6 Under General Order No. 68

Section 2 (t) of the Price Control Extension Act of 1946, effective July 25, 1946, requires the Administrator of this Agency to allow average current cost of acquisition of any commodity, plus such average percentage mark-up or discount as was in effect on March 31, 1946, in establishing maximum prices applicable to wholesale or retail distributors. The act prescribes that the Administrator may have thirty (30) days from the date of the enactment of the act within which to effect changes in existing maximum prices to conform to the requirements of the act.

Supplementary Order 172, effective August 8, 1946, permitted resellers of certain building and construction materials whose maximum prices were set by orders under General Order 68 to increase such prices by designated percentages or amounts. The order was an interim measure designed to give relief to resellers of items on which manufacturers' authorized increases were not reflected in existing orders under General Order 68. It provided by its terms that it was inapplicable to orders under General Order No. 68, issued after August 7, 1946, or to existing orders under the general order which were amended subsequent to that date.

The accompanying amendment, therefore, supersedes the provisions of Supplementary Order 172. The maximum prices established by the amendment conform to the requirements of the Emergency Price Control Act of 1942, as amended, and to those of the Price Control Extension Act of 1946.

[F. R. Doc. 46-17365; Filed, Sept. 25, 1946; 8:50 a. m.]

[Twin Cities Order G-10 Under Gen. Order 68, Amdt. 1]

Hard Building Materials in Faribault—Owatonna, Minn., Area

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. G-10 issued under the authority of General Order No. 68 is amended in the following:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A, which is incorporated into and made a part of this order.

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of resellers' maximum prices established under General Order No. 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This Amendment No. 1 to Order No. G-10, under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

Carel C. Koch,
District Director.

Revised Appendix A

Commodity and unit	*Maximum prices*
Plaster, hardwall, paper bag	$1.15
Plaster, gauging, paper bag	1.85
Keene's cement, 100-lb. paper bag	2.75
Finishing lime, 50-lb. paper bag	.78
Gypsum lath, 3/8", sq. yd	.30
Metal lath, 3.4 lb., galvanized (26 ga.), sq. yd	.44
Corner bead, straight edges, lin. ft	.06
Portland cement, paper bag	.76½
Masonry mortar, paper bag	.70
Mason hydrated lime, 50-lb. paper bag	.67
Portland cement, white, paper bag	2.90
Vitrified clay sewer pipe, 4", lin. ft	.28
Vitrified clay sewer pipe, 6", lin. ft	.39½
Vitrified clay sewer pipe, 8", lin. ft	.56½
Vitrified clay sewer pipe, 10", lin. ft	.83½
Gypsum wallboard, 3/8", sq. ft	.045
Gypsum wallboard, ½", sq. ft	.05
Asphalt roofing, mineral surface, 90-lb. roll, roll	3.04
Asphalt or tarred felt, 15 lb. or 30 lb., roll	2.95
Asphalt shingles, 210 lb. (3 in 1), thick butt, sq	6.82
Fibre insulation board, ½" lath and board, sq. ft	.059
25/32" asphalt coated and impregnated insulating sheathing, sq. ft	.091
Hard density synthetic fibre board, ⅛" tempered (standard size), sq. ft	.10
Thermal insulation blankets, paper backed, single (balsam wool), sq ft	.055
Thermal insulation, plain, loose in bags, bag	1.10

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G–10 UNDER GENERAL ORDER NO. 68

Section 2 (t) of the Price Control Extension Act of 1946, effective July 25, 1946 requires the Administrator of this Agency to allow average current cost of acquisition of any commodity, plus such average percentage mark-up or discount as was in effect on March 31, 1946 in establishing maximum prices applicable to wholesale or retail distributors. The act prescribes that the Administrator may have thirty (30) days from the date of the enactment of the act within which to effect changes in existing maximum prices to conform to the requirements of the act.

Supplementary Order 172, effective August 8, 1946, permitted resellers of certain building and construction materials whose maximum prices were set by orders under General Order 68 to increase such prices by designated percentages or amounts. The order was an interim measure designed to give relief to resellers of items on which manufacturers' authorized increases were not reflected in existing orders under General Order 68. It provided by its terms that it was inapplicable to orders under General Order No. 68, issued after August 7, 1946, or to existing orders under the general order which were amended subsequent to that date.

The accompanying amendment, therefore, supersedes the provisions of Supplementary Order 172. The maximum prices established by the amendment conform to the requirements of the Emergency Price Control Act of 1942, as amended, and to those of the Price Control Extension Act of 1946.

[F. R. Doc. 46-17369; Filed, Sept. 25, 1946; 8:51 a. m.]

[Twin Cities Order G–7 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN ROCHESTER, MINN., AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. G–7, issued under the authority of General Order No. 68, is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A, which is incorporated into and made a part of this order.

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of resellers' maximum prices established under General Order No. 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This Amendment No. 1 to Order No. G–7 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August, 1946.

CAREL C. KOCH,
District Director.

REVISED APPENDIX A

Commodity and unit	*Maximum prices*
Plaster, hardwall, paper bag	$1.15
Plaster, gauging, paper bag	1.75
Keene's cement, 100 lb. paper bag	2.75
Finishing lime, 50 lb. paper bag	.84
Gypsum lath, 3/8", sq. yd	.28
Metal lath, 2.5 lb., PDM (26 ga.) sq. yd	.32
Metal lath, 3.4 lb., PDM (24 ga.) sq. yd	.41
Metal lath, corner bead, straight edges, lin. ft	.06
Portland cement, paper bag	.81½
Portland cement, cloth bag [1]	.76½
Masonry mortar, 50 lb. paper bag	.65
Mason, hydrated lime, 50 lb. paper bag	.67
Portland cement, white, paper bag	2.75
Vitrified clay drain tile, 4", per ft	.06
Vitrified clay drain tile, 6", per ft	.10
Vitrified clay sewer pipe, 4", per lin. ft	.29½
Vitrified clay sewer pipe, 6", per lin. ft	.39½
Flue lining, 8½" x 8½", per lin. ft	.49½
Flue lining, 8½" x 12½", per lin. ft	.74½
Flue lining, 12½" x 12½", per lin. ft	.99½
Gypsum wallboard, 3/8", per sq. ft	.045
Gypsum wallboard, ½", per sq. ft	.05
Gypsum sheeting, ½", per sq. ft	.05
Asphalt roofing, mineral surface, 90 lb., per roll	2.76
Asphalt or tarred felt, 15 or 30 lb., per roll	2.95
Asphalt shingles, 210 lb. (3 in 1), thick butt, per sq	6.55
Fibre insulation board, ½" lath and board, per sq. ft	.054
25/32" asphalt coated and impregnated insulating sheathing, per sq. ft	.091
Hard density synthetic fibre board, 1/8" tempered (std. size), per sq. ft	.095

[1] Maximum price in cloth bag does not include bag deposit.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G–7 UNDER GENERAL ORDER NO. 68

Section 2 (t) of the Price Control Extension Act of 1946, effective July 25, 1946, requires the Administrator of this Agency to allow average current cost of acquisition of any commodity, plus such average percentage mark-up or discount as was in effect on March 31, 1946 in establishing maximum prices applicable to wholesale or retail distributors. The act prescribes that the Administrator may have thirty (30) days from the date of the enactment of the act within which to effect changes in existing maximum prices to conform to the requirements of the act.

Supplementary Order 172, effective August 8, 1946, permitted resellers of certain building and construction materials whose maximum prices were set by orders under General Order 68 to increase such prices by designated percentages or amounts. The order was an interim measure designed to give relief to resellers of items on which manufacturers' authorized increases were not reflected in existing orders under General Order 68. It provided by its terms that it was inapplicable to orders under General Order No. 68, issued after August 7, 1946, or to existing orders under the general order which were amended subsequent to that date.

The accompanying amendment, therefore, supersedes the provisions of Supplementary Order 172. The maximum prices established by the amendment conform to the requirements of the Emergency Price Control Act of 1942, as amended, and to those of the Price Control Extension Act of 1946.

[F. R. Doc. 46-17366; Filed, Sept. 25, 1946; 8:50 a. m.]

[Twin Cities Order G–9 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN MANKATO, MINN. AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. G–9 issued under the authority of General Order No. 68 is amended in the following:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A, which is incorporated into and made a part of this order.

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of resellers' maximum prices established under General Order No. 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This Amendment No. 1 to Order No. G–9, under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

CAREL C. KOCH,
District Director.

REVISED APPENDIX A

Commodity and unit	*Maximum prices*
Plaster, hardwall, paper bag	$1.10
Gypsum lath, 3/8", sq. yd	.26
Metal lath, 2.5 lb., PDM (26 ga.), sq. yd	.31
Corner bead, straight edges, lin. ft	.055
Portland cement, paper bag	.81½
Portland cement, (maximum price in cloth bag does not include bag deposit), cloth bag	.71½
Masonry mortar, paper bag	.70
Vitrified clay drain tile, 4", lin. ft	.055
Vitrified clay drain tile, 6", lin. ft	.095
Vitrified clay sewer pipe, 4", lin. ft	.30
Vitrified clay sewer pipe, 6", lin. ft	.42
Vitrified clay sewer pipe, 8", lin. ft	.60
Vitrified clay sewer pipe, 10", lin. ft	.83½
Flue lining, 8½ x 8½", lin. ft	.51
Flue lining, 8½" x 12½", lin. ft	.73½
Gypsum wallboard, 3/8", sq. ft	.04
Gypsum sheathing, ½", sq. ft	.05
Asphalt roofing, mineral surface 90-lb. roll, roll	3.04
Asphalt or tarred felt, 15 lb., or 30 lb., roll	2.84
Asphalt shingles, 210 lb. (3 in 1) thickbutt, sq	6.29
Fibre insulation board, ½" lath and board, sq. ft	.048
25/32" asphalt coated and impregnated insulating sheathing, sq. ft	.085
Hard density synthetic fibre board, 1/8" tempered (standard size), sq. ft	.10
Thermal insulation blankets, paper backed, single (balsam wool), sq. ft	.05
Thermal insulation blankets, paper backed, thick (balsam wool), sq. ft	.075
Thermal insulation, plain, loose in bags, bag	1.20

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G–9 UNDER GENERAL ORDER NO. 68

Section 2 (t) of the Price Control Extension Act of 1946, effective July 25, 1946 requires the Administrator of this Agency to allow average current cost of acquisition of any commodity, plus such average percentage mark-up or discount as was in effect on March 31, 1946 in establishing maximum prices applicable to wholesale or retail distributors. The act prescribes that the Administrator may have thirty (30) days from the date of the enactment of the act within which to effect changes in existing maximum prices to conform to the requirements of the act.

Supplementary Order 172, effective August 8, 1946, permitted resellers of certain building and construction materials whose maximum prices were set by orders under General Order 68 to increase such prices by designated percentages or amounts. The order was an interim measure designed to give relief to resellers of items on which manufacturers' authorized increases were not reflected in existing orders under General Order 68. It provided by its terms that it was inapplicable to orders under General Order No. 68, issued after August 7, 1946, or to existing orders under the general order which were amended subsequent to that date.

The accompanying amendment, therefore, supersedes the provisions of Supplementary Order 172. The maximum prices established by the amendment conform to the requirements of the Emergency Price Control Act of 1942, as amended, and to those of the Price Control Extension Act of 1946.

[F. R. Doc. 46–17368; Filed, Sept. 25, 1946; 8:51 a. m.]

[Twin Cities Order G–11 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN FAIRMONT, MINN., AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. G–11 issued under the authority of General Order No. 68 is amended in the following:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A, which is incorporated into and made a part of this order.

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of resellers' maximum prices established under General Order 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This Amendment No. 1 to Order No. G–11, under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

CAREL C. KOCH,
District Director.

REVISED APPENDIX A

Commodity and unit	*Maximum prices*
Plaster, hardwall, paper bag	$1.20
Keene's cement, 100-lb. paper bag	2.75
Finishing lime, 50-lb. paper bag	.84
Gypsum lath, 3/8", sq. yd	.31
Metal lath, 3.4-lb, PDM (24 ga.), sq. yd	.40
Corner bead, straight edges, lin. ft	.049
Portland cement, paper bag	.76½
Portland cement, cloth bag	.71½
(Maximum price in cloth bag does not include bag deposit.)	
Masonry mortar, paper bag	.65
Mason's hydrated lime, 50-lb. paper bag	.73
Portland cement (white), paper bag	2.75
Vitrified clay drain tile, 4", ft	.06
Vitrified clay drain tile, 6", ft	.095
Flue lining, 8½" x 8½", lin. ft	.48½
Flue lining, 8½" x 12½", lin. ft	.72½
Flue lining, 12½" x 12½", lin. ft	.90½
Gypsum wallboard, 3/8", sq. ft	.045
Asphalt roofing, mineral surface, 90-lb. roll, roll	3.15
Asphalt or tarred felt, 15, or 30-lb. roll	3.06
Asphalt shingles, 210-lb. (3 in 1) thick butt, sq	6.82
Fibre insulation board, ½" lath and board, sq. ft	.059
25/32" asphalt coated and impregnated insulating sheathing, sq. ft	.098
Hard density synthetic fibreboard, 1/8" tempered (std. size), sq. ft	.09
Thermal insulation blankets, paper backed, single (balsam wool), sq. ft	.055
Thermal insulation blankets, paper backed, thick (balsam wool), sq. ft	.075
Thermal insulation, plain, loose in bags, bag	1.10

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G–11 UNDER GENERAL ORDER NO. 68

Section 2 (t) of the Price Control Extension Act of 1946, effective July 25, 1946 requires the Administrator of this Agency to allow average current cost of acquisition of any commodity, plus such average percentage mark-up or discount as was in effect on March 31, 1946 in establishing maximum prices applicable to wholesale or retail distributors. The act prescribes that the Administrator may have thirty (30) days from the date of the enactment of the act within which to effect changes in existing maximum prices to conform to the requirements of the act.

Supplementary Order 172, effective August 8, 1946, permitted resellers of certain building and construction materials whose maximum prices were set by orders under General Order 68 to increase such prices by designated percentages or amounts. The order was an interim measure designed to give relief to resellers of items on which manufacturers' authorized increases were not reflected in existing orders under General Order 68. It provided by its terms that it was inapplicable to orders under General Order No. 68, issued after August 7, 1946, or to existing orders under the general order which were amended subsequent to that date.

The accompanying amendment, therefore, supersedes the provisions of Supplementary Order 172. The maximum prices established by the amendment conform to the requirements of the Emergency Price Control Act of 1942, as amended, and to those of the Price Control Extension Act of 1946.

[F. R. Doc. 46–17370; Filed, Sept. 25, 1946; 8:51 a. m.]

[Twin Cities Order G–13 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN NORTHERN MINNESOTA AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. G–13 issued under the authority of General Order No. 68 is amended in the following:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A, which is incorporated into and made a part of this order.

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of resellers' maximum prices established under General Order No. 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This Amendment No. 1 to Order No. G–13, under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

CAREL C. KOCH,
District Director.

REVISED APPENDIX A

Commodity and unit	*Maximum prices*
Cement plaster, unfibred (neat hardwall); per bag	$1.30
Cement plaster, wood fibre; per bag	1.30
Cement plaster, bonding; per bag	2.10
White trowel finish plaster; per bag	2.10
Moulding plaster, gray; per bag	2.10
Gauging plaster, gray; per bag	1.40
Keene's cement; per bag	2.50
Finishing lime; 50-lb. sack	.90
Mason's hydrated lime; 50-lb. sack	.57
Pebble lime; 50-lb. sack	1.46
Plaster lath, 3/8" thick (rock lath); per 1,000 sq. ft	30.00
Wallboard, gypsum—¼"; per 1,000 sq. ft	36.00
Wallboard, gypsum—3/8"; per 1,000 sq. ft	46.00
Wallboard, gypsum—½"; per 1,000 sq ft	50.00
Sheathing, gypsum—½"; per 1,000 sq. ft	50.00
Portland cement, paper; per paper bag	.86½
Portland cement, waterproof, white paper; 94-lb. bag	2.65
Masonry cement, paper bag; cu. ft. bag	.70
2.5-lb. painted diamond mesh, copper bearing metal; sq. yd	.36
3.4-lb. galvanized diamond mesh; sq. yd	.45
Standard flange corner bead; lin. ft	.044
Expanded wide flange corner bead; lin. ft	.059
8" Corner Rite, copper bearing, painted; lin. ft	.032
Vitrified clay sewer pipe, No. 1; standard single strength, 4"; per lin. ft	.28

REVISED APPENDIX A—Continued

Commodity and unit	*Maximum prices*
Vitrified clay sewer pipe, No. 1; standard single strength, 6" per lin. ft	$0.37½
Vitrified clay sewer pipe, No. 1; standard single strength, 8"; per lin. ft	.53
Vitrified clay sewer pipe, No. 1; standard single strength, 10"; per lin. ft	.73½
Sewer pipe, P. R. and H. H. traps, 4"; each	1.20
Sewer pipe fittings: increasers and reducers, 4"; each	1.20
Sewer pipe fittings—curves and elbows, 6"; each	1.32
Sewer pipe fittings, Y's or T's, 6 x 4" and 6 x 6"; each	1.67
Sewer pipe fittings, P. R. and H. H. traps 6"; each	1.67
Sewer pipe fittings, increasers and reducers—6"; each	1.67
Sewer pipe fittings, curves and elbows—8"; each	2.43
Sewer pipe fittings, Y's or T's—8 x 4" and 8 x 6"; each	2.43
Sewer pipe fittings, curves and elbows—10"; each	3.36
Sewer pipe fittings, Y's or T's—10 x 6" and 10 x 4"; each	3.36
Vitrified wall coping—9"; per lin. ft	.42
Vitrified wall coping—13"; per lin. ft	.59
Flue lining, outside dimensions—8½ x 8½"; lin. ft	.51
Flue lining, outside dimensions—8½ x 12½"; lin. ft	.75
Flue lining, outside dimensions—12½ x 12½"; lin. ft	.94
Clay drain tile 4", surface clay; per ft	.08
Clay drain tile 6", surface clay; per ft	.12
Fibre insulation, standard lath and board—½"; 1,000 sq. ft	53.75
25/32" asphalt coated and impregnated insulating sheathing, 1,000 sq. ft	84.50
Fibre insulation tile board, 12 x 12 and 16 x 16—½", 1,000 sq. ft	74.55
Fibre insulation tile board, 16 x 32—½", 1,000 sq. ft	79.88
Fibre insulation board—plank ½", 1,000 sq. ft	74.55
Hardboard, untempered, ⅛", 1,000 sq. ft	80.00
Hardboard, tempered, ⅛", 1,000 sq. ft	100.00
Hardboard, untempered, 3/16", 1,000 1,000 sq. ft	100.00
Asphalt roofing, smooth, 35 lb., w/nails and cement, Class C label, per roll	1.36
Asphalt roofing, smooth, 45 lb., w/nails and cement, class C label, per roll	2.10
Asphalt roofing, smooth, 55 lb., w/nails and cement, class C label, per roll	2.99
Asphalt roofing, mineral surface, 75 lb., w/nails and cement, class C label, per roll	2.67
Asphalt roofing, mineral surface, 90 lb., w/nails and cement, class C label, per roll	3.15
Asphalt mineral surface, split roll, diamond point, block edge, shadow or similar roofing (class C label), 105–110 lb., per roll	3.67
Asphalt or tarred felt, 15 or 30 lb., per roll	3.01
Red resin paper, 20 lb. (500 ft. roll), per roll	1.25
Red resin paper, 25 lb. (500 ft. roll), per roll	1.60
Deadening felt, 1 lb., per roll	3.80
Deadening felt, 1½ lb., per roll	5.50

REVISED APPENDIX A—Continued

Commodity and unit	*Maximum prices*
Asphalt roof coating, 5-gal. pail, per gal	$0.56
Plastic cement, 5-lb. can, per can	.50
Plastic cement, 10-lb. can, per can	.85
Asphalt shingles, 210-lb. thick butt (3 in 1) standard quality, per sq	7.23
Asphalt shingles, 165-lb. hexagon, 2 or 3 tab. standard quality, per sq	5.66
Asbestos cement siding, 12 x 24 or 27, standard colors, per sq	12.08
Asphalt roll brick siding, per sq	4.19
Insulating brick siding, thickness approximately ⅝", per sq	13.60
Medium blanket type insulation, 1,000 sq. ft	52.00
Thick blanket type insulation, 1,000 sq. ft	72.00
Loose mineral wool, nodulated or granulated, per bag	1.20

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G–13 UNDER GENERAL ORDER NO. 68

Section 2 (t) of the Price Control Extension Act of 1946, effective July 25, 1946, requires the Administrator of this Agency, to allow average current cost of acquisition of any commodity, plus such average percentage mark-up or discount as was in effect on March 31, 1946, in establishing maximum prices applicable to wholesale or retail distributors. The act prescribes that the Administrator may have thirty (30) days from the date of the enactment of the act within which to effect changes in existing maximum prices to conform to the requirements of the act.

Supplementary Order 172, effective August 8, 1946, permitted resellers of certain building and construction materials whose maximum prices were set by orders under General Order 68 to increase such prices by designated percentages or amounts. The order was an interim measure designed to give relief to resellers of items on which manufacturers' authorized increases were not reflected in existing orders under General Order 68. It provided by its terms that it was inapplicable to orders under General Order No. 68 issued after August 7, 1946, or to existing orders under the general order which were amended subsequent to that date.

The accompanying amendment, therefore, supersedes the provisions of Supplementary Order 172. The maximum prices established by the amendment conform to the requirements of the Emergency Price Control Act of 1942, as amended and to those of the Price Control Extension Act of 1946.

[F. R. Doc. 46-17372; Filed, Sept. 25, 1946; 8:52 a. m.]

[Twin Cities Order G-14 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN NORTH CENTRAL MINNESOTA AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. G-14 issued under the authority of General Order No. 68 is amended in the following:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A, which is incorporated into and made a part of this order.

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of resellers' maximum prices established under General Order No. 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This Amendment No. 1 to Order No. G–13, under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

CAREL C. KOCH,
District Director.

REVISED APPENDIX A

Commodity and unit	*Maximum prices*
Cement plaster, unfibred (neat hardwall), per bag	$1.30
Cement plaster, wood fibre, per bag	1.23
White trowel finish plaster, per bag	2.60
Moulding plaster, gray, per bag	1.60
Gauging plaster, gray, per bag	1.80
Keene's cement, per bag	2.75
Finishing lime, per 50-lb. sack	.80
Mason's hydrated lime, per 50-lb. sack	.78
Plaster lath, ⅜" thick (rock lath), per M ft	30.00
Wallboard gypsum, ¼", per M ft	35.00
Wallboard gypsum, ⅜", per M ft	45.00
Wallboard gypsum, ½", per M ft	50.00
Portland cement, paper, per bag	.83½
Portland waterproof cement, white paper, per 94-lb. bag	2.75
Masonry cement, paper bags, cu. ft. bag	.70
2.5-lb. painted diamond mesh, copper bearing metal, sq. yd	.33
3.4-lb. painted diamond mesh, copper bearing metal, sq. yd	.40
3.4-lb. galv. diamond mesh, sq. yd	.44
Expanded wide flange corner bead, lin. ft	.053
3" corner rite, copper bearing, painted, lin. ft	.032
Vitrified clay sewer pipe, No. 1 standard, single strength, 4", per lin. ft	.28
Vitrified clay sewer pipe, No. 1 standard, single strength, 6", per lin. ft	.40½
Vitrified clay sewer pipe, No. 1 standard, single strength, 8", per lin. ft	.56½
Vitrified clay sewer pipe, No. 1 standard, single strength, 10", per lin. ft	.75½
Sewer pipe fittings, curves and elbows, 4", each	1.20
Sewer pipe fittings, P. R. & H. H. traps, 4", each	1.20
Sewer pipe fittings, increasers and reducers, 4", each	1.20
Sewer pipe fittings, curves and elbows, 6", each	1.64
Sewer pipe fittings, Y's or T's, 6 x 4" and 6 x 6", each	1.64
Sewer pipe fittings, increasers and reducers, 6", each	1.73
Sewer pipe curves and elbows, 8", each	2.54
Sewer pipe fittings, Y's or T's, 8 x 4" and 8 x 6", each	2.54
Sewer pipe fittings, increasers and reducers, 8", each	2.54
Flue lining, outside dimensions 8½ x 8½", lin. ft	.53
Flue lining, outside dimensions 8½ x 12½", lin. ft	.79
Flue lining, outside dimensions 12½ x 12½", lin. ft	.93

REVISED APPENDIX A—Continued

Commodity and unit	*Maximum prices*
Clay drain tile, 4", surface clay, per ft	$0.07
Clay drain tile 6", surface clay, per ft	.12
Clay drain tile 8", surface clay, per ft	.20
Fibre insulation standard lath and board—½", 1,000 sq. ft	53.75
½" asphalt coated and impregnated insulating sheathing, 1,000 sq. ft	87.50
Fibre insulation tile board 12" x 12" and 16" by 16"—½", 1,000 sq. ft	72.50
Fibre insulation tile board, 16" x 32"—½", 1,000 sq. ft	68.25
Fibre insulation board, plank ½", 1,000 sq. ft	69.25
Wallboard adhesive, per gallon	1.90
Hardboard, untempered, ⅛", 1,000 sq. ft	80.00
Hardboard, untempered, 5/16", 1,000 sq. ft	100.00
Hardboard, tempered ⅛", 1,000 sq. ft	100.00
Hardboard, tempered 5/16", 1,000 sq. ft	120.00
Asphalt roofing smooth, 35#, w/nails and cement, Class C label, per roll	1.42
Asphalt roofing, smooth, 45#, w/nails, and cement, Class C label, per roll	1.78
Asphalt roofing smooth, 55#, w/nails and cement, Class C label, per roll	2.20
Asphalt roofing, mineral, 75#, w/nails and cement, Class C label, per roll	2.73
Asphalt roofing, mineral surface, 90#, w/nails and cement, Class C label, per roll	3.09
Asphalt mineral surfaced, split roll, diamond point, black edge, shadow or similar roofing (Class C label) 105#—110#, per roll	3.67
Asphalt or tarred felt, 15# or 30#, per roll	3.01
Deadening felt, 1 lb., per roll	3.40
Deadening felt, 1½ lb., per roll	5.20
Asphalt roof coating, 5 gal. pail, per gallon	.50
Plastic cement, 5# can, per can	.47
Plastic cement, 10# can, per can	.80
Asphalt shingles, 210# thick butt (3 in 1) standard quality, per sq	6.82
Asphalt shingles, 165# hexagon, 2 or 3 tab. standard quality, per sq	5.66
Asbestos cement siding 12 x 24 or 27, standard colors, per sq	11.03
Asphalt roll brick siding, per sq	4.19
Asphalt roll brick soldier course 10 x 36", per roll	4.19
Medium blanket type insulation, 1,000 sq. ft	50.00
Thick blanket type insulation, 1,000 sq. ft	74.00
Loose mineral wool, nodulated or granulated, per bag	1.10

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G–14 UNDER GENERAL ORDER NO. 68

Section 2 (t) of the Price Control Extension Act of 1946, effective July 25, 1946, requires the Administrator of this Agency to allow average current cost of acquisition of any commodity, plus such average percentage mark-up or discount as was in effect on March 31, 1946, in establishing maximum prices applicable to wholesale or retail distributors. The act prescribes that the Administrator may have thirty (30) days from the date of the enactment of the act within which to effect changes in existing maximum prices to conform to the requirements of the act.

Supplementary Order 172, effective August 8, 1946, permitted resellers of certain building and construction materials whose maximum prices were set by orders under General Order No. 68 to increase such prices by designated percentages or amounts. The order was an interim measure designed to give relief to resellers of items on which manufacturers' authorized increases were not reflected in existing orders under General Order No. 68. It provided by its terms that it was inapplicable to orders under General Order No. 68, issued after August 7, 1946, or to existing orders under the general order which were amended subsequent to that date.

The accompanying amendment, therefore, supersedes the provisions of Supplementary Order 172. The maximum prices established by the amendment conform to the requirements of the Emergency Price Control Act of 1942, as amended, and to those of the Price Control Extension Act of 1946.

[F. R. Doc. 46–17373; Filed, Sept. 25, 1946; 8:52 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on September 20, 1946.

Region I

Montpelier Order 2–F, Amendments 64, 65, 66, and 67, covering fresh fruits and vegetables in certain areas in Vermont. Filed 9:19, 9:18, 9:17 and 9:16 a. m.

Montpelier Order 15, Amendments 9 and 10, covering dry groceries in the entire State of Vermont. Filed 9:18 and 9:17 a. m.

Region II

Albany Order 16–F, Amendment 2, covering fresh fruits and vegetables in certain cities in New York and the town of Green Island, New York. Filed 9:21 a. m.

Albany Order 16–F, Amendment 4, covering fresh fruits and vegetables in certain cities in New York and the town of Green Island, New York. Filed 9:20 a. m.

Wilmington Orders 27 and 28, Amendment 2, covering dry groceries in Delaware lying north of the Chesapeake & Delaware Canal. Filed 9:19 a. m.

Region III

Indianapolis Order 14–F, Amendments 78 and 79, covering fresh fruits and vegetables in the counties of Marian, Vigo and Tippecanoe. Filed 9:29 a. m.

Indianapolis Order 15–F, Amendments 78 and 79, covering fresh fruits and vegetables in the counties of Wayne, Delaware and Allen. Filed 9:28 and 9:31 a. m.

Indianapolis Order 16–F, Amendments 78 and 79, covering fresh fruits and vegetables in the county of St. Joseph. Filed 9:31 and 9:32 a. m.

Indianapolis Order 17–F, Amendments 78 and 79, covering fresh fruits and vegetables in the county of Vanderburgh. Filed 9:33 and 9:32 a. m.

Region IV

Atlanta Order 39, Amendment 9, covering dry groceries sold by Groups 3 and 4 stores in the Atlanta area. Filed 9:28 a. m.

Birmingham Order 5–F, Amendment 44, covering fresh fruits and vegetables in Jefferson county. Filed 9:24 a. m.

Birmingham Order 26–F, Amendment 44, covering fresh fruits and vegetables in Mobile county. Filed 9:24 a. m.

Birmingham Order 27–F, Amendment 46, covering fresh fruits and vegetables in Montgomery county. Filed 9:25 a. m.

Birmingham Order 28–F, Amendment 43, covering fresh fruits and vegetables in Houston county. Filed 9:27 a. m.

Birmingham Order 29–F, Amendment 43, covering fresh fruits and vegetables in Dallas county. Filed 9:26 a. m.

Jackson Orders 24 and 25, Amendment 10, covering dry groceries for Groups 1 and 2 and 3 and 4 stores in the Mississippi area. Filed 9:28 and 9:27 a. m.

Jackson Order 26, Amendment 10, covering dry groceries for Groups 3A and 4A stores in the Mississippi area. Filed 9:27 a. m .

Memphis Order 8–F, Amendment 43, covering fresh fruits and vegetables in Memphis and Shelby county, Tennessee. Filed 9:26 a. m.

Memphis Order 9–F, Amendment 15, covering fresh fruits and vegetables in Memphis and Shelby county, Tennessee, Filed 9:25 a. m.

Memphis Order 11–F, Amendment 5, covering fresh fruits and vegetables in certain counties in the Memphis area. Filed 9:24 a. m.

Memphis Order 31, Amendment 3, covering dry groceries sold by Groups 1 and 2 stores in the Memphis area. Filed 9:23 a. m.

Memphis Order 32, Amendments 2 and 3, covering dry groceries sold by Groups 3 and 4 stores in the Memphis area. Filed 9:23 a. m.

Miami Order 11, Amendment 11, covering dry groceries in the Miami, Florida area in Monroe county. Filed 9:23 a. m.

Nashville Order 14–F, Amendments 43 and 44, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 9:22 a. m.

Nashville Order 22, Amendments 5 and 6, covering dry groceries in certain areas in Tennessee. Filed 9:21 a. m.

Region V

Wichita Orders 34, 35, and 36, Amendments 10 and 7, covering dry groceries. Filed 9:30 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46–17359; Filed, Sept. 25, 1946; 8:55 a. m.]

[Twin Cities Order G–5 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN CENTRAL MINNESOTA AREA

An opinion accompanying this amendment, issued simultaneously herewith,

has been filed with the Division of the Federal Register.

Order No. G–5, issued under the authority of General Order No. 68, is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A, which is incorporated into and made a part of this order.

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (modification of resellers' maximum prices established under General Order No. 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This Amendment No. 2 to Order No. G–5 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

CAREL C. KOCH,
District Director.

APPENDIX A

Commodity and unit	*Maximum price*
Hardwall plaster, paper bag	$1.25
Plaster, gauging, paper bag	1.30
Plaster moulding, paper bag	1.65
Keene's cement, 100-lb. paper bag	2.75
Finishing lime, 50-lb. paper bag	.95
Gypsum lath, 3/8", sq. ft	.03
Metal lath, 2.5-lb. PDM (26 ga.), sq. yd	.32
Metal lath, 2.5-lb. galv. (26 ga.), sq. yd	.37½
Metal lath, 3.4-lb. PDM (24 ga.), sq. yd	.40
Metal lath, 3.4-lb. galv. (24 ga.), sq. yd	$0.44
Metal lath, corner bead, straight edge, lin ft	.055
Portland cement, paper bag	.80½
Masonry mortar, paper bag	.72
Masons hydrated lime, 50-lb. paper bag	.73
Portland cement, white, paper bag	2.75
Fireclay, paper bag	2.00
Clay drain tile, 4", per ft	.06
Gypsum wallboard, 3/8", sq. ft	.045
Gypsum wallboard, 1/2", sq. ft	.05
Gypsum sheeting, 1/2", sq. ft	.045
Asphalt roofing, mineral surface, 90-lb., per roll	3.09
Asphalt or tarred felt, 15- or 30-lb., per roll	3.01
Fibre insulation board, 1/2" std. lath and board, sq. ft	.055
Hard density synthetic fibre board, 1/8" tempered, std. size, sq. ft	.10
Thermal insulation blanket (paper backed) single (balsam wool), sq. ft	.05
Thermal insulation blanket (paper backed) medium (balsam wool), sq. ft	.055
Thermal insulation blanket (paper backed) thick (balsam wool), sq. ft	.07
Thermal insulation batts (paper backed) 2" thick, sq. ft	.05
Thermal insulation batts (paper backed) full, thick, sq. ft	.07
Thermal insulation (loose in bags), plain, 35-lb bag	1.10

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G–5 UNDER GENERAL ORDER NO. 68

Section 2 (t) of the Price Control Extension Act of 1946, effective July 25, 1946, requires the Administrator of this Agency to allow average current cost of acquisition of any commodity, plus such average percentage mark-up or discount as was in effect on March 31, 1946, in establishing maximum prices applicable to wholesale or retail distributors. The act prescribes that the Administrator may have thirty (30) days from the date of the enactment of the act within which to effect changes in existing maximum prices to conform to the requirements of the act.

Supplementary Order 172, effective August 8, 1946, permitted resellers of certain building and construction materials whose maximum prices were set by orders under General Order 68 to increase such prices by designated percentages or amounts. The order was an interim measure designed to give relief to resellers of items on which manufacturers' authorized increases were not reflected in existing orders under General Order 68. It provided by its terms that it was inapplicable to orders under General Order No. 68, issued after August 7, 1946, or to existing orders under the general order which were amended subsequent to that date.

The accompanying amendment, therefore, supersedes the provisions of Supplementary Order 172. The maximum prices established by the amendment conform to the requirements of the Emergency Price Control Act of 1942, as amended, and to those of the Price Control Extension Act of 1946.

[F. R. Doc. 46–17364; Filed, Sept. 25, 1946; 8:50 a. m.]