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Regulations

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 203—ACCEPTANCE BY MEMBER BANKS OF DRAFTS OR BILLS OF EXCHANGE

Sec.

203.0 Introduction.

203.1 Acceptance of commercial drafts or bills.

203.2 Acceptance of drafts or bills to furnish dollar exchange.

AUTHORITY: Sec. 11 (1) 38 Stat. 262, 39 Stat. 752, 754, Sec. 5, 40 Stat. 235, 12 USC 248 (1) 372, 373.

NOTE: The numbers to the right of the decimal point correspond with the section numbers in Regulation C, Board of Governors of the Federal Reserve System, revised effective August 31, 1946.

§ 203.0 *Introduction.* This part is based upon and issued pursuant to various provisions of the Federal Reserve Act, particularly the provisions of the seventh and twelfth paragraphs of section 13 of such act. This part relates to the acceptance by member banks of drafts or bills of exchange. Provisions governing the eligibility of bankers' acceptances of member banks for discount by the Federal Reserve Banks are contained in Part 201; and provisions governing the purchase of bankers' acceptances by the Federal Reserve Banks are contained in Part 202.

§ 203.1 *Acceptance of commercial drafts or bills—(a) Authority.* Any member bank may accept drafts or bills of exchange drawn upon it which grow out of any of the following transactions (hereinafter referred to as "commercial drafts or bills"):

(1) The importation or exportation of goods, that is, the shipment of goods between the United States and any foreign country, or between the United States and any of its dependencies or insular possessions, or between dependencies or

insular possessions and foreign countries, or between foreign countries;¹

(2) The shipment of goods within the United States, provided shipping documents conveying or securing title are attached or are in the physical possession of the accepting bank or its agent at the time of acceptance;

(3) The storage in the United States or in any foreign country of readily marketable staples;² *Provided,* That the draft or bill of exchange is secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering such readily marketable staples.³

(b) *Maturity.* No member bank shall accept any commercial draft or bill unless at the date of its acceptance such draft or bill has not more than six months to run, exclusive of days of grace.

(c) *Acceptances for one person.* No member bank shall accept commercial drafts or bills, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation in an amount equal at any time in the aggregate to more than 10 per cent of its paid-up and unimpaired capital stock and surplus, unless the bank be and remain secured as to the amount in excess of such 10 per cent limitation by either attached documents or some other actual

¹ A member bank accepting any commercial draft or bill growing out of a transaction of the kinds described in § 203.1 (a) (1) will be expected to obtain before acceptance and retain in its files satisfactory evidence, documentary or otherwise, showing the nature of the transactions underlying the credit extended.

² A readily marketable staple within the meaning of this part means an article of commerce, agriculture, or industry, of such uses as to make it the subject of constant dealings in ready markets with such frequent quotations of price as to make (a) the price easily and definitely ascertainable, and (b) the staple itself easy to realize upon by sale at any time.

³ It should be noted that pursuant to Parts 201 and 202 Federal Reserve Banks may neither discount nor purchase bills arising out of the storage of readily marketable staples unless the acceptor remains secured throughout the life of the bill.

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security growing out of the same trans-
action as the acceptance; but a trust re-
ceipt which permits the customer to have
access to or control over the goods will
not be considered "actual security" with-
in the meaning of this subsection.

(d) *Limitation on aggregate amount.*
No member bank shall accept commercial
drafts or bills in an amount equal at any
time in the aggregate to more than 50
percent of its paid-up and unimpaired
capital stock and surplus; except that,
with the permission of the Board of Gov-
ernors of the Federal Reserve System as
provided in paragraph (e) of this sec-
tion, any such member bank may accept
such drafts or bills in an amount not ex-
ceeding at any time in the aggregate
100 per cent of its paid-up and unim-
paired capital stock and surplus (herein-
after referred to as "authority to accept
commercial drafts or bills up to 100 per
cent"); but in no event may the aggre-
gate amount of such acceptances growing
out of domestic transactions exceed 50

percent of such capital and surplus.
Commercial drafts or bills accepted by
another bank, whether domestic or for-
eign, at the request of a member bank
which agrees to put such other bank in
funds to meet such acceptances at ma-
turity shall be considered as part of the
acceptance liabilities of the member bank
requesting such acceptances as well as of
such other bank, if a member bank,
within the meaning of the limitations
prescribed in this section.

(e) *Authority to accept up to 100 per-
cent.* (1) Any member bank desiring au-
thority to accept commercial drafts or
bills up to 100 percent shall file with the
Board of Governors, through the Federal
Reserve Bank of its district, an applica-
tion for permission to exercise such au-
thority. Such application need not be
made in any particular form, but shall
show the present and anticipated need
of the applicant bank for the authority
requested.

(2) The Board of Governors may at
any time rescind any authority granted
by it pursuant to this section after not
less than 90 days' notice in writing to the
bank affected.

§ 203.2 *Acceptance of drafts or bills
to furnish dollar exchange—(a) Author-
ity.* (1) Any member bank, after obtain-
ing the permission of the Board of Gov-
ernors, may accept drafts or bills of ex-
change drawn upon it by banks or bank-
ers in foreign countries or dependencies
or insular possessions of the United States
for the purpose of furnishing dollar ex-
change (hereinafter referred to as "dol-
lar exchange drafts or bills") as required
by the usages of trade in the respective
countries, dependencies, or insular pos-
sessions, subject to the conditions set
forth in this section. Any member bank
desiring to obtain such permission shall
file with the Board of Governors through
the Federal Reserve Bank of its district
an application for such permission. Such
application need not be in any particular
form but shall show the present and an-
ticipated need for the authority re-
quested.

(2) The Board of Governors may at
any time rescind any permission granted
by it pursuant to this section after not
less than 90 days' notice in writing to the
bank affected.

(b) *Countries with respect to which
dollar exchange drafts or bills may be
accepted.* (1) Any such foreign country
or dependency or insular possession of
the United States must be one of those
specified in a list published by the Board
of Governors for the purposes of this
part, with respect to which the Board of
Governors has found that the usages of
trade are such as to justify banks or
bankers therein in drawing on member
banks for the purpose of furnishing dol-
lar exchange. Any member bank desir-
ing to place itself in position to accept
drafts or bills of exchange from a coun-
try, dependency, or insular possession
not specified in such list may request the
Board of Governors through the Federal
Reserve Bank of its district to add such
country, dependency, or insular posses-
sion to the list upon a showing that the
furnishing of dollar exchange is required
by the usages of trade therein.

(2) The Board of Governors may at any time, after 90 days' published notice, remove from such list the name of any country, dependency, or insular possession, contained therein.

(c) *Purpose of transaction.* (1) Any such dollar exchange draft or bill must be drawn and accepted in good faith for the purpose of furnishing dollar exchange as required by the usages of trade in the country, dependency, or insular possession in which the draft or bill is drawn. Drafts or bills drawn merely because dollar exchange is at a premium in the place where drawn or for any speculative purpose or drafts or bills commonly referred to as "finance bills" (i. e., which are not drawn primarily to furnish dollar exchange) will not be deemed to meet the requirements of this section.

(2) The aggregate of drafts or bills accepted by such member bank for any one foreign bank or banker shall not exceed an amount which the member bank would expect such foreign bank or banker to liquidate within the terms of the agreements under which the drafts or bills were accepted, through the proceeds of export documentary bills or from other sources reasonably available to such foreign bank or banker arising in the normal course of trade.

(d) *Maturity.* Such member bank shall not accept any dollar exchange draft or bill unless at the date of its acceptance it has not more than three months to run, exclusive of days of grace.

(e) *Acceptances for one bank or banker.* Such member bank shall not accept dollar exchange drafts or bills for any one bank or banker in an amount exceeding in the aggregate 10 per cent of the paid-up and unimpaired capital and surplus of the accepting bank, unless it be and remain secured as to the amount in excess of such 10 per cent limitation by documents conveying or securing title or by some other adequate security.

(f) *Limitation on aggregate amount.* Such member bank shall not accept dollar exchange drafts or bills in an amount exceeding at any one time in the aggregate 50 per cent of its paid-up and unimpaired capital and surplus. This limitation is separate and distinct from and not included in the limitations prescribed by § 203.1 (d) with respect to acceptances of commercial drafts or bills. Dollar exchange drafts or bills accepted by another bank, whether domestic or foreign, at the request of a member bank which agrees to put such other bank in funds to meet such acceptances at maturity shall be considered as part of the acceptance liabilities of the member bank requesting such acceptances as well as of such other bank, if a member bank, within the meaning of the limitations prescribed in this section.

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-14351; Filed, Aug. 16, 1946;
11:04 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR
Chapter I—Bureau of Land Management,
Department of the Interior

Subchapter B—Applications and Entries

[Circ. 1620]

**PART 102—AGRICULTURAL ENTRIES ON
MINERAL LANDS**

FISSIONABLE MATERIALS

The following text is added to Part 102:

§ 102.43 *Reservation of fissionable materials in patents and conveyances.* Any patents or conveyances of public lands based upon rights acquired on or after August 1, 1946, under which there might result the extraction of any uranium, thorium or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, shall contain a reservation to the United States, pursuant to the provisions of the act of August 1, 1946 (Public Law 585, 79th Cong.), of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same. (Sec. 5b, act of August 1, 1946, Public Law 585, 79th Cong.)

Subchapter L—Mineral Lands

PART 184—FISSIONABLE MATERIALS

The following part is added to Subchapter L:

§ 184.1 *Reservation of fissionable materials in patents, conveyances, leases, permits, etc.* Any patents or conveyances of public lands based upon rights acquired on or after August 1, 1946, under which there might result the extraction of any uranium, thorium or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, shall contain a reservation to the United States, pursuant to the provisions of the Act of August 1, 1946 (Public Law 585, 79th Cong.), of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.

A similar reservation shall be made in all leases, permits or other authorizations granted to use the public lands or their mineral resources, of any uranium, thorium or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials.
(Sec. 5b, act of August 1, 1946, Public Law 585, 79th Cong.)

FRED W. JOHNSON,
Acting Director.

Approved: Aug. 9, 1946.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 46-14341; Filed, Aug. 16, 1946;
9:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

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AUTHORITY: Sections 61.101 to 61.408, inclusive, issued under Reorganization Plan No. V (5 F.R. 2423), E.O. 4049, July 14, 1924; E.O. 6166, June 10, 1933; E.O. 8766, June 3, 1941; E.O. 9352, June 15, 1943; Procs. 2283, April 28, 1938; 2523, November 14, 1941; 2603, February 8, 1944; 39 Stat. 874-879, 892-897; 40 Stat. 559, 1012-1013; 41 Stat. 981, 1008-9, 1217; 43 Stat. 153-169, 976; 44 Stat. 657, 812; 45 Stat. 401, 1009, 1551; 46 Stat. 41, 854; 47 Stat. 67, 163, 336, 607-8, 656; 48 Stat. 456, 462-3, 926; 50 Stat. 164; 53 Stat. 561, 1230, 1243; 54 Stat. 303, 673-6, 711, 1137, 1147, 1151-2, 1172-1173; 55 Stat. 252; 57 Stat. 600; 58 Stat. 746; 5 U. S. C. 133; 8 U. S. C. 101-02, 136-173, 177, 180, 201-226a, 231, 451, 452, 453, 459, 501, 717, 718, 728; 18 U. S. C. 469; 22 U. S. C. 223-226, 226.

NOTE: The visa forms in use on the date of issue of the regulations printed below (§§ 61.101-61.408) will continue to be used until the new forms specified in these regulations are available.

The regulations contained in 22 CFR 61.101 are hereby canceled and these regulations are issued in lieu thereof.

§ 61.101 *Definitions.* As used in the regulations in §§ 61.101 to 61.408, inclusive, the term:

(a) "The act" means the Immigration Act approved May 26, 1924, as amended.

(b) "Alien" means an individual who is not a citizen of the United States by birth or naturalization, but this definition shall not be held to include nationals of the United States or citizens of the islands under the jurisdiction of the United States, except citizens of the Philippine Islands, who, in accordance with the provisions of the act of March 24, 1934, are to be considered as if they were aliens for the purposes of the laws relating to the immigration, exclusion, and expulsion of aliens, unless they are citizens of the United States.

(c) "Immigrant" means an alien who is not classifiable within any of the non-immigrant categories mentioned in section 3 of the act.

(d) "Nonimmigrant" means an alien who is classifiable within one or more of the categories mentioned in section 3 of the act.

(e) "Passport" means a document of identity and nationality issued by the appropriate authorities of a recognized foreign government to which the bearer owes allegiance, identifying the bearer and stating his nationality or, in the case of an alien unable to obtain such a document, a travel document in the nature of a passport issued by a duly authorized official and showing the bearer's identity and nationality.

(f) "Passport visa" means a stamp which includes the word "seen", placed by a consular officer on an alien's passport or other appropriate document, showing that the bearer is entitled to proceed to a port of entry in the United States to apply for admission in a status

specified in the passport visa. The term "nonimmigrant visa" is also used synonymously with the term "passport visa."

(g) "Immigration visa" includes the original copy of the application for such visa and the visa, properly prepared, approved, signed, and lawfully issued in accordance with the regulations in §§ 61.101 to 61.408, inclusive, by a duly authorized consular officer.

(h) "Consular officer" means an officer of the Foreign Service of the United States acting in a consular capacity (except a consular agent), the Executive Secretary of the Panama Canal, and the Governors of Guam and American Samoa, designated under the authority contained in the act and the regulations in §§ 61.101 to 61.408, inclusive, to issue immigration visas or to grant passport visas or other documents to nonimmigrants.

(i) "Transit certificate" means a stamp placed upon an alien's passport or other appropriate document showing that the bearer has been found to be entitled to proceed to the United States to apply for admission as a nonimmigrant in transit to a foreign destination.

(j) "Limited-entry certificate" means a stamp placed upon an alien's passport or other appropriate document showing that the bearer has been found to be entitled to proceed to the United States to apply for a limited entry.

(k) "Nonresident alien's border-crossing identification card" means a card issued to aliens in certain categories residing in Canada or Mexico showing that the bearer has been found to be entitled to apply for admission into the United States as a nonimmigrant.

(l) "Port of entry" means a port or place designated by the Attorney General or the Commissioner of Immigration and Naturalization at which aliens may apply for admission into the United States.

(m) "United States" means the States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(n) "Lawful permanent resident of the United States" means an alien who has been lawfully admitted into the continental United States, the Virgin Islands, Puerto Rico, or Hawaii for permanent residence therein, and who has since such admission maintained his domicile in the United States: *Provided*, That this term shall not include Philippine citizens residing in Hawaii who are not citizens of the United States, who entered Hawaii without an immigration visa, unless such Philippine citizens are declared to be nonquota immigrants under section 4 of the act (other than subdivisions (c) and (e) thereof).

(o) "Chinese person" means a person having as much as one-half Chinese blood and not as much as one-half blood of a race or races ineligible to naturalization.

(p) "Attempts to enter" means the action taken by an alien to obtain the documents, including a visa, necessary to apply for admission into the United States. It includes an application for admission.

(q) "Application for admission" means an application for admission at a port of entry.

(r) "Wife" and "husband" do not include a wife or husband by a proxy or picture marriage when used with reference to the documentary requirements and classification of immigrants.

(s) "Child", "father", and "mother" do not, when used in reference to the documentary requirements and classification of immigrants under the act, include a child or parent by adoption on or after January 1, 1924, or a stepchild, or a step-parent.

(t) "Unmarried" means not married at the time the visa is issued or granted to the alien concerned, regardless of whether the alien was previously married.

(u) "Immigration laws" means the act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

(v) "Diplomatic visa" means a visa granted under the regulations contained in 22 CFR 60.1 et seq.

(w) "American citizen" and "citizen of the United States" are regarded as synonymous.

(x) "Removed", when used with reference to an alien means an alien who has been removed from the United States at the expense of the Federal Government, as provided in section 23 of the Immigration Act of February 5, 1917, as amended.

(y) "Western Hemisphere" means North, Central, and South America, and the islands immediately adjacent thereto, including Bermuda, the Bahamas, the West Indies, and the Leeward and Windward Islands.

§ 61.102 *American citizens not to be documented as aliens.* An immigration or passport visa, transit certificate, a limited-entry certificate, or a border-crossing identification card should not be issued to a citizen of the United States, or other person owing allegiance to the United States, except a Philippine citizen who is not a citizen of the United States. A child born in the United States, whose parents did not have diplomatic status, shall be regarded as a citizen of the United States and should not be documented as an alien even though the child is included in the foreign passport of a parent.

§ 61.103 *Expatriates, presumptive expatriates, and aliens claiming to be American citizens—*(a) *Expatriates.* Section 318(b) of the Nationality Act of 1940 provides: "No former citizen of the United States, expatriated through the expatriation of such person's parent or parents, shall be obliged to comply with the requirements of the immigration laws, if he has not acquired the nationality of another country by any affirmative act other than the expatriation of his parent or parents, and if he has come or shall come to the United States before reaching the age of twenty-five years." No visa of any kind will be required in such cases.

(b) *Presumptive expatriates.* A person who is resting under an un rebutted presumption of expatriation as provided in the nationality laws of the United States is not to be issued a visa as an

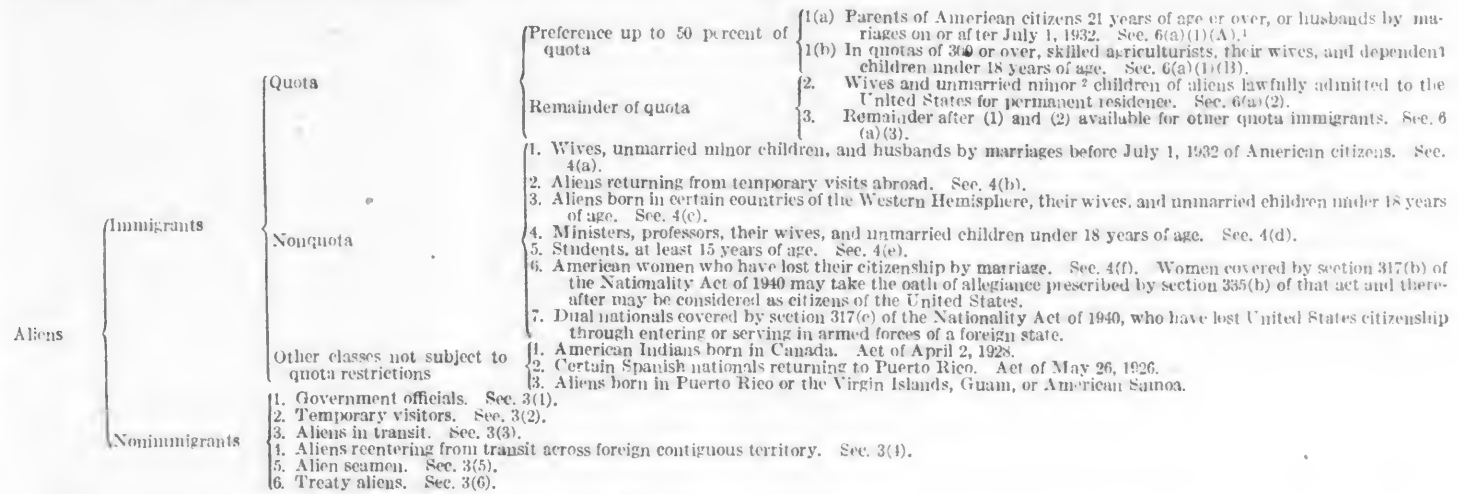
alien. With regard to the documentation of such a person, see passport regulations of the Department of State (22 CFR Parts 32 and 33).

(c) *Aliens claiming to be American citizens.* Section 503 of the Nationality Act of 1940 provides for the documentation for entry into the United States of

a person who claims a right or privilege as a national of the United States, who has been denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, and whose nationality status is pending before a court in the United

States. (With regard to the documentation of such a person, see 22 CFR part 19.)

§ 61.104 *Classification of alien.* Aliens, with respect to their classification for admission into the United States, may be divided into the following categories:



¹ References are to the act of 1924, as amended, unless otherwise specified.
² "Minor" means under 21 years of age.

§ 61.105 *Nonimmigrant classes.* The classes of nonimmigrants stated in section 3 of the act, as amended, are:

(a) An accredited official of a foreign government recognized by the Government of the United States, his family, attendants, servants, and employees. (For documentation of diplomatic officers, their families, and attendants, see 22 CFR 60.1 et seq.)

(b) An alien visiting the United States temporarily as a tourist or temporarily for business or pleasure.

(c) An alien in continuous transit through the United States.

(d) An alien lawfully admitted into the United States as a nonimmigrant, who later goes in transit from one part of the United States to another through foreign contiguous territory.

(e) A bona-fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter the United States temporarily and solely in the pursuit of his calling as a seaman. (For documentation, see 22 CFR 65.51 et seq.)

(f) An alien entitled to enter the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under 21 years of age, if accompanying or following to join him.

§ 61.106 *Documentary requirements for nonimmigrants.* With the exceptions hereinafter provided, a nonimmigrant must present an unexpired passport, and a nonimmigrant seeking to enter the United States under section 3 (1), 3 (2), 3 (3), or 3 (6) of the act must also present a passport visa, unless he is a nonimmigrant who may be issued,

and who presents, a limited-entry certificate, a transit certificate or visa, or a nonresident alien's border-crossing identification card.

§ 61.107 *Nonimmigrants not required to present passports or visas.* The passport, passport-visa, limited-entry-certificate, transit-certificate or visa, and non-resident alien's border-crossing identification card requirements are waived for nonimmigrants of the following emergency classes:

(a) A national of a contiguous country who passes from the country of which he is a national in continuous transit through the United States back to the country of which he is a national, by means of a transportation line which runs through the territory or waters of both countries.

(b) A nonimmigrant alien child born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired.

(c) A Canadian railway-mail clerk entering from Canada in connection with his official duties, provided he carries a document identifying him as such.

(d) An alien who resides in an isolated or remote section of Canada, who is entering the United States temporarily from Canada as a visitor or as a transient, and who is unable without undue inconvenience to obtain a passport and a visa.

(e) A member of the staff of the International Fisheries Commission or of the International Pacific Salmon Fisheries Commission, who is entering the United States temporarily from Canada in connection with the performance of his official duties, provided he carries a document bearing his photograph and identifying him as a member of the staff of the Commission.

(f) An officer or employee of the International Boundary Commission, who is a citizen of Canada or Mexico and who is entering the United States temporarily from Canada or Mexico in connection with his official duties.

(g) An immigration or customs officer of the Canadian or Mexican Government who is entering the United States temporarily from Canada or Mexico in the performance of his official duties.

(h) An employee of the Mexican Postal Service assigned to border areas, who is entering the United States temporarily from Mexico in the performance of his official duties and who has credentials establishing his identity and his official duties in the region of the border.

(i) A member of a fire-fighting group entering the United States temporarily from foreign contiguous territory for firefighting activities.

(j) A member of the Plant Protection Division of the Canadian Department of Agriculture, who is entering the United States temporarily from Canada in connection with his official duties.

(k) A Canadian law-enforcement officer who is entering the United States temporarily from Canada in connection with his official duties.

(l) An official or an operational or maintenance-of-way employee of a railroad or bus line operating across the Canadian or Mexican border, who enters the United States temporarily from Canada or Mexico in pursuance of his duties.

(m) An alien lawfully admitted into the United States as a nonimmigrant, who is proceeding from the mainland to an insular possession or territory, or from an insular possession or territory to the mainland, or from one insular possession

sion or territory to another, or from one mainland port to another, without stop-over, although touching at a foreign port.

(n) A resident of remote Pacific islands, who, after arrival at a port of entry in Hawaii or on the mainland, is found to be a bona-fide temporary visitor under section 3 (2) of the act, or a bona-fide transient under section 3 (3) of the act.

(o) A person presenting a certificate of identity issued by an American consular officer under the provisions of section 503 of the Nationality Act of 1940 and the regulations issued thereunder. (See 22 CFR 19.18-19.29.)

(p) A British subject domiciled in the British Virgin Islands or in the British islands of Anguilla, St. Kitts, or Nevis; a French citizen domiciled in the French island of St. Bartholomew or in the French portion of the island of St. Martin; or a Netherlands subject domiciled in the Netherlands islands of St. Eustatius or Saba, or in the Netherlands portion of the island of St. Martin; who is seeking admission into the Virgin Islands for business or pleasure for a period of less than 30 days on any one visit.

(q) A Canadian citizen or British subject domiciled, permanently residing, or stationed in Canada, who is entering the United States temporarily across the Canadian border on a visit of less than 30 days for business or pleasure, and who has assurance of admission into Canada or some other country.

(r) An alien who arrives at a port in Canada and who is passing in direct transit by continuous journey through the United States to a destination in Canada by means of a transportation line which runs through the territory or waters of both countries.

(s) An alien proceeding in continuous travel from Paterson, British Columbia, to Cascade, British Columbia.

(t) An alien who is a resident of foreign contiguous territory and who is entering the United States from such territory for less than 30 days in a case of emergency, such as one involving serious illness or death, the alien having no opportunity to obtain consular documentation but having assurance of readmission into foreign contiguous territory.

(u) An airman or a passenger on an aircraft proceeding from one place to another in foreign contiguous territory and landing temporarily in the United States under emergency conditions.

(v) A person who claims to be a citizen of the United States and who is applying for admission under the conditions stated in § 61.103 (c).

§ 61.108 *Nonimmigrants required to present passports but not visas.* The passport-visa requirements are waived for nonimmigrants of the following emergency classes, but they must present passports:

(a) A Mexican military or civilian official, and a member of his family, or of his suite, who is entering the United States temporarily from Mexico for personal business or pleasure.

(b) A citizen of Newfoundland, domiciled therein or in Canada, who is pro-

ceeding to the United States for a period of less than 30 days for personal business or pleasure.

(c) An alien who has been lawfully admitted into the United States as a nonimmigrant and who goes in continuous transit from one part of the United States to another through foreign contiguous territory.

§ 61.109 *Nonimmigrants required to present visas or nonresident alien's border-crossing identification cards but not passports.* The passport requirements are waived for nonimmigrants in the following classes, but such aliens must present valid passport visas or valid nonresident alien's border-crossing identification cards:

(a) A citizen of a country contiguous to the United States in whose case a visa or other nonimmigrant documentation is required may present, in lieu of a valid passport, any document of identity or nationality previously used or usable for entry into the United States provided such document is valid for the bearer's return to the country of his nationality. In such a case the nonimmigrant visa should be stamped upon Form 257a, which has a space provided for that purpose, and the words "provided passport continues to be valid" should be deleted from the visa. A notation regarding the granting of the visa may, if found to be feasible, be placed on the document used in lieu of a valid passport to identify the bearer.

(b) An alien who is a member of the crew of a vessel of United States, British, or Canadian registry engaged solely in traffic on the Great Lakes and connecting waterways, who is entering the United States temporarily as a seaman, provided that the permit to enter presented by such alien consists of a valid nonresident alien's border-crossing identification card.

§ 61.110 *Officers authorized to grant or issue nonimmigrant documentation.*

(a) A consular officer may grant a passport visa, a limited-entry certificate, or a transit certificate, or may issue a nonresident alien's border-crossing identification card, to a bona-fide nonimmigrant who is found to be qualified for such a document under these regulations. Such border-crossing cards may also be issued by officers of the Immigration and Naturalization Service. The Executive Secretary of the Panama Canal, the Governor of American Samoa, and the Governor of Guam are authorized to grant passport visas, transit certificates, and limited-entry certificates to aliens who are found to be bona-fide nonimmigrants proceeding to the United States from the territory under their jurisdiction.

(b) The chief and the assistant chiefs of the Visa Division of the Department are authorized to grant, in their discretion, appropriate nonimmigrant passport visas to aliens who are officials of foreign governments, or who hold positions tantamount thereto, the members of their families, and their attendants, servants, and employees, who are in the United States and who desire to reenter the United States after a temporary absence.

PASSPORT VISAS

§ 61.111 *Aliens who may be included in a passport visa.* (a) A single passport visa is sufficient to cover the bearer's wife and his or her accompanying, unmarried children under 21 years of age, if included in the passport. If any person is included in a foreign passport who may not be included in a single passport visa, a separate passport visa shall be stamped in the passport for such a person.

(b) A group passport visa may not be granted to include aliens other than those mentioned in the preceding paragraph, unless the Secretary of State specifically authorizes the granting of such a visa. In urgent cases a telegraphic report of the essential facts should be sent to the Secretary of State for consideration of a possible waiver of the passport and visa requirements.

§ 61.112 *Applications for passport visas, limited-entry certificates, and transit visas or certificates.* (a) Application for a passport visa, transit visa or certificate, or limited-entry certificate shall be made on Forms 257a to 257d, inclusive, for each person 14 years of age or over, even if the several persons are to be included in one visa. An application will be required of a child under 14 years of age if the child is the bearer of a separate passport. For instructions covering the issuance of diplomatic visas see 22 CFR 60.1 et seq. In the cases of persons issued or formally refused diplomatic visas, or persons issued or formally refused visas under section 3 (1) of the act, the words "and alien registration" should be stricken from the title of Forms 257a, 257b, and 257c. In cases of other persons, Forms 257b and 257c shall be executed under oath administered by the consular officer. Forms 257a, 257b, and 257c shall bear a signed photograph of the applicant, attached and impressed with legend machine or impression seal, in the space provided therefor. Photographs shall be approximately two inches square, full front view, without hat, on light background, and on thin paper. Photographs are not required of children under 14 years of age unless they are bearers of separate passports. In exceptional cases, the principal officer may, in his discretion, waive the photograph requirement by placing a signed notation to that effect in the space provided for the photograph. Forms 257a, 257b, and 257d shall be delivered to the bearer of the visa for delivery to the immigration inspector at the port of entry in the United States. Form 257c shall be retained in the consular files.

(b) In the case of a minor under 14 years of age the application may be executed and sworn to by the applicant's parent or guardian. In the case of an applicant under 14 years of age but having no parent or guardian, the application may be executed and sworn to by the applicant or by any person having lawful custody of, or a legitimate interest in, the applicant. Personal appearance may be waived in the case of a child of tender years.

(c) If, in the preliminary examination of a case, ground for the refusal of the

visa should appear, the alien should be so advised and permitted to decide whether or not he desires to make formal application.

(d) Aliens will ordinarily make their applications for passport visas to the consular officer in whose district they reside. However, their applications may be accepted elsewhere. A nonimmigrant visa ordinarily will not be issued to an alien outside of his home district without notification to, and the receipt of clearance from, the consular officer in the alien's home district. Such clearance may be obtained by telegraph at the applicant's expense. In exceptional cases where the principal consular officer is satisfied beyond a doubt of the alien's bona fide nonimmigrant status and admissibility at a port of entry, he may authorize the issuance of a passport visa without prior clearance with the consular officer in the alien's home district. In such cases, however, a notification of the issuance of the visa, the alien's means of transportation, and the port of entry, should be sent to the consular officer in the alien's home district, who should notify the Department immediately if it appears that the alien concerned is excludable at a port of entry.

§ 61.113 *Supporting documents with passport-visa application.* All important documents and letters not presented in duplicate by an applicant in support of his claim to nonimmigrant status should be listed and their contents briefly described on Form 257c, or in a memorandum to be attached thereto. After examination of an applicant's documents, the originals thereof should be returned to the applicant, who should be informed that they may be required for further examination by the immigration officials at the port of entry in the United States.

§ 61.114 *Form of passport visa.* (a) In granting a passport visa to a nonimmigrant alien, a rubber stamp in the following form should be impressed upon the alien's passport or other appropriate document, the stamp to be placed, when practicable, upon the reverse side of the sheet or page of the passport bearing the photograph of the holder:

No. _____
 American Consulate at _____

 (Country)
 Seen _____
 For the journey to the United States _____
 of _____
 [Seal] _____
 [Fee stamp] _____

 (Consul)
 Date _____
 Visa valid for presentation at United States ports at any time during twelve months from date provided passport continues to be valid.

 Visa granted as nonimmigrant under section 3 () of the Immigration Act of 1924.

 (Classification)

(b) The names of all persons covered by the visa should be inserted when completing the stamp with the appropriate notations. The impression seal should be used on the visa.

(c) In granting a nonimmigrant passport visa to an alien having no official

status and classifiable under section 3 (2) of the act, the figure "2" should be inserted in the parenthesis and the words "temporary visitor" should be written in the visa on the line provided for the classification of the bearer. The word "temporary visitor trainee" should be written when a nonimmigrant visa is granted to an alien proceeding to the United States in connection with a recognized training program.

(d) In granting a transit visa, the figure "3" should be written in the parenthesis, and the word "transient" should be written in the visa on the line provided for the classification of the bearer.

(e) In granting a passport visa to an alien classifiable as a nonimmigrant under section 3 (6) of the act the figure "6" should be inserted in the parenthesis and the words "Treaty alien" should be written in the visa on the line provided for the classification of the bearer.

(f) The classification provided for in paragraphs (c), (d), and (e) of this section should also be shown on Forms 257b and 257c.

(g) For procedure in granting official visas, sec. § 61.129.

§ 61.115 *Passport visas not to be placed on travel document issued by unrecognized government.* When the travel document presented by an applicant is one issued by a government not recognized by the United States, no visa or notation should be placed on the travel document. The visa should be stamped on Form 257a, which has a space provided for that purpose.

§ 61.116 *Validity of passport visa.* (a) A passport visa, unless otherwise specified therein, is valid for 12 months and may be used for any number of entries into the United States within the period of validity, provided the nonimmigrant status is maintained by the holder. The period of validity of a passport visa relates only to the period within which it may be used for application for admission at a port of entry and not to the period of the alien's stay in the United States. The latter period will be determined by the immigration authorities, in their discretion, if the alien should be admitted into the United States.

(b) The attention of applicants whose passports will expire within a year should be called to the fact that, although a passport visa is valid for a year if the passport on which it is placed remains valid for that period, such visa becomes invalid if the passport expires within one year from the date of issuance of the visa. Whether an extension of the period of validity of the passport should be obtained in such cases, which will make the visa valid during the whole possible period of validity, or whether the bearer will obtain a new passport on which he will have no visa must, of course, be decided by the applicant concerned. A visa cannot be transferred from one passport to another.

§ 61.117 *Fees for passport-visa services.* (a) Except as provided in reciprocal agreements concluded under the act of February 25, 1925, or as established by regulations issued under Executive

Order No. 5427 of August 20, 1930, or as stated in § 61.130, a fee of \$1 shall be charged for executing each application of an alien for a visa and \$9 for each visa of the passport of an alien in accordance with section 2 of the act of June 4, 1920. However, as stated therein, no fee shall be collected from any officer of any foreign government, or members of his immediate family, or commissioned officers of its armed forces, or from any official of a state, district, or municipality thereof, traveling to or through the United States.

(b) List of countries for whose nationals passport visa fees have been reciprocally reduced or waived under authority of Executive order.

Country	Fee
Albania.....	Gratis.
Argentina.....	Do.
Bahama Islands.....	\$2.00.
Barbados.....	\$2.00.
Belgium.....	Gratis.
Bermuda.....	\$2.00.
Brazil ¹	Gratis.
Canada.....	Do.
Chile.....	\$1.75.
China.....	\$2.50.
Colombia.....	Gratis.
Costa Rica.....	Do.
Cuba.....	Do.
Czechoslovakia ²	Do.
Denmark.....	Do.
Dominican Republic.....	Do.
Ecuador.....	Do.
Egypt.....	\$2.00.
El Salvador.....	Gratis.
Estonia ³	Do.
Finland.....	Do.
France ⁴	\$2.75.
Great Britain ⁵	\$2.00.
Guatemala.....	Gratis.
Haiti.....	Do.
Honduras.....	Do.
Hungary.....	Do.
Iceland.....	Do.
Iran.....	Do.
Iraq.....	\$2.00.
Ireland (Eire).....	\$2.00.
Italy.....	Gratis.
Liberia.....	Do.
Liechtenstein.....	Do.
Luxembourg.....	Do.
Mexico.....	\$2.00.
Miquelon.....	Gratis.
Netherlands.....	Do.
Netherlands East Indies.....	Do.
Netherlands West Indies.....	Do.
Newfoundland.....	Do.
Nicaragua.....	Do.
Norway ²	Do.
Panama.....	Do.
Peru.....	Do.
Poland ²	\$4.75.
Siam ²	Gratis.
Sweden.....	\$1.25.
St. Pierre.....	Gratis.
Switzerland.....	Do.
Yugoslavia.....	\$2.00.
Venezuela.....	\$2.00.

¹ Reduction applies only to citizens of Brazil domiciled in Brazil.

² Waiver agreements temporarily in suspension.

³ Waiver agreements temporarily in suspension. However, benefits of the waiver agreements are applicable to possessions on basis of reciprocal reductions.

⁴ The fees fixed by the agreement with France apply also in cases where passport visas are required of citizens of the French West Indies. Visas issued to American citizens visiting France are valid for 2 years. In order to effect reciprocity of treatment a second passport visa may be issued to a French citizen if applied for prior to the expiration of the original visa or within 1 year thereafter: *Provided*, That the validity of such second visa shall not exceed 1 year nor

extend beyond 2 years from the date on which the original visa was issued: *And provided further*, That the passport bearing the original visa is still valid. When a second visa is issued, the words "during 12 months from date" appearing on the passport-visa stamp should be deleted and the following substituted therefor: "before (insert date of expiration of visa)". Under the terms of the agreement, as amended, no visa fees shall be collected from French members of delegations representing war-veteran organizations temporarily visiting the United States.

³The reduction applies to all holders of British passports not otherwise exempt from the payment of passport-visa fees, including British subjects who are citizens of Ireland, Northern Ireland, India, Australia, New Zealand, the Union of South Africa, Burma, the colonies, protectorates, and mandated territories of the Governments of the British Empire.

(c) A reciprocal understanding effected with Great Britain provides for the waiving of nonimmigrant visa fees for those persons of British nationality who are traveling to the United States in their official capacities as officials or employees of the United Nations Relief and Rehabilitation Administration.

§61.118 *Fee stamps.* When a passport visa is granted, fee stamps in the amount of the fee for the application and for the visa should be placed on the visa (which usually will be in the passport) and canceled. When a passport visa is refused, following the execution of a formal application, a fee stamp representing the fee for the application (usually \$1) should be attached to and canceled on a fee receipt issued to the applicant, except in the case of an applicant who is entitled to the benefits of a visa-fee agreement providing for a waiver of the application fee. In granting a passport visa without a fee the word "gratis" should be written or stamped on the visa.

§61.119 *Authority and procedure for refusal of passport visas, transit certificates or visas, limited-entry certificates, and nonresident alien's border-crossing identification cards.* (a) Consular officers may refuse passport visas, transit certificates or visas, limited-entry certificates, and nonresident alien's border-crossing identification cards in the following cases:

(1) If the alien fails to establish nonimmigrant status.

(2) If the alien is coming to the United States for the purpose of engaging in activities which will endanger the public safety. There may be included in this category an alien coming to the United States for the purpose of carrying on operations or engaging in activities involving a willful violation of the laws of the United States; an alien engaged in the white-slave or illicit narcotic or liquor traffic; an alien who is afflicted with a loathsome or dangerous contagious disease; or an alien who is mentally defective or morally delinquent, in the sense that his presence in the United States would be a menace to the public.

(3) If the alien's entry into the United States is forbidden by the act of October 16, 1918, as amended by the acts of June 5, 1920, and June 28, 1940.

(4) If the alien has been deported or removed from the United States, and if,

in the case of a deportee, the Attorney General shall not have granted the requisite permission to the alien to reapply for admission; and if in the case of an alien so removed, the Secretary of State and the Attorney General shall not have granted the requisite approval for the alien's readmission.

(b) Consular officers are responsible for determining whether an alien applying to them for documentation as a nonimmigrant is properly classifiable as such. The Department may, however, assist the responsible officers in reaching a correct decision in a particular case by explaining points of law or by conducting appropriate investigations in the United States upon request, when deemed essential to prevent fraud.

(c) The consular officer's findings, in refusing a passport visa, transit certificate or visa, limited-entry certificate, or nonresident alien's border-crossing identification card, should be noted on the consular copy of the alien's application, or on a memorandum attached thereto.

(d) If a consular officer has reason to believe that an applicant qualified to receive a passport visa, transit certificate or visa, limited-entry certificate, or nonresident alien's border-crossing identification card, is inadmissible into the United States under some provision of the immigration laws, as, for example, under the literacy clause of section 3 of the act of February 5, 1917, he should warn the alien that if, upon arrival at a port of entry in the United States, he is found to be inadmissible under the immigration laws, he may be excluded, the document being no guaranty of admission. In cases where the ground of inadmissibility may not be readily ascertainable at a port of entry, the Department should be advised in advance of the alien's arrival in order that the immigration authorities at the port of entry may be informed. In urgent cases the immigration port authorities may be informed directly by the consular officer.

(e) The procedure outlined in the section relating to refusal cards (§ 61.351) should be followed whenever any document mentioned in § 61.119 (a) is refused. Persons classifiable as immigrants, who the consular officer has reason to believe may endeavor to obtain passport visas elsewhere, may also, in the discretion of the consular officer, be reported on Form 247. Refusal-card files are to be consulted before the issuance of a passport visa.

(f) The refusal of a passport visa, transit certificate or visa, limited-entry certificate, or nonresident alien's border-crossing identification card, on the ground that the alien's admission would be contrary to the public safety should be promptly and fully reported to the Department.

§ 61.120 *Authority and procedure for cancellation or revocation of passport visas.* (a) Diplomatic or consular officers who obtain information establishing that a passport visa, transit certificate or visa, or a limited-entry certificate was obtained by fraud or misrepresentation, or in an otherwise improper manner, or establishing, subsequent to the is-

suance of the visa or certificate, a ground of inadmissibility into the United States of the holder of the visa or certificate, are authorized to cancel or revoke such visa or certificate in cases where it is possible to notify the holder of the visa or certificate that such action is to be taken and such notice is given. When there is reason to believe that alien may proceed to the United States notwithstanding the cancellation or revocation, the transportation company should be appropriately informed. When the cancellation or revocation is effected at an office other than the office which granted the visa or certificate, the latter office should be informed of the action taken for notation on its records.

(b) When information of the foregoing nature is obtained after the bearer of the visa or certificate has embarked for the United States, or in cases where it is not possible personally to notify the holder of the visa or certificate of an intention to cancel or revoke, a report of the facts which would appear to justify cancellation or revocation shall be submitted immediately to the Department in order that the Immigration and Naturalization Service may be notified. The use of the telegraph is authorized, if necessary.

(c) In canceling or revoking a passport visa, transit visa or certificate, or a limited-entry certificate, the word "canceled" or "revoked" should be written in red ink across the face of the visa or certificate and signed and dated by the appropriate diplomatic or consular officer, if he is able to obtain possession of the visa or certificate. The alien should be required to surrender Forms 257a, 257b, and 257d for retention with Form 257c in the official files. Regardless of whether the required forms are surrendered, a notation of the cancellation or revocation, with a statement of the reason therefor, should be made on Form 257c, or in a memorandum attached thereto. When the cancellation or revocation is effected by an office other than the issuing office, the issuing office should be informed of the action taken for notation on Form 257c.

§ 61.121 *Refund of passport-visa fees.*

(a) A passport-visa fee should not be refunded without specific authorization of the Department. The question of granting such authorization may be considered by the Department in the following circumstances:

(1) If the consular officer in granting the visa committed an error of such character as to render the visa invalid; and

(2) If the applicant was not at fault.

(b) Consular officers requesting authority to refund visa fees should cover in the requests each of the two points above mentioned.

GOVERNMENT OFFICIALS

§ 61.122 *Government officials.* (a) The term "accredited official of a foreign government" as used in section 3 (1) of the act, as amended by the act of July 1, 1940, is construed to mean an alien officer of a foreign government recognized by the United States, who is a national of the country whose government he rep-

resents, and who is proceeding to the United States for the purpose of transacting official business for his government.

(b) The term "accredited official of a foreign government" is interpreted, in the case of a civilian official of a foreign government, to mean a person holding an official position regardless of his rank. For example, a clerk in the office of a foreign government in the United States may be considered as a foreign-government official if he is paid by his government, as distinguished from being paid personally by his superior officer from the latter's private funds. In the latter case, the clerk may be an employee of a foreign-government official within the meaning of section 3 (1).

(c) The term "family" as used in section 3 (1) of the act, as amended, is interpreted to mean relatives by blood or marriage who are regularly residing in or are members of the household of a foreign-government official as defined above.

(d) The term "attendants" is interpreted as being broad enough to include noncommissioned officers and non-officer members of the armed forces of foreign governments, who have the nationality thereof, accompanying or following to join an alien who is classifiable as an accredited official of a foreign government.

(e) The provisions of section 3 (1) of the act are not construed as including an honorary consular officer, or an alien who is not a national of the country whose government is employing him in a representative capacity, but does include an alien of one nationality employed in a personal or non-representative capacity by, or paid from the personal funds of, a foreign government or a foreign-government official of another nationality. Such an alien may be granted a nonimmigrant passport visa as a temporary visitor for business under section 3 (2) of the act.

§ 61.123 *Officials of unrecognized governments.* An official of a government not recognized by the United States, a member of his family, his attendant, servant, or employee, should not be granted a section 3 (1) visa. Such an alien may be granted a section 3 (2) visa or transit certificate or visa under authorization from the Department, when traveling on the business of his government or on personal business or pleasure, or when passing in transit through the United States.

§ 61.124 *Official business.* (a) A member of the family, an attendant, a servant, or an employee of a foreign-government official may be granted a visa under section 3 (1) only when the alien's visit to the United States is connected with government business; that is, he is accompanying or following to join a foreign-government official who is engaged upon the business of his government. Such an alien may precede the foreign-government official to the United States if the latter is following within a reasonable time.

(b) An official passport visa may be granted to an alien under section 3 (1), 3 (2), or 3 (3) of the act by a mission if

there is no American consular office in the city in which the mission at which the alien applies is located.

§ 61.125 *Personal business.* A passport visa as a nonimmigrant under section 3 (2) of the act may be granted to an alien who is a foreign-government official proceeding to the United States on personal business, a member of the family of such official, an attendant, a servant, or an employee who is accompanying such a foreign-government official, or a member of his family, to the United States.

§ 61.126 *Official students.* An alien who is coming to the United States for the purpose of study at a school, college, academy, seminary, or university may be classified as a nonimmigrant under section 3 (1) of the act when (a) he holds an official position in his government, and (b) he is being sent to the United States at the expense of his government. When a passport visa is granted to such an alien the words "Official student" should be written in the visa on the classification line.

§ 61.127 *Procedure in doubtful official-visa cases.* Doubt regarding the status of an applicant for a section 3 (1) visa should be resolved so far as possible by a diplomatic or consular officer through appropriate inquiry. However, if the consular officer, after suitable inquiry, remains in doubt concerning the alien's status or his acceptability in the United States as a foreign-government official, action should be suspended on the case and the facts should be reported to the Department by airgram or by telegraph for suitable instructions.

§ 61.128 *Applications for official visas.* An application for a section 3 (1) visa may, in the discretion of the principal officer, be requested to have his foreign office or mission confirm the applicant's status and the purpose of his journey. In colonial or isolated areas a request for a section 3 (1) visa may be supported by the office of the highest local authority of the applicant's government. The photograph and personal appearance of an applicant to execute an application on Forms 257a to 257d for an official section 3 (1), 3 (2), or 3 (3) visa may be waived in the discretion of the principal officer. Such an applicant may be exempted from making declarations regarding facts other than his name and official position, the governmental authority by which he is employed, and the destination and purpose of his journey to the United States.

§ 61.129 *Procedure in granting or refusing official visas.* (a) When an official visa is granted or refused, Forms 257a, 257b, 257c, and 257d may be filled out by the consular officer from the data available.

(b) When a nonimmigrant passport visa is granted to an alien falling within one of the classes mentioned in section 3 (1) of the act, proceeding to the United States on official business, the words "foreign-government official", or "member of family of foreign-government official", or "attendant of foreign-government official", or "servant of foreign-government official", or "employee of

foreign-government official", as the case may be, should be written on the line provided in the visa stamp for classification. If the alien is coming as an official student the words "official student" should be written in the visa on the classification line. The visa stamp should be filled in to show that the visa was granted to a nonimmigrant under section 3 (1) of the act.

(c) If a nonimmigrant passport visa is granted to an alien falling within one of the classes mentioned in the preceding paragraph, who is coming to the United States on personal business or pleasure, the words "on temporary visit" should be added to the classifying words stated in the preceding paragraph, except in the case of a government official who is coming to the United States for the purpose of training involving employment or training under a recognized training program, in which case "temporary visitor trainee" will be used as classifying words. The visa stamp should be filled in to show that the visa was granted to a nonimmigrant under section 3 (2) of the act.

(d) If a nonimmigrant section 3 (3) passport visa, instead of a transit certificate, is granted to an alien falling within one of the classes specified in section 3 (1) of the act, the words "in transit" should be added to the classifying words prescribed in paragraph (b) above.

(e) An alien classifiable as a foreign-government official, a member of his family, his attendant, servant, or employee, or as an official student or trainee should not be issued an immigration visa without the express authorization of the Department.

(f) In granting a passport visa without a fee, the word "gratis" should be written or stamped on the visa.

§ 61.130 *Fees for official visas.* (a) The act of June 4, 1920, relating to passport-visa fees, provides that no fee shall be collected in connection with the application of, or for a passport visa granted to, "any officer of any foreign Government, or members of his immediate family, its armed forces, or of any State, district, or municipality thereof, traveling to or through the United States, or of any soldiers coming within the terms of the public resolution approved October 19, 1918." This provision is given a liberal interpretation and construed as including any person who holds a position as an officer under a foreign government, such position being provided for or required by law and not founded merely on contract, and who performs duty of a public character, whether or not such person receives money compensation for his services. Ordinarily the term "any officer of any foreign government" includes persons whose duties are of a continuing character and not merely transitory or temporary, but it should be interpreted as embracing persons sent to the United States on special missions, although their services may cease upon the termination of their duties.

(b) The term "members of his immediate family" is construed to include relatives, servants, and other persons who reside with a public officer and are

included in his household, such as a governess or private tutor.

(c) The words "its armed forces" are construed as referring to commissioned officers of a foreign army, navy, or air force having a status similar to that of commissioned officers in the armed forces of the United States.

(d) Under the authority contained in the act of February 25, 1925, and Executive Order No. 5427 of August 20, 1930, the fees for passport visas and for applications therefor are waived upon a reciprocal basis in certain classes of cases. The question whether a fee is to be charged an alien granted a section 3 (1) visa must therefore be determined not only in accordance with the provisions of § 61.117 but also in the light of the provisions of the act of June 4, 1920, the exempt classes specified therein, the provisions of the act of February 25, 1925, and the Executive order of August 20, 1930, and the question of reciprocity. An alien who is classifiable as a nonimmigrant under section 3 (1) is exempt from the payment of a passport-visa fee. However, exemption from visa fees is not limited to aliens who come under section 3 (1). All aliens exempt from visa fees would not necessarily be able to qualify as nonimmigrants under section 3 (1).

(e) No fee will be collected in connection with an application for, or the granting of, a passport visa in the following classes of cases:

(1) A person classifiable as a nonimmigrant under section 3 (1) of the act.

(2) A foreign-government official and the members of his family, who are traveling on personal business or pleasure, and their accompanying attendants, servants, and employees, who receive section 3 (2) or 3 (3) visas.

(3) An official of a State, district, or municipal government of a foreign country, and the members of his family receiving section 3 (2) or 3 (3) visas.

(4) A commissioned officer of the armed forces of a foreign country, and the members of his family receiving sections 3 (2) or 3 (3) visas.

(5) An alien who, although not classifiable within any of the foregoing categories, is nevertheless entitled to receive a gratis passport visa under the provisions of § 61.117, or the act of June 4, 1920, or the act of February 25, 1925, or the Executive order of August 20, 1930, or because of reciprocal exemption from visa fees granted to American citizens of the same or a similar class by the government of which the alien is a citizen or subject.

§ 61.131 *Alien relatives and servants of American officials.* (a) An alien relative or a servant of an officer of the Foreign Service of the United States or other United States Government official may not be granted a visa under section 3 (1) since they hold no official status under a foreign government.

(b) An alien servant or employee coming to the United States temporarily to accompany his or her employer who is an officer in the Foreign Service of the United States and who is visiting the United States on leave or in transit to a post to which he has been assigned, or who is proceeding to the Department on

detail, may be granted a visa under section 3 (2), provided the alien is properly classifiable and lawfully admissible as a nonimmigrant. The alien servant of an American Foreign Service officer who is returning to the United States permanently is classifiable as an immigrant.

§ 61.132 *Diplomatic visas.* (a) Consular officers should not issue diplomatic visas except under the authority of the mission or the Department. (See diplomatic-visa regulations, 22 CFR 60.1 et seq.). An applicant who presents a diplomatic passport at a consular office should therefore ordinarily be referred to the mission.

(b) Should there be no diplomatic mission in the country or at the place where an applicant applies for a visa, the consular officer to whom a diplomatic passport is presented may grant a diplomatic visa if he has been authorized to do so and if the applicant is entitled to such a visa. If the consular officer has not been authorized to grant a diplomatic visa, he may grant an official section 3 (1), 3 (2), or 3 (3) visa, or a transit certificate, if the alien is entitled thereto.

(c) Should a mission determine in any case that the holder of a diplomatic passport is not entitled to a diplomatic or an official visa under section 3 (1), 3 (2), or 3 (3), the applicant should be referred to the appropriate American consular office in the same city in order that his application may be considered under an appropriate classification. If, in such a case, there is no American consular office in the same city, the mission may grant an ordinary section 3 (2) visa, a transit certificate, or a limited-entry certificate, if the alien is entitled thereto.

§ 61.133 *Couriers.* (a) An alien who is regularly and professionally employed as a courier by the government to which he owes allegiance will ordinarily apply at a mission for a diplomatic visa. (See diplomatic-visa regulations, 22 CFR 60.1 et seq.) An alien acting as a courier, who is not regularly and professionally employed as such by the government of the country of which he is a national, may be granted an official visa under section 3 (1) when he holds an official position with a foreign government and is a national of such government, or an ordinary passport visa under section 3 (2) when he holds no official position or does not have the nationality of the country for which he is acting as a courier.

(b) In granting a section 3 (1) or 3 (2) visa to a courier, the word "courier" should be written on the visa after the words "government official" or "temporary visitor", as the case may be. The recipient of the visa should be given two letters, one addressed to the officer in charge of the Immigration and Naturalization Service, and the other addressed to the collector of customs at the port of intended arrival in the United States, setting forth the fact that the alien is traveling as a courier. Such letters should contain only statements of the number, date of issuance, an issuing authority of the bearer's passport, the date of issuance and the number of the visa

granted, the name of the government for which the alien is traveling as a courier, and the approximate date of his expected arrival at a port of entry into the United States.

TEMPORARY VISITORS

§ 61.134 *Temporary visitors.* (a) A nonimmigrant temporary visitor is defined in section 3 (2) of the act as follows; "an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure".

(b) The term "tourist" is construed to include an alien who contemplates a tour in the United States for educational, cultural, or recreational purposes, and who will not be employed in the United States.

(c) The term "pleasure" is construed as applying to an alien who contemplates a visit to the United States for the purpose of rest, amusement, health, visiting friends or relatives, or sojourning temporarily, without engaging in business or employment.

(d) The term "business" is construed as including not only intercourse of a commercial character but also any other legitimate activity of a temporary nature classifiable within the ordinary meaning of the term "business", but not classifiable as pleasure or labor. It does not include employment contravening the contract-labor clause in section 3 of the Immigration Act of February 5, 1917, as amended, unless a waiver of the contract-labor clause shall have been granted.

§ 61.135 *Evidence of temporary-visitor status.* (a) The burden of proof rests on an alien to establish nonimmigrant status as a temporary visitor for one of the purposes mentioned in section 3 (2) of the act. Evidence that the applicant has close ties abroad of a permanent nature is material. On the other hand, the absence of ties abroad which would tend to induce the alien to return abroad voluntarily, coupled with the presence of near relatives and means of support in the United States, may be regarded as evidence that the alien does not have a definite intention of remaining temporarily in the United States and that he is not entitled to nonimmigrant status. If such an applicant has previously expressed a desire to immigrate into the United States for permanent residence and is applying for a visa as a temporary visitor only because he is prevented from immigrating by quota or other restrictions, the above implication is strengthened.

(b) Each applicant for a temporary visitor's visa will be required to present reasonably conclusive evidence that upon his departure from the United States he will be admitted into the country of his nationality or into some other foreign country to which he intends to return or to proceed. Such evidence may include written assurance from the appropriate foreign authorities or confirmation obtained at the applicant's expense through American diplomatic or consular representatives in third countries.

(c) No visa should be granted to a nonimmigrant alien coming under section 3 (2) of the act whose passport or other travel document is not valid for

his entry into some country other than the United States for a period of at least 60 days beyond the length of time the alien desires to remain in the United States, unless he is in possession of some additional official document which is so valid. In the event that an applicant for a temporary visitor's visa is unable to obtain a passport or other official document valid for his return abroad, or for the required period of validity for such return, the consular officer may, if reasonably satisfied that the alien will nevertheless be able and intends to return abroad upon the termination of his visit to the United States, report all the facts in the case to the Department for an advisory opinion regarding the evidence of ability to return abroad which would be acceptable under the law, or for a waiver of the requirement regarding the period of validity of the alien's passport or other document. The report should include the name of the port at which the alien desires to enter the United States and the approximate date of his arrival. It may be sent by telegraph at the alien's expense.

§ 61.136 *Temporary visitors who will be employed in the United States.* (a) Passport visas may be granted to the following classes of aliens seeking to enter the United States temporarily for employment, provided they are able to qualify as bona-fide nonimmigrant temporary visitors within the meaning of section 3 (2) of the act:

(1) An alien domestic servant accompanying his American or alien employer, who is proceeding to the United States on a temporary visit, provided it is established that he will depart from the United States with or before his employer.

(2) An alien seeking to enter the United States temporarily for the purpose of accepting employment of a temporary nature which is specifically exempt from the excluding provisions of the alien contract-labor law by the fifth proviso to section 3 of the act of February 5, 1917 but which does not involve employment as a domestic servant.

(3) An alien in whose behalf the Department of Justice has waived the contract-labor provisions of the immigration laws and whose admission has been authorized for a temporary period.

(4) An alien whose temporary admission for employment has been authorized by the Attorney General in accordance with the authority contained in the ninth proviso to section 3 of the Immigration Act of 1917.

(5) An alien who is a physician or dentist, or a graduate medical or dental student, and who desires to proceed to the United States temporarily for the purpose of serving an internship pursuant to a fellowship, notwithstanding the fact that he will receive room, board, and a small allowance. The contract-labor provisions of the immigration laws are not applicable in such cases.

(6) An alien who has no recognized official status, who is coming to the United States temporarily for recognized training purposes approved by the Commissioner of Immigration and Naturalization, in an American commercial, financial, or industrial establishment, or

governmental agency. The word "trainee" should be written after the words "temporary visitor" in the space provided in the passport visa for the classification of the bearer.

(b) Should an application for a non-immigrant temporary visitor's visa be made by an alien who does not fall within any of the categories mentioned in (a) above, who desires to enter the United States temporarily for the purpose of accepting temporary employment of any kind, and who will be paid compensation of any kind by any person or company in the United States, action should be suspended on the visa application. The consular officer should inform the alien that, if he should desire to do so, he may communicate with his prospective employer, requesting him to submit all the facts pertaining to the case to the Immigration and Naturalization Service of the Department of Justice with a view to obtaining a waiver of the contract-labor provisions of the immigration laws. A full report should be submitted to the Department in all such cases for the Department's files and for possible transmission to the Department of Justice. Upon receipt by the Department of a communication from the Department of Justice regarding the case, the consular officer concerned will be appropriately instructed.

(c) A full report should be submitted to the Department and instructions awaited in the case of an alien not falling within any of the foregoing categories who is applying for a temporary visitor's visa, who is being sent to the United States by his employer abroad for a temporary period of time for the purpose of receiving training in an American commercial, financial, or industrial establishment, and who will not be paid by any person or company in the United States.

§ 61.137 *Trainees, students, and candidates for religious orders, coming as temporary visitors.* (a) An alien who is recognized as holding an official position in his government and who is being sent to the United States at the expense of his government for recognized training purposes approved by the Commissioner of Immigration and Naturalization in an American commercial, financial, or industrial establishment, or governmental agency, and not exclusively in an institution of learning, may be granted a gratis passport visa as a nonimmigrant temporary visitor under section 3 (2) of the act. The words "temporary visitor official trainee" should be written in the visa on the classification line.

(b) An alien student, except an official student, should, as a rule, be issued a nonquota section 4 (e) immigration visa, if found qualified therefor, rather than a nonimmigrant temporary visitor's visa under section 3 (2) of the act. Examples of cases in which an alien may be considered as a nonimmigrant temporary visitor under section 3 (2) of the act are those of an alien who has not reached the age of 15 years, or an alien who is coming to pursue a course of study which will be completed in less than one year and who intends to depart from the United States and return to Canada, Mexico, Cuba, or some other country in

the Western Hemisphere within one year after entry into the United States. A nonimmigrant visa, however, should not be granted to an alien who will be gainfully employed in the United States, or who is not properly classifiable as a bona-fide nonimmigrant, or who fails to present sufficient evidence to show that he has made definite and satisfactory arrangements to pursue a suitable course of study in the United States notwithstanding any difficulties of language or financial arrangements.

(c) An alien candidate for a religious order, who is coming to the United States temporarily for religious training and who does not qualify as a non-quota immigrant under section 4 (e) of the act, ordinarily may be classified as a temporary visitor under section 3 (2) of the act.

§ 61.138 *Representatives of unofficial international organizations.* An alien who is an official, representative, agent, or member of an unofficial international organization, who holds no official position under a foreign government, and who is not coming to the United States on business for such a government ordinarily would be classified as a temporary visitor under section 3 (2) when coming to the United States temporarily.

§ 61.139 *Acceptance of bond not authorized.* (a) Consular officers are not authorized either to require or to accept bonds. Willingness to give bond upon arrival at a port of entry in the United States, if required by the immigration authorities, is not in itself sufficient to overcome an inference, arising from the circumstances in a case, that the alien concerned is not entitled to nonimmigrant status. The question of bond ordinarily does not arise until after an alien has received a visa and has arrived at a port of entry in the United States.

(b) In the case of an alien whose temporary admission into the United States under bond has been authorized in advance by the Immigration and Naturalization Service, the consular officer should inform the alien at the time he applies for a visa that the posting of bond with the immigration port authorities is a matter which must be arranged by him or by someone in the United States acting in his behalf.

TREATY ALIENS

§ 61.140 *Treaty-alien classes.* (a) Section 3 (6) of the act provides non-immigrant status for "an alien entitled to enter the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under 21 years of age, if accompanying or following to join him."

(b) The law contemplates substantial trade of an international character to be carried on by an alien in his own behalf, or as an agent, after entering the United States. Such trade must be principally between the United States and the particular country of which the alien is a national.

(c) The term "national" as used in section 3 (6) of the act means a citizen or subject of a foreign country which has a treaty of commerce and navigation with the United States.

(d) The term "trade" as used in section 3 (6) of the act is construed to include, for example, the transmission of news by individuals engaged in newsgathering activities of an international character, the operation of transportation lines, including steamships, aircraft, and railroads in furtherance of international travel, and the transaction of banking or insurance business on an international scale. An alien proceeding to the United States as a member or agent of a commercial concern in his own country to engage in transactions involving commerce between the two countries, or one proceeding to the United States with a stock of goods produced in his own country to be sold by him in the United States and to be replenished from other goods produced in his own country, would be entitled to the benefits of the statutory and treaty provisions in question. However, consideration should be given to conditions in the country of which an applicant is a national which might affect his ability to carry on trade between the United States and that country.

(e) It is important to distinguish between the case of one engaged principally in trade or commerce between the two countries and the case of an immigrant or settler who seeks to come with-out such a relation to trade or commerce.

(f) If an alien is coming to the United States solely for the purpose of carrying on international trade or commerce as provided by the law, the fact that he may incidentally engage in some other transactions would not preclude his classification as a nonimmigrant under section 3 (6).

§ 61.141 *Applications for section 3 (6) visas.* Applications for passport visas on the part of aliens classifiable as non-immigrants under section 3 (6) of the act should be made on Forms 257a to 257d, inclusive, in accordance with § 61.112.

§ 61.142. *Evidence of treaty-alien status.* (a) The burden of proof rests upon an applicant to establish the status of a nonimmigrant under section 3 (6). In order to qualify for classification as a treaty alien under section 3 (6) of the act an applicant must show that he is proceeding to the United States solely to carry on trade or commerce between the United States and the foreign state of which he is a national.

(b) The consular officer may, in his discretion, require an applicant for a passport visa as a nonimmigrant under section 3 (6) of the act to present appropriate evidence to establish the facts in his case, such as, for example, bank statements, invoices, and letters from principals or other persons or organizations with which he has, or will have, trade or commercial relations.

§ 61.143 *Wives and minor children of treaty aliens.* Section 3 (6) of the act, as amended by the act of July 6, 1932 (47 Stat. 607), provides nonimmigrant status for the alien wife and the unmarried children under 21 years of age

of an alien classifiable or entitled to enter as a nonimmigrant under section 3 (6), if the wife and children are accompanying or following to join him. The nationality of the wife and children is not material. An alien lawfully in the United States, who is engaged in international trade or commerce as contemplated by the act, may have his wife and unmarried minor children proceed to the United States as nonimmigrants under section 3 (6) to join him if he would be entitled to enter as a nonimmigrant under section 3 (6), even if he did not so enter.

§ 61.144 *List of treaties for section 3 (6) purposes.*

Argentina: Treaty of friendship, commerce, and navigation, signed July 27, 1853; Article II.

Belgium: Treaty of commerce and navigation, signed March 8, 1875; Article I.

Bolivia: Treaty of peace, friendship, commerce, and navigation, signed May 13, 1858; Article III.

Borneo: Treaty of peace, friendship, commerce, and navigation, signed June 23, 1850; Article II.

China: Immigration treaty, signed November 17, 1880; Article II.¹

Colombia: Treaty of peace, amity, navigation, and commerce, signed with New Granada, December 12, 1846; Article III.²

Costa Rica: Treaty of friendship, commerce, and navigation, signed July 10, 1851; Article II.

Denmark: Convention of friendship, commerce, and navigation, signed April 26, 1826; Articles II and VI.³

El Salvador: Treaty of friendship, commerce, and consular rights, signed February 22, 1928; Article I.

Estonia: Treaty of friendship, commerce, and consular rights, signed December 23, 1925; Article I.⁴

Ethiopia: Treaty of commerce, signed June 27, 1914; Article I.

Finland: Treaty of friendship, commerce, and consular rights, signed February 13, 1934; Article I.

Great Britain: Convention to regulate commerce and navigation, signed July 3, 1815; Article I.⁵

Greece: Treaty of establishment, signed November 21, 1936; Article I.

Honduras: Treaty of friendship, commerce, and consular rights, signed December 7, 1927; Article I.

¹ The cases of aliens applying for 3 (6) visas as nationals of this country should be referred to the Department for instructions.

² The treaty of 1846 with Colombia (New Granada) has continued in force through the several constitutional changes by which the Republic of New Granada, with which it was concluded, became the Confederation Granadina in 1858, the United States of New Granada in 1861, and the United States of Colombia in 1863.

³ The convention of 1826 with Denmark was abrogated by notice given to Denmark by the United States on April 14, 1855, effective after the expiration of 1 year (April 15, 1856), which was acknowledged by Denmark on April 17, 1855. It was revived, except as to article V, by article V of the convention for the discontinuance of the sound dues, signed April 11, 1857.

⁴ The convention of 1815 with Great Britain, which is only applicable to British territory in Europe, was concluded for a term of 4 years from the date of signature. It was continued in force for 10 years by article IV of the convention respecting fisheries, boundary, and the restoration of slaves, signed October 20, 1818, and indefinitely by the commercial convention signed August 6, 1827.

Ireland (Eire): Convention to regulate commerce and navigation, signed with Great Britain July 3, 1815.⁶

Latvia: Treaty of friendship, commerce, and consular rights, signed April 20, 1923; Article I.⁷

Liberia: Treaty of commerce and navigation, signed October 21, 1862; Article II.

Norway: Treaty of commerce and navigation, signed with Sweden and Norway July 4, 1827; Article I.⁸

Norway: Treaty of friendship, commerce, and consular rights, signed June 5, 1923, and additional article, signed February 25, 1929; Article I, Article XXIX, third paragraph, and additional article.

Paraguay: Treaty of friendship, commerce, and navigation, signed February 4, 1859; Article II.

Poland: Treaty of friendship, commerce, and consular rights, signed June 15, 1931; Article I.⁹

Siam: Treaty of friendship, commerce, and navigation, final protocol, signed November 13, 1937; Article I and Article XVI.¹⁰

Spain: Treaty of friendship and general relations, signed July 3, 1902; Article II.

Switzerland: Convention of friendship, commerce, and extradition, signed November 25, 1850; Article I.

Turkey: Treaty of establishment and sojourn, signed October 28, 1831; Preamble and Article I.

Yugoslavia: Treaty of commerce and navigation, signed with Serbia October 2/14, 1881; Article I.¹¹

⁶ Ireland was embraced within the territories to which the convention of 1815 with Great Britain applied, and the establishment of the Irish Free State and the change of the name of the state from "Irish Free State" to "Ireland (Eire)" is not regarded as having affected the applicability of the convention to Ireland. The convention is, therefore, applicable between the United States and Ireland (Eire), as well as between the United States and the United Kingdom of Great Britain and Northern Ireland.

⁷ The treaty of 1827 with Sweden and Norway and the other treaties in force between the United States and the Union of Sweden and Norway at the time of its dissolution in 1935 were recognized by separate understandings of Sweden and Norway with the United States as applicable thereafter between the United States and each of those countries separately.

⁸ The treaty of 1827 was abrogated as to Sweden by notice given to Sweden by the United States on February 4, 1918, whereby the operation of the treaty terminated February 4, 1919. This notice was acknowledged by Sweden on February 12, 1918.

⁹ With the exception of the provisions of article I of the treaty of 1827 concerning the entry and residence of the nationals of the one country in the territories of the other for purposes of trade, this treaty was superseded as between the United States and Norway by the treaty of friendship, commerce, and consular rights, between the United States and Norway, signed at Washington June 5, 1928. The provisions of article I concerning entry and residence for purposes of trade were continued in force. See article XXIX of the treaty of 1928 and the additional article to that treaty signed February 25, 1929.

¹⁰ By understanding between the Government of the United States and the Government of the Kingdom of the Serbs, Croats, and Slovenes, the treaty of 1831 with Serbia and the other treaties in force between the United States and Serbia at the time of the formation of the Kingdom of the Serbs, Croats, and Slovenes were regarded as applicable to the latter. As the subsequent adoption of the name "The Kingdom of Yugoslavia" as the official title of the kingdom did not affect treaty relations, the treaty of 1881 continues in force between the United States and Yugoslavia.

ALIENS IN TRANSIT

§ 61.145 *Aliens in transit.* "An alien in continuous transit through the United States" within the meaning of section 3 (3) of the act is one who is passing through the United States in transit to a foreign destination and remaining in the United States for a period not exceeding 60 days.

§ 61.146 *Aliens eligible for transit visas and transit certificates.* (a) When proceeding to the United States for the purpose of passing in transit to a foreign destination, an alien who is an officer of any foreign government, or a member of his immediate family, its armed forces, or of any State, district, or municipality thereof, or who is an accompanying attendant, servant, or employee of a foreign-government official, may be granted a gratis passport visa as a nonimmigrant in transit under section 3 (3) of the act.

(b) An alien who is proceeding to the United States in transit to a foreign destination, and who does not have the status mentioned in the preceding paragraph, may be granted a transit certificate.

(c) An alien who does not have the status mentioned in paragraph (a) of this section and who for special reasons is unable to furnish even approximately the information concerning the date or port of his arrival in, and departure from, the United States as required for the issuance of a transit certificate, but who is nevertheless properly classifiable as a nonimmigrant in transit, may be granted a passport visa as a nonimmigrant under section 3 (3) of the act, for which the usual fee, if any, will be charged. (Sec. § 61.117.)

§ 61.147 *Group transit certificates.* Group transit certificates may be granted to bona-fide nonimmigrants in any case in which the Department specifically authorizes the issuance of a group transit certificate. In urgent cases a telegraphic report of the essential facts should be sent to the Secretary of State for consideration of a possible waiver of the passport and visa requirements.

§ 61.148 *Applications for transit visas or certificates.* (a) Application for a transit certificate or visa should be made on Forms 257a to 257d, inclusive, under oath administered by the consular officer, and photographs should be required and fixed as provided in § 61.112. The consular officer should be careful to see that before taking the oath the alien understands the declarations required of him by the application form. The consular impression seal shall be used in completing the alien's application.

(b) If, in the preliminary examination of a case, ground for the refusal of the transit visa or certificate should appear, the alien should be so advised, and his formal application need not be taken unless he so requests.

(c) An alien should ordinarily make his application for a transit visa or certificate to the consular officer in whose district he resides. However, his application may be accepted outside of his home district as provided in § 61.112 (d). If satisfactory evidence of transit status

is not produced, the consular officer to whom the alien applies may request the assistance of the consular officer in the alien's home district in investigating the case, or may refer the applicant to that consular officer.

§ 61.149. *Evidence of transit status.* (a) The burden of proof rests upon an alien to establish that he is classifiable as a nonimmigrant in transit under section 3 (3) of the act. He must have a domicile abroad in his home country or be proceeding to take up a domicile in some other foreign country. The fact that he may intend to travel by a route other than the most direct for his transit journey and that he may desire to engage in sightseeing, to visit relatives or friends, or to transact business on his transit journey through the United States will not prevent him from being classified as a nonimmigrant in transit. He may also pass through the United States to rejoin the ship on which he arrives, or to join another ship. As provided in the regulations of the Department of Justice, transient aliens may be temporarily admitted for a reasonable time, not exceeding 60 days, for the purpose of the transit journey through the United States.

(b) The passport of a nonimmigrant alien coming to the United States under section 3 (3) of the act must be valid for entry into the United States and the country of the alien's destination for a period of at least 60 days beyond the length of time necessary for his transit journey, or he must be in possession of some additional official document which is so valid. If the passport was issued by a country other than that of the alien's destination, the alien must also be in possession of a visa or other assurance of admission into the country of destination. If the permission to enter the country of destination consists merely of a visa issued by an officer of that country an alien must show that in the event of his rejection by the country of his destination he will be able to return to the country from which he is departing or will be able to enter some other country.

(c) In the event that an alien is unable to obtain a passport or assurance of entry into the country of his destination, or some other foreign country, as required in the preceding paragraph, the consular officer may, if he is reasonably satisfied that the alien will nevertheless be able and intends to enter some foreign country upon the completion of his transit journey through the United States, report all the facts in the case to the Department for an advisory opinion regarding the evidence of ability to enter a foreign country which would be acceptable under the law, or for a possible waiver of the requirement regarding the period of validity of the passport or other travel document. The report should include the name of the port at which the alien desires to enter the United States, the approximate date of his arrival, the maximum period of time he expects to remain in the United States, the port of the alien's contemplated departure from the United States, and the country to which he is destined.

§ 61.150 *Supporting documents of aliens in transit.* All important documents and letters not presented by an applicant in duplicate in support of his claim to nonimmigrant status as an alien in transit should be listed and their contents briefly described on Form 257c or in a memorandum to be attached thereto. After examination of an applicant's documents the originals thereof should be returned to the applicant, who should be informed that they may be required for further examination by the immigration officers at the port of entry in the United States. A notation of the intended dates and ports of entry and departure should be made on Form 257c.

§ 61.151 *Form of transit certificate.* (a) The form of the transit certificate is as follows:

No. -----
 American Consulate at -----
 I hereby certify that the bearer of this passport, according to satisfactory evidence produced to me, is about to pass through territory of the United States, in transit to ----- via (port of entry) -----
 (date of entry) ----- (and port of departure) ----- (date of departure) -----
 [SEAL] -----
 (Vice Consul)

No fee prescribed.

(b) When a transit certificate covers more than one person, the names of the additional persons being included in the passport, the following notation should be added in writing immediately below the transit-certificate stamp:

Transit certificate covers following persons:

 (names of persons)

(c) A transit-certificate stamp should be completed with appropriate notations. The impression seal should be used in preparing the certificate.

§ 61.152 *Transit visa or certificate not to be placed on travel document issued by unrecognized government.* When the travel document presented by an applicant is one issued by a government not recognized by the United States, no notation of any kind should be placed on the travel document. The transit certificate in such a case should be stamped on Form 257a, which has a space provided for that purpose.

§ 61.153 *Validity of transit visa or certificate.* (a) A transit certificate is valid for a single journey to the United States. A transit visa has the same period of validity of a passport visa (§ 61.116). An additional transit certificate is not necessary to enable an alien who, after entering the United States with a transit certificate, reapplies for admission after an entry into Canada or Mexico, to complete a transit journey through the United States, provided the alien reapplies within the transit period of 60 days (or other period for which he was originally admitted) and presents the document bearing the transit certificate upon which he was originally admitted.

(b) An alien may be granted a transit visa, or more than one transit certificate, which may be used for more than one application for admission in transit.

§ 61.154 *Fees for transit certificates.* No fees have been prescribed for granting a transit certificate or for application therefor.

§ 61.155 *Refusal of transit visas or certificates.* (a) The act clearly distinguishes between a visit to the United States (section 3 (2)) and a transit (section 3 (3)) through the United States. Hence a transit visa or certificate should not be granted if the applicant intends to enter the United States primarily for a purpose other than to pass through the country in transit.

(b) A transit visa or certificate should be refused an alien as provided in § 61.119.

(c) The consular officer's findings, in refusing a transit visa or certificate, should be noted on Form 257c or on a memorandum attached thereto.

(d) The procedure relating to refusal cards (§ 61.351) should be followed whenever a transit visa or certificate is refused. Persons classifiable as immigrants who the consular officer has reason to believe may endeavor to obtain transit visas or certificates elsewhere should also be reported on Form 258. Refusal-card files are to be consulted before granting a transit visa or certificate.

LIMITED-ENTRY CERTIFICATES

§ 61.156 *Aliens making limited entries.* An alien making a limited entry into the United States must be a bona-fide nonimmigrant who desires to land temporarily for a legitimate purpose while the vessel on which he is a passenger remains in a port of the United States, or who desires to cross the Canadian or Mexican border into the United States for a legitimate purpose, in neither case to remain in the United States for a period of more than 10 days. A limited-entry certificate may be granted to such an alien, provided he is not mandatorily excludable from the United States under the immigration laws. An alien making a limited entry into the United States is considered to be a nonimmigrant under section 3 (2) or section 3 (3) of the act.

§ 61.157 *Applications for limited-entry certificates.* (a) Application for a limited-entry certificate will be made on Forms 257a to 257d, inclusive. Forms 257b and 257c should be executed by the applicant under oath administered by the consular officer, and photographs should be required and affixed as provided in § 61.112. The consular officer should be careful to see that before taking the oath the alien understands the declarations required of him by the form. The consular impression seal shall be used in completing the alien's application.

(b) If, in the preliminary examination of a case, ground for refusal of the limited-entry certificate should appear, the alien should be so advised, and his formal application should not be taken unless he so requests.

(c) An alien will ordinarily make his application for a limited-entry certificate to the consular officer in whose district he resides. Applications for limited-entry certificates ordinarily should not be accepted by other consular officers.

§ 61.158 *Evidence of limited-entry status.* The burden of proof rests upon an alien to establish that he is a non-immigrant entering the United States for a limited period of time as provided in § 61.156. The passport of a non-immigrant alien proceeding to the United States to make a limited entry must be valid for a period of at least 60 days beyond the length of time he desires to remain in the United States, or the alien must have some other assurance of admission into a foreign country during such period.

§ 61.159 *Supporting documents for limited-entry certificates.* All important documents and letters not presented by an applicant in duplicate in support of his claim to limited-entry status should be listed and their contents briefly described on Form 257c or in a memorandum to be attached thereto. After examination of an alien's documents the originals should be returned to the applicant, who should be informed that they may be required for further examination by the immigration officials at the port of entry in the United States.

§ 61.160 *Form of limited-entry certificate.* (a) The term "limited-entry certificate" is applied to the limited-entry stamp and notations placed by a consular officer on the passport of an alien proceeding to the United States to make a limited entry within the meaning of § 61.156. The form of a limited-entry certificate is as follows:

No. -----

American Consulate at -----

I hereby certify that according to satisfactory evidence produced to me the bearer of this passport, ----- is about to proceed to the United States as a nonimmigrant for a period not exceeding 10 days, desiring to land temporarily from the S. S. ----- while in a port of the United States (or) cross the ----- border, entering and departing via the same port of entry; arriving on or about -----

[SEAL]

(Vice Consul)

No fee prescribed

(date)

Valid for presentation at United States ports within 60 days from date provided passport continues to be valid.

(b) The names of all persons covered by the certificate should be inserted therein, and the stamp should be otherwise completed with notations and the deletion appropriate to the case. If an alien is traveling by sea and the vessel on which he is a passenger will call at more than one port in the United States, the name of each port and approximate date of arrival should be inserted in the certificate. The impression seal should be used on the certificate.

§ 61.161 *Limited-entry certificate not to be placed on travel document issued by unrecognized government.* When the travel document presented by an applicant for a limited-entry certificate is one issued by a government not recognized by the United States, no notation of any kind should be made on the travel document. In such a case the limited-

entry certificate should be stamped on Form 257a, which has a space provided for that purpose.

§ 61.162 *Validity of limited-entry certificate.* (a) A limited-entry certificate may be presented at a port of entry in the United States within 60 days from the date of issuance. Only one entry may be granted thereon, except that if the alien is a passenger on a vessel he may be permitted to land in each port while the vessel is in port, but his stay in each port shall not exceed 10 days.

(b) The holder of an unexpired limited-entry certificate may land temporarily in one port, for example New York, and remain there while the vessel on which he is a passenger proceeds to another port, for example Philadelphia, and returns to the first port, provided the alien is to depart with the same vessel. An alien making a limited entry may be admitted under section 3 (2) or 3 (3) of the act, and in the discretion of the immigration authorities he may be permitted to depart through a port other than that through which entry was made.

§ 61.163 *Fees for limited-entry certificates.* No fee has been prescribed for granting a limited-entry certificate or for an application therefor.

§ 61.164 *Refusal of limited-entry certificates.* (a) A limited-entry certificate should not be issued to an alien who is an immigrant, or who intends to remain in the United States for a period exceeding 10 days, or, in the case of an alien arriving by sea, who intends to depart on a vessel other than the one on which he arrived.

(b) A limited-entry certificate should also be refused an alien as provided in § 61.119.

(c) The consular officer's findings in refusing a limited-entry certificate should be noted on Form 257c, or stated in a memorandum attached thereto.

(d) The procedure relating to refusal cards (§ 61.351) should be followed whenever a limited-entry certificate is refused. A person classifiable as an immigrant, who the consular officer has reason to believe may endeavor to obtain a limited-entry certificate elsewhere, should also be reported on Form 247. Refusal-card files are to be consulted before granting a limited-entry certificate.

BORDER-CROSSING IDENTIFICATION CARDS

§ 61.165 *Border-crossers and commuters.* (a) For the purposes of this part, a border-crosser is a bona-fide nonimmigrant alien who is

(1) A citizen of Mexico residing or domiciled in that country, or

(2) A Canadian citizen or other British subject residing or domiciled in Canada, and

(3) Entering the United States directly from the country of his domicile for a period or periods of not more than 29 days each.

(b) A border-crosser may be issued a nonresident alien's border-crossing identification card at an American consular office in Canada or at an American consular office in Mexico. (For conditions under which nonresident border-crossing identification cards may be issued by

the Immigration and Naturalization Service, see 8 CFR 166.11 et seq.)

(c) In the case of a border-crosser of the Chinese race residing in Canada and entering the United States over the Canadian border the card should bear an endorsement by a Canadian immigration officer certifying that the bearer is readmissible into Canada.

(d) A Mexican citizen residing or domiciled in Mexico and applying for a nonresident alien's border-crossing identification card must be in possession of a Mexican passport or, when residing near the Mexican border, a Form 5-C issued by the Mexican authorities as valid for the reentry of the bearer into Mexico.

(e) A commuter is an immigrant alien who resides on one side of the border and who travels back and forth daily or regularly to his employment, business, or profession on the other side of the border. A commuter is classifiable as an immigrant and may not be issued a nonresident alien's border-crossing identification card. Such an alien may apply to the Immigration and Naturalization Service for a resident alien's border-crossing identification card after he shall have been lawfully admitted into the United States as an immigrant with the privilege of permanent residence. Such an alien is not classifiable as a nonimmigrant temporary visitor.

§ 61.166 *Application for nonresident alien's border-crossing identification card.* (a) Application for a nonresident alien's border-crossing identification card shall be made on Form I-190 in duplicate. The applicant shall execute the application under oath administered by the consular officer. Two photographs, size approximately 2 by 2 inches, will be required with the application, one photograph to be attached to or filed with the copy of the application form retained in the consular files, the other to be attached to the card when issued. The consular officer should be careful to see that before taking the oath the alien understands the declarations required of him in executing the application. The consular impression seal should invariably be used in completing the application.

(b) If, in the preliminary examination of a case, ground for the refusal of the border-crossing card should appear, the alien should be so advised, and his formal application should not be taken unless he so requests.

(c) A consular officer may issue a border-crossing identification card only to a resident of his district.

§ 61.167 *Evidence of border-crosser status.* The burden of proof rests upon an applicant for a nonresident's border-crossing identification card to establish that he is classifiable as a nonimmigrant and is eligible to receive such a card. The applicant should present a passport or other document constituting evidence that he will be able to reenter foreign contiguous territory, if such a document is required by Mexico or Canada.

§ 61.168 *Supporting documents for border-crossers.* All important documents and letters not presented in duplicate by an applicant in support of his claim to the status of a nonresident bor-

der-crosser should be listed and their contents briefly described on the consular file copy of the application or in a memorandum to be attached thereto. After examination such documents should be returned to the applicant, who should be informed that they may be required for further examination by the immigration officials at the port of entry in the United States.

§ 61.169 *Fees for border-crossing identification cards.* No fees have been prescribed for the issuance of a nonresident alien's border-crossing identification card or for the application therefor.

§ 61.170 *Refusal of nonresident alien's border-crossing identification card.* A nonresident alien's border-crossing identification card should not be issued to an alien who is classifiable as an immigrant or an alien who intends to cross the border and remain in the United States for a period exceeding 29 days. Such a card should also be refused an alien as provided in § 61.119.

§ 61.171 *Form of nonresident alien's border-crossing identification card.* (a) Except as provided in paragraph (b) of this section, a nonresident alien's border-crossing identification card shall be issued on Form I-186, which may be obtained upon requisition from the Department. In no case should such cards be printed locally. They should bear the date of issuance, a photograph of the bearer, the signature of the issuing consular officer, and appropriate descriptive data relating to the bearer. The cards ordinarily will be valid for an indefinite period.

(b) A nonresident alien's border-crossing identification card may be issued by consular officers in different colors as specified by the Department to obviate duplication and use by unauthorized persons, and for other purposes. Colored cards will be valid for one year from the date of issuance and may be renewed for two further periods of one year each.

(c) A nonresident alien's border-crossing identification card should not be fastened to the alien's passport, or Mexican Form 5-C, or other travel document.

(d) Irrespective of the type of the nonresident alien's border-crossing identification card which may be issued by a consular officer, one copy of the application Form I-190 must be attached to the card upon its delivery to the applicant. This copy of the application form will be detached by the immigration officer at the port of the alien's first entry into the United States.

IMMIGRANTS

§ 61.200 *Immigrants.* (a) An "immigrant" is an alien who is departing from any place outside of the United States and is destined for the United States, except an alien who is classifiable in a nonimmigrant category specified in section 3 of the act, as amended. It is not necessary that an alien be coming to the United States for permanent residence in order to be classifiable as an immigrant. Failure to qualify for classification in a nonimmigrant category leaves an alien in the immigrant category. An

alien who could qualify for nonimmigrant status if he so desired may be considered as an immigrant, if he prefers, but an alien who is classifiable only as an immigrant may not be considered as a nonimmigrant even if he does not desire to be classified as an immigrant.

(b) Before an immigration visa may be issued to an alien who could qualify as a nonimmigrant under section 3 (1) of the act, the express authorization of the Department must be obtained by the consular officer to whom the application is made for the immigration visa.

§ 61.201 *Documentary requirements for immigrants.* Except as hereinafter provided, an immigrant entering the United States must present a valid, unexpired passport and a valid individual immigration visa, quota or nonquota, issued in accordance with the requirements of the act and in accordance with the regulations in §§ 61.101 to 61.408, inclusive.

§ 61.202 *Immigrants not required to present passports or visas.* Immigrants in the following emergency cases are not required to present passports or visas, inasmuch as the requirement thereof is hereby waived:

(a) An alien immigrant child born subsequent to the issuance of an immigration visa to an accompanying parent, the visa not having expired.

(b) An alien immigrant child born during the temporary visit abroad of an alien mother who is a lawful permanent resident of the United States: *Provided*, That the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth: *And provided further*, That application is made for admission into the United States within a period of two years of the child's birth.

(c) An alien immigrant child born during the temporary visit abroad of a mother who is an American citizen or national: *Provided*, That the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth: *And provided further*, That application is made for admission into the United States within a period of two years of the child's birth.

(d) An alien who is a lawful permanent resident of the United States, who is returning after a temporary absence in Canada or Mexico only, and who presents a valid resident alien's border-crossing identification card, including such an alien who is employed as a member of the crew of a vessel of United States, British, or Canadian registry engaged solely in traffic on the Great Lakes and connecting waterways.

(e) An alien who is a lawful permanent resident of the United States, who is returning from a temporary visit abroad, and who presents an unexpired permit to reenter issued pursuant to section 10 of the act.

(f) An alien who is a lawful permanent resident of the United States who

goes in transit through foreign contiguous territory from one part of the continental United States to another by means of a transportation line which runs through the territory or waters of both the United States and Canada or Mexico.

(g) An alien who is a lawful permanent resident of the United States, and who is proceeding from the continental United States to an outlying possession, or from an outlying possession to the mainland, or from one outlying possession to another, or from one port in the continental United States to another, without stop-over, although touching at a foreign port.

(h) An alien who is a lawful permanent resident of the United States, and who reenters from a journey beginning in a port of the United States in the Western Hemisphere without transshipment from the original vessel to another vessel, such vessel not having proceeded outside of the Western Hemisphere.

(i) An alien who is a lawful permanent resident of the United States, who is returning from a visit not exceeding 30 days to foreign contiguous territory only, and who, because of an emergency such as one involving serious illness or death, had no opportunity to obtain a reentry permit or a resident alien's border-crossing identification card prior to departure from the United States.

(j) An alien member of the armed forces of the United States who is a lawful permanent resident of the United States, provided he is in uniform or bears documentation identifying him as a member of the armed forces.

(k) An alien member of the armed forces of a country at war with Japan, who is a lawful permanent resident of the United States, and who is returning under orders or on furlough during the period of the war.

(l) An alien who is a citizen or subject of a foreign country at war with Japan, who is a lawful permanent resident of the United States, who departed from the United States for foreign contiguous territory for the purpose of joining the armed forces of the country of which he is a citizen or subject, and who is returning to the United States within a period of six months of his departure and within 30 days of rejection for service in such armed forces.

(m) An alien who is a citizen or subject of a foreign country at war with Japan, who is a lawful permanent resident of the United States, who has been honorably discharged from the armed forces of the country of which he is a citizen or subject, and who is returning to the United States within 90 days of his discharge or of his release from military hospitalization.

(n) An alien who is employed as a civilian pilot or as a member of other flight personnel, who is a lawful permanent resident of the United States, and who is returning to the United States while engaged in airplane-ferrying operations or ferrying personnel or material between the United States and territory abroad in behalf of the armed forces of the United States or of a foreign country at war with Japan, or

within 90 days after the termination of such employment.

(o) An alien who is a lawful permanent resident of the Virgin Islands returning after a temporary visit to the British Virgin Islands or the French Island of St. Bartholomew.

(p) An alien who is a lawful permanent resident of the United States, who resides in a remote section of Alaska, and who is returning after a temporary visit to Canada.

(q) An American Indian born in Canada and recognized as such under Canadian law, except one whose membership in Indian tribes or families is created by adoption.

§ 61.203 *Immigrants required to present passports but not visas.* Aliens who are lawful permanent residents of the United States and who fall within the following emergency cases must present passports or identifying travel documents in the nature thereof but are not required to present visas, in as much as the requirement thereof is hereby waived:

(a) An alien seaman or airman whose name appears on the crew list of the vessel or aircraft on which he arrives: *Provided*, That this paragraph shall not apply to Great Lakes seamen, for whom waivers are otherwise provided.

(b) An alien, occupationally a seaman, who is returning in accordance with the terms of the articles of outward voyage, or the terms of his discharge before a consular officer of the United States.

(c) A shipwrecked or castaway alien, occupationally a seaman or airman (in this case a passport will not be required for the first entry if the alien has lost his passport).

(d) An alien who previously has been admitted lawfully into the United States as a student on the basis of a nonquota immigration visa issued under section 4 (e) of the Immigration Act of 1924, who has proceeded only to Canada or Mexico, who is returning to the United States within a period of 4 months, and who is reentering under section 4 (e) for the purpose of continuing his or her studies at an approved institution of learning (in such a case the alien is exempt from the requirement of presenting a new section 4 (e) visa). Such an alien must present a letter from the institution stating that he or she is a student in good standing at the institution. If the alien presents a passport it should bear a notation made by the immigrant inspector, or in the absence of a passport the alien should be in possession of other evidence to the effect that he or she was previously admitted lawfully into the United States as a nonquota immigrant student.

SPECIAL CLASSES OF IMMIGRANTS

§ 61.204 *Immigrants born in Puerto Rico, Guam, or American Samoa, "not chargeable to any quota".* (a) An alien born in Puerto Rico, Guam, or American Samoa is considered as not coming within any of the quota restrictions imposed by the act. However, such an alien must apply for and obtain an immigration visa in order to immigrate into the United States. The statement "I claim to be a

nonquota (preference quota) immigrant and my claim is based on the following facts" appearing on Forms 256a and 256b should be crossed out or lined through, and the following sentence should be typed in the blank space beneath those words: "I claim to be an immigrant born in Puerto Rico (Guam or American Samoa, as the case may be) not chargeable to any quota." On the visa side, the wording should be changed to read: "The bearer, -----, who is of (citizen or subject) nationality, born in Puerto Rico (Guam or American Samoa, as the case may be) having been seen and examined, is classified as an immigrant not chargeable to any quota and is granted this immigration visa pursuant to the Immigration Act of 1924, as amended." The square and the blank line above the visa should be filled out as follows: "[X] Not chargeable to any quota." No alien who is excludable from the United States under the immigration laws should be issued an immigration visa "not chargeable to any quota".

(b) The alien wife or unmarried minor child of an alien mentioned in the preceding paragraph will be classifiable as a quota immigrant if such wife or child was born in a quota country. However, such an alien may be given first priority on the waiting list if chargeable to a quota which is oversubscribed.

§ 61.205 *Certain Spanish nationals returning to Puerto Rico.* (a) An immigrant Spanish national who on April 11, 1899 (whether adult or minor) was a bona-fide resident of Puerto Rico or adjacent islands which comprised the Province of Puerto Rico, and who, in accordance with article IX of the treaty between the United States and Spain of April 11, 1899, has preserved his allegiance to Spain, may present a passport visa, in lieu of an immigration visa, for entry into Puerto Rico. (Act of May 26, 1926, 44 Stat. 657.) Such aliens may be admitted into Puerto Rico without regard to the provisions of the Immigration Act of 1924, except section 23 thereof, which places upon an alien attempting to enter the United States the burden of proving that he is not subject to exclusion under the immigration laws.

(b) An alien mentioned in the preceding paragraph must obtain and present a passport visa and must pay fees as prescribed by section 2 of the act of June 4, 1920, viz: \$1 for the execution of the application and \$9 for the visa. In granting a passport visa to such an alien the lower portion of the visa stamp relative to the alien's classification under section 3 of the act should be omitted and the following notation added: "Visa issued to Spanish national returning to Puerto Rico under the provisions of act of May 26, 1926." If a person to whom such a visa is issued will transship at a mainland port there should be added to his visa the word "via" followed by the name of the port. (See act of May 26, 1926; 44 Stat. 657.)

(c) The alien wife and unmarried minor child of an alien mentioned in the preceding paragraph will be classifiable as quota immigrants if born in a quota country. However, such an alien may be

given first priority on the waiting list if chargeable to a quota which is oversubscribed.

(d) A Spanish national falling within the provisions of the act of May 26, 1926 may, of course, make application for an immigration visa with which to seek admission under the Immigration Act of 1924 into the United States (which includes Puerto Rico) instead of a passport visa with which to seek admission into Puerto Rico only, under the provisions of the act of May 26, 1926. In such a case, the usual immigration-visa fee will be collected if the immigration visa is issued. Any Spanish national may apply for a passport visa with which to seek admission into the United States (which includes Puerto Rico) as a non-immigrant under the Immigration Act of 1924, and in such a case the nonimmigrant passport-visa fees to be charged will be determined in accordance with § 61.117.

(e) As section 23 of the act is applicable to aliens coming within the purview of the act of May 26, 1926, a passport visa should not be issued as provided in paragraphs (b) and (c) of this section unless the applicant establishes that he is not subject to exclusion from the United States under the immigration laws.

§ 61.206 *Immigrants born in the Virgin Islands.* The act of June 28, 1932 provided that persons who were aliens and who were natives of the Virgin Islands should, for a period of 2 years from the date of the enactment of the act, be considered as nonquota immigrants and should not be required to have passports or immigration visas. As the 2-year period referred to has expired, an alien who was born in the Virgin Islands and who is immigrating into the United States is required to present a passport and obtain an immigration visa, but for quota purposes should be considered in the same manner as an alien born in Puerto Rico, that is, "not chargeable to any quota" imposed by the Immigration Act of 1924, and should be documented in the same manner as an alien born in Puerto Rico. (See § 61.204.)

§ 61.207 *Certain American citizens expatriated.* (a) Section 317 (c) of the Nationality Act of 1940 provides that:

A person who shall have been a citizen of the United States and also a national of a foreign state, and who shall have lost his citizenship of the United States under the provisions of section 401 (c) of this Act, shall be entitled to the benefits of the provisions of subsection (a) of this section, except that contained in subdivision (2) thereof. Such person, if abroad, may enter the United States as a nonquota immigrant, for the purpose of recovering his citizenship, upon compliance with the provisions of the Immigration Acts of 1917 and 1924. (54 Stat. 1147; 8 U.S.C. 717)

(b) Section 401 (c) of the act, to which reference is made above, provides that a national of the United States shall lose his nationality by:

Entering, or serving in, the armed forces of a foreign state unless expressly authorized by the laws of the United States, if he has or acquires the nationality of such foreign state (54 Stat. 1169; 8 U.S.C. 801).

(c) A person falling within the provisions of paragraphs (a) and (b) above must apply for and obtain a nonquota immigration visa when immigrating into the United States. On the Forms 256a and 256b, in the block headed, "I claim to be a nonquota immigrant * * *" there should be inserted, "under Section 317 (c) of the Nationality Act of 1940." The basis for such claim should then be briefly stated in the blank space. On the visa side of the application form the words "subdivision (..) of section 4" should be deleted, and in lieu thereof the following words should be inserted, "Section 317 (c) of the Nationality Act of 1940."

NONQUOTA IMMIGRANTS

§ 61.208 *Relatives of American citizens.* (a) Section 4 (a) of the act provides nonquota status for:

An immigrant who is the unmarried child under 21 years of age, or the wife, or the husband of a citizen of the United States: *Provided*, That the marriage shall have occurred prior to the issuance of visa and, in the case of husbands of citizens, prior to July 1, 1932. (This provision of law does not apply to Chinese persons or to aliens racially ineligible to naturalization in the United States.)

(b) Section 28 of the act defines the terms "child", "father", "mother", "wife", and "husband", as stated in § 61.101 (r) and (s) of these regulations. Stepchildren are not included under section 4 (a) of the act. A consular officer may not grant a nonquota immigration visa to an applicant under section 4 (a) of the act until he shall have been authorized by the Department to do so upon the basis of a petition (Form I-133) executed by the American-citizen relative and approved by the Department of Justice in accordance with the provisions of section 9 of the act, and until the applicant establishes that he or she is not subject to exclusion under the immigration laws.

§ 61.209 *Illegitimate children.* A petition for nonquota status for an illegitimate child who is an alien may be filed with the Department of Justice when the petition is executed by the mother, if she is a citizen of the United States, or by the father, if he has subsequently married the mother of the illegitimate child and thereby conferred on the child the rights of legitimacy or has legitimated the child under the law of his domicile, and if he is an American citizen. (See § 61.102.)

§ 61.210 *Returning resident aliens.* Sections 4 (b) of the act provides nonquota status for:

An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad. (This provision of law applies equally to all aliens regardless of race.)

(b) An alien qualified for nonquota status under this category may be issued a nonquota immigration visa under section 4 (b) of the act upon establishing that he is not subject to exclusion from the United States under the immigration laws.

§ 61.211 *Reentry permits and border-crossing identification cards in lieu of*

section 4 (b) visas. (a) An alien resident of the United States, who is returning from a temporary visit in a foreign country may present, in lieu of an immigration visa, (1) a resident alien's border-crossing identification card if returning after an absence from the United States of not more than 6 months: *Provided*, That during such absence he shall not have visited any foreign territory other than Canada or Mexico; or (2) an unexpired permit to reenter the United States. Possession of a valid reentry permit or resident alien's border-crossing identification card will exempt an alien in such a case, and any accompanying child born during the trip abroad, from the necessity of obtaining or presenting an immigration visa from an American consular officer, under the conditions set forth in § 61.202 (b).

(b) When it appears to a consular officer that a reentry permit or a border-crossing identification card is being used by a person other than the one to whom it was issued, or when an alien in possession of a border-crossing card is outside of foreign contiguous territory, the permit or card should be taken up, if possible, and a full report of the case should be forwarded to the Department, together with the permit or card, for transmission to the Department of Justice for possible cancellation of the permit or card. If a consular officer should have reason to believe that the bearer of a reentry permit or a border-crossing identification card has obtained it through fraud, he should immediately inform the Department by telegraph and submit all available evidence at once by mail. The permit or card in such a case should not be taken up or canceled by the consular officer without instructions from the Department.

(c) No notation of any kind should be placed upon a reentry permit or a border-crossing identification card, even though the bearer is believed by the consular officer to be inadmissible into the United States. Such cases should be reported to the Department by telegraph or airmail.

(d) If the bearer of an expired reentry permit or border-crossing identification card is granted an immigration visa, the expired permit or card should be attached to the original copy of the visa application, which is delivered to the applicant and which bears the immigration visa. If an immigration visa is refused in such a case the expired permit or card should be attached to Form 256b and retained in the consular files with a statement as to why the immigration visa was refused.

§ 61.212 *Extension of reentry permits.* (a) When the bearer of a valid reentry permit desires to have it extended, he should be advised that he may make an application in the following form to the Immigration and Naturalization Service of the Department of Justice, Washington, D. C., for an extension. The alien's application should state:

- (1) His name and address in the United States;
- (2) When, where, and by what means he departed from the United States;
- (3) The port of landing and date of arrival abroad;

(4) The countries in the order visited by him after leaving the United States;

(5) The reason for such extension and purposes for which desired; and

(6) Applicant's foreign address to which permit is to be returned.

(b) The application for extension of a reentry permit should show the number of the permit (which is printed in red ink in the upper right-hand corner of the permit) and the application number (which is typed above the permit number). The reentry permit must accompany the application for extension.

(c) The application for extension of a reentry permit should be sworn to before a consular officer and the usual fee of \$2 should be collected for taking the oath of the alien concerned. If an alien is unable to appear before a consular officer without great inconvenience or expense for the purpose of making an application for an extension of his reentry permit, the application need not be made under oath. In that event it should contain an explanation by the alien for his failure to appear in person before a consular officer. Consular officers should not transmit applications for extension of reentry permits.

(d) Payment by an alien of the fee of \$3 required for granting an extension of a reentry permit should be made by international postal money order drawn to the order of the Commissioner of Immigration and Naturalization, Washington, D. C.

§ 61.213 *Proof of returning-resident status.* The burden of proof rests on a returning resident alien applying for a nonquota immigration visa under section 4 (b) of the act to show:

(a) That he previously has been admitted lawfully into the United States for permanent residence;

(b) That he departed from the United States with the intention of returning to reside in the United States;

(c) That he has an unrelinquished domicile in the United States;

(d) That his stay abroad, if protracted, was caused by justifiable reasons over which he had little or no control and for which he was not responsible.

§ 61.214 *Evidence of previous lawful admission.* A consular officer should inquire carefully into the facts in the case of an applicant for a nonquota immigration visa as a returning resident alien under section 4 (b) of the act and satisfy himself beyond doubt that the alien has been admitted lawfully into the United States for permanent residence. An expired reentry permit originally issued since January 1, 1932; a resident alien's border-crossing identification card; a declaration of intention to become an American citizen, such declaration being dated on or after July 1, 1929; conclusive evidence of a record of registry under the act of March 2, 1929, as amended, or under the provisions of section 328 (b) of the Nationality Act of 1940; and immigrant identification cards (except those issued to students under section 4 (e) of the act), may be accepted as prima-facie evidence of an alien's previous lawful admission into the United States for permanent residence.

§ 61.215 *Statutory residents.* (a) Section 308 of the Nationality Act of 1940 provides in part that "any alien who has been lawfully admitted into the United States for permanent residence and who has heretofore been or may hereafter be absent temporarily from the United States solely in his or her capacity as a regularly ordained clergyman or nun, shall be considered as residing in the United States for the purpose of naturalization, notwithstanding any such absence from the United States * * *"

(b) An alien who is absent from the United States under the provisions of section 307 (b) of the Nationality Act of 1940 is considered to be a statutory resident of the United States.

(c) An alien whose case falls within the provisions of one of the two preceding paragraphs is considered to be entitled to receive a nonquota section 4 (b) immigration visa so far as the question of his absence from the United States may be concerned. Other questions arising in regard to such cases should be referred to the Department for appropriate instructions.

§ 61.216 *Verification of previous lawful admission.* (a) If a consular officer has any doubt whether an alien's last entry into the United States was a lawful entry for permanent residence, such entry should be verified. If the entry was made prior to July 1, 1924, an inquiry should be addressed direct to the immigration official at the port where the applicant claims his last entry into the United States was made. If the entry was made on or subsequent to July 1, 1924, a request for verification of entry should be made to the Department for reference to the Department of Justice. A signed photograph of the applicant should be furnished in each case when practicable. Any verification obtained from the Immigration and Naturalization Service, Department of Justice, will be transmitted to the consular office.

(b) When a request for verification of previous lawful entry is made by telegraph, the consular officer should require the alien to make a deposit of a sufficient sum of money to cover the possible cost of furnishing, in addition to the alien's name, date and ship of arrival, information regarding his age, place of birth, marital status, the name of a relative or friend in the United States, and such other information as may be deemed by the consular officer or by the immigration officials desirable for the proper identification of the applicant. The telegraph should be used only in cases of the utmost urgency.

(c) The records of admission at sea-ports of entry before July 1, 1924 are in the form of original passenger manifests of arriving vessels and, consequently, information regarding an alien's previous lawful entry cannot be supplied unless the immigration authorities are informed of the date of arrival and name of the ship.

(d) In an urgent case in which there is not sufficient time to verify the alien's previous lawful admission, and the alien desires to make application for a quota immigration visa chargeable to an un-

filled quota, or for a section 4 (c) visa if he is a native of a nonquota country, the consular officer may act upon such application if he finds that the alien is admissible under the immigration laws. In such cases the alien may be informed that after arrival in the United States he may consult the appropriate authorities of the Immigration and Naturalization Service regarding the question of the effect which such an entry, along with other factors, may have upon the continuity of his residence for naturalization purposes.

(e) When official verification of the alien's previous lawful admission has been obtained, a copy of the official statement verifying the entry should be attached to the visa issued.

§ 61.217 *Previous admission as student or nonimmigrant insufficient.* Previous admission of an alien into the United States as a nonimmigrant, or as a student under section 4 (e), is not considered as constituting lawful admission within the meaning of section 4 (b) of the act.

§ 61.218 *Verification of circumstances of applicant's departure from the United States.* In determining the period of an alien's absence, or the circumstances of an alien's departure, from the United States a consular officer may, when such action appears to be warranted, request verification of the date or circumstances of departure. Such an inquiry should be addressed to the immigration authorities at the port of departure and should include information relative to the alleged date and means of departure.

§ 61.219 *Waiver of supporting documents.* An alien applying for a nonquota immigration visa under section 4 (b) of the act, who was previously admitted into the United States for permanent residence with an immigration visa issued under some other classification, need not be required to furnish the documents referred to in section 7 (c) of the act, unless they are necessary to establish his identity or admissibility. Such an alien must, however, establish by appropriate evidence that he is not subject to exclusion from admission into the United States under the immigration laws. In issuing section 4 (b) immigration visas under this paragraph, a statement that the section 7 (c) documents have been waived should be inserted on Forms 256a and 256b in the blank space provided for listing available documents.

§ 61.220 *Natives of Western Hemisphere countries.* (a) Section 4 (c) of the act provides nonquota status for:

An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him. (This provision of law does not apply to Chinese persons or to aliens racially ineligible to naturalization in the United States.)

(b) An alien who is able to qualify for nonquota status under section 4 (c) of the act may be issued a nonquota section 4 (c) immigration visa, provided he is

not found to be inadmissible into the United States under the immigration laws.

§ 61.221 *Classes entitled to nonquota 4 (c) status.* (a) Section 4 (c) of the act provides nonquota status for an immigrant (regardless of sex) who was born in one of the countries or places specified in that section of the law, regardless of the residence, citizenship, or nationality of the immigrant.

(b) If the wife of an immigrant specified in the preceding paragraph is accompanying or following to join her husband and was not born in a nonquota country she would nevertheless be entitled to nonquota status under section 4 (c), regardless of her birthplace, residence, citizenship, or nationality.

(c) The unmarried child under 18 years of age, accompanying or following to join a parent specified in paragraph (a), is entitled to nonquota status under section 4 (c) regardless of the birthplace, residence, citizenship, or nationality of the child.

(d) Nonquota status under section 4 (c) cannot be affected by the provisions of section 12 (a) of the act. The wife, born in a section 4 (c) country or place, of an alien born in a quota country is entitled to nonquota status under section 4 (c), regardless of birthplace, citizenship, or nationality of the husband and regardless of whether the wife is preceding, accompanying, or following to join her husband in the United States. An alien child, regardless of age or marital status, born in a section 4 (c) country or place, is entitled to nonquota status under section 4 (c), even if the child is a minor and is accompanying an alien parent born in a quota country.

(e) Section 4 (c) does not provide nonquota status for a child 18 years of age or over, or married, who was not born in a section 4 (c) country or place, even if the child is accompanying or following to join a parent who was born in a 4 (c) country or place. As section 5 of the act prohibits the granting of nonquota status to an alien by reason of his or her relationship to another alien, unless some provision of the act specifically provides such nonquota status, it is considered that nonquota status cannot be properly conferred upon an alien by the provisions of section 12 (a) of the act, which deals with quota nationality and not with nonquota status.

(f) If a nonquota immigrant classifiable under section 4 (c) desires to bring in or send for his or her alien child 18 years of age or over, or married (regardless of age), who was born in a quota country, such child will be classifiable as a quota immigrant. Such child should be charged to the quota of the country of birth, unless the child is under 21 years of age and is accompanying a parent born in a quota country, in which event the child should be charged to the quota of the country of birth of the accompanying parent. As the act does not specifically prescribe a waiting-list procedure for quota immigrants, and as section 12 (a) apparently was intended to prevent a minor child from being separated from its accompanying parents by quota restrictions, a child who is 18 years of age or over but who is un-

der 21 years of age, married or unmarried, and who was born in a quota country and is accompanying to the United States a parent or parents classifiable under section 4 (c) of the act, may be issued a nonpreference-quota immigration visa, if eligible for admission into the United States under the immigration laws, and the first unused quota number under the quota of the country in which the child was born may be assigned for use in issuing an immigration visa to the child without regard to the question of the priority of such child on a quota waiting list.

§ 61.222 *Ministers and professors.* (a) Section 4 (d) of the act provides nonquota status for:

An immigrant who continuously for at least 2 years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him. (This provision of law applies equally to all aliens regardless of race.)

(b) It is considered that the purpose of section 4 (d) of the act is to enable religious bodies and institutions of learning in the United States to bring needed ministers and professors from foreign countries rather than to exempt such persons from quota requirements merely because of their vocational status.

(c) An alien who is able to qualify for nonquota status under section 4 (d) of the act may be issued a nonquota section 4 (d) immigration visa, provided he is not found to be inadmissible into the United States under the immigration laws.

§ 61.223 *Ministers of religion.* The term "minister of any religious denomination," as used in section 4 (d) of the act, means a person duly authorized by a recognized religious sect or denomination to conduct religious worship, whether of a Christian or non-Christian religion, and to perform other duties usually performed by a regularly ordained pastor or clergyman. Lay preachers not authorized to perform the duties usually performed by a regularly ordained pastor or clergyman are not entitled to nonquota status as ministers of religion. Cantors and nuns are not considered to be ministers of religion.

§ 61.224 *Professors.* (a) An applicant for a nonquota immigration visa as a "professor" under section 4 (d) of the act ordinarily should be required to show that he has actually been engaged in giving instruction to students as a member of the faculty in a recognized college, academy, seminary, or university and that this vocation has constituted his principal occupation. In doubtful or unusual cases consular officers may furnish full particulars to the Department and request an advisory opinion.

(b) The term "professor" in section 4 (d) is construed to include teachers of foreign languages who are properly equipped for that occupation, whether or not they hold college or university

degrees, and the terms "academy" and "seminary" in the same section are construed as applicable to any reputable institutions of learning which are equipped to prepare students for college.

(c) If an alien is coming to the United States as a research assistant he must, in order to qualify for nonquota status under section 4 (d), be engaged as a member of the faculty (in contradistinction to a research assistant paid by private funds of the professor whose assistant he is, and in contradistinction to an assistant who is also a student and is being paid from an endowment for scholarship or fellowship not entitling him to faculty rank) and have some duties connected with the instruction of students. It is not necessary that a research assistant give any formal courses. It is sufficient if he is to be a laboratory assistant, a tutor, or a consultant, who supervises research or the outside reading being done by students in connection with their studies. The primary test is whether the research assistant is to be connected with the university or college in order to confer the benefit of his knowledge upon the students rather than to pursue his own studies.

(d) Elementary-school teachers, as the term is ordinarily used in the United States, are not classifiable as nonquota immigrant "professors" under section 4 (d).

§ 61.225 *Evidence of minister or professor status.* (a) A consular officer should be convinced that the minister of a recognized religious denomination is proceeding to the United States solely for the purpose of carrying on his vocation. Documentary evidence of proposed employment or the exhibition of a contract with a congregation in the United States may be required. Similarly, a professor may be required to present a contract of employment in an educational institution as evidence of his purpose in coming to the United States.

(b) Section 4 (d) of the act requires that an applicant for a nonquota immigration visa under that section shall establish that he has been following the vocation of minister of religion or professor of a college, academy, seminary, or university for a period of at least 2 years immediately preceding the date of his application for admission.

§ 61.226 *Conditions under which nonquota status under section 4 (d) accorded wife and children.* Nonquota status under section 4 (d) of the act should be accorded to the wife and children of a minister or professor only when the latter obtains or has obtained a section-4 (d) immigration visa, thereby showing that he has qualified under the section cited. If the wife or child is following to join the husband or father, who has already entered the United States, he must not only have obtained a section-4 (d) immigration visa but must also have been admitted into the United States under that section of the act and must not have abandoned the profession of minister or professor.

§ 61.227 *Nonquota students.* (a) Section 4 (e) of the act provides nonquota status for:

An immigrant who is a bona-fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Attorney General, which shall have agreed to report to the Attorney General the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn. (This provision of law applies equally to all aliens regardless of race.)

(b) An alien who is qualified for non-quota status under section 4 (e) of the act may be issued a nonquota section 4 (e) immigration visa, provided he is not found to be inadmissible into the United States under the immigration laws. Such an alien should be given the examination applicable to all immigrants, including a thorough medical examination.

§ 61.228 *Evidence of nonquota student status.* (a) The application of a bona-fide student under section 4 (e) of the act may be acted upon by a consular officer when the student presents evidence that he has been accepted by an institution of learning approved by the Attorney General; that his sole purpose in coming to the United States is for study; and that he intends to leave the United States and can enter some foreign country when his studies are completed.

(b) An applicant for a nonquota section 4 (e) visa as a student must establish that he is in possession of sufficient funds to cover his expenses or that adequate financial arrangements have been made to provide for his expenses. If it will be necessary for a student to accept employment he may do so, provided the employment will not interfere with his pursuance of a full course of study in day classes. In such a case the alien should be required to submit satisfactory evidence showing that arrangements for his employment in the United States have been made.

(c) A student should have sufficient scholastic preparation and knowledge of the English language to enable him to undertake a full course of study in day classes in the institutions of learning to which he is destined. An alien who intends to study only English while in the United States or to study only English until such time as he would be able to carry a regular prescribed course may be issued a nonquota section 4 (e) visa: *Provided*, That he is otherwise eligible for such a visa: *And provided further*, That it is conclusively shown that the approved school has accepted the applicant for a definite course of English in day classes equivalent in hours and credit to a regular prescribed course. A regular prescribed course is considered to require at least twelve semester hours based on a fifteen- or sixteen-semester-hour course. If an alien is a bona-fide student except for a knowledge of English insufficient to pursue a full course of study in day classes in that language, but the approved institution which has accepted him is nevertheless prepared and equipped to give him a full course of study in day classes in another language, a nonquota section 4 (e) visa may be issued.

§ 61.229 *Institutions not on approved list.* In the case of a bona-fide student desiring to attend an institution of learning which has not been approved by the Department of Justice for nonquota immigrant students, the consular officer should submit to the Department a report setting forth the facts in the particular case and including a statement whether the alien has been found to be a bona-fide student in all other respects. The Department will ascertain from the Department of Justice whether the institution of learning concerned may be approved for section 4 (e) nonquota immigrant students.

§ 61.230 *Waiver of supporting documents for certain 4 (e) students.* In the case of an alien who has been admitted into the United States under section 4 (e) of the act, who is maintaining a satisfactory student status as may be evidenced by a letter from the educational institution he is attending, and who has departed from the United States on vacation to some country other than Canada or Mexico, a new section 4 (e) visa may be issued without requiring the presentation of new section 7 (c) supporting documents when he seeks to return to the United States within three months of the date of his departure, solely for the purpose of resuming his studies, provided the consular officer is satisfied that the "available" section 7 (c) documents were attached to the alien's previous section 4 (e) visa. In such case a statement regarding the waiver of section 7 (c) documents should be made on Forms 256a and 256b, as provided in § 61.219. (See § 61.201 for requirement of passport.)

§ 61.231 *Women expatriates.* (a) Section 3 of the act approved July 3, 1920 (46 Stat. 854) amended section 4 (f) of the act of 1924 to provide nonquota status for:

A woman who was a citizen of the United States and lost her citizenship by reason of her marriage to an alien, or the loss of United States citizenship by her husband, or by marriage to an alien and residence in a foreign country. (This provision of law applies equally to all aliens regardless of race.)

(b) A woman who was a citizen of the United States and who lost her citizenship for one of the reasons mentioned in section 4 (f) of the act may be issued a nonquota visa under that section, provided she is admissible into the United States under the immigration laws, regardless of the date on which she lost her citizenship and regardless of her present marital status.

(c) An alien woman who was a citizen of the United States at birth, who has or is believed to have lost her citizenship solely by reason of her marriage prior to September 22, 1922 to an alien, and whose marital status has or shall have terminated may, if no other nationality was acquired by affirmative act other than such marriage, take an oath of allegiance before an American diplomatic or consular officer abroad, in accordance with sections 317 (b) and 335 (b) of the Nationality Act of 1940. Such an oath will restore her American citizenship. (See passport regulations, 22 CFR Parts 32 and 33.)

QUOTA IMMIGRANTS

§ 61.250 *Determination of quota nationality.* (a) Section 12 of the act provides that for the purposes of the act the quota nationality of an immigrant shall be determined by the country of birth. The act further provides the following three exceptions to the general rule for the determination of the national quota to which a quota immigrant shall be charged:

(1) A child under 21 years of age must be charged to the quota of the native country of the accompanying parent, or of the father when both parents accompany the child, regardless of the country of the child's birth unless the child was born in a nonquota country. (See § 61.220.)

(2) A wife may be charged to the quota to which her husband of a different quota nationality is chargeable, when the monthly quota to which she would ordinarily be chargeable is exhausted: *Provided*, That (i) she is accompanying him, (ii) he is entitled to an immigration visa, and (iii) the monthly quota to which he is chargeable is not exhausted.

(3) An immigrant born in the United States who has lost his American citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the country from which he comes, which means the country of his residence or domicile.

(b) An alien husband who is a lawful permanent resident of the United States may go abroad in order to confer upon his wife and his minor children the benefits of his quota nationality. The husband in such a case may return with a reentry permit, a nonquota immigration visa issued under section 4 (b) of the act, a resident alien's border-crossing identification card in an appropriate case, or without any document if he is entitled to reenter the United States without documentation.

(c) An immigrant born of a father who had diplomatic status or immunity at the time of the immigrant's birth is chargeable to the quota of the father's nationality (if the father was in the service of the country to which he owed allegiance), regardless of the country in which the immigrant was born.

(d) The case of an immigrant born on the high seas and not specifically entitled to nonquota status under any provision of the act or the regulations in §§ 61.101 to 61.408, inclusive, and whose classification as a quota immigrant is not provided for in regulations in §§ 61.101 to 61.408, inclusive, should be referred to the Department for special instructions.

§ 61.251 *First-preference categories.* Section 6 of the act provides that 50 percent of each quota shall be made available for aliens who are the parents of citizens of the United States, such citizens being 21 years of age or over, and for aliens who are the husbands of citizens of the United States of any age by marriages occurring on or after July 1, 1932, and, in quotas of 300 or more, for quota immigrants who are skilled in agriculture, their wives, and dependent children

under 18 years of age, if accompanying or following to join them. This section is not applicable to Chinese persons or to aliens racially ineligible to naturalization in the United States.

§ 61.252 *First-preference relatives of citizens.* (a) The classification of an alien parent or alien husband of an American citizen, filed with and approved by the Department of Justice, and an authorization from the Secretary of State, based upon such approval. This paragraph is not applicable to Chinese persons or to aliens racially ineligible to naturalization in the United States.

(b) Section 28 of the act defines the terms "father", "mother", "wife", and "husband", as stated in § 61.101 (r) and (s). Proxy or picture marriages are not recognized as valid for the purposes of the act. Step-parents as such are not entitled to preference status. Adopted children or adoptive parents are not considered as "children" or "parents" within the meaning of the act unless the adoption occurred before January 1, 1924.

§ 61.253 *Skilled agriculturists.* (a) The classification of an alien as a first-preference-quota immigrant skilled in agriculture shall be established by the presentation to the consular officer of satisfactory evidence that the alien is in fact skilled in agriculture.

(b) Skill in agriculture may be derived from an adequate course in an educational institution or from sufficient practical experience. Agriculture may be considered as including agronomy, forestry, horticulture, and animal husbandry.

(c) The law does not intend that all persons who have worked on a farm are to be given preference but only skilled farm workers or skilled farmers. Consular officers may require applicants to present certificates of capacity from former employers or, where obtainable, from local officials of the ministry of agriculture.

(d) A consular officer should require convincing evidence that an applicant has a bona-fide intention of engaging in agricultural work after arrival in the United States. The provision in the act for granting preference status to skilled agriculturists does not exempt them from the contract-labor provisions of the act of February 5, 1917.

(e) The skilled-agriculturist preference is not available to Chinese persons or to aliens ineligible to naturalization in the United States.

§ 61.254 *Second-preference category.* (a) Section 6 of the act provides that the second 50 percent of each quota plus any portion of the first 50 percent not required for the issuance of immigration visa to first-preference immigrants shall be made available for the unmarried children, under 21 years of age, and the wives of aliens who are lawful permanent residents of the United States. No petition procedure is prescribed by the act to establish second-preference status.

(b) Second preference under a quota is not available to Chinese persons or to aliens racially ineligible to naturalization.

§ 61.255 *Evidence of second-preference status.* Before according an alien second-preference status under a quota, the consular officer should be satisfied of the lawful admission into the United States of the resident relative concerned, as well as of the fact of the relationship claimed. The resident relative should complete and forward Form I-475 to the immigration official at the port of his entry in the case of an entry prior to July 1, 1924. Such form should be sent to the Immigration and Naturalization Service, Department of Justice, Washington, D. C., if arrival occurred on or after July 1, 1924. The immigration officer at the port of entry, upon verifying the resident relative's status as a lawful resident of the United States, will forward the form duly completed direct to the Department of State for routing to the consular officer abroad to whom the prospective applicants concerned will apply for visas. In cases involving verification of lawful entry by the Immigration and Naturalization Service, Department of Justice, the executed Form I-475 will be routed by that Service through the Department of State to the appropriate consular officers. The submission of Form I-475 should not be considered as the exclusive means of establishing the previous lawful admission of the applicant's relative residing in the United States.

§ 61.256 *Nonpreference quota immigrants.* Section 6 of the act requires that any portion of the quotas not used for the issuance of immigration visas to first-preference-quota and second-preference-quota immigrants shall be available for admissible nonpreference quota immigrants. If the eligible first-preference demand exceeds the first 50 percent of the quota, and the eligible second preference demand is insufficient to exhaust the second 50 percent of the quota, the unused portion of the second 50 percent of the quota shall be made available to the excess of qualified first-preference-quota immigrants and to qualified nonpreference-quota immigrants, without regard to preference between these classes but in accordance with the approved and registered priority of the applicants of both classes. In such a situation the waiting list of excess first-preference applicants and the waiting list of nonpreference applicants should, in effect, be combined and all eligible applicants registered thereon may be issued nonpreference-quota immigration visas under the remaining portion of the quota.

§ 61.257 *Quota for Chinese persons.* (a) The act of December 17, 1943 (57 Stat. 600) authorized the establishment of a quota for Chinese persons and provided that such quota should be computed in accordance with the Immigration Act of 1924. This quota is 105 annually. An alien who is classifiable as a Chinese person may be issued an immigration visa under the quota for Chinese persons, provided he is not found to be inadmissible into the United States under the immigration laws.

(b) An alien who is chargeable to the quota for Chinese persons is not classifiable under the provisions of section 12 (a) or sections 4 (a) or 4 (c) of the Immigration Act of 1924, as amended.

§ 61.258 *Chinese persons.* An alien having 50 percent or more of Chinese blood and not as much as 50 percent blood of a race or races ineligible to citizenship is a Chinese person and is therefore chargeable to the quota for Chinese persons unless he is able to qualify for nonquota status under subsections (b), (d), (e), or (f) of section 4 of the act, or under subsection (c) of section 317 of the Nationality Act of 1940, or as a nonimmigrant.

§ 61.259 *Chinese quota-preference category.* The act of December 17, 1943 provides that preference up to 75 percent of the quota for Chinese persons shall be given to Chinese persons born and residing in China. There is no other preference class under this quota. The ordinary first-preference and second-preference categories under other quotas do not exist under the quota for Chinese persons. Preference status under this quota is granted without the petition procedure applicable to preference status under other quotas.

§ 61.260 *Chinese quota-nonpreference category.* The 25 percent nonpreference portion of the quota for Chinese persons, plus any unused portion of the first 75 percent, shall be made available to Chinese persons born or residing outside of China. This class includes Chinese persons born in China and residing outside thereof, as well as Chinese persons born outside of China but residing therein.

§ 61.261 *Unused portions of Chinese quota.* If the demand for visas under the quota for Chinese persons on the part of Chinese persons born and residing in China exceeds 75 percent of the quota for Chinese persons, such applicants may be considered for quota visas under the remaining portion of the quota for Chinese persons, after the demand for such visas on the part of Chinese persons born or residing outside of China has been satisfied and if such demand is not sufficient to exhaust the second portion. The reverse of this situation is also true, that is, if the demand for immigration visas under the 75 percent preference portion of the quota for Chinese persons on the part of qualified applicants born and residing in China is insufficient to exhaust that part of the quota for Chinese persons, immigration visas under the unused portion of that part of the quota may be issued to qualified applicants not born and residing in China.

§ 61.262 *Quota for China.* The quota of 105 established for Chinese persons in pursuance of the act of December 17, 1943, has no effect upon the quota of 100 annually for China, to which are chargeable all aliens, except Chinese persons, who were born in China and who are eligible to citizenship.

IMMIGRATION-VISA PROCEDURE

§ 61.300 *Procedure in nonquota cases.* A registration or waiting-list procedure

for nonquota immigrants is not necessary to determine the priority of applicants for nonquota visas, there being no priority of one nonquota class over another and no priority among immigrants in a particular nonquota class. Consular officers are authorized, however, in their discretion to establish a procedure, which may be comparable to the maintenance of a waiting list for quota immigrants, at consular offices where the demand for nonquota visas is so heavy that all applications may not be acted upon currently from day to day. Under this procedure the documents of prospective applicants may be examined in advance of their appearance at the consular office and an orderly schedule of appointments for the personal appearance of the applicants may be instituted. (For procedure by which nonquota status may be established for section 4 (a) nonquota immigrants, see § 61.309.)

§ 61.301 *Issuance of quota visas out of turn.* Under no circumstances should an applicant for a quota immigration visa be issued such a visa out of his proper turn with other qualified applicants in the same category, as this would have the effect of according the applicant an unauthorized preference over other qualified applicants having earlier priority. However, first priority over all nonpreference quota immigrants is provided for the immigrants mentioned in §§ 61.204 (b), 61.205 (c), and 61.221 (f).

§ 61.302 *Registration of quota visa applicants.* All registration or waiting lists maintained under any quota prior to January 1, 1944 should be abolished. In lieu thereof the following instructions are given for the general guidance of consular officers, but they may, in their discretion, adopt such slightly different procedure as may appear best suited to meet local needs:

(a) *Undersubscribed quotas.* The registration of an intending immigrant chargeable to an undersubscribed quota is not necessary if immediate action can be taken in the case. If immediate action cannot be taken the procedure for oversubscribed quotas should be followed.

(b) *Oversubscribed quotas.* The registration of an intending immigrant chargeable to an oversubscribed quota should be made only upon the basis of a registration form submitted by mail to the consular office. Such registration forms may be filed at an office which has been authorized to accept applications for immigration visas of aliens regardless of whether quota members are likely to be available for use in issuing visas to them.

(c) *Registration form.* The registration form may, in the discretion of the principal officer, be printed in the English language or in a foreign language, or both. The form should call for information useful to the consular officer in dealing with a case in a preliminary manner, such as: the name of each applicant; marital status, relationship, if any, to the principal applicant; date and place of birth of each applicant, including country and province and previous names thereof, if any; nationality of each applicant; name and address of a

relative or other reference in the United States and in the country of application; occupation; police or criminal record, if any; personal resources and source of support in the United States; purpose of entry, places of previous residence; passport used; service in the armed forces; ability to read and write; any transportation arrangements; transit visas to port of embarkation; and exit permit.

(d) *Use of typewriter.* The registration form should be completed by the typewriter or by hand printing with pen and ink.

(e) *Perforated forms.* The registration form may be printed with perforations to provide a detachable portion of the form on which to record the name and address of the applicant and his reference number. The alien's quota, his registration number, and the date of registration are to be inserted at the consular office and the detachable portion of the form is to be returned to the applicant in a stamped addressed envelope to be furnished by him. The portion of the form which has been detached will thus serve as the applicant's record of his registration and will provide him with a reference number to be mentioned in any correspondence. A notice should be included in this portion of the registration form requesting the applicant to notify the consular office promptly by mail regarding any change of facts in the applicant's case, such as: marriage, divorce, separation; death of a member of his family; birth in the family; abandonment of desire to immigrate; or desire to postpone his immigration. The registration form may also contain a perforated detachable index card for use in an alphabetical or chronological card-index file, such card bearing the alien's name, quota nationality, date of registration, and registration number.

(f) *Card index.* If the visa dossiers are filed alphabetically it will ordinarily be unnecessary to maintain a separate alphabetical card-index file. In offices handling a considerable volume of visa work, such a file may be kept in the discretion of the officer in charge.

(g) *Registration form to be endorsed with date of receipt.* The registration form received at the consular office should be dated by rubber stamp with the date of receipt, which will become the registration date.

(h) *Entry in quota waiting-list book.* The names of aliens appearing on the registration forms as received each day should be recorded, in chronological order of the dates of registration, in a quota waiting-list book in the sections earmarked for the quotas involved. Quota waiting-list books will be furnished by the Department. They will be in loose-leaf form to permit the addition of new sheets in the various quota sections. The sheets will be ruled with a space in which to note the quota and with columns for recording the date of registration, the number of the registration, name, remarks, and action. Index sheets for the various quotas will be furnished.

(i) *Care in making entries in book.* The entries should be made by a trusted member of the consular staff. Under no circumstances should an eraser or ink

eradicator be used on any page. Entries should be made on alternate lines and interlineations should never be made other than by notation on the intervening line, initialed by an officer referring to an entry on a transfer sheet to be kept at the end of each quota section in the quota waiting-list book for entries relating, for example, to persons who may have come to the consular district from another district and whose claim to registration on a certain date at the consular office in such district has been verified; to immediate members of a family group whose names were inadvertently omitted from the original registration; or to children born subsequent to the original registration.

(j) *Signing of pages in book.* As each page of entries is completed, the sheet should be initialed by the clerk responsible for the entries and by a consular officer.

(k) *Custody of book.* The registration book should be kept in the office safe at night and should be in the supervisory charge during the day of an officer under whose supervision the clerk may make entries and give information to other members of the staff preparing correspondence, making schedules for appointments, etc.

§ 61.303 *First-preference quota waiting lists.* If the first-preference portion of a quota should be oversubscribed by qualified applicants it will be necessary to establish a waiting list for such applicants. This may be done either by the use of special sheets for first-preference applicants under each quota in the regular registration book, or by the use of the file of approved petitions, arranged in the chronological order of their preference priority, and interspersed with skilled-agriculturist reference sheets referring to the individual files on skilled-agriculturist preference applicants. An alien who was originally registered as a nonpreference applicant may have his name transferred to the first-preference list upon qualifying for preference as a skilled agriculturist, or a reference sheet regarding his case may be placed in its proper priority order in the file of first-preference petitions. Separate first-preference waiting lists or priority records should be maintained for each quota under which the first-preference portions are oversubscribed.

§ 61.304 *Second-preference quota waiting lists.* If the second-preference portion of a quota should be oversubscribed by qualified applicants it will be necessary to establish a waiting list for such applicants. This may be done either by the use of special sheets for second-preference applicants under each quota in the regular registration book or by the use of a card index file containing a card on each second-preference applicant, arranged in the chronological order of the applicant's second-preference priority. An alien who was originally registered as a nonpreference applicant may have his name transferred to the second-preference list upon qualifying for a second-preference status. Separate second-preference waiting lists should be maintained for each quota

under which the second-preference portion is oversubscribed.

§ 61.305 *Quota for Chinese persons, preference waiting lists.* If the preference portion of the quota for Chinese persons becomes oversubscribed it will be necessary to establish a waiting list for qualified applicants for preference under this quota. This may be done by maintaining separate pages under the quota for Chinese persons in the regular registration book. The first-preference and the second-preference categories established by law under other quotas will have no application to the quota for Chinese persons.

§ 61.306 *Registration of aliens who are in the United States.* An alien who is in the United States and who entered illegally may not file a registration form at an American consular office. No alien who is chargeable to an oversubscribed quota may spend his waiting time for an immigration visa in the United States. An alien who is in the United States and is chargeable to an oversubscribed quota therefore may not have his priority determined by a date earlier than that of his last departure from the United States. (See § 61.313.)

§ 61.307 *Registration of family as a unit.* (a) The registration of a husband or parent should be considered as conferring the same registration priority on his wife or minor children even if they are not mentioned in the original registration form. A wife who was not married to her husband at the time of his registration and a minor child who was born subsequent to the parents' registration are included within the intent of the preceding sentence. Similarly the registration of an adult alien upon a waiting list may be considered as conferring his registration priority upon the members of his or her immediate family whom he would naturally desire to have immigrate with him into the United States. In all such cases appropriate inquiry should be made and action should be taken to have such persons registered at the time of the registration of the head of the family or as soon as practicable thereafter. After the head of a family immigrates into the United States the registration priority of each member of the family he left behind will depend upon the date of their actual registration at the consular office.

(b) The separation of families may be attended by unfortunate consequences when the husband, father, mother, or some other member of the family proceeds to the United States, leaving behind a member or members of the family who are mentally or physically defective or in some other respect disqualified under the law from receiving an immigration visa. When an applicant proposes to precede his family to the United States the consular officer may offer to arrange for an examination of the other members of the family in order to determine whether there exist at the time any grounds for the refusal of immigration visas to the other members of the family.

(c) If a member of an alien's family is found to be inadmissible upon such a

preliminary examination, the head of the family may be informed of the findings and allowed to make his own decision as to whether he will proceed without the inadmissible member. However, before an immigration visa is issued to the head of the family, or the member thereof who desires to precede the other members to the United States, the head of the family should be requested to sign a statement acknowledging that he has been informed of the apparent inability of the other member, or members, of his family to qualify for immigration visas.

(d) A satisfactory showing on a preliminary examination carries no obligation whatever that a visa will be issued later if a member of an immigrant's family is found on final examination to be inadmissible. The head of the family should be clearly informed to this effect.

§ 61.308 *Removal of names from registration list.* (a) The registration of quota immigrants should be canceled under the following circumstances:

(1) If the registrant dies or abandons his intention to immigrate into the United States;

(2) If the registrant enters the United States unlawfully or as a nonquota student;

(3) If the registrant enters the United States as a nonimmigrant, except as a nonimmigrant under section 3 (5) of the act: *Provided*, That an alien who finds it necessary to make an urgent and brief trip to or through the United States, and who obtains a nonimmigrant visa or transit certificate for such purposes by explaining the necessity therefor to the consular officer with whom he is registered, may have his name reinstated on the registration list under his original priority, or transferred to another consular office, under such priority, upon his prompt departure from the United States;

(4) If the registrant receives an immigration visa and immigrates into the United States, or if the registrant is finally examined and is found to be inadmissible into the United States on some ground which cannot be overcome by the presentation of further evidence or by a probable change in the circumstances of his case.

(b) Whenever possible, an alien should be advised when his name is removed from the registration list.

(c) In canceling an alien's registration a notation ordinarily should be made in the "remarks" column and a red-ink line may be ruled through the line on which the alien's name appears.

§ 61.309 *Petitions for nonquota and preference-quota status for certain alien relatives of American citizens.* (a) Sections 9 (a) and 9 (c) of the act provide that relationship nonquota status or relationship first-preference status shall be granted by consular officers only after authorization from the Department shall have been received. The authorization of the Secretary of State will be given on the basis of the approval by the Department of Justice of a petition (Department of Justice Form I-133).

(b) Upon the receipt of an authorization from the Department to grant an alien a nonquota or preference relative

status, the consular officer will inform the prospective immigrant regarding the procedure to be followed in applying for a visa.

§ 61.310 *Action to be suspended in certain petition cases.* (a) If a consular officer has reason to believe that the approval of a petition was obtained by fraud or misrepresentation, or through an error, he should suspend action in the case and report fully to the Department. A consular officer should also forward a full report of the facts to the Department, for reference to the Department of Justice for reconsideration of the approval of the petition, in the following cases:

(1) If it is ascertained before issuing the visa that the citizen petitioner has lost his American citizenship, has died, or, in the case of a husband or wife, has become divorced;

(2) If, in the case of a child in whose behalf a petition was approved while the child was a minor, the beneficiary has failed to apply for a visa before reaching the age of 22 years, and the consular officer is not satisfied that the alien has been prevented from applying for a visa by justifiable reasons over which he had little or no control;

(3) If, in the case of a child, the beneficiary has married;

(4) In the case of an alien falling within the provisions of subparagraphs (1), (2), or (3) of this section the consular officer may proceed to issue a non-preference-quota immigration visa if the alien concerned is chargeable to an unfilled quota and the alien is qualified for an immigration visa.

(b) In the case of an immigrant in whose behalf a relative petition has been approved the consular officer should consider the approval of the petition as establishing prima facie for a period of one year that the petitioner is able and willing to support the immigrant as provided in section 9 (b) (6) of the act. After the lapse of the one-year period the consular officer should determine the alien's admissibility under the public-charge clause not only in the light of the approval of the petition but in the light of any evidence which may be presented to show that the immigrant will be assured of support in the United States.

§ 61.311 *Petition by citizen residing abroad.* (a) An American citizen residing abroad who desires to file a relative petition for nonquota status or preference-quota status should be given full information regarding the preparation of the petition in accordance with section 9 of the act. The regular \$2 notarial fee should be charged by the consular officer in connection with the execution before him of each one of the three sworn statements required in the petition (Department of Justice Form I-133), making a total possible charge of \$6. The duplicate of the petition should be a true copy of the original but no fee should be charged in connection therewith. Both copies of the petition should be signed by the petitioner, the witnesses, and the consular officer. The petitioner should then forward the original and copy of the petition to the Immigration and Naturalization Service, Department of

Justice, Washington, D. C. If a petition has been duly executed before the consular officer except for the witnesses' affidavits as provided in section 9 (c), it may be forwarded by the petitioner to one of the witnesses in the United States for completion by him and for transmission to the other witness, each of whom must be an American citizen who has known the petitioner for at least one year, and who must execute the witness affidavits in the petition as required by section 9 (d) of the act, before transmitting the petition to the Department of Justice.

(b) The completed petition together with the supporting documents called for in the information sheet attached thereto, when received at the Department of Justice from the petitioner or from one of the witnesses, will be considered by that Department as the basis for a possible authorization of nonquota or preference status on behalf of the alien or aliens named as the relative beneficiaries therein.

(c) In cases of emergency the following procedure may be followed: A petition which has been fully completed, including both witnesses' affidavits and appropriate supporting documents, at the consular office may be forwarded by the consular officer through the Department to the Department of Justice. The consular officer may then report this fact to the Department by airmail, or by telegraph at the petitioner's expense, for communication to the Department of Justice, including in his report a statement of his opinion regarding the American citizenship of the petitioner, the basis for his conclusions, and the relationship of the petitioner to the alien beneficiaries mentioned in the petition. In the case of a naturalized citizen the number of the certificate of naturalization should, if possible, be stated. The Department of Justice may, in such a case, act upon the consular officer's report in lieu of the petition. If it is impossible to complete the petition with respect to the affidavits of two American-citizen witnesses, the consular officer's report should state this fact and whether the petitioner is arranging to have two citizens forward their affidavits direct to the Department of Justice. If the petitioner cannot make such arrangements the consular report should state the names and addresses of two citizens in the United States who have known the petitioner for at least one year and upon whom the Department of Justice may call for the necessary witnesses' affidavits.

§ 61.312 *File or transfer of approved petitions.* (a) Petitions upon which visa action is pending should be kept in a separate file, subdivided as may be found desirable. Upon the issuance or refusal of a visa the petition should be filed with the dossier in the case in the file of visas issued or visas refused. If the alien dies or abandons his intention to immigrate the petition approved in his behalf may be placed in an inactive file.

(b) Approved petitions may be transferred from one office to another office and may be acted upon by the office to which transferred without any further authorization from the Department, but

the Department should be notified of such transfer.

§ 61.313 *Priority of quota immigrants.* (a) Priority of consideration of the cases of quota immigrants shall be in the following order, except that no alien in the United States and chargeable to an over-subscribed quota shall, unless his case falls within the provisions of subparagraph (3) (ii) of this section, have a priority which antedates his last departure from the United States:

(1) *First preference.* The priority of a first-preference quota immigrant shall be determined:

(i) In the case of a first-preference relative of an American citizen, by the date of the approval of petition Form I-133 by the Department of Justice.

(ii) In the case of a skilled agriculturist, by the date the alien submitted a registration form by mail to the consular office regardless of whether he was classified as a first-preference-quota immigrant skilled in agriculture at that time or not.

(iii) Neither the relatives of citizens nor skilled agriculturists shall have priority over the other as a class. The priority lists of applicants in each class must therefore be considered as merged.

(2) *Second preference.* The priority of a second-preference quota immigrant shall be determined by the date such alien submits a registration form by mail to the consular office.

(3) *Nonpreference.* The priority of a nonpreference quota immigrant, except one covered by the provisions of §§ 61.204 (b), 61.205 (c), and 61.221 (f), shall be determined as follows:

(i) *First-priority nonpreference class.* The first-priority nonpreference category of quota immigrants shall consist of aliens who have served honorably in the armed forces of the United States, the alien widows and alien unmarried minor children of citizens of the United States who have so served, and aliens who have served honorably as seamen for at least one year on vessels of the United Nations engaged in sailing from ports in the United States, the service in either case having occurred during the period of the war which began on September 1, 1939, such aliens not having voluntarily abandoned such service or occupation so long as they were not physically incapacitated for such service. Aliens in this category shall have their applications for nonpreference-quota immigration visas considered only after consideration shall have been given to the applications of all first-preference and second-preference quota immigrants awaiting visas. Aliens in the first-priority nonpreference-quota category shall have their applications for visas considered in the order in which their registration forms were properly filled out and received at the consular office, but consideration need not be given to the visa application of any alien in this category unless a quota number is likely to be available for use in issuing a visa to him.

(ii) *Second-priority nonpreference class.* The second-priority nonpreference-quota category shall consist of aliens who signified their desire to immi-

grate into the United States by filing, or having filed in their behalf, the BC forms required in connection with the advisory-opinion procedure under the additional wartime visa regulations (22 CFR Part 58), provided such BC forms were filed after July 1, 1941 and before July 1, 1945. Aliens in the second-priority nonpreference-quota category shall be entitled to have their cases considered only after consideration shall have been given to the cases of all aliens in the first-preference, second-preference, and first-priority nonpreference categories. Aliens in the second-priority nonpreference-quota category shall be considered as having a general priority as of July 1, 1941 but shall have their individual visa applications considered in the order in which their registration forms were properly filled out and received in the consular office. Consideration need not be given to the visa application of any alien in this category unless a quota number is likely to be available for use in issuing a visa to him.

(iii) *Nonpriority nonpreference-quota class.* The nonpriority nonpreference-quota category shall consist of aliens who do not fall within the first-preference, second-preference, first-priority or second-priority nonpreference categories. Aliens within the nonpriority nonpreference-quota category shall not be entitled to have their cases considered until consideration shall have been given to the cases of all aliens awaiting visas in the first-preference, second-preference, first-priority and second-priority nonpreference categories. Aliens in the nonpriority nonpreference-quota category may have their cases considered only in the order in which their individual registration forms were properly filled out and received in the consular office at which they are applying for visas, but consideration need not be given to the visa application of any alien in this category unless a quota number is likely to be available for use in issuing a visa to him.

(4) *Quota for Chinese persons.* The priority of applicants for visas under the 75 percent preference portion and under the 25 percent nonpreference portion of the quota for Chinese persons shall be determined as follows:

(i) In the case of a Chinese person who was subject to the requirement of filing a Form BC, by the date on which the alien filed a properly executed registration form at a consular office, but those Chinese persons in whose cases Forms BC were filed after July 1, 1941 and before July 1, 1945 shall be entitled to a priority as of July 1, 1941 and shall have their cases considered under this general priority in accordance with the order in which they filed properly executed individual registration forms at the consular office.

(ii) In the case of a Chinese person who was not subject to the requirement of filing a Form BC, by the date on which the alien filed a properly executed registration form at the consular office at which he desired to obtain an immigration visa under the quota for Chinese persons.

(5) *Transfer of priority.* An alien who is registered at a consular office,

and who changes his residence to another consular district, may request that his registered priority be transferred to the consular office in the district of his new residence. In such cases all documents on file in the alien's case may be transferred.

§ 61.314 *Consular responsibility regarding quotas.* (a) The act prohibits an American consular officer from issuing quota immigration visas to aliens of a particular quota nationality in excess of the annual quota established for quota immigrants of that quota nationality. Consular officers are concurrently responsible with the Department for keeping quota immigration within the prescribed quotas. No consular officer, therefore, should issue a quota immigration visa until a quota number for such visa shall have been obtained from the quota control office in the Department or from such other place as may hereafter be designated.

(b) The act further provides that in quotas of 300 or more the rate of issuance of quota immigration visas shall not exceed 10 percent of the annual quota in any one month. A consular office receiving a block allotment of quota numbers will therefore issue such numbers strictly in accordance with the limitations imposed by the quota control office.

§ 61.315 *Requests for allotment of quota numbers—(a) Undersubscribed quotas.* A request should be sent to the Department by airmail to arrive on or before the 15th of the month preceding the first of each quarter beginning January 1, April 1, July 1, and October 1, concerning the quota numbers desired during the following quarter. Separate requests bearing the date and name of the office should be submitted under each quota from which numbers are desired, showing separately the numbers desired for first-preference, second-preference, and nonpreference applicants. (There is no second-preference category under the quota for Chinese persons.)

(b) *Oversubscribed quotas.* (1) In variation from the procedure stated in the preceding paragraph, the following steps should be followed in requesting numbers under over-subscribed quotas: The consular officer should include in each request for quota numbers under each quota only the number of those applicants in each category who have been found, upon preliminary examination of their documents, to be qualified to receive immigration visas. The registration or other priority of each applicant should be shown by indicating the number in each category having priority as of each day and a cumulative total as of each day. The Department will thus be in possession of information from all consular offices showing the number of qualified applicants in each category under a particular quota, and the number having priority as of each day, as well as a cumulative total at each office for each day.

(2) On the basis of these reports, allotments of quota numbers will be sent by airmail for issuance during the ensuing quarter, at the rate of one third of the allotment in each month, to qualified applicants having a priority up to and

including a basic date to be specified by the Department in making the allotment. The Department may, in special circumstances, make allotments of quota numbers for use over a period in excess of three months. If an allotment should not be received by the consular office several days before the beginning of the quarter an inquiry should be sent to the Department by telegraph.

(3) If a sufficient number of qualified applicants having a priority up to and including the basic date specified by the Department fails to materialize, the numbers not used for such applicants should be promptly returned to the Department by airmail or telegraph for possible allotment elsewhere. However, such numbers need not be returned to the Department if there are any qualified applicants in the same category at the consular office having a priority within one month of the basic priority date as specified in the Department's allotment.

(4) If, on the other hand, more than a sufficient number of qualified applicants having a priority up to and including the basic date specified by the Department materializes, the priorities may, in the discretion of the responsible consular officer, be "frozen" for the first month covered by the quota allotment and readjusted, in his discretion, at the end of each month to conform to the actual priority of the qualified applicants.

§ 61.316 *Immigration quotas.*¹ The following is a list of the annual immigration quotas established for the various quota countries of the world:

Country or Quota Area	Quota
Afghanistan ¹	100
Albania	100
Andorra	100
Arabian peninsula ^{1,2}	100
Australia (including Tasmania, Papua, and all islands appertaining to Australia) ^{1,3,4,5}	100
Austria	1,413
Belgium ^{3,6}	1,304
Bhutan ¹	100
Bulgaria	100
Cameroons (British mandate) ⁵	100
Cameroun (French mandate) ⁵	100
China ¹	100
Chinese ⁶	105
Czechoslovakia	2,874
Danzig, Free City of	100
Denmark ³	1,181
Egypt	100
Estonia	116
Ethiopia (Abyssinia)	100
Finland	569
France ^{1,3,5}	3,036
Germany ⁷	25,957
Great Britain and Northern Ireland ^{1,3,4,5}	65,721
Greece	307
Hungary	869
Iceland	100
India ^{1,4}	100
Iran (Persia) ¹	100
Iraq (Mesopotamia)	100
Ireland (Eire) ⁴	17,853
Italy ³	5,802
Japan ^{3,5}	100
Latvia	236
Liberia	100
Liechtenstein	100
Lithuania	386
Luxembourg	100
Masqat (Oman) ¹	100
Monaco	100

¹ (Established by authority of the act of March 24, 1934; 48 Stat. 462; 48 U.S.C. 1238; Proc. 2283, April 28, 1938; Proc. 2603, February 8, 1944.)

Country or Quota Area	Quota
Morocco (French and Spanish zones and Tangier)	100
Nauru (British mandate) ⁵	100
Nepal ¹	100
Netherlands ^{1,3}	3,153
New Guinea, Territory of (including appertaining islands) (Australian mandate) ^{1,5}	100
New Zealand ^{3,4,5}	100
Norway ³	2,377
Palestine (with Trans-Jordan) (British mandate) ⁵	100
Philippine Islands	100
Poland	6,524
Portugal ^{1,3}	440
Ruanda and Urundi (Belgian mandate) ⁵	100
Rumania	377
Samoa, Western (mandate of New Zealand) ⁵	100
San Marino	100
Saudi Arabia ² (Hejaz and Nejd and its Dependencies)	100
Siam	100
South-West Africa (mandate of the Union of South Africa) ^{3,5}	100
Spain ³	232
Sweden	3,314
Switzerland	1,707
Syria and Lebanon (French mandate) ⁵	123
Tanganyika Territory (British mandate) ⁵	100
Togoland (British mandate) ⁵	100
Togoland (French mandate) ⁵	100
Turkey ³	223
Union of South Africa ⁵	100
Union of Soviet Socialist Republics	2,712
Yap and other Pacific islands under Japanese mandate ^{1,5}	100
Yugoslavia	845

¹ Aliens, other than Chinese persons, who were born within the Barred Zone as defined in the Immigration Act of 1917, who are admissible under the immigration laws of the United States, (a) if born in countries to which the quotas hereby established are applicable, will be charged to the quotas of those countries; (b) if born in colonies, dependencies, or protectorates of France, Great Britain, the Netherlands, or Portugal, and such areas have no separate quota, will be charged to the quota of the country to which such colony or dependency belongs or by which it is administered as a protectorate.

² The quota area denominated "Arabian peninsula" comprises all territory situated in the portion of that peninsula to the south and southeast of Iraq, Palestine with Trans-Jordan, and Egypt, together with all appertaining islands, except the Kingdom of Saudi Arabia, Masqat, and the dependencies or protectorates of European countries.

³ Quota immigrants born in a colony, dependency, or protectorate of any country to which a quota applies (including the colonies and dependencies of European countries situated in Central America, South America, or the islands adjacent to the American continents), will be charged to the quotas of the country of which such colony or dependency belongs or by which it is administered as a protectorate.

⁴ Quota immigrants born in the following British self-governing dominions, namely, Australia, the Irish Free State, New Zealand, and the Union of South Africa, or in India, will be charged to the appropriate separate quota. There are no quota restrictions for Canada and Newfoundland.

⁵ A separate immigration quota is provided for each of the mandated territories, in accordance with the provisions of the Immigration Act of 1924.

⁶ Includes the Saar Basin territory.

⁷ Does not include Basutoland and Swaziland, which come under "Great Britain and Northern Ireland."

⁸ The region to which the Turkish quota applies comprises all territory which is under Turkish sovereignty. It therefore includes

all the territory the cession of which was confirmed to Turkey by the treaty of Kars of October 13, 1921, between the Governments of Turkey, Armenia, Azerbaidzhan, and Georgia—the present vilayets of Ardahan and Kars.

*With certain exceptions, all Chinese persons entering the United States annually as immigrants are charged to this quota.

IMMIGRATION-VISA APPLICATIONS

§ 61.317 *Where immigration-visa application may be made.* (a) An application for an immigration visa may be made at any American consular office, or other office specifically designated, which has been authorized to issue immigration visas. No consular agency may issue immigration visas.

(b) An alien ordinarily should make his application for an immigration visa at the American consular office in his foreign home district. An alien who deliberately leaves his foreign home district for the purpose of making an application for an immigration visa elsewhere will be referred back to the American consular office in his foreign home district. However, an alien may apply for an immigration visa at a consular office outside of his foreign home district if the consular officer to whom he applies is satisfied:

(1) That the alien has a bona-fide reason for applying outside of his foreign home district;

(2) Of the alien's true identity;

(3) That the alien has no adverse record in his foreign home district which would preclude the issuance of an immigration visa to him; and

(4) That the alien is in possession of all the "available" documents which can be obtained from his home district.

(c) In no case of an adult alien who is not well and favorably known to the principal consular officer should an immigration visa be issued outside of the alien's foreign home district without notification to, and receipt of clearance from, the consular officer in the alien's foreign home district, the principal consular office in the country of the alien's nationality, or the principal consular office in the foreign country of the alien's birth, whichever is the nearest office most likely to have a previous record regarding the alien.

(d) For the purposes of this section an alien's foreign home district shall ordinarily be considered as that district of a foreign country in which the alien has a domicile, or in which he has lived for the last five years. However, an alien who has in good faith abandoned his residence or domicile in his former home country without any purpose of circumventing the immigration laws of the United States may have his visa application accepted at an American consular office in the district in which he may be temporarily residing or sojourning while awaiting an opportunity to immigrate into the United States. In such cases, however, the provisions of paragraphs (b) and (c) above are applicable.

(e) Questionable cases may be reported to the Department for a ruling on the question of jurisdiction.

§ 61.318 *Applications of minors.* In the case of a minor under 14 years of age

the immigration-visa application may be executed and sworn to by the applicant's parent or guardian. In the case of an applicant under 14 years of age but having no parent or guardian the application may be executed and sworn to by the applicant or by any person having lawful custody of, or a legitimate interest in, the applicant. A minor 14 years of age or over shall execute his own application. In any case the minor should be required to present himself in person at the consular office for examination prior to the issuance of a visa.

§ 61.319 *Immigration-visa application form.* Applications for immigration visas shall be made in duplicate on Forms 256a and 256b, which provide for the classification of each applicant as a quota or a nonquota immigrant and for the subclassification of each applicant as a first-preference-quota, second-preference-quota, or nonpreference-quota immigrant. Space is also provided for the classification of an immigrant not falling within any of the categories above mentioned. Supplies of the official immigration-visa application forms may be obtained upon requisition from the Department.

§ 61.320 *Excluding provisions of law to be explained to applicants.* An alien must state in his application for an immigration visa whether or not he is a member of any of the classes excluded under the immigration laws, which classes are listed in the application. As the action to be taken on an application for an immigration visa may depend to a large extent upon the applicant's statements in this respect, the consular officer should be careful to see that before taking the oath the applicant fully understands the meaning of the excluded classes listed in the application. Consular officers should be prepared, upon the request of the applicant, to explain to him the pertinent excluding provisions of the law. The penalty for swearing falsely should be explained to an applicant if such action is deemed to be desirable.

§ 61.321 *Burden of proof.* Section 23 of the act provides in part that "Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws". The application of an alien for a visa at an American consular office is the first step in attempting to enter the United States.

§ 61.322 *Preparation of applications.* (a) Applications should be typewritten at the consular office. All questions should be answered on the form, or the blank spaces following unanswered questions should be lined through or crossed out with pen and ink or with the typewriter. The applicant will be required to furnish three copies of his photograph, approximately two inches square, full front view, without hat, on light background and on thin paper. A copy of the alien's photograph shall be firmly attached in the space provided therefor on Forms 256a and 256b and impressed with the legend machine in a manner

which does not cover the features. The third copy of the alien's photograph shall be placed in a sealed envelope and attached with the section 7 (c) documents to Form 256a in accordance with instructions in § 61.327 (i). Officers not having a legend machine will use the impression seal. The consular impression seal should invariably be used in completing the alien's application.

(b) Occupations noted on visa-application forms should be in accord with the following list:

PROFESSIONAL

Actors.	Officials (Governments).
Architects.	Physicians and surgeons.
Clergy.	Sculptors and artists.
Editors and writers.	Teachers and professors.
Engineers.	Other professional.
Lawyers.	
Musicians.	

SKILLED

Bakers.	Millers.
Barbers and beauticians.	Miners.
Brewers.	Painters and glaziers.
Butchers.	Pattern makers.
Clerks and accountants.	Photographers.
Furriers and leather workers.	Plasterers.
Gardeners.	Plumbers.
Garment workers.	Printers and bookbinders.
Jewelers.	Tobacco workers.
Mariners.	Watch and clock makers.
Masons.	Weavers and spinners.
Mechanics and machinists.	Woodworkers.
Metal workers and smiths.	Other skilled.

MISCELLANEOUS

Agents.	Merchants and dealers.
Bankers.	Servants.
Farmers and farm laborers.	Other miscellaneous.
Fishermen.	No occupation
Hotel keepers.	(Including women and children).
Laborers.	
Manufacturers.	

(c) An applicant's statement regarding the race to which he belongs shall be accepted as satisfactory for the purpose of filing an application, unless the applicant claims to be of a race eligible to naturalization and the consular officer knows or has reason to believe that the applicant is of an ineligible race, in which event the consular officer should attach to the application a memorandum of his conclusions regarding the race of the applicant. The consular file copy of the application should show, in any case, regardless of whether the question of race is material, the consular officer's conclusion regarding the race of each applicant, if such conclusion is different from the applicant's statement.

§ 61.323 *Inclusion of additional statements.* (a) When a consular officer deems it advisable, he may require an applicant to prepare a statement regarding the material matters affecting his case which it is desired to have included in his visa application.

(1) The statement should be headed:

I, _____, applicant for an immigration visa, make the following statement under oath which statement I request to be made a part of, and incorporated in, my

application for an immigration visa. My oath and signature to the attached application form cover my statements contained herein.

(2) On the immigration-visa application form, above the sentence commencing, "Wherefore, I apply for an Immigration Visa * * *", the following statement should be entered:

That the information contained in my application for an immigration visa includes the information contained in the attached statement which I hereby make a part of my application under oath for an immigration visa.

(3) The alien's statement mentioned in subparagraph (1) of this paragraph should be attached securely by ribbon and wafer seal to the application form and the statement quoted in subparagraph (2) of this paragraph should be inserted on the application form prior to administering the oath to the alien and before he signs the application. The alien's oath and signature on the application form cover his statement attached thereto. Accordingly, since only one service is involved it will not be necessary to administer a separate oath or to require the alien to pay a separate notarial fee.

(b) In connection with the preceding paragraph and subparagraphs, reference is made to section 7 (b) (3) of the act, which provides that an immigrant shall furnish in his visa application "such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws, as may be by regulations prescribed."

§ 61.324 *Interpreters.* Care should be taken to use only competent interpreters in order to avoid misunderstandings and misinterpretation.

§ 61.325 *Signature and verification.* The act provides that an applicant for an immigration visa shall sign both the original and the duplicate copy of the immigration visa application in the presence of the consular officer and that the applicant shall verify his statements under oath or by affirmation before the consular officer. Consular officers should sign the duplicate copies of visa applications as well as the originals.

§ 61.326 *Fee for immigration-visa application.* The fee for the preparation and acknowledgment of an application for an immigration visa is \$1 which should be collected by the consular officer. A fee stamp for the prescribed amount should be affixed to the application and canceled thereon.

§ 61.327 *Supporting documents to be attached to immigration visas.* (a) Documents in duplicate which are required of an applicant under section 7 (c) of the act and which are to be attached to his visa application are copies of public records "kept by the Government to which he owes allegiance", which are ascertained to be "available". The records may be those of the municipal, provincial, or national authorities. If the applicant is in possession of only one copy of any of the required documents a certified duplicate or photostatic copy of the original may be made from that copy.

(b) With reference to the term "dossier" there should be required any available official document showing an applicant's police record. Section 7 (c) of the act requires the presentation of two copies of a dossier (or police record) from the country to which an alien owes allegiance. However, in view of the provisions of section 23 of the act an alien may be required to present similar evidence from any other country in which the consular officer knows or has reason to believe the alien may have a record.

(c) With reference to the term "prison record" there should be required any available official document showing whether an applicant has been incarcerated in a penal institution.

(d) With reference to the term "military record" there should be required any available official document setting forth the applicant's record while serving with the military forces. (This does not refer to those personal documents, such as a discharge certificate or enrolment book, which are issued to remain in the individual's possession, although the consular officer may require an applicant to exhibit such a document for inspection if it is available and if it is deemed to be necessary to establish the applicant's identity or admissibility into the United States under the immigration laws.)

(e) The term "birth certificate" means a certificate issued by the custodian of the records of births in the country of an applicant's birth, showing the date and place of the applicant's birth and the names of the parents. A consular officer is to require and to attach to the visa application any other available satisfactory documentary evidence of birth if a birth certificate is not available and such evidence is necessary to establish an applicant's place or date of birth or parentage. In such a case a memorandum regarding the date and place of the applicant's birth as shown in any passport or other travel document he may have in possession should be attached to the visa.

(f) The phrase "all other available public records", as used in section 7 (c) of the act, refers to available official records necessary for the identification of an applicant or the determination of his admissibility into the United States under the immigration laws. A copy of the marriage record, for example, may or may not, according to the circumstances of the particular case, be a requisite document.

(g) When copies of public records kept by a government other than that to which an applicant owes allegiance are ascertained to be available and are necessary to establish an applicant's identity or admissibility into the United States under the immigration laws, as in the case of an applicant who has formerly owed allegiance to another government or of an applicant who is residing in a country other than the one to which he owes allegiance, the consular officer should require such documents and attach them to the original and duplicate copies of the visa application.

(h) The immigration visa should be initialed by the medical officer of the

United States Public Health Service who examined the immigrant prior to the issuance of the visa, or, if the immigrant was examined by a local physician or surgeon, the medical certificate issued by him should be attached to the visa with the section 7 (c) documents. In cases where it is considered desirable, the medical certificate may be placed in a sealed envelop, which should be attached to the visa with the section 7 (c) documents.

(i) The following method of attaching required documents to immigration visas should be uniformly followed:

(1) The documents should be laid on the lower part of the application form, face up, with their left-hand edges and tops even with the bottom and left-hand edge of the application side of the form. The upper left-hand corners of the documents will be on the lower left-hand corner of the application side of the form. Any part of the documents which may extend beyond the lower right-hand edge of the application side of the form should be folded over along the edge of the form. The documents should then be fastened to the application form near the lower left-hand corner with two round metal eyelets, one approximately 1½ inches from the bottom edge, the other in a horizontal line, approximately 1½ inches to the right of the first eyelet. If necessary a ribbon should then be passed through the eyelets and double-knotted on the visa side of the application form.

(2) Documents in support of an application other than those required to be attached to the visa should be returned to the alien for possible use at the port of entry. This refers particularly to documents of a personal nature, such as college degrees, certificates of ordination, certificates of marriage, letters of recommendation, affidavits, and other evidence of support.

§ 61.328 *Availability of supporting documents.* (a) A document is "available" when it can be obtained by reasonable effort. Consular officers should consult the reference sheets furnished by the Department listing the documents which have been reported to be generally available in the various countries. If the civil records in any country or district have been destroyed or disturbed since the date of the last sheet issued, a suitable report should be sent to the Department by the consular officer in such country or district in order that the appropriate reference sheet may be revised.

(b) In issuing a visa without one or more of the documents which have been found to be generally available, and required under section 7 (c) of the act, to an immigrant unable to obtain the document or documents, the consular officer should affix to the visa a certificate, over his signature and seal of office, setting forth in detail the reason why the document or documents were not available to the immigrant.

§ 61.329 *Authenticity of supporting documents.* If a consular officer has reason to doubt the authenticity of a document submitted to him, he should take appropriate steps to determine whether such document may be accepted

as genuine and as properly issued. In the case of a questionable document emanating from a source in the United States the document may be submitted to the Department with a full report for possible investigation in the United States.

§ 61.330 *Preliminary examination of documents.* (a) In communicating with a prospective immigrant who desires to apply for a visa, a consular officer, after advising the alien of the documentary and other requirements, may inform the alien that a preliminary examination will be made of such documents as he may submit, preferably by mail, at his own risk, and may state that he will advise the alien at a later date whether the documents appear to be sufficient and satisfactory so far as can be ascertained in advance of the required personal appearance of the applicant at the consular office to execute a formal application for a visa.

(b) An alien who is in the United States and who desires to obtain an immigration visa with which to apply for admission for permanent residence may, if he is not chargeable to an oversubscribed quota, have his documents examined at a consular office before he leaves the United States.

(c) When informing an alien that his documents appear to be sufficient and satisfactory, it should be added that no assurance can be given that a visa will be granted until the alien has personally appeared at the consular office, has been examined, and has been found to be eligible to receive a visa under the immigration laws and regulations. The alien should also be advised to present himself promptly at the consular office for visa examination, as new or additional documents may be required of him to meet any change which may occur in the circumstances of his case.

(d) If the documents submitted are insufficient or unsatisfactory, the letter informing the alien should advise him in what respects they are insufficient or unsatisfactory and that he may present such other documents as he may desire to submit. A suggestion that further documents may be submitted, however, would not be appropriate if the alien is found to be inadmissible into the United States on some ground which cannot be overcome by the submission of further documents.

(e) It is considered to be advisable for consular officers to retain the documents submitted in any case, pending the personal appearance of the applicant.

§ 61.331 *Medical certificates.* In order that the admissibility of an immigrant under certain provisions of section 3 of the Immigration Act of 1917 may be determined before a visa is issued to him, it will be necessary that such immigrant undergo an appropriate medical examination. At consular offices at which medical officers of the United States Public Health Service are assigned, such examination will be conducted by the officers of that Service. At consular offices at which officers of the United States Public Health Service are not assigned, an immigrant shall be required to obtain

a medical certificate from a local doctor designated by the consular officer showing, after appropriate examination, the physical and mental condition of the applicant, with special reference to tuberculosis, loathsome or dangerous contagious diseases, and mental or physical defects which may affect the ability of the alien to earn a living. The medical certificate issued by a local doctor should be transmitted by him directly to the consular officer and should not be delivered by him to the applicant for presentation to the consular officer.

§ 61.332 *Designation of examining physicians.* A consular officer at whose office no medical officer of the United States Public Health Service has been assigned to conduct the medical examinations of intending immigrants should prepare a list of reputable and competent physicians in his district designated to conduct appropriate medical examinations of immigrants and furnish appropriate medical certificates. The consular officer may require certificates from a doctor on such list to the exclusion of certificates from other physicians. The consular officer should bring to the attention of the designated physicians the regulations of the United States Public Health Service governing the medical examination of aliens. The fees charged the immigrants by the designated doctors should be reasonable in amount.

§ 61.333 *Quota immigrants not to be issued nonquota visas.* Under no circumstances should an alien who is classifiable only as a quota immigrant be issued an immigration visa as a nonquota immigrant.

§ 61.334 *Quota visas may be issued to nonquota immigrants.* In view of the provisions of section 11 (g) of the act a quota immigration visa may be issued to a nonquota immigrant when it is certain that the quota involved will not be exhausted during the fiscal year. As a rule qualified nonquota immigrants should be issued nonquota immigration visas. However, if considerable delay and inconvenience to an alien would result from the procedure required to establish nonquota status, the alien may be issued an immigration visa under the appropriate quota: *Provided*, That such quota is not likely to be filled during the year and the alien is otherwise qualified to receive an immigration visa.

§ 61.335 *Fee for immigration visa.* (a) The fee for an immigration visa is \$9 which should be collected by the consular officer issuing such a visa. A fee stamp for the prescribed amount should be affixed to the immigration visa and canceled thereon.

(b) The fee collected for an immigration visa which has been issued should not be refunded without specific authorization of the Department. Such authorization may be considered by the Department in the following circumstances:

(1) If the consular officer in issuing the visa committed an error of such character as to render the visa invalid; and

(2) If the applicant was not at fault,

(c) Consular officers requesting authority to refund visa fees should cover each of the two points above mentioned in their requests.

§ 61.336 *Issuance of immigration visa to be noted on passport.* When an immigration visa is issued, the consular officer should (except as provided in § 61.337) make a cross-notation of the number and date of the immigration visa upon the passport of the immigrant. The notation should be in the following form:

Nonquota.....	Immigration Visa.....
Quota.....	No.
Dated	
Issued to.....	(Name)
American Consul at.....	

§ 61.337 *Notation not to be made on travel document issued by unrecognized government.* No notation or stamp of any kind should be placed on an immigrant's travel document issued by a government not recognized by the United States, nor shall any seal of an American diplomatic or consular office be placed thereon.

§ 61.338 *Disposition of original and copies of immigration-visa applications.* The original of an immigration visa should be delivered to the alien. The signed duplicate of the visa and application therefor should be placed in the file of visas issued.

§ 61.339 *Period of validity of immigration visa.* An immigration visa, whether quota or nonquota, may be issued for a maximum period of validity of 4 months from the date of issuance. Thus, an immigration visa issued at any hour on June 15 will expire at midnight on October 15. Unless special reasons exist, all immigration visas should be issued for a period of validity of 4 months. If an immigration visa is issued for this period it may not be extended.

§ 61.340 *Extension of period of validity of immigration visa.* If the period of validity of an immigration visa was originally fixed at less than 4 months, such period may be extended to a total period not exceeding 4 months from and including the date of issuance. Such extension may be made by any consular officer to whom the immigrant may apply. A consular officer, before extending the period of validity of an immigration visa, may, if he deems it necessary, communicate with the issuing office by mail, or by telegraph at the applicant's expense. A consular officer extending the period of validity of an immigration visa should make a dated notation on the visa, over his seal and signature, of the action he has taken. No fee should be collected for extending the period of validity of an immigration visa.

§ 61.341 *Application for admission after expiration date of visa.* An immigrant may apply for admission into the United States on a date subsequent to the date of expiration of his visa, subject to the conditions set forth in section 2 (c) of the act.

§ 61.342 *New nonquota visas.* A nonquota immigrant whose nonquota im-

migration visa has been lost or mutilated, or has expired, may be issued a new nonquota immigration visa at the same or another office upon the payment of new fees for the application and for the visa, provided he is found to be still qualified to receive a nonquota immigration visa. The new visa should be given a new number in the series of nonquota immigration visas issued at the consular office. Consular officers are authorized to communicate, in their discretion, with the original issuing office in such cases before issuing a new visa. Before issuing a new nonquota immigration visa to an immigrant alleging that his original visa has been lost or destroyed, a consular officer should be satisfied that the loss or destruction of the visa has actually occurred.

§ 61.343 *Replace quota visas.* A quota immigrant whose quota immigration visa has been lost or mutilated or has expired may be issued a replace visa under the same quota number during the same quota year in which the original was issued, upon payment of new fees, provided the immigrant is found to be still qualified to receive an immigration visa. The replace visa may be issued by a consular office other than that which issued the original visa. Consular officers are authorized, in their discretion, to communicate with the original issuing office in such cases before issuing a replace visa. A notation regarding the fact that an immigration visa is a "replace visa" should be made on its face, with a reference to the visa replaced. Before issuing a replace quota immigration visa to an immigrant alleging that his original visa has been lost or destroyed, a consular officer should be satisfied that the loss or destruction of the visa has actually occurred.

§ 61.344 *Disposition of mutilated or expired immigration visas.* An immigration visa which has been mutilated or has expired should be taken up, endorsed as "canceled", and filed with the duplicate of the "replace" visa issued. The date of cancellation should be noted on the visa over the signature of the canceling officer. The section 7 (c) documents attached to the visa which are not obsolete may be detached and used in issuing the "replace" visa. The fee stamps on the old visa should be mutilated.

§ 61.345 *Report of loss of immigration visa.* The circumstances of every case involving the loss of an immigration visa should be promptly reported to the Department.

§ 61.346 *Refusal of immigration visa.* (a) An informal refusal of an immigration visa occurs when a consular officer, in his preliminary examination of an alien at a consular office, discovers cause for refusal of such visa and the alien, upon being informed thereof, decides not to execute a formal application.

(b) A formal refusal of an immigration visa occurs when a consular officer declines to issue an immigration visa after an alien has executed a formal ap-

plication on the prescribed form and has paid the prescribed application fee.

(c) An immigration visa may be refused only on a ground provided in the law and regulations.

§ 61.347 *Authority to refuse immigration visas.* (a) The legal authority of a consular officer to refuse to issue an immigration visa is contained in section 2 (f) of the Immigration Act of 1924 and section 1 of the act of June 20, 1941. In time of war an immigration visa may also be refused in accordance with the regulations (22 CFR Part 53) prescribed under the proclamation of the President (Proc. 2523 of November 14, 1941) issued in pursuance of the act of June 21, 1941, which amended the act of May 22, 1918.

(b) Section 2 (f) of the Immigration Act of 1924 provides five separate grounds upon which an immigration visa may be refused:

(1) When the consular officer knows that the immigrant is inadmissible into the United States under the immigration laws;

(2) When the consular officer has reason to believe that the immigrant is inadmissible into the United States under the immigration laws;

(3) When it appears to the consular officer from statements made in the application that the immigrant is inadmissible into the United States under the immigration laws.

(4) When it appears to the consular officer from statements made in the papers submitted with the application that the immigrant is inadmissible into the United States under the immigration laws; and

(5) When the application fails to comply with the provisions of the Immigration Act of 1924. This means that the immigration visa may be refused if the alien fails to furnish in his application the information required to be stated therein; if he makes a false statement in the application; if the application is not accompanied by the necessary supporting documents; if the fees are not paid; if the alien fails to execute the oath to the application; or if the application in any other manner fails to comply with the act.

§ 61.348 *Review of refusal cases.* Whenever there is more than one consular officer at a consular office, a refusal case should be reviewed carefully by a second officer and both should sign the memorandum of refusal provided for in § 61.350. In every case the officer having supervision over visa work should sign the memorandum of refusal.

§ 61.349 *Endorsement and disposal of application forms on refusal of immigration visa.* When an immigration visa is formally refused, the completed application form 256a, bearing the canceled \$1 fee stamp, and the duplicate copy of the application (form 256b) should be endorsed "Visa refused under authority of Immigration Act of 1924" in red ink (in writing or by rubber stamp) in the space provided for the visa. The duplicate copy should show the specific ground of refusal. The endorsement should be signed and dated by the officer refusing the visa. The fee stamp should be mutilated and approximately one inch of paper should be cut from each corner of form 256a. Form 256a should be given to the applicant, and form 256b should be placed in the file of visa refusals. The original section 7 (c) documents submitted by the applicant in connection with his application may be returned to him.

§ 61.350 *Memorandum of refusal.* Every refusal of an immigration visa must be explained in a memorandum of refusal prepared on Form 290 and placed in the file of visa refusals. The memorandum should contain sufficient information to form the basis of an adequate report to the Department or to an interested person if such a report should be requested at some later date.

§ 61.351 *Refusal cards.* (a) Upon the refusal of an immigration visa, either formal or informal, on security grounds, or on mandatory immigration grounds such as, for example, because the alien has been convicted of, or has admitted committing, an offense involving moral turpitude, or because he is suffering from a class-A medical defect, etc., visa refusal cards (Form 247) should be prepared in sufficient number to provide one copy to be retained in the files of the office of application, one copy to be sent to the supervisory consulate general or other central clearing office in the country of application, one copy to be sent to the central clearing office in the country of the alien's birth, and one copy to be sent to the central clearing office in the country of the alien's nationality. Fewer cards would, of course, have to be made in the case of an alien who, for example, applies in the country of his birth and nationality. Offices preparing or receiving such cards should arrange or file them in readily accessible order as promptly as possible.

(b) It is not necessary to prepare cards covering refusals of visas upon grounds which may possibly be overcome by bona-fide changes in the facts of a case or by the presentation of further documentary evidence of the true facts, as in the case of an alien initially considered likely to become a public charge, or an alien believed to be a contract laborer, or an alien suffering from a class-B medical defect. If it is suspected that fraud may be attempted at another office, the necessary refusal cards should be prepared and distributed.

§ 61.352 *Lookout cards.* Action similar to that required by § 61.351 will also be taken in the case of an alien believed to be inadmissible into the United States under the immigration laws but who has not been refused a visa, if the consular officer has reason to suspect that an attempt may be made to obtain a visa at another office.

§ 61.353 *Deportation cards.* Cards containing the names of persons who have been deported from the United States since March 4, 1929, received at a consular office, should be placed in the visa refusal-card file. If the office does not have cards covering deported persons of an applicant's nationality it may in a doubtful case request that a check be made by the Department. The request

may be made by telegraph at the alien's expense and should state the alien's name; date and place of birth; last place of residence in the United States; the name of the vessel, the port, and the date of the alien's departure from the United States.

§ 61.354 *Removal-notification cards.* Cards containing the names of persons who have been removed from the United States under the provisions of section 23 of the Immigration Act of February 5, 1917, as amended, received at a consular office, should be placed in the visa refusal card file. The card-checking procedure described in § 61.353 for deportees should be followed in the cases of visa applicants whose admissibility into the United States as removed aliens may be in doubt. (See § 61.351.)

§ 61.355 *Refusal and lookout cards to be consulted.* The office file of refusal and lookout cards should be consulted in each case before the issuance of a visa.

§ 61.356 *Refusal and lookout cards to be recalled upon issuance of visa.* In cases in which refusal or lookout cards relating to an alien have been sent out and he is subsequently issued a visa, the visa-issuing office will forward new cards bearing the alien's name, a reference to the previous cards, and a notation of the issuance of the visa, to each office which may have a previous card.

§ 61.357 *Verification on behalf of the Department of Justice of an alien's departure from the United States.* (a) When the Department transmits a request received from the Department of Justice for verification of an alien's departure from the United States and arrival in a foreign country, the consular officer who is requested to make the verification should communicate with the alien and endeavor to verify his presence in the foreign country. If such presence is verified a certificate should be prepared containing the following:

Name: _____
 Place and date of birth: _____
 Last residence in the United States: _____
 Port, date, and steamship (if any), of last departure: _____
 Port, date, and steamship (if any), of alien's arrival in the United States: _____
 Present address: _____
 A photograph of the alien: _____
 Signature of the alien: _____

A consular officer should comply with the wishes of the Department of Justice whenever it is practicable to do so. The photograph is to be supplied by the alien and the certificate should be forwarded to the Department with a covering despatch for transmission to the Department of Justice.

(b) In accordance with item No. 38, Tariff of United States Foreign Service Fees, no fee should be charged for performing the service indicated.

PASSPORTS AND TRAVEL DOCUMENTS

§ 61.375 *Persons who may be included in one passport.* A passport may include any person or persons whose inclusion in the passport is proper under the regulations of the issuing government and whose photographs are attached to the passport, except that the photograph of

a child or children under 14 years of age need not be attached if not required by the regulations of the issuing government. If any person is included in a foreign passport who may not be included in a single passport visa, a separate passport visa shall be stamped in the passport for such person.

§ 61.376 *Aliens unable to present valid passports.* (a) An alien who is unable to present a valid passport issued by the government of the country to which he owes allegiance, such as an alien of no nationality or an alien who is unable to obtain a passport and is outside of the territory of the country to which he owes allegiance when he applies for a visa, may present a travel document which is issued by an official duly authorized to issue such a document, and which shows the bearer's identity and his nationality, if any. For definition of the term "passport," see § 61.101 (e).

(b) An expired passport may be considered as a document of identity only. Such a document may be accepted by a consular officer in lieu of a valid passport if the bearer is able to submit a full and satisfactory reason why he is unable to obtain a valid passport or an official document in the nature of a passport from the government to which he owes allegiance and is able to present a document in lieu of a valid passport as provided in the preceding paragraph.

(c) The travel document to be used in lieu of a valid passport, as provided in the two preceding paragraphs, may include any person or persons whose inclusion is proper under the regulations of the issuing authority and whose photographs are attached thereto, except that the photograph of a child or children under 14 years of age need not be attached if not required by the regulations of the issuing authority.

§ 61.377 *Aliens unable to present passports or documents in lieu thereof.* (a) If a visa applicant is unable to present a valid passport or a travel document in lieu thereof as provided in the preceding section (as in the case of an alien woman married to an American citizen subsequent to the act of September 22, 1922), the consular officer may accept an affidavit to which the signed photograph of the affiant shall have been securely affixed. Such affidavit should set forth the nationality, if any, of the applicant and the reasons why a regular passport or a travel document in lieu thereof is unobtainable. The photograph attached to the affidavit should be impressed with the consular legend machine in a manner which does not obscure the features. Offices not having a legend machine will use the impression seal. Such an affidavit should include:

(1) The alien's name and address in full;

(2) Information concerning the date and place of the alien's birth and, in the case of a married woman, the full name of her husband and the date and place of his birth;

(3) Information concerning the date and place of marriage, in the case of a married woman;

(4) A statement regarding the date and place of any declaration of inten-

tion by the alien to become an American citizen;

(5) Information concerning the date and place of the naturalization in the United States of the alien's husband, if any;

(6) A paragraph explaining why a passport or other travel document cannot be obtained from the country of allegiance;

(7) A photograph of the affiant with consular seal impressed partially on the document and partially on the photograph, which should be signed by the affiant;

(8) A description of the affiant, substantially the same as that which appears on a passport. This data should appear at the bottom of the affidavit opposite the photograph.

(b) A notarial fee of \$2 shall be charged for the execution of an affidavit of identity and nationality before an American consular officer. A duplicate of the affidavit bearing a copy of the alien's signed photograph should be filed at the consular office in the alien's dossier.

(c) The affidavit may include the affiant's wife and his or her accompanying children under 14 years of age, if they are also unable to present passports or documents in lieu thereof. In such case the affidavit should contain information with respect to each person similar to that required for the affiant. Photographs of all persons included with the affiant in the affidavit, except minors under 14 years of age, should be affixed to the affidavit.

§ 61.378 *Travel documents issued by governments not recognized by the United States.* An alien may present a travel document issued by a government not recognized by the United States. However, see § 61.337.

§ 61.379 *Required validity of passports or travel documents of temporary visitors, transit aliens, and nonquota students.* An alien desiring to enter the United States as a nonimmigrant under sections 3 (2) or 3 (3), or as a nonquota immigrant under section 4 (e), of the act, in whose case the passport requirement has not been waived, is required to present to the consular officer a passport or other travel document valid for the alien's return abroad, or for his entry into some foreign country, for a period of at least 60 days beyond the period of his contemplated stay in the United States. In the case of a section 4 (e) student it will be sufficient if the consular officer has reason to believe that the passport may be extended for the necessary period or that a new passport may be issued for such period. (See §§ 61.135, 61.149, and 61.158.)

REGISTRATION AND FINGERPRINTING

§ 61.385 *Registration and fingerprinting.* The Alien Registration Act of 1940 provides that, with certain exceptions, no visa shall be issued to any alien seeking to enter the United States unless the alien has been registered and fingerprinted. The visa application and registration form for immigrants are consolidated in Forms 256a and 256b and

for nonimmigrants in Forms 257b and 257c. The Alien Registration Act provides no authority to exempt an alien from the registration and fingerprinting requirements, unless the alien falls within a class specifically exempted by the law from such requirements, in which case the alien will be a nonimmigrant foreign-government official or a member of his family (see § 61.386), and the words "and alien registration" should be crossed out or lined through on Forms 257b and 257c.

§ 61.386 *Exemptions from registration and fingerprinting.* (a) The registration and fingerprinting requirements of the Alien Registration Act of 1940 apply to the cases of all aliens to whom immigration visas, diplomatic visas, or passport visas are issued, except in the following classes of cases:

(1) Foreign-government officials, which term (with the exceptions stated in (h) and (i) below) includes:

- (i) Foreign diplomatic officers;
- (ii) Foreign consular officers of career;
- (iii) Employees of diplomatic missions and foreign consular offices;
- (iv) Other officials of foreign governments who are in the United States in an official capacity, including commissioned officers of the military, naval, and air forces of foreign countries and official delegates to international conventions;
- (v) The staffs, attendants, and employees of the persons in the four preceding categories;
- (vi) Other officials of foreign governments who are in the United States on personal business or pleasure or in transit through the United States;
- (vii) Students who hold an official position in the national, state, or local governments of the country to which they owe allegiance;
- (viii) None of the foregoing categories shall be considered as including an honorary diplomatic or consular officer, a person who is not a national of the foreign country employing him in an official capacity, a person who will engage in local business in the United States, or a person who will be employed in the United States in other than an official capacity;
- (ix) Enlisted personnel, as such, of military, naval, and air forces of foreign countries are not included within the definition of foreign-government officials.

(2) Members of the family of a foreign-government official, which term includes:

- (i) Relatives by blood or marriage who are regularly residing in, or are members of the household of, a foreign-government official.
- (ii) In all of the cases mentioned under (1) above, except those of ambassadors and ministers and the members of their missions accredited to the United States, the exemption is granted on the condition that, within 30 days after the arrival of any such foreign-government official servant, or employee or after his employment while he is in the United States, the Department is notified by the appropriate diplomatic mission, on an official form supplied by

the Department, of the full name of such official, servant, or employee, together with such other information as the Department deems appropriate; *And provided*, That the Department accepts such notification as satisfactory and recognizes the status claimed.

§ 61.387 *Failure to maintain exempt status requires registration and fingerprinting.* Any person in the United States who, having had the status in the United States of a foreign-government official, or a member of his family, shall cease to maintain such status shall apply for registration and fingerprinting in accordance with the regulations of the Immigration and Naturalization Service.

§ 61.388 *Seamen not to be registered and fingerprinted by consular officers.* Seamen included in visaed crew lists need not be registered and fingerprinted before the crew-list visa is issued. Seamen entering the United States in pursuit of their calling will be registered and fingerprinted by the immigration authorities for the purpose of the Alien Registration Act of 1940 after their arrival in the United States, under rules and regulations prescribed by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General.

§ 61.389 *Children included in parent's application.* Children under 14 years of age, who are applying for admission into the United States under section 3 of the act, who are accompanied by a parent or parents, and whose names and ages appear on the parent's application form (Forms 257a to 257d, inclusive), will be considered as having complied with the requirements of the Alien Registration Act of 1940.

§ 61.390 *Children under 14.* Children under 14 years of age at the time a visa is issued need not be fingerprinted even if they will pass their 14th birthday before actually entering the United States.

§ 61.391 *Advice to be given aliens exempted from registration and fingerprinting requirements.* Foreign-government officials, who are recognized as such at the time of the issuance of visas to them, and who are therefore exempted from registration and fingerprinting upon receiving visas, should be advised that within 30 days after their arrival in the United States they should have the chief of their diplomatic mission at Washington notify the Department of their official status in the United States in accordance with the forms of notification prescribed for such purpose. The failure of the Department to receive such notification, or to accept such notification as satisfactory when received, may result in the officials concerned being subjected after their arrival in the United States to the registration and fingerprinting requirements and other provisions of law, upon the ground that they have not been properly certified to, and recognized by, the Secretary of State as having the exempt status claimed.

§ 61.392 *Non-officials presenting diplomatic passports.* Persons who present diplomatic passports but who are neither foreign-government officials nor mem-

bers of the family of a foreign-government official, nor otherwise exempt from registration and fingerprinting, must be registered and fingerprinted even if diplomatic visas are issued to them. Cases involving prominent persons who are former high officials of foreign governments, or ecclesiastical officers of high rank, whose registration and fingerprinting would cause serious embarrassment, should be referred to the Department for instructions before the diplomatic visa is issued in order that special arrangements may be made in such cases regarding the registration and fingerprinting of the applicants.

§ 61.393 *Registration procedure under Alien Registration Act.* (a) The application for a visa under the Immigration Act of 1924 and registration under the Alien Registration Act of 1940 have been combined into one form (numbered 257a to 257d, inclusive, for nonimmigrants; and Forms 256a and 256b for immigrants). For regulations covering execution of these forms, see §§ 61.112, 61.317, 61.318, and 61.319.

(b) If more than one person is included in the passport visa (as in the case of several members of a nonimmigrant family who are included in one passport, § 61.111), separate application forms (Forms 257a to 257d, inclusive) must be filled out for each person 14 years of age or over.

§ 61.394 *Fingerprinting procedure.* When an alien, 14 years of age or over, applies for an immigration visa or passport visa, a single copy of his fingerprints should be made on the standard fingerprint card prescribed for such purposes. In the case of an immigration visa, an additional set of fingerprints of the alien will be taken in the space provided therefor on the reverse side of Form 256b at the time the alien executes formal application for a visa. Aliens who make casual inquiries concerning visa requirements, aliens who do not proceed so far as to fill out preliminary questionnaires, and aliens who are so obviously ineligible to receive visas that they are not required to make even a preliminary or informal application and who would be unlikely to succeed in obtaining a visa at another office, need not be fingerprinted.

§ 61.395 *Procedure in making fingerprint cards.* (a) Extreme care should be exercised in making fingerprint records to be certain that the fingerprints made are in fact those of the actual visa applicant and that there is no substitution of fingerprints or persons. Each fingerprint should be impressed clearly in the space provided therefor. Missing fingers should be indicated by a notation to be placed in the space provided for the prints of such fingers. Extra fingers will be printed in the margin of the card with appropriate notation. Writing ink should not be used for making fingerprints. Each diplomatic and consular office has been supplied with proper fingerprinting apparatus which should be used in fingerprinting aliens for visa purposes.

(b) In filling out the prescribed form (AR-4) the location of the diplomatic or

consular office issuing the visa will be shown on the first blank line, and on the blank line to the right thereof will be shown the visa-application number, which number is printed on Forms 256a and 256b for immigrants, preceded by the letter "I", and on Forms 257a to 257d, inclusive, for nonimmigrants, preceded by the letter "V". The rubber stamp of the diplomatic or consular office should be placed on all fingerprint cards in the space headed "Official Stamp" with a date stamp corresponding to the date of the issuance of a visa to the alien concerned. Fingerprint cards should never be folded and care should be taken to prevent smearing or mutilating fingerprints. No alien should be permitted to take his fingerprint card out of the diplomatic or consular office.

§ 61.396 *Disposition of fingerprint records.* (a) In a doubtful case the fingerprint card of an applicant for a visa may be issued by a diplomatic or consular officer in checking the alien's identity and in ascertaining from the appropriate local authorities, in a country employing the fingerprint system in the identification of criminals, whether the applicant has a criminal record. This card should not be folded, smeared, or mutilated in any manner.

(b) The fingerprint card (Form AR-4) of an alien to whom a visa is issued should be forwarded to the Department of State for transmission to the Federal Bureau of Investigation, Department of Justice. Such cards may be forwarded with the regular despatch mail. Covering despatches are not necessary. A number of such forms may be enclosed in one envelop marked "Fingerprints—for Federal Bureau of Investigation". Such forms should be transmitted as soon as practicable after the issuance of the visa in the manner indicated.

§ 61.397 *Registration and fingerprinting fees and numbering.* No fees have been prescribed for registration and fingerprinting, and as such services are considered to be a part of the visa service they should be performed without any additional fee. Registration and fingerprint records need not be separately numbered or recorded in the record of fees at a diplomatic or consular office. The visa-number record should be used when referring to registration and fingerprint records.

§ 61.398 *Repeated registration and fingerprinting.* (a) Since the application for visa and alien registration have been combined in one form, an alien will be registered each time a visa is issued to him. He need not be fingerprinted at a diplomatic or consular office where there is available for inspection a record of his previous fingerprinting. A record of previous fingerprinting may be considered available at a diplomatic or consular office if it is reasonably procurable, and is procured, from another diplomatic or consular office for verification of the alien's identity beyond any doubt. In such a case the officer issuing the visa should place on appropriate notation on the application form as follows: "Previously fingerprinted on application no. -----".

(b) Aliens will be requested by the immigration authorities to surrender their alien-registration receipts upon departing from the United States. Registration receipts therefore will have no value outside of the United States and a diplomatic or consular officer to whom an alien applies for a visa need not inquire or determine whether the applicant has previously been registered or fingerprinted in the United States, so far as the question of his registration and fingerprinting at the consular office may be concerned. Inquiries may, of course, be made of an alien who has previously resided in the United States regarding his compliance with the local laws, including the Alien Registration Act, the Selective Service Act, and the revenue or tax laws.

(c) In the case of a nonimmigrant no additional photograph is required, as the applicant's photograph appears in his passport or on the application form in accordance with the requirements and procedure for the issuance of passport visas to nonimmigrants.

§ 61.399 *Supplies of visa-application, registration, and fingerprinting forms.* Supplies of the printed visa-application and registration forms (256a and 256b, and 257a to 257d) and the prescribed fingerprint form (AR-4) may be obtained by requisition from the Department.

NUMBERING, REPORTS, FILES

§ 61.400 *Numbering applications.* Applications for passport visas, limited-entry certificates, and transit certificates (Forms 257a to 257d, inclusive) are serially numbered when printed, each number preceded by the letter "V", i. e. V-1, V-2, V-3, etc. Applications for immigration visas (Forms 256a and 256b) are serially numbered when printed, each number preceded by the letter "I", i. e. I-1, I-2, I-3, etc. These numbers are to be typed in the fingerprint card (Form AR-4) when such a card is required. See § 61.395. Applications for nonresident aliens' border-crossing identification cards (Form I-190) will be numbered serially by each diplomatic or consular office, beginning with no. 1 on July 1 of each year.

§ 61.401 *Numbering nonimmigrant visas and other nonimmigrant documentation.* One series of consular serial numbers at each office, beginning with no. 1 on July 1 of each year, will be used for passport visas, limited-entry certificates and transit certificates granted or issued at the office, and numbers may be used chronologically from the series in serial order without regard to the type of nonimmigrant documentation granted or issued and without regard to the pre-numbers printed on the application form. Crew-list visas need not be numbered. Border-crossing identification cards (Form I-186) should not be numbered as such cards have a serial number printed thereon.

§ 61.402 *Numbering immigration visas.* (a) Nonquota immigration visas and immigration visas issued to aliens "not chargeable to any quota" shall be numbered consecutively at each consular

office, the numbers corresponding exactly to the number of such immigration visas issued at the office. This series of numbers is independent of the series of numbers placed on passport visas and quota immigration visas and will begin with no. 1 on July 1 of each year.

(b) Quota immigration visas issued shall bear the quota numbers which have been allotted by the quota control office for use in such issuance.

§ 61.403 *Reports to Department of visas granted or refused.* (a) Information concerning the number and classification of immigrants issued or refused visas should be reported to the Department monthly, preferably by airmail, on Form 258 in accordance with the applicable instructions printed thereon. The Form 258 should be placed in an envelop marked "For Visa Division".

(b) The first column of figures on Form 258 will indicate the number of refusals in each category and the final column on the right-hand side of the page will show the number of visas issued in each category.

(c) Consular officers are requested to list on the reverse side of Form 258 all quota numbers transferred to another office during the month covered by the report as well as the name of the office to which the numbers have been transferred. Consular officers receiving quota numbers from a source other than the Department are requested to indicate the quota numbers and the name of the transferring office.

(d) Quota numbers unused during the period for which they are allotted should, unless otherwise provided, be returned to the Department in sufficient time for reallocation to other offices.

(e) In addition to the report required under paragraph (a) of this section, every diplomatic or consular office should submit a report in quadruplicate to the Department at the end of each month during which a visa is granted to a foreign-government official, a member of his family, or his attendants, servants, and employees. Such reports should contain the following information regarding each visa issued:

- (1) Full name of the bearer of the passport;
- (2) Names of persons other than the bearer included in the visa, and their relationship to the bearer;
- (3) Issuing authority and number and date of passport;
- (4) Kind of passport—diplomatic, special, or ordinary;
- (5) Country and date of birth of the bearer of the passport, if the information is contained in the passport or the alien is applying in person;
- (6) Official rank or position of the bearer of the passport;
- (7) Nature of duties which the alien will perform, if not clearly indicated by the answer to (6);
- (8) Name of vessel or means of transportation by which the alien is proceeding to the United States, if information is readily available;
- (9) Place and approximate date of expected entry into the United States, if information is readily available;

(10) Classification under which visa was issued.

§ 61.404 *Files and records.* (a) An adequate filing and record system for visa purposes should include, as a minimum, the following:

- (1) A general correspondence file;
- (2) A file of dossiers on active visa cases;
- (3) A file of cases in which visas have been issued;
- (4) A file of cases in which visas have been refused;
- (5) A record of immigration registration, or a waiting list, especially of those applicants who are chargeable to oversubscribed quotas, in order that the aliens may be invited to the consular office in an orderly manner for action on their cases;
- (6) A record of visa fees;
- (7) A card-index file of lookout cards, refusal cards, and deportation or similar notices; and
- (8) A file of approved relative petitions for first-preference-quota visa applicants.

(b) As visa dossiers will usually be filed alphabetically it will not be necessary to maintain, except possibly at offices handling a considerable volume of visa work, a general alphabetical card index to such files.

(c) The files and records above-mentioned should be maintained in the manner provided in the Foreign Service Regulations.

VISA CORRESPONDENCE

§ 61.405 *Visa correspondence.* Prompt and courteous replies should be made to inquiries concerning immigration subjects or visa cases. Such replies should show that the consular officer has given considerate attention to the question raised. This does not necessarily entail a lengthy answer but requires that the reply be of such character as will show the consular officer's understanding of the inquiry and the facts in the case as well as of the legal or other points involved.

§ 61.406 *Correspondence regarding refusals.* Persons in the United States having a legitimate interest in the case of an alien who desires to proceed to the United States are entitled to a clear and adequate explanation regarding the reasons why the alien has been unable to qualify for a visa. If the visa was refused for reasons which in the judgment of the consular officer should not be divulged to a person other than a close member of the applicant's immediate family, the consular communication should be transmitted through the Department under cover of a despatch containing a full statement of the facts. The despatch should be marked "For Visa Division".

§ 61.407 *Review of correspondence.* (a) All letters regarding immigration subjects or visa cases addressed to persons in the United States should be sent in duplicate (and in triplicate when addressed to members of Congress) through the Department for review. All such letters should be placed in an envelope addressed to the Secretary of State and marked "For Visa Division". Any number of such letters may be enclosed in one envelope.

(b) In urgent cases consular officers in Canada or Mexico may forward com-

munications directly to the addressees in the United States, provided copies of such communications are sent to the Department with an appropriate notation. Form letters should not be used in congressional correspondence.

§ 61.408 *Correspondence with the Department.* All airgrams, telegrams, and despatches to the Department on immigration subjects or visa cases shall begin with the phrase "For Visa Division". Visa despatches and reports should be transmitted to the Department under cover, which should also be marked "For Visa Division". Several visa despatches and reports may be transmitted under the same cover. Airgrams should not be marked on the covering envelopes in this manner as they are reproduced and distributed to other offices before reaching the Visa Division.

These regulations shall become effective on September 10, 1946.

June 13, 1946.

JAMES F. BYRNES,
Secretary of State.

Recommended, in so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act of 1940 are concerned, by:

TOM C. CLARK,
Attorney General.

MAY 30, 1946.

[F. R. Doc. 46-14217; Filed, Aug. 14, 1946;
4:38 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51519]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

DOMESTIC PRODUCTS EXPORTED AND RETURNED

AUGUST 12, 1946.

Section 10.1 (a) (1), Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.1 (a) (1)), as amended by T. D. 51222, is hereby further amended by changing the comma after "\$100" to a period and deleting the balance of the sentence.

(Par. 1615; sec. 201, 46 Stat. 674, sec. 35, 52 Stat. 1092, sec. 624, 46 Stat. 759; 19 U.S.C. 1201, 1624)

[SEAL]

W. R. JOHNSON,
Commissioner of Customs.

Approved:

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-14287; Filed, Aug. 15, 1946;
3:46 p. m.]

TITLE 29—LABOR

Chapter VI—National Wage Stabilization Board

[General Order 6]

PART 803—GENERAL ORDERS

WAGES AND SALARIES FOR NEW EMPLOYEES, JOBS, DEPARTMENTS AND PLANTS

In the FEDERAL REGISTER of May 29, 1946 (F.R. Doc. 46-8944) there was an

error in the National Wage Stabilization Board's amended General Order No. 6, (§ 803.6). The word "employed" as appearing in the last sentence of paragraph (f) should read "employer".

B. M. JOFFE,
Executive Director.

[F. R. Doc. 46-14343; Filed, Aug. 16, 1946;
9:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong., and Pub. Laws 270 and 475, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-956]

MORRIS SKILKEN

Morris Skilken of 44 East Broad Street, Columbus, Ohio, on or about May 31, 1946 began and thereafter continued construction of a new family residence at 2775 Fair Avenue, Bexley, Ohio without authorization from the National Housing Agency. The estimated cost of this construction amounted to \$15,000, which amount exceeded the \$400, limit permitted by Veterans Housing Program Order No. 1 and was in violation thereof.

This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.956 *Suspension Order No. S-956.* (a) Neither Morris Skilken, his successors or assigns, nor any other person, shall do any construction on the premises at 2775 Fair Avenue, Bexley, Ohio including putting up, altering, or completing the structure, unless hereafter specifically authorized in writing by the Civilian Production Administration and the National Housing Agency.

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

(c) Nothing contained in this order shall be deemed to relieve Morris Skilken, his successor 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 15th day of August 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-14330; Filed, Aug. 15, 1946;
4:38 p. m.]

PART 903—DELEGATION OF AUTHORITY
[Directive 44]

DELEGATION OF AUTHORITY TO HOUSING
EXPEDITER WITH RESPECT TO SURPLUS
PROPERTY

§ 903.157 *Directive 44*. Pursuant to the authority vested in me by Executive Order No. 9638 on October, 1945, and in order to delegate to the Housing Expediter authority to allocate surplus property required for the Veterans' Emergency Housing Program and to establish priorities for the delivery thereof, it is hereby ordered, that:

(a) *Delegation of authority*. The Housing Expediter is hereby authorized to perform the functions and exercise the power, authority and discretion conferred on the President by section 2 (a) of the act of June 28, 1940 (Public Law 67, 76th Congress, 54 Stat. 676) as amended by the acts of May 31, 1941 (Public Law 89, 77th Congress, 55 Stat. 236), of March 27, 1942 (Public Law 507, 77th Congress, 56 Stat. 176), of December 20, 1944 (Public Law 509, 79th Congress, 58 Stat. 827), of December 28, 1945 (Public Law 270, 79th Congress, 59 Stat. 658) and by the act of June 29, 1946 (Public Law 475, 79th Congress, — Stat. —), with respect to the allocation of, or establishment of priorities for the delivery of, surplus property held by the War Assets Administration, or other Disposal Agencies as designated under the Surplus Property Act of 1944, in those cases where the Expediter determines that such surplus property is required for the Veterans' Emergency Housing Program or is required to maintain or increase production of materials or products required in the Veterans' Emergency Housing Program.

(b) *Exercise of power*. The Housing Expediter may exercise the power, authority, and discretion conferred upon him by this directive through such officials and such agencies or departments of the U. S. Government, and in such manner as he may determine.

Issued this 15th day of August 1946.

J. D. SMALL,
Administrator.

[F. R. Doc. 46-14328; Filed, Aug. 15, 1946;
4:38 p. m.]

PART 944—REGULATIONS APPLICABLE TO
THE OPERATIONS OF THE PRIORITIES
SYSTEM

[Priorities Reg. 33, Direction 12]

USE OF HH RATINGS FOR HARDWALL PLASTER
IN THE VETERANS' EMERGENCY HOUSING
PROGRAM

The following direction is issued pursuant to Priorities Regulation 33:

(a) *Purpose of this direction*. Priorities Regulation 33 provides for the assignment to builders of HH preference rating to secure materials listed on Schedule A to that regulation, which are required for use in the Veterans' Emergency Housing Program. Among these is hardwall plaster. This direction explains the use of the HH rating and

also what the restrictions are in connection with the shipment of hardwall plaster by producers and dealers.

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

(1) "Hardwall plaster" means gypsum plaster (basic, ready-mixed, and gauging) made for use in applying base or finish coats to lathed interior walls.

(2) "Producer" means a person owning or operating facilities in which hardwall plaster is manufactured.

(3) "Dealer" means a person who buys hardwall plaster for resale as such. This does not include plastering contractors.

(c) *Application of HH ratings*. A builder authorized under Priorities Regulation 33 may use ("apply") an HH rating to get hardwall plaster. He may also authorize a contractor or subcontractor to use the rating for him, as explained in Priorities Regulation 33.

(d) *Extendibility of HH ratings*. A dealer or a producer who receives an HH rated order for hardwall plaster shall not extend the rating.

(e) *Producers' handling of rated orders*. (1) A producer who sells hardwall plaster only to dealers need not accept HH rated orders for hardwall plaster but must accept and fill other rated orders (AAA, MM or CC) in accordance with the provisions of Priorities Regulations.

(2) A producer who sells any hardwall plaster to persons who are not dealers must accept and fill HH and other rated orders in accordance with the provisions of Priorities Regulation 1. However, he need not accept HH rated orders for delivery during any month of more than 75% of the quantity of hardwall plaster delivered during that month to persons who are not dealers. He may not reject an HH rated order under this rule, but must promptly notify his customer when he expects to fill the order out of later production.

(f) *Dealers' handling of rated orders*. A dealer must accept* and fill rated orders (AAA, MM, CC or HH) for hardwall plaster in accordance with the provisions of Priorities Regulation 1. However, he need not accept HH rated orders for delivery during any month of more than 75% of the total quantities of hardwall plaster delivered during that month on all orders. He may not reject an HH rated order under this rule, but must promptly notify his customer when he expects to fill the order out of later receipts. Deliveries by a dealer to another dealer or producer shall not be considered as deliveries for the purpose of this paragraph.

(g) *Direct shipments*. Direct shipments from a producer to a dealer's customer for the dealer's account shall be considered as shipments to, and deliveries by, the dealer.

(h) *Calculations of quantities*. Quantities of hardwall plaster shall be figured in tons.

Issued this 16th day of August 1946.

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

[F. R. Doc. 46-14357; Filed, Aug. 16, 1946;
11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Schedule A, as Amended
Aug. 16, 1946]

§ 944.54 *Schedule A to Priorities Regulation 33*. The priorities assistance assigned to builders under Priorities Regulation 33 may be used only to get the following materials (additions to and

deletions from this schedule may be made from time to time):

	<i>Direction to Priorities Regulation 33 applying to the material</i>
Hardwood flooring-----	Direction 1
Millwork (including doors and built-in kitchen cabinets)---	Direction 1
Lumber-----	Direction 1
Softwood plywood (limited by Direction 1A as to uses and quantities)-----	Direction 1A
Plumbing fixtures (limited to the following, as listed and defined in Direction 2; bathtubs, lavatories, kitchen sinks, water closets)-----	Direction 2
Radiation (cast iron tubular, cast iron convector, extended surface convector)-----	Direction 3
Cast iron soil pipe and fittings--	Direction 4
Gypsum board-----	Direction 5
Gypsum lath-----	Direction 5
Structural clay tile-----	Direction 6
Common and face brick-----	Direction 6
Concrete blocks-----	Direction 7
Prefabricated houses-----	Direction 8
Prefabricated sections-----	Direction 8
Prefabricated panels-----	Direction 8
Clay sewer pipe-----	None
Warm-air furnaces-----	Direction 9
Building board (except hard-board)-----	Direction 10
Hardwall plaster-----	Direction 12
*Nails-----	None
Builders hardware of the following types only: (1) Butts, hinges, hasps; (2) door locks, lock trim; (3) sash, screen, and shelf hardware; (4) night latches, dead locks; (5) spring hinges; (6) sash balances, sash pulleys-----	None
Metal doors and frames-----	None
Metal windows, sash and frames-----	None
Metal plaster base (metal lath)-----	None
Boilers (low pressure—types designed for heating systems in dwellings)---	None
Furnaces (floor, wall)-----	None
Registers and grilles (for heating systems)-----	None
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types; (2) convenience receptacles (outlets); (3) toggle switches; (4) wall and face plates; (5) outlet, switch, and receptacle boxes—covers, hangers, supports, and clamps included; (6) box connectors for residential-type metallic or non-metallic sheathed cable-----	None

For item marked with an asterisk (*) in the above list, HHH and HH ratings have no effect on orders placed with producers and such ratings may be disregarded by them. For items not so marked, the placing and effect of HHH and HH rated orders are controlled by the rules of Priorities Regulations 1, 3, and 33, as modified by any special rules in the applicable direction to PR 33, if there is such a direction.

Definitions of the above items may be given in the appropriate directions.

Issued this 16th day of August 1946.

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

[F. R. Doc. 46-14356; Filed, Aug. 16, 1946;
11:27 a. m.]

Chapter XI—Office of Price Administration

PART 1336—RADIOS: X-RAY AND COMMUNICATION APPARATUS

[MPR 599, Amdt. 4]

RADIO RECEIVERS AND PHONOGRAPHS

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. 599 is amended in the following respects:

1. Section 9 is amended to read as follows:

SEC. 9. Dealers' ceiling prices for radios other than "special brand" radios. The retail ceiling price of any radio which the manufacturer delivered to a purchaser for resale subsequent to June 7, 1946, but prior to August 19, 1946, shall be the retail ceiling price computed in accordance with the provisions of this section as in effect on June 7, 1946. The retail ceiling price of any radio which the manufacturer delivers to a purchaser for resale on and after August 19, 1946, shall be determined in accordance with the following provisions of this section as in effect on and after August 19, 1946.

Every manufacturer is required to calculate the retail ceiling prices of all radios, except "special brand" radios, which he sells to distributors or dealers, in accordance with the provisions of this section.

(a) The retail ceiling price in "Zone I" for a radio for which the manufacturer has a ceiling price to distributors is the total of the following, adjusted upward to the nearest five cents:

(1) His "ceiling price" to that class of distributor to which he sells radios in the largest dollar volume.

(2) The applicable amount of the following:

- 74% of that price if it is less than \$11.89.
- 86% of that price if it is more than \$11.89 but less than \$33.49.
- 105% of that price if it is more than \$33.48.

(3) The amount of the Federal excise tax paid on the sale to that class of distributor.

(b) The retail ceiling price in Zone I for a radio which the manufacturer does not have a ceiling price to distributors is the total of the following, adjusted upward to the nearest five cents:

(1) His ceiling price to that class of dealer to which he sells radios in the largest dollar volume.

(2) The applicable amount of the following:

- 49% of that ceiling price if it is less than \$14.05.
- 62% of that ceiling price if it is more than \$14.04 but less than \$38.24.
- 70% of that ceiling price if it is more than \$38.23 but less than \$162.01.
- 90% of that ceiling price if it is more than \$162.00.

(3) The amount of the Federal excise tax paid on sales to that class of dealer.

(c) The retail ceiling price for sales of a radio in "Zone II" is the retail ceiling price in Zone I increased by 5% and adjusted to the nearest five cents.

(d) For the purpose of this section:

(1) A manufacturer's "ceiling price" is his f.o.b. factory ceiling price (exclusive

of Federal excise tax) as established under sections 5, 5a, 6, 7, 8, or 13 of this regulation, or his adjusted f.o.b. factory ceiling price (exclusive of Federal excise tax) as authorized under Supplementary Orders Nos. 118 or 119 or 148, unless the Office of Price Administration specifically prohibits the use of such an adjusted price as a basis for determining retail ceiling prices under this section, or any price not more than 1% below such ceiling price provided that any price adjusted by such 1% or fraction thereof may not be less than the manufacturer's selling price.

(2) "Zone I" is that area of the following two in which the radio is manufactured. The other area is "Zone II."

(i) One area consists of the states of Arizona, New Mexico, California, Washington, Oregon, Idaho, Nevada, Utah, Colorado, Wyoming, Montana, and the following counties in Texas: El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Pecos and Reeves.

(ii) The other area consists of the remaining counties of Texas, all the other states in the United States and the District of Columbia.

2. Section 10 is amended to read as follows:

SEC. 10. Distributors' ceiling prices for radios other than "special brand" radios. The distributor's ceiling price for any radio which the manufacturer delivered to a purchaser for resale subsequent to June 7, 1946 but prior to August 19, 1946, shall be the distributor's ceiling price computed in accordance with the provisions of this section as in effect on June 7, 1946. The distributor's ceiling price for any radio which the manufacturer delivers to a purchaser for resale on and after August 19, 1946, shall be determined in accordance with the following provisions of this section as in effect on and after August 19, 1946.

Every manufacturer is required to calculate distributors' ceiling prices to dealers of all radios of his manufacture (except special brand radios), in accordance with the provisions of this section, and to notify distributors of their ceiling prices.

(a) A distributor's ceiling price to that class of dealer to whom he sells radios in the largest dollar volume, for a radio for which the manufacturer has calculated the retail ceiling prices in accordance with section 9 above, is calculated as follows:

(1) Find the retail ceiling price for sales in the same zone as that in which the distributor's point of shipment is located.

(2) Deduct from that price the amount of the Federal excise tax included in it.

(3) Deduct from the remainder the applicable discount of the following:

- (i) 31% when the retail ceiling price in Zone I is less than \$22.51.
- (ii) 34% when that retail ceiling price in Zone I is more than \$22.50 but less than \$68.51.
- (iii) 38% when that retail ceiling price in Zone I is more than \$68.50.

(4) To the figure resulting from the above computations, add the amount of Federal excise tax originally deducted.

(5) The result is the distributor's ceiling price for sales to that class of dealer to whom he sells in the largest dollar volume.

(b) A distributor's ceiling price for the sale of a radio to a class of purchaser other than the class of dealer to which he sells in the largest dollar volume shall reflect the distributor's customary differentials for sales to different classes of purchasers. However, in no case may the distributor's ceiling price to a consumer exceed the retail ceiling price as determined under Section 9 of this regulation, and in no case may a distributor's price to a dealer reflect less than the following discounts from the retail ceiling price (exclusive of Federal excise tax) of the radio.

28.5% when that retail ceiling price in Zone I is less than \$22.51.

31.5% when that retail ceiling price in Zone I is more than \$22.50 but less than \$68.51.

35% when that retail ceiling price in Zone I is more than \$68.50.

3. A new paragraph (c) is added to section 13 to read as follows:

(c) Any reseller who received, prior to August 19, 1946, "untagged" any radio which the manufacturer is required to tag with the retail ceiling price, must tag it with the retail ceiling price determined under Section 9 as in effect on June 7, 1946, before it is displayed, offered for sale, sold or delivered at retail. Any reseller who receives on and after August 19, 1946, "untagged" any radio which the manufacturer is required to tag with the retail ceiling price, must obtain the appropriate tag or label from the manufacturer and attach it to the radio, before it is displayed, offered for sale, sold or delivered at retail.

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14300; Filed, Aug. 15, 1946; 4:26 a. m.]

PART 1365—HOUSEHOLD FURNITURE

[MPR 548, Amdt. 9]

METAL UPHOLSTERY SPRINGS, CONSTRUCTIONS AND ACCESSORIES

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

Maximum Price Regulation No. 543 is amended in the following respect:

1. The first sentence of section 13 (a) (3) is amended to read as follows: "You multiply the average delivered cost by 135 percent."

This amendment shall be effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14298; Filed, Aug. 15, 1946; 4:26 p. m.]

PART 1373—PERSONAL AND HOUSEHOLD ACCESSORIES

[MPR 576, Amdt. 5]

DRY BATTERIES

A statement of 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. 576 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. Adjustment of maximum retail prices in certain cases. This section provides for the adjustment of retailers' maximum prices for sales of dry batteries for which the manufacturers' price has been adjusted by Order 5054 under Maximum Price Regulation No. 138 or by an individual adjustment order issued by the Office of Price Administration. For dry batteries which are sold on or after August 19, 1946, retailers may increase the retail ceiling price determined under section 3 of this regulation by the same percentage by which his supplier's maximum price to him was increased. The resulting figure shall be rounded to the nearest cent.

2. Section 6 is amended to read as follows:

SEC. 6. Adjusted maximum wholesale prices. This section provides for the adjustment of wholesalers' maximum prices for sales of dry batteries for which the manufacturer's price has been adjusted by Order 5054 of Maximum Price Regulation No. 188 or by an individual adjustment order issued by the Office of Price Administration. Manufacturers and special brand wholesalers who had published resellers' price lists or suggested wholesalers' resale prices in effect on February 15, 1945, may compute adjusted maximum resale prices in accordance with this section on the basis of those list prices. In all other cases wholesalers are required to compute their own adjusted maximum prices in accordance with this section. At the time of or prior to the first invoice, wholesalers are required to notify a purchaser for resale of the amount of the adjustment granted by this order. This notice may be given in any convenient form.

(a) For dry batteries which are sold on or after August 19, 1946, the wholesaler may increase his maximum price as determined under section 5 of this regulation by the same percentage by which his supplier's maximum price to him was increased.

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14299; Filed, Aug. 15, 1946; 4:26 p. m.]

PART 1415—PROTECTIVE COATINGS

[MPR 245, Amdt. 2]

PROTECTIVE COATINGS

A statement of the considerations involved in the issuance of the amendment,

issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1415.115, Appendix A of Maximum Price Regulation 245 is amended as follows:

1. The heading and introductory paragraph are amended to read as follows:

§ 1415.115 *Appendix A, Maximum prices for bleached shellac.* Maximum prices for bleached shellac are established as follows:

2. Paragraph (k) is deleted.

3. Paragraphs (f), (g), (h), (i), (j), and (l) are respectively redesignated paragraphs (a), (b), (c), (d), (e), and (f).

4. Redesignated paragraph (a) is amended to read as follows:

(a) *Producers' prices*—(1) *Formula for computing maximum prices.* The maximum prices per pound for sales by producers of bleached shellac, f. o. b. producer's plant, in lots of 1500 pounds or more packed in barrels shall be the sum of (i) the average cost per pound of unbleached shellac for a current calendar month plus, (ii) the producer's dollar and cent markup per pound or alternatively 85 percent of the producer's percentage markup per pound for the same grade or type of bleached shellac on his last sale to the same class of purchaser during March 1942, or if he made no sale in March, 1942 to such class of purchaser, during the nearest comparable selling period prior to that date.

(2) *Computation of average cost.* The average cost of unbleached shellac for a current calendar month shall be computed by one of the following methods. Having once elected to compute his average cost by one of the methods set forth below, the producer must continue using that method thereafter.

(i) The average cost for a current calendar month shall be the actual average cost per pound of unbleached shellac used in the production of bleached shellac during the preceding month computed by taking the actual average cost of unbleached shellac inventory on hand at the beginning of the preceding month plus the unbleached shellac received during the preceding month; or

(ii) The average cost for a current calendar month shall be the actual average cost of unbleached shellac to be used during the current month, computed by taking the actual average cost of the unbleached shellac inventory on hand at the beginning of the current month.

(3) *Definitions.* For the purposes of this paragraph (a):

"Average cost per pound of unbleached shellac" shall be the average cost delivered to the plant.

"A sale" shall include a contract to sell.

(4) *Reporting requirements.* Within 10 days after August 15, 1946, each producer shall inform the Office of Price Administration by registered mail which one of the above methods of determining actual average cost of unbleached shellac he intends to use; the maximum prices for bleached shellac which he has determined for August 1946 under that method; and a detailed statement of the

average shellac cost upon which such prices were determined.

(5) *Reporting of producer's markups.* On or before August 15, 1946, each producer shall report to the Office of Price Administration by registered mail the dollar and cent markup and percentage markup per pound he had on his last sale for each class or type of bleached shellac to each class of purchaser during March 1942 or if he made no sale in March 1942, of any particular class or type of bleached shellac or to any particular class of purchaser, the markup in such transaction during the nearest comparable selling period prior to that date.

(6) *Maximum price computation records.* Producers who establish maximum prices under paragraph (a) (1) shall preserve for so long as the Emergency Price Control Act of 1942 as amended, remains in effect, all business records substantiating the computation of their maximum prices for sales of bleached shellac. These records must be made available for examination by the Office of Price Administration or any authorized representative thereof.

(7) *Maximum prices by order.* If any producer cannot determine his maximum price for any grade or type of bleached shellac under (a) (1) above, he shall apply for a maximum price for sale of such commodity before making a sale thereof. The Price Administrator will establish his maximum price by order in line with the level of maximum prices established by this regulation.

(8) *Revision of prices.* The Price Administrator may at any time by order approve, disapprove, revoke, or revise maximum prices reported, proposed, or established under this regulation so as to bring them into line with the level of maximum prices otherwise established by this regulation.

5. In paragraphs (b) and (c) substitute "(a)" for "(f)."

6. In paragraph (e) insert the word "bleached" before the word "shellac."

This amendment shall become effective August 15, 1946.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14296; Filed, Aug. 15, 1946; 4:25 p. m.]

PART 1356—COOKERS AND HEATERS

[MPR 64, Amdt. 8]

DOMESTIC COOKING AND HEATING STOVES

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. 64 is amended in the following respects:

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

(e) *Notification.* At the time of or prior to the first invoice to each purchaser for resale of a stove sold on or after June 7, 1946 at a price which includes any part of the adjustments granted by the section, the manufacturer shall notify the purchaser in writing that the price the manufacturer is charging includes an adjustment under section 8b and that the purchaser for resale must find his ceiling prices under section 11a if he is a wholesaler or under section 11b if he is a retailer. If the stove is a gas range, a gas combination range, a gas bungalow range or an electric range, the manufacturer must also notify each wholesale distributor of the retail ceiling prices which he has determined for the range under the provisions of sections 11b or 11e of this regulation.

2. Section 11a (a) is amended to read as follows:

(a) *Stoves other than electric ranges.* A wholesale distributor's ceiling prices for sales of a particular model of stove other than an electric range to a particular class of purchaser is that established by an order issued under section 11 of this regulation after August 18, 1946. Notwithstanding the provisions of any order issued under section 11 prior to August 19, 1946, a wholesale distributor shall determine his ceiling prices for his sales after August 18, 1946 of any stove other than electric range which the manufacturer sells to him at a price which included any adjustments under sections 8b (a) and 8b (c) and the retail ceiling price for which is determined in accordance with section 11b as amended on August 19, 1946, as follows:

(1) He shall determine a markup factor for each model of stove in his line on March 31, 1946 by subtracting from his ceiling price under this regulation to the class of purchaser which buys from him in the largest volume in effect on March 31, 1946 for the particular stove, any amount included therein on account of the Federal excise tax and dividing the result by his supplier's ceiling price to him under this regulation for the same stove on March 31, 1946 excluding any amount included therein on account of the Federal excise tax.

(2) He shall determine his current ceiling price to the class of purchaser used in subparagraph (1) by applying the markup factor to his current invoice cost exclusive of the Federal excise tax for the same stove and adding to the result the Federal excise tax applicable to the manufacturer's sale of the stove. If he had no ceiling price in effect on March 31, 1946 for the same stove he shall use the mark-up factor determined under subparagraph (1) above for the most comparable stove in his line on March 31, 1946. The result is his ceiling price to the class of purchaser used in subparagraph (1). His ceiling prices to other classes of purchasers for the model being priced, must be calculated on the basis of the differentials which he had on March 31, 1946 on sales of the same or most comparable model to the different classes of purchasers.

(3) If he cannot determine his ceiling prices under paragraphs (a) (1) and (a) (2) above he shall adopt as his ceiling

price the ceiling price of his "closest seller of the same class" for the identical model of stove produced by the same manufacturer. The "closest seller of the same class" of a reseller at wholesale is a reseller who (i) has established a ceiling price under this section 11a (a) for sales of the identical model of stove produced by the same manufacturer or the same class of purchaser, and (ii) is the same general type and class of seller, and (iii) is located in the same wholesale price zone nearer to the seller than any other seller who meets requirements (i) and (ii) of this subparagraph.

(4) If a reseller at wholesale cannot otherwise find his ceiling price for a particular sale he shall apply to the Office of Price Administration for the establishment of ceiling price under § 1499.3 (c) of the General Maximum Price Regulation or § 1372.101 (d) of Maximum Price Regulation No. 210, whichever is applicable. Ceiling prices set under either of those sections will reflect the supplier's current ceiling prices and markups equal to the average markups received on March 31, 1946 by similar sellers on sales of similar articles.

3. Section 11a (b) is amended to read as follows:

(b) *Electric ranges.* A wholesale distributor's ceiling prices for sales of a particular model of electric range to a particular class of purchaser is that established by an order under section 11 of this regulation after August 18, 1946. A wholesale distributor of electric ranges who has ceiling prices established before August 19, 1946 for his sales of a particular range by an order under section 11 of this regulation, shall redetermine his ceiling prices for his sales of any such electric range the retail ceiling price of which has been determined under section 11b as amended on August 19, 1946, and which the manufacturer sells to him at a price which included any adjustment under section 8b (b) of this regulation, in accordance with the first applicable rule of the three contained in this section: A wholesale distributor who has no ceiling prices established for his sales of a particular model of electric range either before August 19, 1946 by an order under section 11 of this regulation or by determination by him under section 11a (b) or after August 18, 1946 by an order under section 11, shall determine his ceiling prices in accordance with the first applicable rule of the following contained in this section:

Rule 1. A wholesale distributor's ceiling price for sales in each zone of each model to retail dealers who provide consumers purchasing from them with delivery, installation and the servicing necessary to comply with the first year warranty shall be the price which will yield the wholesale distributor the same percentage of the total dollar margin between the manufacturer's ceiling price to him (including the Federal excise tax) and the dealer's ceiling price (including the Federal excise tax) for resales to ultimate consumers in that zone, as he received during the period May 7, 1946 to June 6, 1946 in connection with the sale of the most "comparable" model sold by him to the same class of purchaser. To be "comparable" a model must be one produced by the same manufacturer. A wholesale distributor determining his ceiling prices under this rule

shall calculate his ceiling prices for sales to other classes of purchasers on the basis of the differentials which he had on sales of the comparable model to different classes of purchasers.

Example. A distributor who sold the Model X electric range produced and sold by manufacturer Y during the period May 7, 1946 to June 6, 1946 to servicing dealers at a dollar-and-cent ceiling price established by an order under Maximum Price Regulation No. 64 computes his ceiling prices for resales of the Model X electric range as follows:

Retail ceiling price in the distributor's zone prior to June 7, 1946, including the Federal excise tax...	\$210.00
Manufacturer's ceiling price f. o. b. factory to distributors prior to June 7, 1946, including the Federal excise tax.....	110.00
Gross dollar margin.....	100.00
Distributor's ceiling price inclusive of the Federal excise tax on June 6, 1946.....	135.00
Amount of gross dollar margin received by distributor.....	25.00
Percent of gross dollar margin received by distributor.....	(1)
Manufacturer's f. o. b. factory ceiling price to distributor adjusted under section 8b (b) and including the Federal excise tax.....	122.10
Retail ceiling price under section 11b including the Federal excise tax	215.00
Gross dollar margin.....	92.90
Portion taken by distributor (25 percent of 92.90).....	23.23
Distributor's ceiling price prior to August 19, 1946 to servicing dealers inclusive of the Federal excise tax (\$122.10 + \$23.23).....	145.33
Retail ceiling price inclusive of the Federal excise tax recomputed in accordance with Amendment 8 to Maximum Price Regulation No. 64	233.00
Gross dollar margin.....	110.90
Amount of gross dollar margin received by distributor (25 percent of \$110.90).....	27.73
Distributor's new ceiling price to servicing dealers including the Federal excise tax (\$122.10 + \$27.73)	149.83
25 percent.	

The distributor determines his ceiling price for sales to other classes of dealers by applying his customary differentials for such sales.

NOTE: To assist the wholesale distributors in making this computation a manufacturer who sells electric ranges at prices which include an adjustment under section 8b (b) or under an individual adjustment order is required to notify the wholesale distributor at the time of, or prior to the first invoice covering such sales, of the retail ceiling prices which he has determined or redetermined for those ranges under the provisions of sections 11b or 11e of this regulation.

Rule 2. If a wholesale distributor cannot determine his ceiling price for sales of a particular model of electric range to a particular class of purchaser under Rule 1, his ceiling price for that sale is the ceiling price established under this paragraph after August 18, 1946 for the same sale by his "closest seller of the same class". A wholesale distributor's "closest seller of the same class" is a distributor who (i) has established or redetermined a ceiling price after August 18, 1946 for sales of the identical model of electric range to the same class of purchaser, and (ii) is the same general class and type of seller, and (iii) is located in the same zone and is nearer to the seller than any other seller who meets the requirements of (i) and (ii) of this rule.

Rule 3. If the wholesale distributor cannot otherwise find his ceiling price for a particular sale, his ceiling price for that sale is the price established by the Office of Price Administration in an order under section 11 of this regulation. An application under this rule shall state the name of the manufacturer of the range being priced, its model designation, the classes of purchaser to whom the applicant proposes to sell the range, the ceiling prices he proposes for such sales, and a statement of the reasons he cannot use the other rules in this paragraph.

4. Section 11a (c) is amended to read as follows:

(c) *Notification.* At the time of, or prior to the first invoice to each purchaser for resale of a stove sold on or after August 19, 1946 at a price determined or redetermined in accordance with this section 11a, each wholesale distributor shall notify the purchaser in writing that each purchaser for resale at retail must find his resale ceiling prices under section 11b of this regulation. This notice may be given in any convenient form.

5. Section 11b (a) is amended to read as follows:

(a) *Stoves not subject to the Federal excise tax and preticketing by the manufacturer.* A retailer shall determine his ceiling prices for his sales of any stove covered by this regulation which is not subject to the Federal excise tax when sold by the manufacturer and which is not required to be preticketed by the manufacturer under section 11d of this regulation, and which he purchases at prices which include an adjustment under section 8b or 11a of this regulation as follows:

(1) He shall increase by 7.6 percent those of his ceiling prices established at any time under § 1499.2 of the General Maximum Price Regulation or established before June 7, 1946 under the General Maximum Price Regulation or Maximum Price Regulation No. 210, or a central pricing order issued under § 1499.4a of the General Maximum Price Regulation or Supplementary Order No. 13 as amended or revised, or under section 11 of this regulation.

(2) He shall increase by 4.5 percent those of his ceiling prices established after June 6, 1946 and before August 19, 1946 under the General Maximum Price Regulation or Maximum Price Regulation No. 210 or a central pricing order issued under § 1499.4a of the General Maximum Price Regulation or Supplementary Order No. 13 as amended or revised, or under section 11 of this regulation.

(3) A retailer who establishes his ceiling price after August 18, 1946 under a provision which requires him to compute his ceiling price on the basis of cost shall determine his ceiling price by (i) finding the most comparable article for which he has a ceiling price adjusted under this section 11b (a), and (ii) dividing his ceiling price by the net unit replacement cost of the most comparable article (the retailer must compute his net unit replacement cost so that it includes the total adjustments allowed his supplier under either section 8b or section 11a of this regulation, whichever is applicable to his supplier's ceiling prices.);

and (iii) multiplying by the markup factor so obtained his net unit cost (which may not exceed his supplier's ceiling price to him as adjusted under this regulation) for the article being priced.

(4) When the amount resulting from the computations under the preceding subparagraphs (1), (2) or (3) is more than \$2.00 the ceiling price shall be the price determined by rounding that amount to the nearest multiple of 25 cents.

(5) If his ceiling prices are established after August 18, 1946 by an order under section 11 of this regulation or under § 1499.3 (e) of the General Maximum Price Regulation or by an approval under § 1444.3 (c) of the same regulation and the order or approval does not provide that the retail ceiling prices established therein may be adjusted under this section, the retailer's ceiling prices under this section are those established by the order or approval.

(6) If his ceiling prices are established on or after August 19, 1946 under § 1372.103 of Maximum Price Regulation No. 210, the retail ceiling prices under this section are those properly established under § 1372.103 of Maximum Price Regulation No. 210.

For purposes of sections 11a and 11b the "most comparable article" is the one which meets all the following requirements:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net unit replacement cost is nearest to the net cost of the article being priced.

6. Section 11b (b) is amended to read as follows:

(b) *Stoves not subject to preticketing by the manufacturer but subject to the Federal excise tax.* Included among articles covered by this regulation not subject to preticketing by the manufacturer but subject to the Federal excise tax assessed on the sale by the manufacturer are oil ranges including oil combination and bungalow ranges, oil cooking stoves, and gas hot plates and gas laundry stoves. A retailer shall determine his ceiling prices for stoves subject to the Federal excise tax but not subject to preticketing by the manufacturer, which he purchases at prices which include an adjustment under section 8b or 11a of this regulation as follows:

(1) He shall increase by 8.3 percent those of his ceiling prices established at any time under § 1499.2 of the General Maximum Price Regulation or established before June 7, 1946 under the General Maximum Price Regulation or Maximum Price Regulation No. 210, or a central pricing order issued under § 1499.4a of the General Maximum Price Regulation or Supplementary Order No. 13 as amended or revised, or under section 11 of this regulation.

(2) He shall increase by 4.4 percent those of his ceiling prices established after June 6, 1946 and before August 19, 1946 under the General Maximum Price Regulation or Maximum Price Regulation No. 210 or a central pricing order issued under § 1499.4a of the General Maximum Price Regulation or Supplementary Order No. 13 as amended or revised, or under section 11 of this regulation.

(3) A retailer who establishes his ceiling prices after August 18, 1946 under a provision which requires him to compute his ceiling price on the basis of cost shall determine his ceiling price according to the following formula:

(i) He shall find the most comparable article for which he has a ceiling price adjusted under this section 11b (b). (ii) He shall divide its ceiling price by the net unit replacement cost of the comparable article. (The retailer must compute his net unit replacement cost so that it includes the total adjustments allowed his supplier under either section 8b or 11a of this regulation, whichever is applicable to his supplier's ceiling prices). (iii) He shall multiply by the markup factor so obtained his net unit cost (which may not exceed his supplier's ceiling prices as adjusted under this regulation) for the article being priced.

(4) When the amount resulting from the computations under the preceding subparagraphs (1), (2), or (3) is more than \$2.00 the ceiling price shall be the ceiling price determined by rounding that amount to the nearest multiple of 25 cents.

(5) If his ceiling prices are established after August 18, 1946 by an order under section 11 of this regulation or under § 1499.3 (e) of the General Maximum Price Regulation or by an approval under § 1499.3 (c) of the same regulation and the order or approval does not provide that the retail ceiling prices established therein may be adjusted under this section, the retailer's ceiling prices under this section are those established by the order or approval.

7. Section 11b (c) is amended to read as follows:

(c) *Stoves subject to preticketing by the manufacturer and having retail ceiling prices established prior to August 19, 1946.* Notwithstanding the provisions of any order issued under section 11 of this regulation before August 19, 1946, the retail ceiling prices for any stove required to be preticketed by the manufacturer under the provisions of this regulation or any order issued under it and sold by the manufacturer at prices adjusted under section 8b of this regulation, are the prices properly calculated by the manufacturer in accordance with this paragraph. Except as specified in this regulation or orders under it, this paragraph covers but is not limited to the following types of stoves: electric ranges and gas ranges including gas combination and gas bungalow ranges. Every manufacturer of such ranges who has had retail ceiling prices fixed for those ranges before August 19, 1946, either by an order issued under section 11 of this regulation or by proper determination under section 11e is re-

quired to recalculate those retail ceiling prices according to the following formula.

(1) He shall determine a markup factor for each stove in his line on March 31, 1946 by subtracting from the Zone 1 retail ceiling price in effect on that date for the same stove, any amount included in that price on account of freight, delivery, and installation and the Federal excise tax and dividing the result by his f. o. b. factory ceiling price on March 31, 1946 for sales of that stove to distributors, or, if he had no f. o. b. factory ceiling price to distributors on that date, his f. o. b. factory ceiling price to his largest buying class of purchaser of that stove at that time.

(2) He shall apply the markup factor so determined to his f. o. b. factory current ceiling price to the class of purchaser used by him in (1) above for the particular stove he is pricing. If there was no retail ceiling price in effect on March 31, 1946 for the stove he is pricing, he shall use the markup factor determined under subparagraph (1) above for the model of stove in his line on March 31, 1946 for which there was a retail ceiling price in effect on that date and which is "most comparable" to the model he is pricing. The "most comparable" model is the one which is most like the stove being priced in design, construction, manufacturing process, operation, weight, and fuel type, which is distributed through similar trade channels, and which has an f. o. b. factory ceiling price to the class of purchaser used to determine its markup factor closest to that of the stove being priced to the same class of purchaser.

(3) He shall then add to the result of (2) above the Federal excise tax applicable to his current sale of the stove he is pricing to the class of purchaser who buys that stove from him in the largest volume and the amount he deducted in (1) above on account of freight, delivery and installation.

The result of this addition, rounded to the nearest multiple of 25 cents is the retail ceiling price of the stove in Zone 1. The manufacturer shall determine retail ceiling prices for sales of the same stove in zones other than Zone 1 by adding to the Zone 1 retail ceiling price determined as above, the dollar-and-cent amount of the previously established differential in effect before June 7, 1946, on the same model between retail ceiling prices in Zone 1 and in each of the other zones.

8. A new section 11b (d) is added to read as follows:

(d) *Establishment of retail ceiling prices for new model stoves of a type for which dollar-and-cent retail ceiling prices have been established before August 19, 1946 either by order under section 11 of this regulation or by calculation by the manufacturer under section 11e—(1) Formula method.* If no retail ceiling prices have been established before August 19, 1946 for sales of any stove of a type for which dollar-and-cent retail ceiling prices have been established under sections 11 or 11e of this regulation (This includes but is not limited to electric ranges, gas ranges, gas

bungalow ranges and gas combination ranges.), and the manufacturer has determined his f. o. b. factory ceiling prices for sales of the stove to purchasers for resale under section 3 or 7 and has adjusted them under section 8b, the retail ceiling prices are the prices determined by the manufacturer according to the following formula:

(i) He shall find the model of stove in his line for which he has a Zone 1 retail ceiling price based upon an order issued under this regulation or properly determined under section 11e before August 19, 1946 and which is "comparable" to the stove being priced. The "comparable" model is the one which is most like the stove being priced in design, construction, manufacturing process, operation, weight and fuel type which is distributed through similar trade channels and which has an f. o. b. factory ceiling price to the class of purchaser who buys it from the manufacturer in the greatest volume which is closest to that determined for sales of the stove being priced to the same class of purchaser.

(ii) He shall find his markup factor by dividing the retail ceiling price in Zone 1 of the comparable model (exclusive of the Federal excise tax and any amount included therein on account of freight, delivery and installation) by its f. o. b. factory ceiling price to the class of purchaser who buys the model from him in the largest volume.

(iii) He shall apply the markup factor so determined to his current f. o. b. factory ceiling price (exclusive of the Federal excise tax) for his sales of the stove being priced to the same class of purchaser used in (ii) above. The result, increased by the Federal excise tax applicable to his f. o. b. factory ceiling price for his sales of the model being priced to the class of reseller to whom he sells at his lowest ceiling price, and the amount included in the retail ceiling price of the comparable model on account of freight, delivery and installation, and rounded to the nearest multiple of 25 cents is the retail ceiling price in Zone 1 of the stove being priced.

He shall determine the retail ceiling prices of the stove being priced in zones other than Zone 1 by adding to the Zone 1 retail ceiling price determined in accordance with this subparagraph, the dollar-and-cent amount of the differential in effect before June 7, 1946 on the comparable model between the retail ceiling prices in Zone 1 and in each of the other zones.

In the case of stoves sold to mail order houses selling stoves through their retail stores which are required to be ticketed with their retail ceiling prices by the mail order house instead of by the manufacturer, the mail order house may itself compute its retail ceiling prices in accordance with the formula stated above, provided it has retail ceiling prices established under section 11 for its sales of a comparable stove produced by the same manufacturer who produced the stove it is pricing.

(2) *Retail ceiling prices established by order.* A manufacturer or mail order house who cannot determine under subparagraph (1) of this paragraph (d) the

retail ceiling prices applicable to sales of a particular model of electric range, gas range, gas combination range, gas bungalow range or any other stove of a type for which dollar-and-cent retail ceiling prices have been established before August 19, 1946 under section 11 or 11e of this regulation, for which he first establishes his ceiling prices after August 18, 1946, shall apply under this paragraph for the establishment of retail ceiling prices for that particular model. Orders will be issued under section 11 of this regulation establishing retail ceiling prices for such stoves in line with the level of ceiling prices established for similar stoves under the applicable regulations. An application under this subparagraph shall state the name of the applicant, the manufacturer producing the stove being priced, its model designation, and a statement of the reason why the applicant cannot determine retail ceiling prices for the stove under subparagraph (1) of this paragraph (d).

(3) *Preticketing of stoves priced under section 11b (d).* Unless an order issued under this regulation provides otherwise, after August 18, 1946 a manufacturer or mail order house may not display, offer for sale, sell or deliver any stove the retail ceiling prices of which he has determined under this paragraph (d) unless there is securely attached to the stove in accordance with the requirements of section 11d (a) of this regulation a label which contains all the information required by that section.

9. Section 11d (b) is amended by changing the date in the first line thereof from July 7, 1946 to August 19, 1946.

10. Section 11e is deleted from the regulation.

11. Section 12c is amended to read as follows:

SEC. 12c. Reporting of retail ceiling prices. Every manufacturer who determines or redetermines the retail ceiling prices for any of his stoves in accordance with section 11b of this regulation and is required to preticket that stove with the retail ceiling prices so determined in accordance with sections 11b (d) or 11d must send a report to the Office of Price Administration, Washington 25, D. C. containing the model designation and retail ceiling price in each zone of every such stove. This report must be filed within 15 days after the particular model is first sold or offered for sale by the manufacturer preticketed with the retail ceiling prices determined or redetermined under this regulation. If the prices so reported are incorrect this Office may issue an order under this section establishing the correct retail ceiling prices.

This amendment shall become effective on the 19th day of August 1946.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14290; Filed, Aug. 15, 1946; 4:23 p. m.]

PART 1305—ADMINISTRATION

[SO 129, Amdt. 42]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

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

Supplementary Order 129 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. Articles exempted from price control. Notwithstanding the provisions of any price regulation or order heretofore issued by the Office of Price Administration, or any price regulation or order hereafter issued by the Office of Price Administration, except an amendment of this order, all purchases, sales, deliveries, rentals and offers to do the same, unless otherwise stated below, of any of the machines, parts, industrial materials and services listed in the sections appearing under this article are exempt from price control. The exemption of a commodity does not, however, exempt installed sales or installation services in connection with such commodity, unless it is specifically so provided. The heading of each section of this article indicates the commodity price branch of the National Office having jurisdiction over the machines, parts, industrial materials and services listed.

2. Section 3(b) is amended by adding the following to the list of commodities thereunder:

Steelbound skid platforms.

3. Section 6(b) is amended by adding the following to the list of commodities thereunder:

Passenger automobiles, 4 wheel, complete with body, designed to sell and selling at retail f.o.b. factory for less than \$400 exclusive of taxes.

4. Section 8(b) is amended by adding the following to the list of commodities thereunder:

Rubber bands.

5. Section 9 is amended to read as follows:

SEC. 9. Articles suspended from price control. Notwithstanding the provisions of any price regulation or order heretofore issued by the Office of Price Administration, except an amendment of this order, price control is suspended as to all purchases, sales, deliveries, rentals, and offers to do the same, unless otherwise stated below, of any of the machines, parts, industrial materials and services listed in the sections appearing under this article. These suspensions are for an indefinite period of time except when it is otherwise specifically provided by the Administrator. The suspension of price control as to a commodity does not suspend control as to installed sales or installation services in connection with such commodity, unless it is specifically so provided. The heading of each section of this article indicates the commodity price branch of

the National Office having jurisdiction over the machines, parts, industrial materials and services listed.

6. Section 14 (a) (4) (i) is amended to read as follows:

(i) "Automotive vehicle" means a passenger automobile, truck, truck tractor, electric, diesel or gasoline motor driven bus, ambulance, hearse, flower car, airport limousine, mobile fire apparatus, motorcycle, or trailer designed for "on the highway" use.

7. Section 14 (d) is amended by adding the following to the list of vehicles thereunder:

Automobile transport trailers.
Boat trailers.
Dump trailers.
Horse trailers.
Logging trailers.
Low-bed machinery trailers.
Low temperature ice cream and frozen food trailers.
Oil well drilling equipment trailers.
Pole trailers.
Public utility company trailers.
Special trailers designed as traveling show rooms, traveling offices or for carnival or circus exhibitions.
Sugar cane trailers.

This amendment shall become effective August 16, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14294; Filed, Aug. 16, 1946; 11:49 a. m.]

PART 1305—ADMINISTRATION

[Rev. SO 150]

ADDING PROVISIONS FOR MARK-UP ON DIRECT-MILL SALES BY DISTRIBUTORS IN CERTAIN MAXIMUM PRICE REGULATIONS ON LUMBER

Supplementary Order No. 150 (Adding provisions for mark-up on direct-mill sales by distributors in certain maximum price regulations on lumber) is redesignated Revised Supplementary Order No. 150 (Adding provisions for mark-up on direct-mill sales by distributors in certain maximum price regulations on lumber) and is revised and amended to read as set forth below.

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

§ 1305.178 *Provisions for addition to ceiling price on direct-mill sales by distributors and distribution yards.* The following maximum price regulations and any revisions thereof are amended to include the following provision:

In 2nd RMPR 26, added as section 13.
In RMPR 94, added as section 6A.
In RMPR 164, added as section 6A.
In 3rd RMPR 219, added as section 6A.
In 2nd RMPR 222, added as section 6A.
In MPR 253, added as § 1381.401A.
In RMPR 290, added as section 6A.
In MPR 402, added as section 6A.
In MPR 412, added as section 6A.
In MPR 432, added as section 6A.
In MPR 458, added as section 6A.

Additions to mill ceiling prices on direct-mill sales by direct-mill distributors and by distribution yards.

(a) *Mark-up on wholesale type direct-mill sale.* Subject to the exceptions and limitations set forth in paragraph (f), direct-mill distributors and distribution yards may on a wholesale type direct-mill sale add 5 percent to the mill maximum price established in or approved under this regulation. The addition may be evened out to the nearest quarter dollar per M'BM, or in the case of lath, to the nearest 5 cents per 1,000 pieces, or in the case of shingles or shakes, to the nearest 5 cents per square, or the addition may be added as one lump sum to the total amount of the bill based on the mill maximum prices.

(b) *Mark-up on a commission type direct-mill sale.* Subject to the exceptions and limitations set forth in paragraph (f), the maximum price for lumber purchased and sold under this regulation on a commission type direct-mill sale, is 3 percent higher than the mill maximum price. The mill maximum price, including the commission, may be evened out to the nearest quarter dollar per M'BM, or in the case of lath, to the nearest 5 cents per 1,000 pieces, or in the case of shingles or shakes, to the nearest 5 cents per square, or the addition may be added as one lump sum to the total amount of the bill based on the mill maximum prices. The mill must pay to the commission man at least the amount added as a mark-up so that the mill's realization shall not exceed the mill maximum prices.

(c) *Pyramiding prohibited.* The price additions permitted in this section may not be added more than once to the mill maximum price in the regulation regardless of the number of persons participating in the transaction.

(d) *Application for and granting of registration as a direct-mill distributor.* All persons desiring to operate as direct-mill distributors must apply to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., for, and receive, a registration number before charging or receiving the addition provided in paragraphs (a) (b) of this section. (Distribution yards need not apply.) The application shall contain either a statement showing all connections which the applicant has with any mill, concentration yard, or other lumber producer, which may have any bearing on the question of "control relationship" as described in paragraph (f) (5) of this section, or a statement showing that he has no connection with any mill, concentration yard, or other lumber producer, which has any bearing on the question of "control relationship" as described in paragraph (f) (5) of this section. Anyone previously registered as a direct-mill distributor under Supplementary Order 150 may continue to act under such regulation without reapplying.

(e) *Definition of terms.*—(1) *Direct-mill sales.* A direct-mill sale is one which originates at a mill, or concentration yard, and in which the lumber goes direct to a consumer or distribution yard without becoming a part of the stock of any intervening purchaser.

(2) *Direct-mill distributor.* A direct-mill distributor is a wholesaler or commission man who is registered as such by the Lumber Branch of the Office of Price Administration, Washington, D. C., and receives his registration number.

(3) *Distribution yard.* A distribution yard is a wholesale or retail lumber yard as defined in 2nd Revised Maximum Price Regulation 215.

(4) *Wholesale type direct-mill sale.* A wholesale type direct-mill sale is a direct-mill sale in which the seller buys lumber from a mill, wholesaler or concentration yard, and sells the lumber to the buyer in the same form.

(5) *Commission-type sale.* A commission-type sale is a direct-mill sale through a commission man. For the purposes of this section, a commission man is a distribution yard or a person who represents, and customarily sells lumber in carload quantities for, two or more mills or concentration yards which are independent of each other, receives his compensation from the mills in the form of commission based on the amount of the lumber sold, and operates independently of both buyer and seller.

(f) *Exceptions and limitations.* The mark-ups permitted in this section may not be made in the following cases:

(1) On any sale of lumber under this regulation for which the invoice from the mill or concentration yard does not contain the statement "This mill has no control relationship with (name of distributor) as defined in Revised Supplementary Order 150".

(2) On any sale of less than carload quantities when shipped by rail, except that a sale for resale purposes in less than carload quantities when shipped in a pool carload may carry the mark-up.

(3) On any sale of less than 5M'EM when shipped by truck or water.

(4) On any sale which carries an addition for a direct-mill retail type sale.

(5) On any sale of lumber which originates at a mill or concentration yard with which the direct-mill distributor has a "control relationship". A "control relationship" includes any of the following:

(i) *Profit sharing arrangement, direct or indirect, which was established on or after July 1, 1943.* This means a financial interest by a direct-mill distributor in the profits, return or realization of a mill or concentration yard, or by a mill or concentration yard in the profits, return or realization of a direct-mill distributor, and includes common ownership or control of a mill and direct-mill distributor by a third person. It also includes any arrangement whereby a distributor or producer shares in the profits of the other, whether such arrangement is oral or written, direct or indirect. Where a mill, concentration yard, or direct-mill distributor is a corporation, stock ownership of more than 10 percent of the total issued outstanding stock by a direct-mill distributor in the mill or concentration yard, or vice versa, constitutes a "control relationship".

(ii) *Family relationship.* A family relationship exists if any member of the family of the owner or part owner to the extent of more than 10 percent of a mill or concentration yard, has any in-

terest in a direct-mill distributor, or vice versa, and such interest was acquired on or after July 1, 1943. Member of a family means any person related to an individual or his spouse by blood or marriage within the third degree.

(g) *Invoicing requirements on distributor's direct-mill wholesale type sale.* The invoice on any distributor's direct-mill wholesale type sale must be plainly marked "wholesaler's direct-mill sale" and must show the name and registration number of the direct-mill distributor. The invoice must also bear the following endorsement: "The lumber covered by this invoice did not originate at a mill or concentration yard with which we have a control relationship."

(h) *Invoicing requirements on direct-mill commission type sale.* The invoice on any direct-mill commission type sale must be plainly marked "commission man's direct-mill sale" and must show the name and registration number of the direct-mill distributor. The invoice must also bear the following endorsement: "We do not have a control relationship with (name of the distributor)".

(i) *Maximum price when endorsement on invoice is false.* If a mill or concentration yard makes a statement on an invoice that it has no control relationship with the direct-mill distributor, and such statement is false, the maximum prices at which the lumber covered by such invoice may be sold by it is 5 percent less than the mill maximum price.

(j) *Suspension of licenses.* Any person making a sale under this regulation is subject to the provisions of Licensing Order No. 1. A violation of any provision of this regulation is a violation of the seller's license. Violations of the license or of this regulation may result in suspension of the license in accordance with the provisions of the Emergency Price Control Act of 1942, as amended.

(k) Any provision in this regulation which prohibits the charging, receiving or paying a commission for the service of procuring lumber shall not be deemed to prohibit the payment and receipt of the commission man's and wholesaler's mark-ups permitted by this section.

This revised supplementary order shall become effective August 21, 1946.

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

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14395; Filed, Aug. 16, 1946; 11:57 a. m.]

PART 1340—FUEL

[MPR 120, Amdt. 161]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of 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. 120 is hereby amended in the following respects:

1. Section 1340.210 (a) (16) and § 1340.210 (a) (16) (i) are amended in the following respects:

The types of mines and amounts in cents per net ton set opposite District No. 2 are amended to read as follows:

Cents
per net ton

District No.: 2 All..... 00

2. Section 1340.213 is amended to read as follows:

§ 1340.213 *Appendix B: Maximum prices for bituminous coal produced in District No. 2.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds. In the case of a rail or river shipment (which includes coal delivered by truck or wagon to a rail or river loading point), the maximum price is f. o. b. transportation facilities at the rail or river loading point. In the case of a truck or wagon shipment (i. e., delivery made entirely by truck or wagon without intervening rail shipment), the maximum price is f. o. b. the mine or preparation plant.

(1) (i) Maximum prices in cents per net ton for coals produced at underground mines for shipment to all destinations by all methods of transportation (except truck or wagon) and for all uses except railroad fuel and smithing coal.

Classification	Maximum prices by size group Nos.				
	1, 2	3, 4, 5	6	7, 8	9, 10
A.....	426	406	366	371	356
B.....	421	406	366	371	354
C.....	421	406	366	371	351
D.....	406	366	366	366	341
E.....	406	376	366	346	331
F.....	381	371	361	346	331
G.....	381	371	361	341	326
H.....	381	366	356	331	321
J.....	281	346	336	331	321
K.....	376			316	306
L.....	371				

(ii) The maximum prices for coals produced at underground mines for all railroad fuel uses shall be the maximum price for the grade and size shipped as set forth in (i) above, or as set forth in the table of Consolidated Railroad Fuel Price Groups set forth in this subparagraph (ii) below, whichever is the higher.

Consolidated railroad fuel price group	Maximum prices by size group Nos.			Description of consolidated railroad fuel price groups
	1 to 5, inclusive	6	7 to 10, inclusive	
A.....	386	371	341	1, 6, 9, 10, 13, 15, 20 and 22.
B.....	386	371	331	2, 11, 12, 14, 19 and 21.
C.....	381	366	331	16, 17 and 18.
D.....	376	361	331	5.
E.....	366	351	336	3 and 7.
F.....	361	346	321	4.
G.....	356	341	326	8.

(2) (1) Maximum prices in cents per net ton for coals produced at strip-mines for shipments to all destinations by all methods of transportation (except truck or wagon) and for all uses, except railroad fuel and smithing coal.

Classification	Maximum prices by size group Nos.				
	1 and 2	3, 4, 5	6	7, 8	9, 10
A.....	379	319	309	284	269
B.....	334	319	309	284	269
C.....	324	319	309	284	264
D.....	319	309	299	279	254
E.....	319	289	279	259	244
F.....	294	284	274	259	244
G.....	294	284	274	254	239
H.....	294	279	269	244	234
J.....	294	539	249	244	234
K.....	289			229	219
L.....	284				

(ii) The maximum prices for coals produced at strip-mines for all railroad fuel uses shall be the maximum price for the grade and size shipped as set forth in (1) above, or as set forth in the table of Consolidated Railroad Fuel Price Groups set forth in this subparagraph (ii) below, whichever is higher.

Consolidated railroad fuel price group	Maximum prices by size group Nos.			Description of consolidated railroad fuel price groups
	1 to 5, inclusive	6	7 to 10, inclusive	
A.....	299	284	254	1, 6, 9, 10, 13, 15, 20 and 22.
B.....	299	284	244	2, 11, 12, 14, 19 and 21.
C.....	294	279	244	16, 17 and 18.
D.....	289	274	244	5.
E.....	279	264	249	3 and 7.
F.....	274	259	234	4.
G.....	269	254	239	8.

3. *Smithing coal.* (i) The maximum price for smithing coal produced at underground mines in all size groups for shipment to all destinations by all methods of transportation shall be 526 cents per net ton.

(ii) The maximum price for smithing coal produced at strip-mines in all size groups for shipment to all destinations by all methods of transportation shall be 439 cents per net ton.

4. Specific descriptions of size group numbers referred to in subparagraph (1) & (2) of this paragraph (b).

- | Size groups Nos.: | Description |
|-------------------|---|
| 1 and 2.. | All single-screened lump coals and double-screened egg coals with bottom size larger than 2". |
| 3 and 4.. | All single-screened lump coals with a bottom size 2" and smaller, and all double-screened coals with a bottom size 2" and smaller, and top size larger than 2". |
| 5..... | All double-screened, nut, pea and stoker coals with a top size not exceeding 2". |
| 6..... | Straight mine run, all mine run resultants larger than 2", and any mine run altered by the removal of any intermediate size. |
| 7 and 8.. | Screenings larger than 3/4" x 0 but not exceeding 2" x 0. |
| 9 and 10. | Screenings, top size not exceeding 3/4". |
| 5. | Truck or wagon shipments. (i) Maximum prices in cents per net ton for |

coals produced at underground mines for delivery entirely by truck or wagon to all destinations and for all uses.

Coal produced in the following counties	Price group Nos.	Maximum prices by size group Nos.					
		1, 2, 3	4	5, 6, 7	8	9, 10	11
Allegheny.....	5	496	461	431	396	356	341
Armstrong.....	10	466	436	431	366	346	326
Beaver.....	4	486	471	446	376	336	316
Butler.....	2	506	486	476	391	361	341
Crawford.....	1	539	511	506	441	351	336
Fayette.....	7	486	456	446	381	361	336
Greene.....	11	451	431	411	351	331	301
Indiana.....	9	466	436	426	371	351	331
Lawrence, Mercer and Venango.....	3	506	471	466	391	336	311
Washington.....	6	496	456	446	396	361	326
Westmoreland.....	8	486	466	436	376	356	326
Cannel coal.....	2	671	511	491	461	451	386

(ii) Maximum prices in cents per net ton for coals produced at strip-mines for delivery entirely by truck or wagon to all destinations and for all uses.

Coal produced in the following counties	Price group Nos.	Maximum prices by size group Nos.					
		1, 2, 3	4	5, 6, 7	8	9, 10	11
Allegheny.....	5	434	399	369	334	294	279
Armstrong.....	10	404	374	369	304	284	264
Beaver.....	4	424	409	384	314	274	254
Butler.....	2	444	424	414	329	299	279
Crawford.....	1	474	449	444	379	289	274
Fayette.....	7	424	394	384	319	299	274
Greene.....	11	389	369	349	289	269	239
Indiana.....	9	404	374	364	309	289	269
Lawrence, Mercer, Venango.....	3	444	409	404	329	274	249
Washington.....	6	434	394	384	334	299	266
Westmoreland.....	8	424	404	374	314	294	264
Cannel Coal.....	2	609	449	429	399	359	324

6. Specific descriptions of size group numbers referred to in subparagraph (5) of this paragraph (b).

- | Size Group Nos.: | Description |
|------------------|--|
| 1 to 3, incl | All single-screened lump coals and all double-screened egg coals with a bottom size larger than 2". |
| 4..... | All single-screened lump coals bottom size larger than 1 1/4" but not exceeding 2", and all double-screened egg coals, bottom size larger than 1 1/4" but not exceeding 2", and top size larger than 5". |
| 5 to 7, incl | All single-screened lump coals, bottom size 1 1/4" and smaller, all forked coals, all double-screened egg coals, bottom size larger than 1 1/4" but not exceeding 2", and top size larger than 2" but not exceeding 5", all double-screened egg coals, bottom size 1 1/4" and smaller and top size larger than 4", all double-screened nut, pea and stoker coals, top size not exceeding 2". |
| 8..... | Straight mine run, all mine run resultants larger than 2", and any mine run altered by the removal of any intermediate size. |
| 9 and 10..... | Screenings, larger than 3/4" x 0 but not exceeding 2" x 0. |
| 11..... | Screenings, top size, not exceeding 3/4". |

(c) A producer who was rendering the service of supplying a chemical or oil treatment in the period October 1-15, 1941, and was making a charge for the service may continue to make the same charge as provided in § 1340.210 (a) (10). A producer, who was not rendering the service of supplying a chemical or oil treatment in the period October 1-15, 1941, and is now prepared to do so or a producer who was performing the service but was not charging for it, may charge an amount not in excess of 10 cents per net ton for such service where: First, the purchaser of the coal requires it; Second, the producer is equipped with adequate facilities for the treatment of coal; Third, the treatment is performed in an adequate and thorough manner; Fourth, the charge for the service is separately stated on the producer's invoice or other memorandum of sale; and Fifth, the producer has filed a report with the Solid Fuels Branch, Office of Price Administration, Washington 25, D. C., designating the service he expects to perform and describing the facilities and materials he will use in performing the services. In the event there appears to be an inadequate basis for making the charge, the Office of Price Administration may at any time deny permission to make the charge as to future transactions by notice to the producer in writing.

(d) Applications for adjustment of maximum prices for strip-mined coals. The Price Administrator may by order grant an increase in the maximum prices for strip-mined coals or for a mixture of deep and strip-mined coals produced in District No. 2 in the manner and to the extent set forth below:

(1) An order may be issued, increasing the strip-mine maximum prices by 61 cents per net ton for all methods of transportation except truck or wagon and 36 cents per net ton for truck or wagon shipments, upon application being filed wherein it is shown to the satisfaction of the Price Administrator: First, that the strip-mined coals are such that they can be prepared so as to be generally acceptable in coal-consuming markets; second, that the coals are prepared in a preparation plant or tippie equipped with screens and picking tables and, in general, with adequate facilities for preparing coal by removing refuse before loading into transportation facilities; and third, that the strip-mined coal as loaded into transportation facilities is adequately prepared by use of such facilities.

(2) An order may be issued, authorizing the deep-mine maximum price to be charged for a mixture of deep and strip-mined coals, upon application being filed wherein it is shown to the satisfaction of the Price Administrator: First, that the strip-mined coals are such that they can be prepared so as to be generally acceptable in coal-consuming markets; second, that the coals are prepared in a preparation plant or tippie equipped with screens and picking tables and, in general, with adequate facilities for preparing coal by removing refuse before loading into transportation facilities; third, that the strip-mined coals are loaded into transportation facilities, are adequately prepared by use of such facilities; and

fourth, that the mixture of deep-mined and strip-mined coals contains not less than approximately 25% of deep-mined coals which have been blended with the strip-mined coals in preparation.

(3) Orders issued under this paragraph may be amended or revoked at any time. Failure to observe the above described preparation standards or maintain the proper mixture of deep and strip-mined coals shall constitute grounds for immediate revocation.

This amendment shall become effective August 21, 1946.

Issued this 16th day of August 1946.

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

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14365; Filed, Aug. 16, 1946; 12:00 m.]

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

[MPR 450; Amdt. 11]

WRITING PAPER AND CERTAIN OTHER FINE PAPERS

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 450 is amended in the following respects:

1. Appendix A (a) (1), is amended to read as follows:

(1) *Base prices:*

Grade	Maximum base price per cwt., jumbo rolls, zone 1	
	17 lbs. or heavier	16 lbs.
Extra 100 percent rag bond.....	\$33.15	\$33.15
100 percent rag bond.....	27.15	27.15
75 percent rag bond.....	19.65	19.65
50 percent rag bond.....	15.75	17.00
25 percent rag bond.....	13.85	14.85

Related grades include but are not limited to: Rag parchment, diploma, writings, certificate paper, policy paper, easy-erasing bonds.

2. Appendix A (b) (1) is amended to read as follows:

(1) *Base prices.*

Grade:	Maximum base prices per cwt., jumbo rolls, zone 1	
Extra 100 percent rag ledger.....	\$34.15	
100 per cent rag ledger.....	28.15	
85 percent rag ledger.....	25.15	
75 percent rag ledger.....	20.65	
50 percent rag ledger.....	16.75	
25 percent rag ledger.....	14.85	

Related grades include but are not limited to: Looseleaf ledger paper, machine posting ledger paper, hinged ledger paper.

3. Appendix A (c) (1) is amended to read as follows:

(1) *Base prices.*

Maximum base prices jumbo rolls calculated to equivalent of 17" x 22"—1,000 sheets, zone 1

Grade:	
100 percent rag onionskin and/or manifold.....	\$6.70
75 percent rag onionskin and/or manifold.....	5.20
25 percent rag onionskin and/or manifold.....	4.40

For sizes other than 17" x 22" the maximum prices are computed to the nearest 5 cts. per 1,000 sheets in proportion to the price for 17" x 22"—1,000 sheets. Cut sizes are computed to the nearest 1 ct. per 1,000 sheets.

Related grades include but are not limited to: 50 percent rag manifold.

4. Appendix A (d) (1) is amended to read as follows:

(1) *Base prices:*

Grade	Maximum base prices per cwt., jumbo rolls, zone 1	
	21 pounds or heavier	20 pounds ¹
Extra 100 percent rag wedding.....	\$34.15	\$34.65
100 percent rag wedding.....	29.15	29.65
75 percent rag wedding.....	24.65	25.15
50 percent rag wedding.....	19.75	22.00
25 percent rag wedding.....	15.85	17.60

¹ The maximum base prices for 20 pound and lighter shall not be used in establishing a maximum base price for any grade related to papeterie or wedding paper.

Related grades include but are not limited to wedding bristols, pasted vellums and papeteries.

5. Appendix A (e) (1) is amended to read as follows:

(1) *Base prices.*

Maximum base prices per cwt., jumbo rolls, Zone 1

Grade:	
Extra 100 percent rag index.....	\$33.15
100 percent rag index.....	27.15
75 percent rag index.....	22.15
50 percent rag index.....	16.25
25 percent rag index.....	13.85

Related grades include but are not limited to: Converting rag index, special rag bristol.

6. The table of prices in Appendix A (f) are amended to read as follows:

Grade	Car-load	Maximum price per cwt. Zone 1
Negative Sub: 14 (any quantity).....		\$35.00
		Less than carload
100% rag blue print:		
Sub. 17.....	\$23.50	\$24.00
Sub. 20½.....	22.50	23.00
Sub. 24.....	22.50	23.00

Grade	Car-load	10,000 lbs. to carload	Less than 10,000 lbs.
50% rag blue print:			
Sub. 17.....	\$17.60	\$18.60	\$19.60
Sub. 20½.....	16.60	17.60	18.60
25% rag blue print:			
Sub. 17.....	15.70	16.70	17.70
Sub. 20½.....	14.70	15.70	16.70
No rag blue print:			
Sub. 17.....	14.20	15.20	16.20
Sub. 20½.....	13.20	14.20	15.20

7. In Appendix A (g), the first paragraph beginning "Rag content cover papers" is deleted.

8. Appendix A (g) (1) is amended to read as follows:

(1) *Base prices*

Grade:	Maximum base price per cwt., jumbo rolls, Zone 1
25% rag cover, machine finish or antique plain edge.....	\$12.35

Related grades include but are not limited to: Other rag content cover papers and coated, printed or decorated covers.

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

(h) If a manufacturer has been granted an individual adjustment in his maximum base price for a grade covered by this Appendix A by the Office of Price Administration, he may continue to charge the individually adjusted price or he may charge the price determined under Appendix A.

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

(1) *Base prices:*

Grade	Maximum base prices per cwt., jumbo rolls, zone 1	
	17 lbs. or heavier	16 lbs.
Air dried bond (watermarked).....	\$12.25	\$13.20
No. 1 bond (M. F.) watermarked.....	8.85	9.55
No. 2 bond (M. F.) watermarked.....	8.20	8.80
Plain bond (M. F.) unwatermarked.....	7.65	8.25

The maximum base price of any related grade may be increased by an amount equivalent to the increase granted by Amendment 11 to MPR 450 to the grade to which it is related and for which maximum base prices are spelled out above; *Provided*, That, in no event may the maximum base price of the related grade be increased to exceed \$10.00 per cwt.

Related grades include but are not limited to: Register bond, fan form and salesbook bond, writings, addressograph, special colored or special watermarked bonds, special purpose bonds.

11. Appendix B (b) (1) is amended to read as follows:

(1) *Base prices.*

Grade:	Maximum base price per cwt., jumbo rolls, zone 1
No. 1 ledger (M. F.) watermarked.....	\$9.85
No. 2 ledger (M. F.) watermarked.....	9.20
Plain ledger (M. F.) unwatermarked.....	8.65

The maximum base price of any related grade may be increased by an amount equivalent to the increase granted by Amendment 11 to MPR 450 to the grade to which it is related and for which maximum base prices are spelled out above; *Provided*, That, in no event may the maximum base price of the related grade be increased to exceed \$10.00 per cwt.

Related grades include but are not limited to: loose leaf machine posting ledgers and special chemical wood pulp ledgers.

12. Appendix B (c) (1) is amended to read as follows:

¹ 11 F.R. 1775, 5825.

(1) Base prices:

Grade	Maximum base prices jumbo rolls—calculated to equivalent of 17" x 22"—1,000 sheets—	
	Basis wt. 7 to 9 lbs. (17" x 22"—500)	Basis wt. 10 lbs. (17" x 22"—500)
No. 1 watermarked.....	\$2.35	\$2.55
No. 2 watermarked.....	2.25	2.45
No. 2 unwatermarked.....	2.15	2.35
Plain unwatermarked.....	1.95	2.15

For sizes other than 17" x 22" the maximum prices shall be figured proportionately by size to the nearest cent per 1000 sheets.

Related grades include but are not limited to: manifold tissues.

13. Appendix B (c) (2) is amended to read as follows:

(2) Exception to general rule on freight absorption and zone differentials. The general rule as stated in section 15 (d) and (e) is modified as follows: On orders for less than 250 lbs., maximum prices are f. o. b. mill, with no freight allowance required. On orders for 250 lbs. or more, maximum prices are f. o. b. mill with lowest available carload rate of freight allowed to buyer's home city, except that the manufacturer is not required to make such allowances at any rate in excess of \$1.00 per cwt. Zone differentials are not permitted.

14. Appendix B (d) (1) is amended to read as follows:

(1) Base prices:

Grade	Maximum base prices per cwt., jumbo rolls, zone 1	
	21-lb. and heavier	20-lb. and lighter ¹
No. 1 papeterie or wedding.....	\$10.65	\$11.65
No. 2 papeterie or wedding.....	9.65	10.30
No. 3 papeterie or wedding.....	8.80	9.45

¹ The maximum base prices for 20-lb. and lighter shall not be used in establishing a maximum base price for any grade related to papeterie or wedding paper.

The maximum base price of any related grade may be increased by an amount equivalent to the increase granted by Amendment 11 to MPR 450 to the grade to which it is related and for which maximum base prices are spelled out above; *Provided*, That, in no event may the maximum base price of the related grade be increased to exceed \$10.00 per cwt.

Related grades include but are not limited to: Pasted vellums, converting vellums, deckle-edge variations, and specialties in the same finish category.

15. Appendix B (e) (1) is amended to read as follows:

(1) Base prices:

Grade:	Maximum base price per cwt., jumbo rolls, Zone 1	
No. 1 index bristol.....	\$10.00	
No. 2 index bristol.....	9.10	
No. 3 index bristol.....	8.20	

The maximum base price of any related grade may be increased by an amount equivalent to the increase granted by Amendment 11 to MPR 450 to the grade to which it is

related and for which maximum base prices are spelled out above: *Provided*, That in no event may the maximum base price of the related grade be increased to \$10.00 per cwt.

Related grades include but are not limited to: Mill bristol, printing bristol, postcard greeting card bristol, jewelry card bristol, lampshade bristol, listing card bristol, menu card bristol, photogelatin bristol, stiffener bristol, check bristol, folding bristol.

16. In Appendix B (f) the first paragraph beginning "Chemical woodpulp cover papers and related grades" is deleted.

17. Appendix B (f) (1) is amended to read as follows:

(1) Base prices:

Grade:	Maximum base price per cwt., jumbo rolls, Zone 1	
No. 1 cover, plain edge.....	\$10.00	
No. 2 cover, plain edge.....	9.10	
No. 3 cover, 25 percent groundwood plain edge.....	7.70	

The maximum base price of any related grade may be increased by an amount equivalent to the increase granted by Amendment 11 to MPR 450 to the grade to which it is related and for which maximum base prices are spelled out above: *Provided*, That in no event may the maximum base price of the related grade be increased to exceed \$10.00 per cwt.

Related grades include but are not limited to: Coated, printed and decorated covers, sized and supercalandered covers and all fancy finish covers made by paper manufacturers.

18. Appendix B (g) (1) is amended to read as follows:

(1) Base prices:

Grade	Maximum base price per cwt., jumbo rolls, zone 1	
	Over 16 lbs.	16 lbs.
No. 1 mimeo watermarked.....	\$8.85	\$9.55
No. 2 mimeo unwatermarked.....	8.20	8.80
Plain mimeo unwatermarked.....	7.65	8.25

The maximum base price of any related grade may be increased by an amount equivalent to the increase granted by Amendment 11 to MPR 450 to the grade to which it is related and for which maximum base prices are spelled out above: *Provided*, That in no event may the maximum base price of the related grade be increased to exceed \$10.00 per cwt.

Related grades include but are not limited to: Spirit and gelatin duplicator, multilith and other duplicating papers: *Provided*, however, That the maximum base prices for substance weight 16 pounds shall apply only to the grades hereinabove listed and to such related grades as are commonly recognized by the trade as chemical wood pulp mimeograph paper. Such prices shall not be applicable to other related grades.

19. Appendix B (h) (1) is amended to read as follows:

(1) Base price:

Grade:	Maximum base price per cwt., jumbo rolls, zone 1	
Opaque circular:		
17 lbs. or heavier.....	\$9.15	
16 lbs.....	9.85	

The maximum base price of any related grade may be increased by an amount equivalent to the increase granted by Amendment 11 to MPR 450 to the grade to which it is related and for which maximum base prices are spelled out above: *Provided*, That in no event may the maximum base price of the related grade be increased to exceed \$10.00 per cwt.

20. In Appendix B, a new paragraph (i) is added to read as follows:

(i) If a manufacturer has been granted an individual adjustment in his maximum base price for a grade covered by this Appendix B, by the Office of Price Administration, he may continue to charge the individually adjusted price or he may charge the price determined under Appendix B.

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

(d) To the maximum base price of all grades of No. 3 Text paper priced under this Appendix C and in effect on June 30, 1946, there may be added an amount not in excess of \$0.35 per cwt.; *Provided, however*, That: (1) if the manufacturer has been granted an individual adjustment in his maximum price by the Office of Price Administration, he may continue to charge the individually adjusted price, or he may charge the price arrived at by adding \$0.35 per cwt. to the maximum base price as set forth above, whichever is the higher, but he shall in no event add the \$0.35 per cwt. to the individually adjusted price, and (2) the maximum base price of any grade of No. 3 Text paper may not be increased to exceed \$10.00 per cwt.

This amendment shall become effective August 16, 1946.

Issued this 16th day of August, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14377; Filed, Aug. 16, 1946; 11:58 a. m.]

PART 1413—LUMBER PRODUCTS

[MPR 601, Amdt. 4]

SOFTWOOD MOULDINGS

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 601 is amended in the following respects:

1. Section 18 (c) (1) is amended to read as follows:

(1) For the following house mouldings, use the same prices as provided in section 18 (b) above:

- Crown Moulding
- Bed Moulding
- Cove Moulding
- Brick Moulding
- Quarter, half and full rounds
- Window and Door Stops
- Nosing
- Screen Moulding
- Screen Stock
- Sash Stock
- Frame Stock
- Panel Moulding
- Band Moulding
- Cornice Moulding
- Hook Strips
- Corner Bead
- Glass Bead
- Chair Rail

- Porch Rail
- Hand Rail
- Shelf Cleat
- Picture Moulding
- Panel Strips
- Stools
- Lattice
- Drip Cap and Water Table
- Back Band
- Cap Trim
- Floor and Base Moulding
- Astragals
- Baluster Stock
- Casing, Base and Apron

2. Section 25a is amended to read as follows:

SEC. 25a. *Definition of house mouldings for jobbers' sales of mouldings.* The term "house mouldings" as used in sections 26-45 inclusive means any standard moulding as defined in section 4 (a) and any special moulding tabulated below. Any other special moulding is considered an industrial moulding.

- Crown Moulding
- Bed Moulding
- Cove Moulding
- Brick Moulding
- Quarter, half and full rounds
- Window and Door Stops
- Nosing
- Screen Moulding
- Screen Stock
- Sash Stock
- Frame Stock
- Panel Moulding
- Band Moulding
- Cornice Moulding
- Hook Strips
- Corner Bead
- Glass Bead
- Chair Rail
- Porch Rail
- Hand Rail
- Shelf Cleat
- Picture Moulding
- Panel Strips
- Stools
- Lattice
- Drip Cap and Water Table
- Back Band
- Cap Trim
- Floor and Base Moulding
- Astragals
- Baluster Stock
- Casing, Base and Apron

3. That part of section 26 immediately preceding section 26 (a) (3) is amended to read as follows:

SEC. 26. *Maximum prices in the New England area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the New England area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table I of section 6 less the following discount or plus the following markup:

For patterns with list prices under 95 cents—discount 4½%.

For patterns with list prices 95 cents and over—plus 2½%.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 12 points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Less 4½	Plus 5½
1/2"	2	Less 1½	Plus 8½
9/16"	3	Plus 4	Plus 14
5/8" and 11/16"	3 and 4	Plus 10	Plus 19½
3/4"	3	Plus 12½	Plus 22½
3/4" casing and base 3½" and wider.	4		Plus 24
25/32"	3	Plus 17	Plus 27
13/16"	3	Plus 19½	Plus 29½
7/8" and over	5, 6, 7, 8, or 9.		Plus 17

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12 points.

4. That part of section 27 immediately preceding section 27 (a) (3) is amended to read as follows:

SEC. 27. *Maximum prices in the Metropolitan New York Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Metropolitan New York Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table I of section 6 less the following discount or plus the following markup:

For patterns with list prices under 95 cents—Net List.

For patterns with list prices 95 cents and over—plus 7½%.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 12½ points.

(2) For Western pine house moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Net list.	Plus 10½
1/2"	2	Plus 3	Plus 13
9/16"	3	Plus 9	Plus 18
5/8" and 11/16"	3 and 4	Plus 14½	Plus 25
3/4"	3	Plus 17½	Plus 28
3/4" casing and base 3½" and wider.	4		Plus 29½
25/32"	3	Plus 22	Plus 32½
13/16"	3	Plus 25	Plus 35½
7/8" and over	5, 6, 7, 8, or 9.		Plus 22

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12½ points.

5. That part of section 28 immediately preceding section 28 (a) (3) is amended to read as follows:

SEC. 28. *Maximum prices in the Eastern Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Eastern Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts or plus the following markup:

For patterns with list prices under 95 cents—plus 1%.

For patterns with list prices 95 cents and over—plus 8½%.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 12½ points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Plus 1	Plus 11½
1/2"	2	Plus 4	Plus 14½
9/16"	3	Plus 10	Plus 20½
5/8" and 11/16"	3 and 4	Plus 16	Plus 26½
3/4"	3	Plus 19	Plus 29½
3/4" casing and base 3½" and wider.	4		Plus 31
25/32"	3	Plus 23½	Plus 34
13/16"	3	Plus 26½	Plus 37
7/8" and over	5, 6, 7, 8, or 9.		Plus 23½

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12½ points.

6. That part of section 29 immediately preceding section 29 (a) (3) is amended to read as follows:

SEC. 29. *Maximum prices in the North Central Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the North Central Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table I of section 6 less the following discounts or plus the following markups:

For patterns with list prices under 95 cents—plus 1%.

For patterns with list prices 95 cents and over—plus 8%.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 12½ points.

(2) For Western pine house moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Plus 1	Plus 11½
1/2"	2	Plus 4	Plus 14½
9/16"	3	Plus 10	Plus 20½
5/8" and 11/16"	3 and 4	Plus 16	Plus 26½
3/4"	3	Plus 19	Plus 29½
3/4" casing and base 3½" and wider.	4		Plus 31
25/32"	3	Plus 23½	Plus 34
13/16"	3	Plus 26½	Plus 37
7/8" and over	5, 6, 7, 8, or 9.		Plus 23½

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12½ points.

7. That part of section 30 immediately preceding section 30 (a) (3) is amended to read as follows:

SEC. 30. Maximum prices in the Mid-Northern Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Mid-Northern Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts or plus the following markups:

For patterns with list prices under 95 cents—discount ½ %.

For patterns with list prices 95 cents and over—plus 7 %.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 12½ points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
¾" and thinner.....	1, 2.....	Less ¼.....	Plus 10.
½".....	2.....	Plus 2½.....	Plus 13.
¾".....	3.....	Plus 8½.....	Plus 19.
¾" and 1¼".....	3 and 4.....	Plus 14½.....	Plus 25.
¾".....	3.....	Plus 17½.....	Plus 28.
¾" Casing and base 3½" and wider.	4.....	.....	Plus 29½.
2½".....	3.....	Plus 22.....	Plus 32½.
1¾".....	3.....	Plus 25.....	Plus 35½.
¾" and over.....	5, 6, 7, 8 or 9.	.....	Plus 22.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12½ points.

8. That part of section 31 immediately preceding Section 31 (a) (3) is amended to read as follows:

SEC. 31. Maximum prices in the Minnesota and Western Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Minnesota and Western Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts or plus the following markups:

For patterns with list prices under 95 cents—plus ½ %.

For patterns with list prices 95 cents and over—plus 8½ %.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 13 points.

(2) For Western pine house moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
¾" and thinner.....	1, 2.....	Plus ¼.....	Plus 11½.
½".....	2.....	Plus 3½.....	Plus 14½.
¾".....	3.....	Plus 10.....	Plus 20½.
¾" and 1¼".....	3 and 4.....	Plus 16.....	Plus 27.
¾".....	3.....	Plus 19.....	Plus 30.
¾" Casing and base 3½" and wider.	4.....	.....	Plus 31½.
2½".....	3.....	Plus 23½.....	Plus 34½.
1¾".....	3.....	Plus 27.....	Plus 37½.
¾" and over.....	5, 6, 7, 8 or 9.	.....	Plus 23½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 13 points.

9. That part of section 32 immediately preceding section 32 (a) (3) is amended to read as follows:

SEC. 32. Maximum prices in the Southeastern Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Southeastern Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts or plus the following markups:

For patterns with list prices under 95 cents—discount 2 %.

For patterns with list prices 95 cents and over—plus 5 %.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 12½ points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
¾" and thinner.....	1, 2.....	Less 2.....	Plus 8.
½".....	2.....	Plus 11.....	Plus 11.
¾".....	3.....	Plus 6½.....	Plus 16½.
¾" and 1¼".....	3 and 4.....	Plus 12½.....	Plus 22½.
¾".....	3.....	Plus 15.....	Plus 25.
¾" Casing and base 3½" and wider.	4.....	.....	Plus 26½.
2½".....	3.....	Plus 19½.....	Plus 29½.
1¾".....	3.....	Plus 22½.....	Plus 32½.
¾" and over.....	5, 6, 7, 8 or 9.	.....	Plus 19½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12½ points.

10. That part of section 33 immediately preceding section 33 (a) (3) is amended to read as follows:

SEC. 33. Maximum prices in the South Central Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the South Central Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table

1 of section 6 less the following discounts or plus the following markups:

For patterns with list prices under 95 cents—discount 6 %.

For patterns with list prices 95 cents and over—plus 1½ %.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 12 points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
¾" and thinner.....	1, 2.....	Less 6.....	Plus 4.
½".....	2.....	Less 3.....	Plus 7.
¾".....	3.....	Plus 2½.....	Plus 12½.
¾" and 1¼".....	3 and 4.....	Plus 8½.....	Plus 18½.
¾".....	3.....	Plus 11.....	Plus 21.
¾" Casing and base 3½" and wider.	4.....	.....	Plus 22½.
2½".....	3.....	Plus 15½.....	Plus 25½.
1¾".....	3.....	Plus 18½.....	Plus 28½.
¾" and over.....	5, 6, 7, 8 or 9.	.....	Plus 15½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12 points.

11. That part of section 34 immediately preceding section 34 (a) (3) is amended to read as follows:

SEC. 34. Maximum prices in the Texas Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Texas Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts or plus the following markups:

For patterns with list prices under 95 cents—discount 13 %.

For patterns with list prices 95 cents and over—discount 6½ %.

For small sizes of industrial mouldings listed in Table I lengthen the above discount 11 points.

(2) For Western pine house mouldings patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
¾" and thinner.....	1, 2.....	Less 13.....	Less 3½.
½".....	2.....	Less 10½.....	Less 1.
¾".....	3.....	Less 5.....	Plus 4½.
¾" and 1¼".....	3 and 4.....	Plus ½.....	Plus 9½.
¾".....	3.....	Plus 3.....	Plus 12½.
¾" Casing and base 3½" and wider.	4.....	.....	Plus 13½.
2½".....	3.....	Plus 7.....	Plus 16½.
1¾".....	3.....	Plus 9½.....	Plus 19.
¾" and over.....	5, 6, 7, 8 or 9.	.....	Plus 7.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 11 points.

12. That part of section 35 immediately preceding Section 35 (a) (3) is amended to read as follows:

SEC. 35. Maximum prices in the West Central Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the West Central Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table I of section 6 less the following discounts or plus the following markups:

For patterns with list prices under 95 cents—discount 8½%.

For patterns with list prices 95 cents and over—discount 1½%.

For small sizes of industrial mouldings listed in Table I lengthen the above discount 12 points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups are as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner.....	1, 2.....	Less 8½	Plus 11½
1/2".....	2.....	Less 5½	Plus 4½
9/16".....	3.....	Net List	Plus 10
5/8" and 1 1/16".....	3 and 4..	Plus 5½	Plus 15½
3/4".....	3.....	Plus 8½	Plus 18½
3/4" Casing and base 3 1/2" and wider.	4.....		Plus 19½
2 3/8".....	3.....	Plus 12½	Plus 22½
1 3/16".....	3.....	Plus 15½	Plus 25½
7/8" and over.....	5, 6, 7, 8 or 9.		Plus 12½

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12 points.

13. That part of section 36 immediately preceding section 36 (a) (3) is amended to read as follows:

SEC. 36. Maximum prices in the Nebraska Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Nebraska Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 10%.

For patterns with list prices 95 cents and over—discount 3%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 11½ points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner.....	1, 2.....	Less 10.....	Net list. Plus 2½.
1/2".....	2.....	Less 7.....	Plus 8.
9/16".....	3.....	Less 1½.....	Plus 13½.
5/8" and 1 1/16".....	3 and 4..	Plus 4.....	Plus 16½.
3/4".....	3.....	Plus 6½.....	Plus 17½.
3/4" Casing and base 3 1/2" and wider.	4.....		
2 3/8".....	3.....	Plus 11.....	Plus 20½.
1 3/16".....	3.....	Plus 13½.....	Plus 23½.
7/8" and over.....	5, 6, 7, 8 or 9.		Plus 11.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 11½ points.

14. That part of section 37 immediately preceding section 37 (a) (3) is amended to read as follows:

SEC. 37. Maximum prices in the Denver Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Denver Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 9½%.

For patterns with list prices 95 cents and over—discount 2½%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 12 points.

(2) For Western pine house moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner.....	1, 2.....	Less 9½.....	Plus 1½.
1/2".....	2.....	Less 6½.....	Plus 3½.
9/16".....	3.....	Less 1.....	Plus 9.
5/8" and 1 1/16".....	3 and 4..	Plus 5.....	Plus 15.
3/4".....	3.....	Plus 7½.....	Plus 17½.
3/4" Casing and base 3 1/2" and wider.	4.....		Plus 19.
2 3/8".....	3.....	Plus 12.....	Plus 22.
1 3/16".....	3.....	Plus 15.....	Plus 24½.
7/8" and over.....	5, 6, 7, 8 or 9.		Plus 12.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12 points.

15. That part of section 38 immediately preceding section 38 (a) (3) is amended to read as follows:

SEC. 38. Maximum prices in the Salt Lake City Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Salt Lake City Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table

1 of section 6 less the following discounts or plus the following markups:

For patterns with list prices under 95 cents—discount 4½%.

For patterns with list prices 95 cents and over—plus 3½%.

For small sizes of industrial mouldings listed in Table I lengthen the above discount (or reduce the markup) 12½ points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner.....	1, 2.....	Less 4½.....	Plus 6½.
1/2".....	2.....	Less 1½.....	Plus 9½.
9/16".....	3.....	Plus 4½.....	Plus 15½.
5/8" and 1 1/16".....	3 and 4..	Plus 10½.....	Plus 21½.
3/4".....	3.....	Plus 13½.....	Plus 24½.
3/4" Casing and base 3 1/2" and wider.	4.....		Plus 25½.
2 3/8".....	3.....	Plus 18½.....	Plus 23½.
1 3/16".....	3.....	Plus 21½.....	Plus 31½.
7/8" and over.....	5, 6, 7, 8 or 9.		Plus 18½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12½ points.

16. That part of section 39 immediately preceding section 39 (a) (3) is amended to read as follows:

SEC. 39. Maximum prices in the Boise Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Boise Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 19½%.

For patterns with list prices 95 cents and over—discount 13%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 10½ points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 or over
7/16" and thinner.....	1, 2.....	Less 19½.....	Less 10½.
1/2".....	2.....	Less 17.....	Less 8.
9/16".....	3.....	Less 12.....	Less 3.
5/8" and 1 1/16".....	3 and 4..	Less 7.....	Plus 2.
3/4".....	3.....	Less 4½.....	Plus 4½.
3/4" Casing and base 3 1/2" and wider.	4.....		Plus 5½.
2 3/8".....	3.....	Less 1½.....	Plus 8.
1 3/16".....	3.....	Plus 2.....	Plus 10½.
7/8" and over.....	5, 6, 7, 8 or 9.		Less ½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 10½ points.

17. That part of section 40 immediately preceding section 40 (a) (3) is amended to read as follows:

SECTION 40. Maximum prices in the Spokane Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Spokane Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 21%.

For patterns with list prices 95 cents and over—discount 14½%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 11 points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Less 21	Less 12.
1/2"	2	Less 18	Less 9.
9/16"	3	Less 13	Less 4.
5/8" and 11/16"	3 and 4	Less 8	Plus 1.
3/4"	3	Less 5½	Plus 3½.
3/4" Casing and base 3 1/2" and wider.	4		Plus 5.
2 5/8"	3	Less 1½	Plus 7½.
1 3/4"	3	Plus 1	Plus 10.
7/8" and over	5, 6, 7, 8 or 9.		Less 1½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 11 points.

18. That part of section 41 immediately preceding section 41 (a) (3) is amended to read as follows:

SEC. 41. Maximum prices in the Puget Sound Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Puget Sound Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 10%.

For patterns with list prices 95 cents and over—discount 3%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 12 points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Less 10	Net list.
1/2"	2	Less 7	Plus 3.
9/16"	3	Less 1½	Plus 8½.
5/8" and 11/16"	3 and 4	Plus 4½	Plus 14½.
3/4"	3	Plus 7½	Plus 17½.
3/4" Casing and base 3 1/2" and wider.	4		Plus 19.
2 5/8"	3	Plus 11½	Plus 21½.
1 3/4"	3	Plus 14½	Plus 24½.
7/8" and over	5, 6, 7, 8 or 9.		Plus 11½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12 points.

19. That part of section 42 immediately preceding section 42 (a) (3) is amended to read as follows:

SEC. 42. Maximum prices in the Portland Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Portland Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 10½%.

For patterns with list prices 95 cents and over—discount 3%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 12 points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Less 10½	Net list.
1/2"	2	Less 7½	Plus 2½.
9/16"	3	Less 1½	Plus 8½.
5/8" and 11/16"	3 and 4	Plus 4	Plus 14½.
3/4"	3	Plus 7	Plus 17½.
3/4" Casing and base 3 1/2" and wider.	4		Plus 18½.
2 5/8"	3	Plus 11½	Plus 21½.
1 3/4"	3	Plus 14½	Plus 24½.
7/8" and over	5, 6, 7, 8 or 9.		Plus 11½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 12 points.

20. That part of section 43 immediately preceding section 43 (a) (3) is amended to read as follows:

SEC. 43. Maximum prices in the Southern California Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Southern California Area are as follows:

(1) For small sizes of Western pine house mouldings the list prices in Table 1 of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 15%.

For patterns with list prices 95 cents and over—discount 8%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 11½ points.

(2) For Western pine house moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Less 15	Less 5½.
1/2"	2	Less 12	Less 2½.
9/16"	3	Less 6½	Plus 2½.
5/8" and 11/16"	3 and 4	Less 1½	Plus 8.
3/4"	3	Plus 1½	Plus 11.
3/4" Casing and base 3 1/2" and wider.	4		Plus 12.
2 5/8"	3	Plus 5½	Plus 15.
1 3/4"	3	Plus 8	Plus 17.
7/8" and over	5, 6, 7, 8 or 9.		Plus 5½.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 11½ points.

21. That part of section 44 immediately preceding section 44 (b) is amended to read as follows:

SEC. 44. Maximum prices in the Northern California Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Northern California Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table 1 of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 16%.

For patterns with list prices 95 cents and over—discount 9½%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 11½ points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Less 16	Less 6½.
1/2"	2	Less 13½	Less 4.
9/16"	3	Less 8	Plus 1½.
5/8" and 11/16"	3 and 4	Less 2½	Plus 7.
3/4"	3	Net list.	Plus 9½.
3/4" Casing and base 3 1/2" and wider.	4		Plus 11.
2 5/8"	3	Plus 4	Plus 13½.
1 3/4"	3	Plus 7	Plus 16.
7/8" and over	5, 6, 7, 8 or 9.		Plus 4.

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 11½ points.

22. That part of section 45 immediately preceding section 45 (b) is amended to read as follows:

Sec. 45. *Maximum prices in the Arizona-New Mexico Area*—(a) *Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Arizona-New Mexico Area are as follows:

(1) For small sizes of Western pine house mouldings, the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 21%.

For patterns with list prices 95 cents and over—discount 15%.

For small sizes of industrial mouldings listed in Table I lengthen the above discounts 10 points.

(2) For Western pine house moulding patterns not listed in Table 1, the list prices in the indicated column in Table II of section 6 less the discounts or plus the markups as follows:

Item	Column	Discounts or markups (percent) for patterns with list prices under \$2	Discounts or markups (percent) for patterns with list prices \$2 or over
7/16" and thinner	1, 2	Less 21	Less 12½
1/2"	2	Less 18½	Less 10
5/16"	3	Less 13½	Less 5
3/8" and 1 1/16"	3 and 4	Less 9	Less ½
3/4"	3	Less 6½	Plus 2
3/4" Casing and base	4		Plus 3½
3 1/2" and wider.			
2 1/2"	3	Less 2½	Plus 6
1 3/8"	3	Less ½	Plus 8
7/8" and over	5, 6, 7, 8, or 9		Less 2½

For industrial mouldings in sizes not listed in Table I lengthen the above discounts (or reduce the markups) 10 points.

This amendment shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14386; Filed, Aug. 16, 1946; 11:56 a. m.]

PART 1425—LUMBER DISTRIBUTION

[2d Rev. MPR 215, Amdt. 23]

DISTRIBUTION YARD SALES OF SOFTWOOD

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

Section 16 (a) (7) is added to read as follows:

(7) An establishment, which does not meet all of the requirements set forth in (1) to (6) above, will be classified as a distribution yard if:

(1) The establishment was selling softwood lumber at distribution yard prices

before December 31, 1942, and has continued to do so since that date; or

(ii) The establishment received written authorization from the OPA, before April 23, 1946, to sell softwood lumber at distribution yard prices.

This amendment shall become effective August 16, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14373; Filed, Aug. 16, 1946; 11:56 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2, Amdt. 15]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

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

Section 1 (C) is amended in the following manner:

1. The heading of section 1 (c) shall be amended to read:

(c) *Special ceiling prices for coffee, milk and beer.*

2. Add a new subparagraph (3) to read as follows:

(3) You may increase your April 4 to 10 price of beer sold in 32 oz. bottle by two cents, beer sold in 7 to 12 oz. bottles or cans by one cent, and draught beer sold in 8 oz. or larger glasses by one cent.

This amendment shall become effective August 16, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14387; Filed, Aug. 16, 1946; 11:58 a. m.]

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

[RMPR 143, Amdt. 12]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

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 143 is amended in the following respects:

1. Appendix I of RMPR 143 is amended by adding footnote reference ^a immediately after the heading of Appendix I, and a new footnote designated ^b is added at the end of Appendix I, to read as follows:

^aThe discount base and the maximum wholesale increase for a black and white sidewall tire shall be 112.5 percent of the amounts listed in the table above for such size tire.

2. Appendix II is amended by adding footnote reference ^a at the end of the heading of Appendix II, and a new footnote designated ^b is added at the end of Appendix II, to read as follows:

^aThe maximum price of a black and white sidewall tire shall be 112.5 percent of the maximum price listed in the table above for such size tire.

This amendment shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14372; Filed, Aug. 16, 1946; 11:49 a. m.]

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

[RMPR 528, Amdt. 8]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

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.

Footnote reference 6 is added immediately after the heading of Table A-I in section 16, and footnote 6 is added immediately at the end of Table A-I, to read as follows:

^aThe maximum price of a black and white sidewall tire shall be 112.5 percent of the maximum price shown for such size in the table above.

This amendment shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14379; Filed, Aug. 16, 1946; 11:49 a. m.]

PART 1305—ADMINISTRATION

[Rev. SO 152 (§ 1305.180)]

MAXIMUM PRICES FOR SALES OF CERTAIN SLOP CHEST SUPPLIES

Supplementary Order 152 is redesignated Revised Supplementary Order 152 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this Revised Supplementary Order 152, issued simultaneously herewith, has been filed with the Division of the Federal Register.

SECTION 1. *What this revised supplementary order does.* This revised supplementary order fixes ceiling prices for sales by slop chest dealers direct to vessel operators, who operate under either domestic or foreign registry, of such slop chest supplies (other than those slop chest supplies exempt or suspended from price control) which, pursuant to arrangements made between the War Shipping Administration and the manufacturers of such supplies, may be pur-

chased by slop chest dealers upon approval of the War Shipping Administration.

SEC. 2. *Maximum prices.* The maximum prices for sales by slop chest dealers direct to vessel operators, who operate under either domestic or foreign registry, of those slop chest supplies (other than those slop chest supplies exempt or suspended from price control) which, pursuant to arrangements between the War Shipping Administration and the manufacturers of such supplies, are purchased by slop chest dealers upon approval of the War Shipping Administration, shall be the total of the invoice cost and transportation charges, if any, plus a mark-up of 22%.

SEC. 3. *Definitions.* When used herein the following terms have the following meaning:

(a) "Slop chest dealer" means any individual, partnership, association, business trust, corporation or any other organized group of persons whether or not incorporated, regularly engaged in operating a bona fide business of supplying slop chest supplies directly to vessel operators and who have agreed with the War Shipping Administration:

(1) To sell to any vessel, whether operated under domestic or foreign registry, such slop chest supplies (other than those slop chest supplies exempt or suspended from price control) acquired, upon approval of the War Shipping Administration, at prices not in excess of those provided in section 2; and

(2) To furnish to the War Shipping Administration receipted delivery tickets, invoices and certifications covering all sales to such vessel's operators.

(b) "Slop chest supplies" means all supplies acquired by a vessel operator, who operates a vessel under either domestic or foreign registry, for resale aboard said vessel to merchant marine personnel, and which were procured by the slop chest dealer upon approval of the War Shipping Administration for resale to such vessel operators for immediate delivery on board a vessel.

(c) "Vessel operator" means any individual, partnership, association, business trust, corporation or any other organized group of persons whether or not incorporated (including the United States Government) operating, as the owner or owner's agent, a vessel in foreign or domestic commerce.

SEC. 4. *Relation to other regulations or orders.* This revised supplementary order, with respect to the commodities and conditions of sale which it covers, supersedes any other regulation or order previously issued by the Office of Price Administration.

SEC. 5. *Revocation and amendment.* This revised supplementary order may be revoked or amended at any time.

This revised supplementary order shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14396; Filed, Aug. 16, 1946;
11:54 a. m.]

PART 1305—ADMINISTRATION

[SO 175 (§ 1305.227)]

COUPON REDEMPTION AND OTHER DISCOUNT TRANSACTIONS

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

SECTION 1. *Determination of coupon value of commodities offered as premiums—(a) How to determine the coupon exchange rate.* Any person who is required by the operation of any regulation to offer to consumers commodities (hereinafter called "premiums") in exchange for coupons distributed in connection with the sale of other commodities and who in the month of March 1942 computed the exchange rate on the basis of premium-cost to him shall exchange premiums for coupons at a rate at least equal to (but which need not be greater than) his highest exchange rate (that is, lowest number of coupons per unit premium-cost), exclusive of special offers, during the month of March, 1942. For the purposes of this order, he shall compute his premium cost on the same basis he used in the month of March 1942 except that where his supplier has stated an "unadjusted" price to him, he shall, unless otherwise directed by the Office of Price Administration, use that unadjusted price in place of his actual invoice cost and that where his supplier has separately stated to him an "OPA adjustment charge," he shall, unless otherwise directed by the Office of Price Administration, not include such charge in his cost.

(b) *Reports.* Before any person covered in paragraph (a) of this section, and acting under this order, increases the number of coupons required in exchange for any premium, he must file with the Distribution Price Branch, Consumer Goods Price Division, Washington 25, D. C., two copies of a statement containing the following information and have received from the Office of Price Administration a written acknowledgment thereof:

(1) His business name and address;

(2) Identification of the coupon-bearing commodity or commodities;

(3) A description of his coupon exchange plan, with especial reference to the coupon exchange rate in March 1942 and the formula upon which that rate was based.

SEC. 2. *Definitions.* (a) "Regulation" means a maximum price regulation, temporary maximum price regulation, or supplementary order issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(b) "Coupon" means a coupon, certificate, stamp or other similar token.

(c) "Special offer" means the exchange rate determining the number of coupons required for a premium during a limited period of time specified in advance when it is exchanged for a reduced number of coupons.

This supplementary order shall become effective August 21, 1946.

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

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14397; Filed, Aug. 16, 1946;
11:53 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 224, Amtd. 18]

CEMENT

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 224 is amended in the following respects:

1. In § 1346.104 (a), a new paragraph immediately preceding § 1346.104 (a) (1) is added to read as follows:

The factors which must be used by manufacturers in determining their maximum prices for cement pursuant to this paragraph may be modified to reflect what their March 1 to 15, 1942 maximum prices would have been in the absence of foreign competition where delivery is destined for the following points within Southern Florida: West Palm Beach, Ardley, Lake Worth, Lantana, Hypoluxo, Boynton Beach, A-313, Delray Beach, Villa Rica, Boca Raton, Deerfield Beach, Pompano, Johns Siding, Oakland Park, Colehatchee, Midriver, Fort Lauderdale, Gate City, Dania, Hollywood, Hallandale, Ojus, North Miami Beach, North Miami, Uleta, Opa Locka, Miami, and the counties of West Palm Beach, Broward, and Dade.

2. Section 1346.112 (b) is amended to read as follows:

(b) *Application for individual adjustment.* Any manufacturer of cement covered by this regulation may file an application for adjustment in his maximum prices for this commodity in accordance with the provisions of section 16 of Maximum Price Regulation 592.

This amendment shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14374; Filed, Aug. 16, 1946;
11:53 a. m.]

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

[RMPR 451, Amtd. 7]

BOOK PAPER

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 451 is amended in the following respects:

1. In Appendix A paragraph (a) is amended to read as follows:

(a) Maximum prices for listed brands. The maximum base prices established herein for the brands listed below are the maximum base prices for paper in jumbo rolls (as defined in section 15 (a) (17) hereof) for shipment to points in Zone 1, and are f. o. b. mill, lowest available carload rate of freight allowed to destination point, except that no manufacturer shall be required to make any freight allowance to a merchant on shipments of less than 5000 lbs., to points other than the merchant's home city.

10 F.R. 8860, 10122, 13128; 11 F.R. 558, 5354.

(1) Company.

Manufacturer's brand name	Manufacturer's base price per cwt. in jumbo rolls; 4 cases or equivalent
University Enamel	\$11.30
Durable Folder	11.30
Velour Folding	10.50
Corona Enamel	10.05
Corona Offset Enamel	10.30
Monarch Gloss Ink and Varnish Litho.	9.95
Monarch Non Varnish Litho.	9.70
Porcelain Enamel	9.70
Victory	9.20
Dependable Offset	8.35
Superba E F	8.10
Climax E F	7.85
Standard E F	7.60
National E F	7.35
E E F	7.10
Union W/m M. F. Book	8.60
Eagle-A Albion Offset	8.35
Eagle-A American E F Book	8.10
Woodbine Folding Enamel	10.50
Empress Offset Enamel	10.30
White Appleton Enamel	10.05
C18 Varnish and High Gloss Ink Litho.	9.95
Appleton Litho Label	9.70
Wisconsin Enamel	9.70
Chaucer	8.10
Ruskin	7.85
Tennyson	7.60
Whittier	7.35
Ibsen	8.10
Thor	\$7.85
Asgard	7.60
Thrall	7.35
Beckett Offset	8.35
Imperial	11.30
Bryfold	11.30
Pliable	10.50
Milham Offset Enamel	10.30
Milham Coated	10.05
Sunray Varnishing C18 Litho	9.95
Sunray C18 Litho	9.70
Sunray	9.70
Brycoat	9.20
DeSota Offset	8.35
Brypaco	8.10
British Opaque	7.85
De Soto	7.85
Brytone E F	7.60
Sunbeam	7.35
Bryantecr	7.10
Ashokan	11.30
M C Folding	10.50
Zenagloss	10.30
Zena	10.05
Litho Gloss	9.95
Catskill Litho	9.70
Catskill	9.70
Satin Proof E. B.	11.30
Satin Refold E. B.	10.50
Wedgewood Coated Offset	10.30
Hamilton E. B.	10.05
All Purpose Litho	9.70

(1) Company.

Manufacturer's brand name	Manufacturer's base price per cwt. in jumbo rolls; 4 cases or equivalent
Varnish or Gloss Ink Litho.	9.95
Lithoprint	9.70
Falcon E. B.	9.70
No. 5 E. B.	9.20
Wedgewood Offset	8.35
Garamond E. F.	8.10
Wedgewood E. F.	8.10
Namelo	9.70
Lexicon E. F.	7.85
Ohio E. F.	7.60
Format E. F.	7.35
No. 28	7.10
Magnolia	10.50
Prospect A	10.30
Essex	10.05
Prospect B	9.95
Prospect C	9.70
Prospect Litho C18	9.70
Clifton	9.20
Wenham E F	7.60
Derry E F	7.35
Adena Halftone Offset	8.35
Logan	8.10
Opacitone	7.85
Blue Ridge E F	7.85
Rockbridge E F	7.35
Production Gloss Coated	9.70
Modern Gloss Coated	9.20
Production Coated E F	8.75
Lakeland Coated	8.50
Art Gloss	11.30
Decofold	10.50
Tenor Coated Offset	10.30
Tenor Gloss	10.05
Special Litho C18	9.95
Dejonge Litho C18	9.70
Pillgrim Gloss	9.70
Crobank Offset	8.35
Hermes Book	8.10
Crobank E F	7.85
Ashby E F	7.60
Townsend E F	7.35
Nonantum E F	8.10
Curtis Tints	8.10
Delaware E F	7.85
Black & White Coated Book	11.30
Printflex Folding Enamel	\$10.50
Richgloss	10.05
Richfold	10.05
Quaker	9.70
Flat White	8.10
Atlantic Offset	8.35
Seaplane	8.35
Art Book	8.10
Publication E F	7.85
Nantilus E F	7.85
Everett English Finish	7.85
Anchor E F	7.60
Binnacle E F	7.35
Ensign E F	7.10
Hillcrest Offset	8.35
Hillecut Book	8.10
Tempora	7.85
Hillcrest	7.85
Zenith	7.60
Fitchoo	7.35
Performance Offset	8.35
Spring Grove Offset	8.35
Monoplane	8.10
Spring Grove	7.85
Pennsylvania	7.60
Old Forge	7.35
Groveton No. 2 Offset	8.35
Hamilton Montgomery Offset	8.35
Hamilton Bright	8.10
White E F	8.10
Hamilton Windsor E F	7.85
White	8.10
Hammermill Offset	8.35
Inland Book	7.10
Hudson Label C18	9.70
Lexington Offset	8.35
Ticonderoga Offset	8.35
International Offset	8.35
Ticonderoga Book	8.10
Cataract Book	7.85
Champlain Book	7.85
Montcalm Book	7.60
Saratoga Book	7.35

(1) Company.

Manufacturer's brand name	Manufacturer's base price per cwt. in jumbo rolls; 4 cases or equivalent
Hawthorne Paper Co.	Hawthorne Offset..... 8.35
	Wisdom Offset..... 8.35
Hopper Paper Co.	Display Offset..... 8.35
	Britewell Offset..... 8.35
	Hopper Offset..... 8.35
	Maxwell Offset..... 8.35
Howard Allied Paper Mills	White Offset..... 8.35
The Jessup & Moore Paper Co.	Jesmore..... 8.10
	Kentone..... 7.85
	Kenmore..... 7.85
	Cecil..... 7.60
	Delta..... 7.35
Kalamazoo Paper Co.	Superfold..... 11.30
	Superprint..... 11.30
	Extrafold Enamel..... 10.50
	Extrafold Offset Enamel..... 10.30
	Westfold..... 10.05
	Western C18..... 9.95
	Kapaco C18..... 9.70
	Western Enamel..... 9.70
	Kapaco Enamel..... 9.20
	No. 2 Offset Fernwood Offset..... 8.35
	Aristocrat E F..... 8.10
	Fernwood E F..... 7.85
	Coronet E F..... 7.60
	Western E F..... 7.35
	Kapaco E F..... 7.10
	Trufect..... 9.70
Kimberly Clark Corp.	Kimfect..... 9.20
	Multifect..... 9.00
	Hyfect..... 8.75
	Falls Coat..... 7.55
McLaurin Jones Co.	No. 4 Varnishing Litho..... 9.95
The Mead Corp.	Glacier C18 Varnish Quality..... \$9.95
	Glacier C18 Non-Varnish Quality..... 9.70
	Chatham..... 9.70
	Moltrite Offset..... 8.35
	Imperial M F & E F..... 8.10
	Process Plate..... 9.70
	Standard M F..... 7.85
	Enameline..... 9.20
	Veldurofold..... 11.30
	Miami Folding..... 10.50
	Paratex..... 10.30
	Rayon..... 10.05
	Miamitone Varnished..... 9.95
	Miamitone Litho Non-Varnish Quality..... 9.70
	Miamitone Coated..... 9.70
	Publication..... 9.20
Michigan Paper Co.	Leatherette..... 11.30
	Willowfold..... 10.50
	Wolverine C28 Offset Enamel..... 10.30
	Wolverine Enamel..... 10.05
	Michigan Varnishing Litho..... 9.95
	Michigan C18 Litho..... 9.70
	White Oak..... 9.70
	No. 5..... 9.20
	Velvopaque..... 8.10
	Wolverine E F..... 7.85
	Hawkeye..... 7.60
	M P C..... 7.35
	Test..... 7.10
	Monadnock Offset..... 8.35
Monadnock Paper Mills.	St. Lawrence No. 2 Offset..... 8.35
Newton Falls Paper Mills.	St. Lawrence Weatherproof No. 2 Offset..... 8.35
	Newtone Gloss..... 9.70
	Clarion Offset..... 8.35
	Nypen E F..... 7.85
	Clarion E F..... 7.85
	L H English Finish..... 7.60
	Mountie Offset..... 8.35
	Klo-Kay E F Book..... 8.10
	Nationwide E F Book..... 7.85
	Mountie E F Book..... 7.85
	Northland E F Book..... 7.60
	Ranger E F Book..... 7.35
	Timberland..... 7.10
	Polar Superfine..... 11.30
	Mainefold..... 10.50
	White Seal C28 Offset..... 10.30
	White Seal Coated..... 10.05
	Rumford C18 Gloss Ink & Varnishing..... 9.95
	Rumford Litho C18..... 9.70
	Rumford Enamel..... 9.70
	Aquaset..... 8.35

(1) Company.

(1) Company.	Manufacturer's brand name	Manufacturer's base price per cwt. in jumbo rolls; 4 cases or equivalent
Oxford Paper Co....	Oxford Carfax E F.....	8.10
	Oxford E F.....	7.85
	Oxford Swift River.....	7.60
Oxford Miami Paper Co.	Wescar.....	8.35
	Oxford Miami Carfax E F.....	8.10
	Oxford Miami E F.....	7.85
	Oxford Miami Omico E F.....	7.60
	Oxford Miami Noraine E F.....	7.35
Peninsular Paper Co.	Patrician Offset.....	8.35
Rex Paper Co.....	Revaristo.....	11.30
	Rexfold.....	11.30
	Rexcell.....	10.50
	Rex Coated Offset.....	10.30
	Rexfine.....	10.05
	Rexvar CIS.....	9.95
	Rexlitho CIS.....	9.70
	Rex Colortype.....	9.70
The Sorg Paper Co..	Equator Offset.....	8.35
	Sorg's A Grade E F White.....	8.10
	Sorg's B Grade E F White.....	\$7.85
	Sorg's C Grade E F White.....	7.60
	Sorg's D Grade E F White.....	7.35
Standard Paper Co.	Standard Offset.....	8.35
Tilston & Hollingsworth Company	Fairmont Offset.....	8.35
	Summer Plate.....	7.85
	Dorchester Plate.....	7.85
	City E F.....	7.60
S. D. Warren Co....	Warren's Lustru Gloss.....	11.30
	Warren's Cumberland Gloss.....	10.50
	Warren's Offset Enamel.....	10.30
	Warren's New England Gloss.....	10.05
	Warren's Over Print-Multi-Service Label CIS.....	9.95
	Warren's Litho Coated Label CIS.....	9.70
	Warren's Westbrook Gloss.....	9.70
	Warren's Cumberland Offset.....	8.35
	Warren's Cumberland E F.....	8.10
	Filmcote.....	9.70
	Warren's New England E F.....	7.85
	Warren's #25 M F.....	7.60
Watervliet Paper Co.	Royal.....	11.30
	Foldette.....	10.50
	Glossette.....	10.30
	Viking.....	10.05
	Gloss Ink CIS.....	9.95
	Service CIS.....	9.70
	Advertisers.....	9.70
	Cascade Offset.....	8.35
	B Grade.....	7.85
	D Grade.....	7.35
Wausau Paper Mills Co.	Brokaw Offset.....	8.35
West Virginia Pulp Paper Co.	Pinnacle.....	11.30
	Blendfold.....	10.50
	Inspiration C2S Offset White.....	10.30
	Sterling.....	10.05
	Ideal Litho CIS Varnishable.....	9.95
	Piedmont Litho, Non-Varnish Quality.....	9.70
	Piedmont Coated.....	9.70
	Clear Spring Offset.....	8.35
	Westvaco Machine Coated.....	9.70
	Inspiration Offset.....	8.35
	Clear Spring.....	8.10
	Marva.....	7.85
	Westvaco.....	7.85
	Inspiration E F.....	7.85
George A Whiting Paper Co	Pacemaker Offset.....	8.35

(2) Commercial Wood Envelope (Book-Type) and Tablet.

Manufacturer's base price per cwt. in jumbo rolls

Commercial wood envelope (book type, white)	\$7.55
Tablet, white.....	7.45

(3) Within 45 days after the effective date of this revised regulation, every book paper manufacturer shall provide the Office of Price Administration at Washington, D. C., with the following information:

(i) List of all the manufacturer's brands currently being offered to the manufacturer's merchant outlets generally.

(ii) Maximum base price currently obtaining for each brand, and a statement of the method by which such maximum base price has been determined.

With respect to any brand of book paper made for the first time after the effective date of the revised regulation and offered for sale generally by a manufacturer to its merchant outlets, the manufacturer shall submit to the Office of Price Administration, in addition to any information which may be required for the establishment of a maximum price for the same, the brand name thereof, so that said brand name may be added to the list of brands set forth in this Appendix A, simultaneously with the confirmation of the maximum price for said brand.

From and after the expiration of the 45 day period hereinbefore mentioned, no manufacturer may offer generally to his merchant outlets any brand of book paper the brand name and the proposed maximum price for which he has not filed with the Office of Price Administration at Washington, D. C.

2. In Appendix A (b) a new subparagraph (4) is added to read as follows:

(4) The maximum base price of any unlisted grade may be increased by an amount equivalent to the increase granted by Amendment 7 to RMPR 451 to the listed grade that is closest in price to the unlisted grade: *Provided*, That, in no event may the maximum base price of the unlisted grade be increased to exceed \$10.00 per cwt. if the grade is an uncoated paper, and \$11.50 per cwt. if it is a coated paper.

3. In Appendix B new paragraphs (h) and (i) are added to read as follows:

(h) The maximum base price per cwt. for all grades priced under Appendix B shall be increased by the same amount as was added to the same or most similar grade in Appendix A by this Amendment 7 to RMPR 451: *Provided*, (1) That the two price limitations set forth in paragraph (g) of this Appendix B pertaining to contract sales of book paper to or for magazine publishers shall continue to apply; (2) that if a manufacturer has been granted an individual adjustment in his maximum base price by the Office of Price Administration, he may continue to charge the individually adjusted price or he may charge the new price as determined under the provisions of this paragraph (h), but he shall in no event add the increase permitted by this paragraph (h) to the individually adjusted price and (3) that in no event, may the maximum base price for any grade priced under Appendix B be increased to exceed \$10.00 per cwt. if the grade is an uncoated paper and \$11.50 per cwt. if it is a coated paper.

(i) *Envelope and tablet paper.* The prices for commercial wood envelope (book type) and tablet paper spelled out in Appendix A (a) (2) shall apply to sales under this Appendix B.

This amendment shall become effective August 16, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14378; Filed, Aug. 16, 1946; 11:54 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 540, Amdt. 13 (\$ 1360.652)]

MAXIMUM PRICES FOR USED PASSENGER AUTOMOBILES

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 540 is amended in the following respects:

1. Section 2 (a) (3) is amended to read as follows:

(3) No dealer shall retain payment in excess of the adjusted maximum price where the maximum price has been adjusted downward, pursuant to section 5 (a) (3) and 5 (b) (3), because of his failure to make the repairs or replacements required under his warranty.

2. An undesignated paragraph is added at the end of section 5 (b) (3) as follows:

The provisions in section 5 (a) (3) with respect to good operating condition and refund of 50% of the amount purchaser has to pay for repairs and replacements a dealer is required to make under his warranty but refuses to make are hereby made a part of this paragraph (b) (3).

3. Section 7a is amended to read as follows:

SEC. 7a. *Maximum prices for used 1945, 1946 and subsequent model year passenger automobiles.* To figure the maximum price of a 1945, 1946 or subsequent model year used car the seller must:

(a) Find the base price in Appendix L;

(b) Add to it the allowance in Appendix M for any piece of equipment listed there which is sold attached to the car, (No other equipment allowances may be included in or added to the maximum price regardless of the equipment on the car); and

(c) If the car is sold as a "warranted" used car (as defined in section 7), and the sale is by a dealer to a person not generally engaged in the business of selling used cars, add \$100, or if it is higher, add 15% of the total of the base price and the equipment allowance. If the amount to be added is in cents (that is a certain number of dollars and cents) the amount shall be evened to the nearest dollar.

The inclusion in the maximum prices of an additional amount when a used car is "warranted" is conditioned on the used car being in good operating condition as defined in section 7 (b). If a dealer sells at the "warranted" maximum price a used car not in good operating condition he makes an overcharge in excess of the permitted maximum price (the "non-warranted" maximum price).

The inclusion in the maximum price of an additional amount when a used car is warranted is also conditioned upon the making of repairs or replacements in accordance with the dealer's warranty. If the dealer refuses so to make these repairs or replacements, the maximum price for the car shall be the maximum price for the car when warranted reduced by 50% of the amount the purchaser would have to pay for the repairing or replacement which the dealer should have made under his warranty, and the dealer shall refund the amount of that reduction to the buyer. Refusal to refund that amount will constitute an overcharge in excess of the maximum price. If, upon the dealer's refusal to make repairs or replacements in accordance with his warranty, the purchaser has such work done by another before receiving a refund from the dealer, the actual cost of such work shall be considered the amount which the purchaser would have to pay and 50% of that figure shall be the amount by which the maximum price is reduced. For the purposes of this section, failure to make repairs or replacements required by the warranty within a reasonable time from the date the car is delivered to the place of business of the dealer shall constitute a refusal to make such repairs or replacements regardless of the reasons why they are not made.

When a dealer charges the "warranted" maximum price for a used car not in good operating condition, or fails to make the above refund when he, the dealer, does not make the repairs or replacements required by his warranty, he is liable to the sanctions imposed by the Emergency Price Control Act of 1942, as amended, including the payment of damages to the buyer pursuant to section 205 (e).

4. A new Appendix L is added to read as follows:

APPENDIX L—TABLE OF 1946—"BASE PRICES"
(Including 1947 Studebakers)

Model, body type, and passenger capacity	Base price in region		
	A	B	C
BUICK			
1946-8-Series 40:			
Sedan, 4 Dr.—6	\$1,188	\$1,221	\$1,256
Sedanet—6	1,143	1,176	1,211
1946-8-Series 50:			
Sedan, 4 Dr.—6	1,385	1,418	1,453
Sedanet—6	1,321	1,354	1,389
Conv. Coupe—6	1,567	1,600	1,635
Estate Wagon	1,765	1,798	1,833
1946-8-Series 70:			
Sedan, 4 Dr.—6	1,615	1,648	1,683
Sedanet—6	1,540	1,573	1,608
Conv. Coupe—6	1,807	1,840	1,875
CADILLAC			
1946-8-Series 61:			
Club Coupe—5-6107	\$1,582	\$1,615	\$1,650
Sedan, 4 Dr.—5-6109	1,650	1,713	1,748
1946-8-Series 62:			
Club Coupe—5-6207	1,779	1,812	1,847
Conv. Coupe—5-6267	1,970	2,003	2,038
Sedan, 4 Dr.—5-6269	1,824	1,857	1,892
1946-8-Series 60 Special:			
Sedan, 4 Dr.—5-6069	2,405	2,438	2,473
1946-8-Series 75:			
Sedan, 4 Dr.—5-7519	3,350	3,383	3,418
Sedan, 4 Dr.—7-7523	3,488	3,521	3,556
Imperial Sedan—7-7533	3,640	3,673	3,708
Business Sedan—9-7523L	3,236	3,271	3,306
Business Imperial Sedan—9-7533L	3,387	3,420	3,455

Model, body type, and passenger capacity	Base price in region		
	A	B	C
CHEVROLET			
1946-6-Stylemaster:			
Town Sedan, 2 Dr.—6-1502	\$848	\$881	\$916
Sport Sedan, 4 Dr.—6-1503	890	923	958
Business Coupe—2-1504	806	839	874
Sport Coupe—5-1524	836	871	906
1946-6-Fleetmaster:			
Town Sedan, 2 Dr.—6-2102	809	932	967
Sport Sedan, 4 Dr.—6-2103	950	983	1,018
Sport Coupe—5-2124	895	928	963
Cabriolet—5-2134	1,107	1,140	1,175
Fleetline Dynamic Sport Coupe—2144	925	958	993
Station Wagon	1,302	1,335	1,370

Model, body type, and passenger capacity	Base price in region		
	A	B	C
CHRYSLER			
1946-6-Series C-38-Royal:			
Coupe—3	\$1,161	\$1,194	\$1,229
Club Coupe—6	1,274	1,307	1,342
Sedan, 2 Dr.—6	1,249	1,282	1,317
Sedan, 4 Dr.—6	1,275	1,308	1,343
Sedan—7	1,630	1,663	1,698
Limousine—7	1,731	1,764	1,799
1946-6-Series C-38-Windsor:			
Coupe—3	1,220	1,253	1,288
Club Coupe—6	1,327	1,360	1,395
Sedan, 2 Dr.—6	1,313	1,346	1,381
Sedan, 4 Dr.—6	1,361	1,394	1,429
Conv. Coupe—6	1,556	1,589	1,624
Sedan—7	1,705	1,738	1,773
Limousine—7	1,805	1,838	1,873
1946-8-Series C-39K-Saratoga:			
Coupe—3	1,446	1,479	1,514
Club Coupe—6	1,529	1,562	1,597
Sedan—2 Dr.—6	1,509	1,542	1,577
Sedan—4 Dr.—6	1,542	1,575	1,610
1946-8-Series C-39N-New Yorker:			
Coupe—3	1,534	1,567	1,602
Club Coupe—6	1,589	1,622	1,657
Sedan—2 Dr.—6	1,598	1,631	1,666
Sedan—4 Dr.—6	1,612	1,645	1,680
Conv. Coupe—6	1,809	1,842	1,877

Model, body type, and passenger capacity	A	B	C
CROSLY			
1946-4: Sedan, 2 Dr.—4	\$703	\$736	\$771

Model, body type, and passenger capacity	Base price in region		
	A	B	C
DE SOTO			
1946-6-Series S-11-Deluxe:			
Coupe—3	\$1,077	\$1,110	\$1,145
Club Coupe—6	1,172	1,205	1,240
Sedan—2 Dr.—6	1,152	1,185	1,220
Sedan—4 Dr.—6	1,179	1,212	1,247
Sedan—7	1,519	1,552	1,587
1946-6-Series S-11-Custom:			
Club Coupe—6	1,230	1,263	1,298
Sedan, 2 Dr.—6	1,214	1,247	1,282
Sedan, 4 Dr.—6	1,239	1,272	1,307
Conv. Coupe—6	1,442	1,475	1,510
Sedan—7	1,562	1,595	1,630
Limousine	1,660	1,693	1,728

Model, body type, and passenger capacity	Base price in region		
	A	B	C
DODGE			
1946-6-Series D-24-DeLuxe:			
Coupe—3	\$1,007	\$1,040	\$1,075
Sedan, 2 Dr.—6	1,067	1,100	1,135
Sedan, 4 Dr.—6	1,107	1,140	1,175
1946-6-Series D-24-Custom:			
Club Coupe—6	1,153	1,186	1,221
Conv. Coupe—6	1,364	1,397	1,432
Town Sedan, 2 Dr.—6	1,197	1,230	1,265
Sedan, 4 Dr.—6	1,162	1,195	1,230
Sedan—7	1,423	1,456	1,491
Limousine—7	1,515	1,548	1,583

Model, body type, and passenger capacity	Base price in region		
	A	B	C
FORD			
1946-8-DeLuxe Eight—90 h. p.:			
Coupe—3	\$853	\$886	\$921
Tudor Sedan—6	900	933	968
Fordor Sedan—6	946	979	1,014

Model, body type, and passenger capacity	Base price in region		
	A	B	C
FORD—continued			
1946-8-Super DeLuxe Eight—90 h. p.:			
Coupe—3	\$907	\$940	\$975
Tudor Sedan—6	954	987	1,022
Fordor Sedan—6	1,001	1,034	1,069
Sedan Coupe—6	989	1,022	1,057
Conv. Coupe—6	1,124	1,157	1,192
Station Wagon	1,172	1,205	1,240
Sportsman's Conv. Coupe—6	1,519	1,552	1,587

Model, body type, and passenger capacity	Base price in region		
	A	B	C
HUDSON			
1946-6-Model 51—Super Six:			
Coupe—3	\$1,119	\$1,152	\$1,187
Brougham—6	1,142	1,175	1,210
Sedan, 4 Dr.—6	1,176	1,209	1,244
Club Coupe—6	1,174	1,207	1,242
Conv. Brougham—6	1,431	1,464	1,499
1946-6-Model 52—Commodore Six:			
Coupe—3	1,213	1,251	1,286
Club Coupe—6	1,287	1,320	1,355
Brougham—6	1,259	1,292	1,327
Sedan, 4 Dr.—6	1,291	1,324	1,359
1946-8-Model 53—Super Eight:			
Club Coupe—6	1,284	1,317	1,352
Sedan, 4 Dr.—6	1,286	1,319	1,354
1946-8-Model 54—Commodore Eight:			
Club Coupe—6	1,338	1,371	1,406
Conv. Brougham—6	1,566	1,599	1,634
Sedan, 4 Dr.—6	1,350	1,383	1,418

Model, body type, and passenger capacity	Base price in region		
	A	B	C
LINCOLN			
1946-V12—Lincoln:			
Conv. Coupe—6-76	\$2,207	\$2,240	\$2,275
Club Coupe—6-77	1,784	1,817	1,852
Sedan, 4 Dr.—6-73	1,799	1,832	1,867
1946-V12—Lincoln Custom Interior:			
Club Coupe—6-77	1,895	1,928	1,963
Sedan, 4 Dr.—6-73	1,910	1,943	1,978
1946-V12—Lincoln Continental:			
Coupe—3-57	3,325	3,358	3,393
Cabriolet—6-56	3,386	3,419	3,454

Model, body type, and passenger capacity	Base price in region		
	A	B	C
MERCURY			
1946-V8:			
Sedan Coupe—6	\$1,161	\$1,194	\$1,229
Club Conv.—6	1,321	1,354	1,389
Sedan, 2 Dr.—6	1,126	1,159	1,194
Sedan, 4 Dr.—6	1,171	1,204	1,239
Station Wagon	1,333	1,366	1,401
Sportsman's Conv. Coupe	1,718	1,751	1,786

Model, body type, and passenger capacity	Base price in region		
	A	B	C
NASH			
1946-6—"Series 600":			
Brougham—6-4643	\$1,057	\$1,090	\$1,125
Sedan, 2 Dr.—6-4649	1,012	1,045	1,080
Sedan, 4 Dr.—6-4648	1,061	1,094	1,129
Sedan Tk, 4 Dr.—6-4640	1,096	1,129	1,164
1946-6-Ambassador:			
Brougham—6-4663	1,186	1,219	1,254
Sedan, 2 Dr.—6-4669	1,105	1,138	1,173
Sedan, 4 Dr.—6-4668	1,198	1,231	1,266
Sedan Tk, 4 Dr.—6-4660	1,231	1,264	1,299

Model, body type, and passenger capacity	Base price in region		
	A	B	C
OLDSMOBILE			
1946-6-Series 66:			
Club Coupe—6	\$1,052	\$1,085	\$1,120
Conv. Coupe—6	1,269	1,302	1,337
Club Sedan—6	1,073	1,106	1,141
Sedan, 4 Dr.—6	1,103	1,136	1,171
1946-6-Series 76—Standard:			
Club Sedan—6	1,123	1,156	1,191
Sedan, 4 Dr.—6	1,179	1,212	1,247
1946-6-Series 76—Deluxe:			
Club Coupe—6	1,210	1,243	1,278
Sedan, 4 Dr.—6	1,263	1,296	1,331
1946-8-Series 78—Standard:			
Club Sedan—6	1,170	1,203	1,238
Sedan, 4 Dr.—6	1,225	1,258	1,293
1946-8-Series 78—Deluxe:			
Club Sedan—6	1,256	1,289	1,324
Sedan, 4 Dr.—6	1,308	1,341	1,376
1946-8-Series 98:			
Conv. Coupe—6	1,559	1,592	1,627
Club Sedan—6	1,336	1,369	1,404
Sedan, 4 Dr.—6	1,375	1,408	1,443

PACKARD

Model, body type, and passenger capacity	Base price in region		
	A	B	C
1946-6:			
Club Coupe-6.....	\$1,370	\$1,403	\$1,438
Sedan, 4 Dr.-6.....	1,410	1,443	1,478
1946-Eight:			
Club Coupe-6.....	1,429	1,462	1,497
Sedan, 4 Dr.-6.....	1,470	1,503	1,538
1946-Eight Deluxe:			
Club Coupe-6.....	1,481	1,514	1,549
Sedan, 4 Dr.-6.....	1,523	1,556	1,591
1946-Eight Super:			
Club Coupe-6.....	1,817	1,850	1,885
Sedan, 4 Dr.-6.....	1,855	1,888	1,923
1946-Eight Custom Super:			
Club Coupe-6.....	2,346	2,381	2,416
Sedan, 4 Dr.-6.....	2,452	2,486	2,520

PLYMOUTH

1946-6-Series P-15-Deluxe:			
Coupe-3.....	\$926	\$950	\$984
Club Coupe-6.....	1,001	1,034	1,069
Sedan, 2 Dr.-6.....	962	995	1,030
Sedan, 4 Dr.-6.....	1,009	1,042	1,077
1946-0-Series P-15-Special Deluxe:			
Coupe-3.....	962	995	1,030
Club Coupe-6.....	1,035	1,068	1,103
Conv. Coupe-6.....	1,186	1,219	1,254
Sedan, 2 Dr.-6.....	996	1,029	1,064
Sedan, 4 Dr.-6.....	1,034	1,067	1,101
Station Wagon.....	1,246	1,279	1,314

PONTIAC

1946-6-Torpedo:			
Business Coupe-3.....	\$970	\$1,003	\$1,038
Sport Coupe-6.....	1,007	1,040	1,075
Sedan Coupe-6.....	1,044	1,077	1,112
Conv. Coupe-6.....	1,229	1,262	1,297
Sedan, 2 Dr.-6.....	1,019	1,052	1,087
Sedan, 4 Dr.-6.....	1,065	1,098	1,133
1946-6-Streamliner:			
Sedan Coupe-6.....	1,073	1,106	1,141
Sedan, 4 Dr.-6.....	1,120	1,152	1,187
Station Wagon (Standard).....	1,469	1,502	1,537
Station Wagon (Deluxe).....	1,546	1,579	1,614
1946-8-Torpedo:			
Business Coupe-3.....	992	1,025	1,060
Sport Coupe-6.....	1,029	1,062	1,097
Sedan Coupe-6.....	1,066	1,099	1,134
Conv. Sedan Coupe-6.....	1,250	1,283	1,318
Sedan, 2 Dr.-6.....	1,040	1,073	1,108
Sedan, 4 Dr.-6.....	1,087	1,120	1,155
1946-8-Streamliner:			
Sedan Coupe-6.....	1,095	1,128	1,163
Sedan, 4 Dr.-6.....	1,152	1,185	1,220
Station Wagon (Standard).....	1,507	1,540	1,575
Station Wagon (Deluxe).....	1,563	1,601	1,636

STUDEBAKER

1946-6-Series 5G-Champion:			
Business Coupe-3.....	\$840	\$873	\$908
Club Sedan 2 Dr.-6.....	875	908	943
Double-Dater Coupe-5.....	877	910	945
Cruising Sedan 4 Dr.-6.....	918	951	986
1947-6-6G-Champion Deluxe:			
Coupe-3.....	995	1,028	1,063
Coupe-5.....	1,090	1,123	1,158
Sedan, 2 Dr.-6.....	1,051	1,084	1,119
Sedan, 4 Dr.-6.....	1,096	1,129	1,164
1947-6-Series 6G-Champion Regal Deluxe:			
Coupe-3.....	1,054	1,087	1,122
Coupe-5.....	1,148	1,181	1,216
Sedan, 2 Dr.-6.....	1,107	1,140	1,175
Sedan, 4 Dr.-6.....	1,152	1,185	1,220
1947-6-Series 14A-Commander Deluxe:			
Coupe-3.....	1,230	1,263	1,298
Coupe-5.....	1,284	1,317	1,352
Sedan, 2 Dr.-6.....	1,278	1,311	1,346
Sedan, 4 Dr.-6.....	1,293	1,326	1,361
1947-6-Series 14A-Commander Regal Deluxe:			
Coupe-3.....	1,314	1,347	1,382
Coupe-5.....	1,381	1,414	1,449
Sedan, 2 Dr.-6.....	1,373	1,406	1,441
Sedan, 4 Dr.-6.....	1,389	1,422	1,457

5. A new Appendix M is added to read as follows:

APPENDIX M—TABLE OF ALLOWANCES FOR "IN-BUILT" EQUIPMENT, HEATERS AND RADIOS WHICH MAY BE INCLUDED IN MAXIMUM PRICES OF 1946 USED AUTOMOBILES (INCLUDING 1947 STUDEBAKERS)

Year and make	Description	Price
1946, Buick.....	Underseat heater.....	\$42.45
1946, Cadillac.....	Underseat heater.....	59.20
1946, Cadillac.....	Hydramatic transmission.....	141.60
1946, Chrysler.....	All weather air control system.....	50.45
1946, Chrysler.....	Underseat heater.....	40.40
1946, Chrysler.....	Refrigeration unit.....	338.30
1946, Chrysler.....	Fluid drive.....	26.15
1946, Chrysler 6.....	Hydramatic transmission.....	41.35
1946, Chrysler 8.....	Hydramatic transmission-overdrive.....	51.80
1946, Desoto.....	All weather air control system.....	50.45
1946, DeSoto.....	Refrigeration unit.....	338.30
1946, DeSoto.....	Fluid drive.....	26.15
1946, DeSoto.....	Fluid drive with tip toe transmission.....	67.50
1946, Dodge.....	All weather air control system.....	50.45
1946, Dodge.....	Fluid drive.....	26.15
1946, Ford.....	100 horsepower engine.....	21.20
1946, Hudson.....	Drivemaster.....	62.55
1946, Hudson.....	Overdrive.....	64.50
1946, Hudson.....	Vacuumotive drive.....	29.80
1946, Hudson.....	Weathermaster.....	35.60
1946, Lincoln.....	Automatic overdrive.....	59.35
1946, Nash.....	Cruising gear.....	46.85
1946, Nash.....	Weather eye.....	22.20
1946, Oldsmobile.....	Hydramatic drive.....	107.70
1946, Packard.....	Overdrive.....	61.50
1946, Packard.....	Underseat heater.....	36.85
1946, Plymouth.....	All weather air control system.....	51.45
1946, Pontiac.....	Underseat heater.....	41.80
1946, Studebaker.....	Overdrive and free wheeling.....	44.55
1947, Studebaker.....	Overdrive and free wheeling.....	54.15
1946 and 1947, all makes.....	Heater except those listed separately above.....	16.95
1946 and 1947, all makes.....	Radio.....	42.40

6. The description of items (64) and (65) of Appendix D, in the column having the headnote "year and make" is amended to read "1942 and prior model years."

This amendment shall become effective this 21st day of August 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14380; Filed, Aug. 15, 1946; 11:55 a. m.]

PART 1365—HOUSEHOLD FURNITURE

[3d Rev. MPR 213, Amdt. 5]

NEW COIL AND FLAT BEDSPRINGS AND METAL BEDS

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.

Third Revised Maximum Price Regulation No. 213 is amended in the following respects:

1. Section 6 (a) (4) is amended to read as follows:

(a) the first paragraph is amended to read as follows:

(4) The jobber shall subtract five cents from the result of the third step for all articles which the manufacturer delivers prior to August 19, 1946. For articles which the manufacturer delivers on or after August 19, 1946, the jobber need not subtract the five cents. The resulting figure in each instance is the jobber's maximum price. However, if the resulting figure is an amount less than the manufacturer's maximum price for the particular sale, the jobber's maximum price shall be that maximum price of the manufacturer.

2. Section 9 (b) (1) is amended as follows:

(a) Step 5 is amended to read as follows:

Step 5. For an article which the manufacturer delivers prior to August 19, 1946, the manufacturer shall calculate the retail ceiling price of the article or extra feature by multiplying his proposed f. o. b. factory, l. c. l. maximum price to retailers by 184 per cent. For an article which the manufacturer delivers on or after August 19, 1946, his proposed f. o. b. factory, l. c. l. maximum price to retailers shall be multiplied by 191 per cent. The resulting amount in each instance shall be rounded to the nearest five cents.

3. Section 10 is amended by adding a new paragraph (c) to read as follows:

(c) For an article which the seller receives prior to August 19, 1946, "untagged", he is required to tag with the retail maximum price in effect on August 13, 1946, as determined under section 7 of this regulation.

4. Appendix A in section 16 is amended in the following respects:

(a) The heading of the third column is amended to read as follows: "Cash retail maximum price for articles the manufacturer delivers prior to August 19, 1946."

(b) A new fourth column heading shall be added to Appendix A to read as follows: "Cash retail maximum price for articles the manufacturer delivers on or after August 19, 1946."

(c) Appendix A is further amended by adding the following list of retail maximum prices in the new fourth column, opposite the classes of articles listed below:

Class 101.....	\$9.40
Class 102.....	10.40
Class 103.....	8.80
Class 104.....	11.30
Class 105.....	12.30
Class 106.....	9.65
Class 107.....	10.70
Class 108.....	9.60
Class 109.....	12.60
Class 110.....	13.10
Class 111.....	13.30
Class 112.....	12.75
Class 113.....	5.45
Class 114.....	6.95
Class 115.....	7.15
Class 116.....	8.30

(d) The table in paragraph (c) (1) of Appendix A is amended to read as follows:

Type of extra feature	F. o. b. factory l. c. l. maximum price differential	Cash retail maximum price differential for articles manufacturer delivers prior to Aug. 19, 1946	Cash retail maximum price differential for articles manufacturer delivers on or after Aug. 19, 1946
Angle top border.....	\$.70	\$1.25	\$1.35
Center border wire.....	.60	1.05	1.15
Convolute face coils.....	.30	.55	.55
Double deck edge coils.....	.30	.55	.55
Helical center.....	.60	1.15	1.15
Each additional 8 coils on an 88 coil arrangement; or each additional 9 coils on a 90 coil arrangement.....	.40	.75	.75
1 pair of band stabilizers.....	.30	.55	.55
1 pair of wire stabilizers.....	.15	.25	.25
Full platform top "A".....	1.10	2.10	2.10
Partial platform top "A".....	.60	1.15	1.15
Full platform top "B".....	1.30	2.50	2.50
Partial platform top "B".....	.80	1.50	1.50
Full platform top "C".....	1.55	2.85	2.95
Partial platform top "C".....	1.00	1.90	1.90
Copper or bronze finish.....	.50	.95	.95
Aluminum finish.....	(1)	(1)	(1)

¹ No extra charge.

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

(a) The heading of the third column is amended to read as follows: "Cash retail maximum price for articles which the manufacturer delivers prior to August 19, 1946".

(b) A new fourth column heading shall be added to Appendix B to read as follows: "Cash retail maximum price for articles which the manufacturer delivers on or after August 19, 1946".

(c) Appendix B is further amended by adding the following list of maximum retail prices in the new fourth column, opposite the classes of articles listed below:

Class A.....	\$9.65
Class B.....	10.70
Class C.....	12.70
Class D.....	13.25
Class E.....	9.35
Class F.....	10.35
Class G.....	10.50
Class H.....	11.60
Class I.....	9.60
Class J.....	12.60
Class K.....	13.10
Class L.....	13.60

6. Appendix C in section 16 is amended as follows:

(a) A new fourth column is added to read as follows: "Cash retail maximum price for articles which the manufacturer delivers prior to August 19, 1946".

(b) Appendix C is further amended by adding the following retail maximum prices in the new fourth column opposite the classes of articles listed below:

Class I.....	\$7.95
Class II.....	12.40

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14295; Filed, Aug. 15, 1946; 4:25 p. m.]

[RMPR 111, Amdt. 19]

PART 1370—ELECTRICAL APPLIANCES
NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

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. 111 is amended in the following respects:

1. Section 5a is amended to read as follows:

SEC. 5a. "Additional OPA industry adjustments" of manufacturers' ceiling prices. This section authorizes an "additional OPA industry adjustment" by manufacturers of their ceiling prices established under sections 4, 6, 7, 9, or 10 and adjusted under section 5 for articles covered by this regulation. Unless a manufacturer is directed otherwise by an order issued by the Office of Price Administration under this regulation every manufacturer of any articles covered by this regulation may adjust his ceiling price to purchasers other than ultimate consumers determined in accordance with either sections 4 and 5 or section 7, or established before June 27, 1946 under section 6, or by orders issued under sections 9 and 10 of this regulation, by 8.5 per cent of that price. The increase granted in this section is hereby designated as the "additional OPA industry adjustment."

A manufacturer who sells directly to consumers may adjust his ceiling prices for such sales determined at any time under sections 4 or 7, or by orders issued under sections 9 or 10, or determined by him under section 6 or 25 before August 19, 1946, by 8.5 per cent.

The 8.5 per cent "additional OPA industry adjustment" may be made and collected by the manufacturer only if he has complied with the pre-ticketing requirements of section 18 and the notification requirements of section 19a of this regulation.

Orders will be issued under this section denying a manufacturer permission to adjust his ceiling price by all or part of the increase allowed by this section when it appears to the Price Administrator on the basis of the manufacturer's production reports as filed under Supplementary Order No. 146 and other information available to the Office of Price Administration, that the manufacturer has discontinued production of his low-end model or has decreased the proportion of low-priced to high-priced models which he manufactures so that his present production is not representative of his production in that respect of those articles during the year July 1, 1940 through June 30, 1941. The average price at which the manufacturer's production of each type of article will be sold will be considered in determining how much, if any, of the increase will be granted to such a manufacturer.

2. Section 14 (a) is amended to read as follows:

(a) Distributors. Whenever the manufacturers' ceiling prices for an article

covered by this revised regulation have been determined or established under the regulation, an order may be issued fixing ceiling prices or a method of determining ceiling prices for sales of the article by distributors. Distributors' ceiling prices established by an order under this section supersede any ceiling prices previously established or determined under this revised regulation for those sales.

3. Section 15 is amended to read as follows:

SEC. 15. Distributors' ceiling prices. Unless an order issued under section 14 provides otherwise, a distributor's ceiling price for sales to a particular class of purchaser of any article covered by this revised regulation is that determined by him under the first applicable rule of the rules contained in this section.

A distributor's ceiling price for sales to a particular class of purchaser of any article covered by this revised regulation which the manufacturer delivered to a purchaser for resale before August 19, 1946 is his ceiling price applicable to that sale on the date he purchased the article as established or determined under this revised regulation or an order issued thereunder.

A distributor's ceiling price for sales to a particular class of purchaser of any article covered by this revised regulation which the manufacturer delivers to a purchaser for resale after August 18, 1946 shall be the ceiling price computed or recomputed by him for that sale in accordance with the following provisions of this section.

Unless a distributor's ceiling price for a particular model of article covered by this revised regulation has been established by an order issued under section 14 after August 18, 1946, he shall determine his ceiling price under the first applicable rule of the following contained in this section:

Rule 1. A distributor's ceiling price for sales of each model to each class of purchaser shall be the price which will yield the distributor the same percentage of the gross dollar margin between the manufacturer's price to him (not exceeding the manufacturer's ceiling price to him) and the dealer's price for resale to ultimate consumers as he received during the period October 1-15, 1941 in connection with the sale of the most "comparable" model sold by him to the same class of purchaser. To be "comparable" a model must be one produced by the same manufacturer.

A distributor computing or recomputing his ceiling prices in accordance with Rule 1 who cannot use the October 1-15, 1941 prices to determine the percentage of the gross dollar margin he should receive, shall use the manufacturer's ceiling price to him in effect on August 18, 1946 and the retail ceiling price in effect on that date for the same or most comparable model in determining the percentage of the gross dollar margin he should receive. He shall determine his dollar-and-cents markup by applying the percentage so determined to the gross dollar margin between the manufacturer's selling price to him (not to exceed the manufacturer's ceiling price to him including the "additional OPA industry adjustment") and the retail ceiling price (determined in accordance with section 16 of this regulation). His new ceiling price is the sum of his invoice cost for the model and the dollar-and-cent markup so determined.

Example: A distributor who, prior to August 19, 1946, sold Model P produced by manu-

factor *Q* at a ceiling price which the distributor determined under Revised Maximum Price Regulation No. 111 or an order under that regulation and who purchases Model P after August 18, 1946 at a price which includes the "additional OPA industry adjustment" recomputes his ceiling price as follows:

Retail ceiling price for Model <i>Q</i> on June 26, 1946.....	\$60.00
Manufacturer's ceiling price f. o. b. factory for sales to distributor on June 26, 1946.....	28.50
Gross dollar margin.....	31.50
Distributor's ceiling price to dealers on June 26, 1946.....	34.00
Amount of gross dollar margin received by distributor.....	5.50
Percent of gross dollar margin received by distributor.....	17.46
Manufacturer's ceiling price adjusted under section 5a.....	30.92
Retail ceiling price under section 16 (See note below) on June 27, 1946.....	60.00
Gross dollar margin.....	29.08
Portion taken by distributor (17.46% of \$29.08).....	5.08
Distributor's ceiling price (\$30.92 + \$5.08) on June 27, 1946.....	36.00
Retail ceiling price under section 16 on August 18, 1946.....	65.00
Gross dollar margin.....	34.08
Portion taken by distributor (17.46% of \$34.08).....	5.95
Distributor's recomputed ceiling price on August, 1946.....	36.87

NOTE: To assist the distributor in making this computation a manufacturer who sells an article covered by this regulation at ceiling prices which include any part of the "additional OPA industry adjustment" is required to notify the distributor, at the time of, or prior to, the first invoice covering such sales of the retail ceiling prices which he has determined for those articles under the provisions of section 16 of this regulation after August 19, 1946.

Rule 2. If a distributor cannot determine his ceiling price for sales of a particular model to a particular class of dealer under Rule 1 of this section his ceiling price for that sale is the ceiling price established for the same sale by the "closest seller of the same class" who has determined a ceiling price under this section. A distributor's "closest seller of the same class" is a distributor who (a) has established a ceiling price under this section for sales of the identical model to the same class of purchaser, and (b) is the same general type of seller, and, (c) is located nearer to the seller than any other seller who meets requirements (a) and (b) of this rule.

Rule 3. If a distributor cannot otherwise find his ceiling price for a particular sale, his ceiling price for that sale is the price established by the Office of Price Administration in an order under this section.

An application under this rule shall be addressed to the Office of Price Administration, Washington 25, D. C., and shall state the name of the manufacturer of the article being priced, its model designation, the classes of purchasers to whom the applicant proposes to sell the article, the ceiling prices he proposes for such sales, and a statement of the reasons he cannot use the other rules in this section.

4. Section 16 is amended to read as follows:

SEC. 16. Ceiling prices for sales to consumers—(a) Articles having retail ceiling prices established before August 19, 1946. The ceiling prices for sales to consumers of all articles covered by this regulation having retail ceiling prices established before August 19, 1946 shall be determined under this paragraph.

(1) *Retail ceiling prices of articles delivered by the manufacturer before August 19, 1946.* The ceiling price for sales to consumers of any article listed in section 25, Appendix A, of this regulation or of any private brand having a retail ceiling price established under section 16 (b) or based on an order issued under section 16 (c) which was delivered by the manufacturer to a purchaser for resale before August 19, 1946 is the retail ceiling price properly established for that article before August 19, 1946.

(2) *Retail ceiling prices of articles delivered by the manufacturer after August 18, 1946.* Notwithstanding the provisions of section 25 of this regulation, or of section 16 (b) or an order under section 16 (c) the ceiling price for sales to consumers of any article listed in section 25 of this regulation or of any private brand having a retail ceiling price established before August 19, 1946 under section 16 (b) or an order under section 16 (c) which is delivered by the manufacturer to a purchaser for resale after August 18, 1946 is the higher of either the price listed in section 25, Appendix A, or the price properly calculated in accordance with section 5a or this paragraph (a). After August 18, 1946 every manufacturer of any article listed in section 25, Appendix A, of this regulation is required to redetermine the retail ceiling price previously determined under this regulation or under an order under Supplementary Order No. 119 of Supplementary Order No. 133 of every such article under the first applicable rule of the following contained in this paragraph (a).

Rule 1. If the manufacturer had a retail ceiling price and a manufacturer's ceiling price in effect on March 31, 1946, under this regulation for sales of any model of any article in his line on that date he shall redetermine the retail ceiling price for that model as follows:

(i) He shall determine a markup factor for that model by dividing the retail ceiling price in effect on March 31, 1946 for that model under this regulation by his f. o. b. factory ceiling price under this regulation in effect on March 31, 1946 to that class of purchaser who purchased that model in the largest dollar volume up to March 31, 1946.

(ii) He shall apply the markup factor so determined to his current f. o. b. factory ceiling price to the same class of purchaser as he used in (i) above to determine the markup factor.

The result rounded to the nearest multiple of 25 cents is the retail ceiling price for that model.

Rule 2. If the manufacturer did not have a ceiling price on March 31, 1946 under this regulation for his sales of a particular model in his line but established or determined a ceiling price for his sales of that model before August 19, 1946, he shall redetermine the retail ceiling price previously established for that model as follows:

(i) He shall select the model in his line the retail ceiling price of which he has determined in accordance with Rule 1 of this paragraph (a) and which is "comparable" to the model the retail ceiling price of which he is redetermining under this Rule 2. For the purposes of this section a model shall be deemed "comparable" to a model being priced if it meets all the following requirements:

(1) It is of the same type as the model being priced.

(2) It is sold or is to be sold in the largest dollar volume to the same class of purchaser as the model being priced.

(3) It is distributed through the same trade channels as the model being priced.

(4) Its f. o. b. factory ceiling price to the class of purchaser buying that model in the largest dollar volume is closest to that of the model being priced to the same class of purchaser.

(5) It is most like the model being priced in design, construction, manufacturing process, and operation.

(ii) He shall apply the markup factor so determined under Rule 1 for the comparable model to his current f. o. b. factory ceiling price for sales of the model he is pricing to the same class of purchaser which he used to determine his markup factor on the comparable model.

The result rounded to the nearest multiple of 25 cents is the retail ceiling price for the model he is pricing.

Rule 3. If the manufacturer cannot determine the retail ceiling price for sales of a particular model covered by this revised regulation he may apply under this rule to the Office of Price Administration, Washington 25, D. C., for the establishment of retail ceiling prices for that particular model. Retail ceiling prices will be established by an amendment to section 25, Appendix A, or an order under section 16 (c) of this regulation. An application under this rule shall state the name of the manufacturer, the model designation of the article being priced, and a statement of the reasons the applicant is unable to determine retail ceiling prices for the article under the other rules in this paragraph.

(b) *Private brands sellers of models which differ by no more than "minor changes" from models listed in section 25, Appendix A.* On or after January 21, 1946, unless this regulation or an order issued under this section specifies otherwise, the ceiling price for sales by a private brand seller to consumers of a model which differs by no more than "minor changes" as defined in section 6 from a model listed in section 25, Appendix A is the same as the ceiling price of that model as determined in accordance with paragraph (a) of this section, regardless of the model designation of the article being sold by the private brand seller. The ceiling prices for sales by private brand sellers of such articles during the period, December 21, 1945 to January 21, 1946, shall be the ceiling price specified for such sales by Maximum Price Regulation No. 111, before the issuance of this revised regulation, unless the article has a tag or label showing the OPA retail ceiling price under this revised regulation affixed by the manufacturer in accordance with section 18. If the article has such a tag or label, the retail ceiling price shall be the ceiling price established under this revised regulation and correctly shown on that tag or label.

(c) *Private brand sellers of models which differ by other than minor changes from models listed in section 25, Appendix A.* The manufacturer or the private brand seller of any private brand model, differing by other than minor changes from models listed in section 25, Appendix A, the retail ceiling price of which has been established before August 19, 1946 under section 25, Appendix A, or under section 16 (c) of this revised regulation, is required to recalculate the ceiling price of every such article in accordance with the first applicable rule of the

three contained in paragraph (a) of this section. The retail ceiling price of any private brand model differing by other than minor changes from models listed in section 25, Appendix A, for which the manufacturer cannot determine retail ceiling prices under paragraph (a) of this section is the retail ceiling price established by an order issued under this paragraph after August 18, 1946. An application for the establishment of a retail ceiling price of any model priced under this paragraph may be made by either the manufacturer of the model or the private brand seller selling the model. Applications made under this paragraph shall be made to the Office of Price Administration, Washington 25, D. C., and shall contain the name of the manufacturer of the model and the private brand seller, the model designation of the model, a list of its major specifications, a photograph or other illustration of the model and the retail ceiling price proposed for sales of the model.

(d) *Credit charges.* (1) Any person selling articles covered by this revised regulation to consumers, who, during the period October 1-15, 1941, collected a separately stated additional charge for the extension of credit on sales of such articles, may collect a charge for the extension of credit under this regulation, not exceeding such charge during the period October 1-15, 1941, on a similar sale on similar terms to the same class of purchaser. Dealers who did not so state and collect an additional charge may collect a charge for the extension of credit only on installment-plan sales and the charge shall not exceed the separately stated additional charge for the extension of credit on a similar sale on similar terms to the same class of purchaser during the period October 1-15, 1941, by the dealer's closest competitor who made a separately stated charge.

An installment-plan sale as used in the above paragraph means a sale where the unpaid balance is to be paid in installments over a period of either (i) six weeks or more from the date of sale in the case of weekly installments, or (ii) eight weeks or more in the case of other than weekly installments.

(2) All charges for the extension of credit shall be quoted and stated separately. Any charge which is not quoted and stated separately or which otherwise does not conform to this subsection, shall, for the purposes of this regulation be considered to be part of the price charged for the article sold.

(3) No dealer may require as a condition of sale that the consumer must buy on credit.

(e) *Correction of retail ceiling prices improperly determined under this section.* If a manufacturer fails to determine properly under this section the retail ceiling prices applicable to a particular model he produces, this Office may issue an order under this section establishing the correct ceiling prices.

5. Section 19a is amended to read as follows:

SEC. 19a. Notification. A manufacturer who sells articles covered by this regulation at ceiling prices adjusted in ac-

cordance with section 5a of this regulation shall, at the time of, or prior to the first invoice to each purchaser for resale purchasing the articles at prices so adjusted, notify the purchaser of the retail ceiling price determined under section 16 for each model covered by the invoice.

A manufacturer who has redetermined the retail ceiling prices of any model he produces pursuant to section 16 (a) of this regulation shall, at the time of, or prior to the first invoice to each purchaser for resale covering articles pre-ticketed with retail ceiling prices so determined, notify the purchaser of the redetermined retail ceiling price applicable to those articles and shall notify each purchaser for resale at wholesale that he may redetermine his ceiling prices under section 15 of this regulation.

6. Section 19b is amended to read as follows:

SEC. 19b. Reporting. Every manufacturer or private brand seller who redetermines the retail ceiling prices for an article covered by this regulation under section 16 of this regulation after August 18, 1946 must send a report to the Office of Price Administration, Washington 25, D. C., stating the model designation and retail ceiling price of every model which he sells or offers for sale at prices which include any part of the "additional OPA industry adjustment". This report must be filed within 10 days after the particular model is first sold or offered for sale by the manufacturer at prices so adjusted. If the prices so reported are incorrect this Office may issue an order establishing the correct ceiling prices under section 16.

This amendment shall become effective on the 19th day of August 1946.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14292; Filed, Aug. 15, 1946;
4:24 p. m.]

PART 1380—HOME AND SERVICE INDUSTRY MACHINES

[RMPR 86, Amdt. 3]

DOMESTIC LAUNDRY MACHINES

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

Revised Maximum Price Regulation No. 86 is amended in the following respects:

1. Section 14 is amended to read as follows:

SEC. 14. Establishment of resale prices for distributors and dealers by order. Whenever the manufacturer's ceiling prices for a washing or ironing machine or drier have been determined under this regulation, an order may be issued

fixing ceiling prices, or a method of determining resale ceiling prices. Resale ceiling prices established for sales of a particular machine to a particular class of purchaser by an order under this section supersede any resale ceiling prices previously established or determined for the same sale under this regulation.

2. Section 15 is amended to read as follows:

SEC. 15. Distributors' ceiling prices. Unless an order issued under section 14 provides otherwise a distributor's ceiling price for sales of a particular model of drier to a particular class of purchaser is that determined by him under the first applicable rule of the rules contained in this section.

A distributor's ceiling price for sales to a particular class of purchaser of a washing machine or ironing machine which the manufacturer delivered to a purchaser for resale before August 19, 1946 is his ceiling price in effect for that sale on the date he purchased the machine.

A distributor's ceiling price for sales to a particular class of purchaser of any washing or ironing machine which the manufacturer delivers to a purchaser for resale after August 18, 1946 shall be the ceiling price for that sale computed or recomputed by him in accordance with the following provisions of this section.

Unless a distributor's ceiling price for a particular model of washing machine or ironing machine has been established by an order issued under section 14 after August 18, 1946, he shall determine his ceiling price under the first applicable rule of the following contained in this section:

Rule 5. A distributor's ceiling price for sales in each zone of each model to each class of purchaser shall be the price which will yield the distributor the same percentage of the total dollar margin between the manufacturer's price to him (not exceeding the manufacturer's ceiling price to him) and the dealer's price for resale to ultimate consumers in that zone as he received during the period October 1-15, 1941 in connection with the sale of the "most comparable" model sold by him to the same class of purchaser. To be "comparable" a model must be one produced by the same manufacturer.

A distributor recomputing his ceiling prices under this rule in determining the percentage of the total dollar margin he should receive, may use, instead of October 1-15, 1941 prices, the manufacturer's ceiling price to him in effect on August 18, 1946 for the same model, his own ceiling price on that date for sales of the same model to dealers, and the retail ceiling price in effect on that date for the same model. He shall determine his dollar-and-cent mark-up by applying the percentage so determined to the total dollar margin between the manufacturer's ceiling price to him and the retail ceiling price in his zone (determined in accordance with section 16b of this regulation). His new ceiling price is the sum of his invoice cost for the machine and the dollar-and-cent mark-up so determined.

NOTE: To assist the distributor in making this computation, a manufacturer who sells washing or ironing machines whose retail ceiling prices have been determined under section 16b is required to notify the distributor at the time of, or prior to the first invoice covering such sales, of the retail ceiling prices which he has determined for

those machines under the provisions of section 16b.

Example. A distributor who sold Model Q produced by manufacturer A during the period April 2, 1946 to April 29, 1946 at a ceiling price which the distributor determined during that period under either Rule 5 or 6 computes his ceiling price as follows:

Retail ceiling price in distributor's zone for Model Q on April 15, 1946.	\$79.50
Manufacturer's ceiling price f. o. b. factory for sales to distributor on April 15, 1946.	39.50
Gross dollar margin.	40.00
Distributor's ceiling price to dealers on April 15, 1946.	47.50
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Amount of total dollar margin received by distributor.	8.00
Percent of gross dollar margin.	20
Manufacturer's ceiling price adjusted under section 5a.	42.19
Retail ceiling price under section 16a.	79.50
Total dollar margin.	37.31
Portion taken by distributor (20% of \$37.31).	7.46
Distributor's ceiling price on August 18, 1946.	49.65
Retail ceiling price under section 16b.	86.00
Gross dollar margin.	43.81
Portion taken by distributor (20% of \$43.81).	8.76
Distributor's recomputed ceiling price.	52.57

Rule 6. If a distributor cannot determine his ceiling price for sales of a particular model to a particular class of dealer under Rule 5, his ceiling price for that sale is the ceiling price established under Rule 6 for the same sale by the "closest seller of the same class" who has so determined a ceiling price. A distributor's "closest seller of the same class" is a distributor who (a) has established a ceiling price for sales of the identical model of washing or ironing machine or drier to the same class of purchaser, and (b) is the same general type of seller, and (c) is located in the same zone and is nearer to the seller than any other seller who meets requirements (a) and (b) of this rule.

Rule 7. If the distributor cannot otherwise find his ceiling price for a particular sale, his ceiling price for that sale is the price established by the Office of Price Administration in an order under this section.

An application under this rule shall state the name of the manufacturer of the machine being priced, its model designation, the classes of purchaser to whom the applicant proposes to sell the machine, the ceiling prices he proposes for such sales, and a statement of the reasons he cannot use the other rules in this section.

3. Section 16a is deleted from the regulation.

4. A new section 16b is added to read as follows:

Sec. 16b. Retail ceiling prices—(a) *Retail ceiling prices of machines delivered by the manufacturer before August 19, 1946.* Unless an order issued under section 14 after August 18, 1946 specifies otherwise, the retail ceiling prices for any washing machine or ironing machine or drier delivered by the manufacturer to a purchaser for resale before August 19, 1946 are the retail ceiling prices properly established for that machine before August 1946.

(b) *Retail ceiling prices of machines delivered by the manufacturer after August 18, 1946.* The retail ceiling prices of a particular model of washing or iron-

ing machine delivered by the manufacturer to a purchaser for resale after August 18, 1946, are the prices established by an order under section 14 after that date. The retail ceiling prices of a particular model of drier delivered by the manufacturer to a purchaser for resale after August 18, 1946 are the prices established by an order issued under section 14. If no order has been issued under section 14 covering retail sales of a particular model of drier, the retail ceiling prices for sales of that model are the prices properly calculated under this section. Notwithstanding the provisions of any order issued under section 14 of this regulation on or before August 19, 1946, the retail ceiling prices of any washing or ironing machine delivered to a purchaser for resale by the manufacturer after August 18, 1946 are the prices properly calculated under this section. Every manufacturer of washing or ironing machines or driers is required to calculate the retail ceiling price of every such machine in his line which he delivers to a purchaser for resale after August 18, 1946 (unless the machine is one whose retail ceiling prices have been already established by an order issued under section 14 after that date in the case of washing or ironing machines or at any time in the case of driers) under the first applicable rule of the following contained in this section:

Rule 8. If the manufacturer had a ceiling price in effect on March 31, 1946 under this regulation for his sales of any model washing machine, ironing machine or drier in his line on March 31, 1946, he shall redetermine the retail ceiling price in Zone 1 for that model as follows:

(i) He shall determine a mark-up factor for that model by dividing the retail ceiling price in effect on March 31, 1946 in Zone 1 for that model under this regulation by his f. o. b. factory ceiling price under this regulation in effect on March 31, 1946 to that class of purchaser who purchased that model in the largest dollar volume up to March 31, 1946.

(ii) He shall apply the mark-up factor so determined to his current f. o. b. factory ceiling price to the same class of purchaser as he used in (i) above.

The result rounded to the nearest multiple of 25 cents is the retail ceiling price in Zone 1 for that model.

Rule 9. If the manufacturer did not have a properly established ceiling price under this regulation for his sales of any model washing machine, ironing machine or drier in his line on March 31, 1946, but established a ceiling price for his sales of that model prior to August 19, 1946 he shall redetermine the retail ceiling price in Zone 1 for that model as follows:

(i) He shall determine the model in his line whose retail ceiling price in Zone 1 has been redetermined in accordance with the provisions of Rule 8 which is "comparable" to the model whose retail ceiling price he is redetermining.

(ii) He shall determine the mark-up factor for the "comparable" model under Rule 8 of this section.

(iii) He shall apply the mark-up factor so determined to his current f. o. b. factory ceiling price to the same class of purchaser which he used to determine the mark-up factor on the comparable model for his sales of the model whose retail ceiling price he is redetermining.

The result rounded to the nearest multiple of 25 cents is the retail ceiling price in Zone 1 for that model.

Rule 10. If the manufacturer establishes a ceiling price for his sales of any model washing machine, ironing machine or drier after August 18, 1946, he shall determine the retail ceiling price in Zone 1 for that model as follows:

(i) He shall determine the model in his line whose retail ceiling price in Zone 1 has previously been properly determined in accordance with the provisions of this section and has been reported to the Office of Price Administration in accordance with the requirements of section 19b of this regulation and which is "comparable" to the model whose retail ceiling price he is calculating.

(ii) He shall determine the mark-up factor used in determining the retail ceiling price in Zone 1 of the comparable model under rules 8, 9, or 10 of this section, whichever is applicable.

(iii) He shall apply the mark-up factor so determined to his current f. o. b. factory ceiling price to the same class of purchaser which he used to determine his mark-up factor on the comparable model for sales of the model whose retail ceiling price he is determining.

The result rounded to the nearest multiple of 25 cents is the retail ceiling price in Zone 1 for that model.

Rule 11. If the manufacturer cannot determine the retail ceiling price in any zone for any model in his line he shall apply to the Office of Price Administration, Washington, D. C., for the establishment of such retail ceiling prices under section 14 of this regulation. An application under that section shall state the name of the manufacturer, the model designation of the machine being priced and a statement of the reasons why the applicant cannot determine the retail ceiling prices for the model under the other paragraphs of this section.

For the purpose of this section, a model shall be deemed "comparable" to a model being priced if it meets all of the following requirements:

(1) It is of the same type as the model being priced.

(2) It is sold or is to be sold in the largest dollar volume to the same class of purchaser as the model being priced.

(3) Its f. o. b. factory ceiling price to the class of purchaser buying that model in the largest dollar volume is closest to that of the model being priced to the same class of purchaser.

(4) It is most like the model being priced in design, construction and operation.

(5) It is distributed through similar trade channels.

The manufacturer shall determine retail ceiling prices for sales in zones other than Zone 1 of each model machine for which he has properly determined the retail ceiling price in Zone 1 under this section by adding to the Zone 1 retail ceiling price the dollar-and-cents amount of the previously established differential in effect August 18, 1946, on that model or the comparable model (if no differentials were previously established for the model being priced) between the retail ceiling price in Zone 1 and in each of the other zones.

(c) "*Private brand*" machines delivered by the manufacturer after August 18, 1946. For purposes of this regulation "private brand" means any article covered by this regulation not offered for sale as the regular brand of the manufacturer but manufactured by him for a particular person or persons other than another manufacturer whether or not such person's name or brand appears thereon. The retail ceiling prices of a "private brand" washing or ironing machine or drier shall be the retail ceiling prices determined by the manufacturer in accordance with paragraphs (a) or

(b) of this section. Orders issued under this regulation may, however, provide that the retail ceiling prices of a "private brand" model are to be computed under this section by the "private brand" seller instead of the manufacturer.

5. Section 19 (c) is amended to read as follows:

(c) The retail ceiling prices which appear on the label attached to a machine which the manufacturer delivered to a purchaser for resale prior to August 19, 1946 shall be the retail ceiling prices computed in accordance with section 16a of this regulation as in effect on August 18, 1946. The retail ceiling prices which appear in the label attached to a machine which the manufacturer delivered to a purchaser for resale on or after August 19, 1946 shall be the retail ceiling prices properly computed in accordance with section 16b of this regulation as in effect on August 19, 1946.

6. Section 19a is amended to read as follows:

SEC. 19a. Notification. A manufacturer who sells a washing machine, ironing machine, or drier, at ceiling prices adjusted in accordance with section 5a of this regulation, or who sells any such machine the retail ceiling prices of which he was required to compute or recompute in accordance with the provisions of section 16b of this regulation, shall at the time of, or prior to the first invoice to a purchaser for resale covering such machine, notify the purchaser of the retail ceiling prices in each zone computed or recomputed by his under section 16b of this regulation for each model of machine covered by the invoice.

7. Section 19b is amended to read as follows:

SEC. 19b. Reporting. Every manufacturer who is required to determine or re-determine retail ceiling prices under section 16b of this regulation must send a report to the Office of Price Administration, Washington, D. C., containing the model designation and retail ceiling price in each zone of every model which he sells or offers for sale on or after August 19, 1946. This report must be filed within 15 days after the particular model is sold or offered for sale by him for the first time, after August 19, 1946.

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

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14291; Filed, Aug. 15, 1946; 4:23 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 351, Amdt. 10]

FERROUS FORGINGS

A statement of the considerations involved in the issuance of this amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 351 is amended in the following respects:

1. The heading and introductory sentence of § 1390.208 is amended to read as follows:

§ 1390.208 *Price determining method where manufacturer had none in effect on the base date.* If the manufacturer had no price determining method for ferrous forgings in use on October 1, 1941:

2. In paragraph (a) of § 1390.208, delete the last sentence.

This amendment shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14375; Filed, Aug. 16, 1946; 11:53 a. m.]

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

[MPR 127,¹ Amdt. 51]

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 1400.82 (a) (4) is revoked.
2. Section 1400.82 (a) (6) is revoked.
3. In § 1400.82 (b) paragraph (1) is amended to read as follows:

(1) *General rule.* Except as otherwise provided in this paragraph (b) the basic grey goods cost to be used in determining the maximum price for finished piece goods shall be, for grey goods purchased by the converter from an unaffiliated source, the actual price for the grey goods, less available cash discounts (not to exceed the ceiling applicable to the purchase) and, for grey goods produced by the converter or acquired from an affiliated source, the established maximum price for the grey goods, less required cash discounts, on the day the contract for the sale of the finished goods is made or on the day the goods are first sent to a finishing plant, whichever is earlier.

4. In § 1400.82 (b) paragraph (2) is amended to read as follows:

(2) *Adjustable pricing.* Regardless of any increase or adjustment in the ceiling price for the grey goods (or of any additional charge for the grey goods to which the converter may become or becomes liable) after the finished piece goods have been delivered, even if such increase (or charge) is retroactive, the basic grey goods cost shall be determined in accordance with the previous subparagraph unless authorization to the con-

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

trary has been granted by the Office of Price Administration.

(i) *Independent converters.* A converter selling finished goods made from grey goods acquired from an unaffiliated source under a contract in which his supplier permissibly reserved the right to charge an individually adjusted price which might be granted him by the Office of Price Administration, may reserve the right to charge up to the time of delivery, and at such time may charge, a ceiling price calculated from a "basic grey goods cost" which includes the definite additional charge to which he has by that time become liable by reason of the adjustable pricing clause in his grey goods purchase contract and which is permitted by the Office of Price Administration.

(ii) *Integrated converters—(a) Cotton goods.* A converter selling finished piece goods composed 75% or more by weight of cotton and made from grey goods produced by him or acquired from an affiliated source, may reserve the right to charge up to the time of delivery, and at such time may charge, a ceiling price calculated from a "basic grey goods cost" computed from any individually adjusted maximum price which has been granted for the grey goods by that time. He may, in addition, reserve the right to charge any additional wage increase factor that may be established by the Office of Price Administration (but only with respect to undelivered goods and only to the extent that may be authorized by the Office of Price Administration).

(b) *Rayon goods.* If the converter is selling finished goods composed less than 75% by weight of cotton and made from grey goods produced by him or acquired from an affiliated source he may reserve the right to charge up to the time of delivery, and at such time may charge, a ceiling price calculated from a "basic grey goods cost" equivalent to the ceiling price for the grey goods as of the time of delivery.

5. In § 1400.82 (b) subparagraph (2a) is added:

(2a) (i) *Goods sold or put in process by producer before August 5, 1946.* For goods which were sold or entered the finishing process and which had not been delivered to the purchaser prior to August 5, 1946, a producer selling finished goods made from grey goods produced by him or acquired from an affiliated source may use as his basic grey goods cost for computing his maximum price for the finished goods, the ceiling price for the grey goods in effect on August 5, 1946; *Provided,* That a producer may use as his basic grey goods cost the ceiling price in effect on June 30, 1946 or the ceiling price which first becomes effective after August 5, 1946 with respect to the following:

(a) Fine goods covered by Maximum Price Regulation No. 11 (Fine cotton goods).

(b) Fine carded cotton goods covered by section 3 (c) (2) of Supplementary Order No. 131 (Revised maximum price for certain cotton textiles).

(ii) *Termination of adjustable pricing contracts made by producers.* A converter delivering finished goods made from grey goods produced by him or

acquired from an affiliated source against a contract entered into on or before June 30, 1946 or between July 26, 1946 and August 15, 1946 inclusive, in which he permissibly reserved the right to charge a ceiling price calculated from a "basic grey goods cost" equivalent to the ceiling price for the grey goods as of the time of delivery, may exercise that right only in connection with deliveries made thereunder prior to December 15, 1946.

6. Section 1400.62 (b) (6) and (7) are hereby revoked.

7. Section 1400.82 (b) (11) is amended to read as follows:

(11) The 5% premium provided in section 3 (a) of Supplementary Order No. 131 shall be deducted from the basic grey goods cost on all deliveries of finished piece goods, if such goods are finished from grey goods which producers are required to set aside pursuant to, and for the uses specified in the Civilian Production Administration's Supplementary Order No. M-317A in its present form or as hereafter amended.

8. Sections 1400.82 (v) and (w) are hereby revoked.

This amendment shall become effective August 15, 1946 except for § 1400.82 (v) which shall be effective as of July 25, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14294; Filed, Aug. 15, 1946; 4:25 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS
[MPR 602,¹ Amdt. 4]

WOMEN'S NYLON HOSIERY

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 602 is amended in the following respect:

Section 2 (c) (3) and section 2 (c) (4) are revoked.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14301; Filed, Aug. 15, 1946; 4:26 p. m.]

PART 1452—SPECULATIVE AND MANIPULATIVE PRACTICES

[Margin Requirement Reg. 1 Revocation²]

TRADING OF COTTON FUTURES CONTRACTS

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

¹ 10 F.R. 14251.

² 11 F.R. 9602.

Margin Requirement Regulation No. 1 is hereby revoked, subject to the provisions of Supplementary Order No. 40.³

This order of revocation shall become effective as of July 1, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14289; Filed, Aug. 15, 1946; 4:22 p. m.]

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

[MPR 30,¹ incl. Amdts. 1-19]

WASTEPAPER

This compilation of Maximum Price Regulation 30 includes Amendment 19, effective August 21, 1946. The text added by Amendment 19 is underscored.

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of wastepaper by a maximum price regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation, which apply to the sale of wastepaper, are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

So far as practicable the Price Administrator has consulted with representatives of the trade and industry. He has found that the issuance of this regulation conforms to the standards of the Act. Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Above sentence added by Supplementary Order No. 64, 8 F.R. 12554, effective 9-11-43]

A statement of considerations involved in the issuance of this regulation is issued simultaneously herewith and filed with the Division of the Federal Register.²

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 this Maximum Price Regulation No. 30 is hereby issued.

Sec.	
1347.1	Prohibitions.
1347.2	Less than maximum prices.
1347.3	Applicability of the General Maximum Price Regulation.
1347.4	Export sales and sales for export.
1347.5	Imports.
1347.6	Petitions for amendment.
1347.7	Licensing.

¹ 7 F.R. 9732.

² Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

³ 8 F.R. 4925.

Sec.	
1347.8	Evasion.
1347.9	Enforcement.
1347.10	Records and reports.
1347.11	Definitions.
1347.12	Applicability.
1347.13	Effective date.
1347.14	Appendix A: Maximum prices for wastepaper.

AUTHORITY: § 1347.1 through § 1347.14, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 333, 78th Cong.; Pub. Laws 108 and 548, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487; E.O. 9697, 11 F.R. 1691.

§ 1347.1. *Prohibitions.* Regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any wastepaper at higher prices than the maximum prices set forth in Appendix A (§ 1347.14) of this Maximum Price Regulation No. 30.

(b) No person shall buy or receive any wastepaper at higher prices than the maximum prices set forth in Appendix A (§ 1347.14) of this Maximum Price Regulation No. 30.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1347.2 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 30 may be charged, demanded, paid or offered.

§ 1347.3 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 30 supersede the provisions of the General Maximum Price Regulation¹ with respect to sales and deliveries of wastepaper for which maximum prices are established by this regulation.

§ 1347.4 *Export sales and sales for export.* The maximum price at which a person may export wastepaper shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation¹ issued by the Office of Price Administration. The maximum prices at which a person may make a domestic sale of wastepaper which is to be exported shall not exceed the maximum prices herein provided for domestic sales: *Provided, however,* That persons specially packaging wastepaper for export and selling the same to a purchaser who warrants in writing that the wastepaper so packed will be sold in export, may add to the maximum price an amount not in excess of the highest premium actually charged for the same or similar packing by such person during the period of January 1 through September 30, 1941. If a person made no such charge for such packing in said period, the amount of his charge for such packing shall not exceed the amount charged in said period by his nearest and most closely competitive seller in said period.

§ 1347.5 *Imports.* The maximum prices established herein shall apply to imports of wastepaper from a foreign

¹ 9 F.R. 1385, 5169, 6108, 8150, 10193, 11274.

² 2d Revision: 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 7201, 9835, 11273, 12919, 14436; 10 F.R. 863, 923, 2432, 6590, 8746, 8614, 9586, 10029, 15348; 11 F.R. 1297.

country, f. o. b. the port or city of entry in the United States.

§ 1347.6 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 30 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1^a issued by the Office of Price Administration.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

§ 1347.7 *Licensing.* The provisions of Licensing Order No. 1,^a licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1347.7 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1347.8 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 30 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of wastepaper, alone or in conjunction with or relating to any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege or tying agreement, or other trade understanding or otherwise.

§ 1347.9 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 30 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942 as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 30 or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State, Field or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

[NOTE: Revised Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1347.10 *Records and reports.* (a) Every person who has been required under Revised Price Schedule No. 30 to

keep records for inspection by the Office of Price Administration shall preserve such records for so long as the Emergency Price Control Act of 1942 shall remain in effect.

(b) Every person who purchases or sells commercially packed wastepaper, either for his own account, or for the account of another, shall make, and shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 shall remain in effect, complete and accurate records of each purchase or sale of wastepaper by him, whether or not the same be commercially packed, showing the following:

- (1) Date of purchase or sale.
- (2) Name and address of the buyer or seller.
- (3) Grade of wastepaper purchased or sold.
- (4) Quantity of each grade purchased or sold.
- (5) Whether the wastepaper purchased or sold was commercially packed or in other condition.
- (6) Prices or other charges paid or received.
- (7) Warranties, if any, given or received.

Such records shall set forth separately the f. o. b. point of shipment price, the origin and destination of the shipment, the means of transportation used, the amount of the transportation charge, and any other amounts paid or received in connection with such sale.

(c) Every consumer of wastepaper shall in addition to the above make and keep a complete and accurate record of each shipment of wastepaper delivered to him and of all weighing, inspecting, sorting, sampling, testing or grading operations performed by him or on his behalf with respect to each such shipment. Each record of each shipment required by this paragraph shall show:

- (1) The date of its delivery to the consumer;
- (2) The manner of its delivery, that is, by freight car, truck, or other means of transport;
- (3) The freight car number, vehicle license number or other identification of the vehicle or other means of transportation in or by which delivery is made;
- (4) The total weight of wastepaper and other material contained in the shipment, and the weight of each bale or package comprising the same;
- (5) All facts relating to such shipment which have been ascertained at or after delivery thereof by performing upon such shipment or any portion thereof any weighing, inspecting, sorting, sampling or testing operations. Facts required to be recorded are:

- (i) The grade name of each grade of wastepaper found in the shipment or sample;
- (ii) The total weight of wastepaper from such shipment which was inspected, sorted, sampled, tested or graded;
- (iii) The weight, ascertained by inspecting, sorting, sampling, testing or grading the wastepaper from such shipment upon which such operations or any of them were performed.

(a) Of each grade of wastepaper found in the shipment or sample; and

(b) Of outthrow; the term "outthrow" as shown in such record, and as used herein shall have the meaning given to it by this regulation.

(6) The names of the person or persons responsible for supervising the receiving, weighing, inspecting, sorting, sampling or testing of the wastepaper delivered.

(d) [Deleted.]

[Paragraph (d) deleted by Am. 16, 11 F.R. 3745, effective 4-13-46]

(c) Persons required to keep records and submit reports to the Office of Price Administration shall keep such other records and submit such other reports in addition to or in place of those required in this section as the Office of Price Administration may from time to time require.

[§ 1347.10 amended by Am. 6, 8 F.R. 17843, effective 1-4-44]

§ 1347.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 30, the term:

(1) "Person" means an individual, corporation, partnership, association, any other organized group of persons, the legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Wastepaper" includes papers and paper products which have been used or discarded, or which result as by-products from a manufacturing or conversion operation, or which are sold for reuse in a manufacturing or conversion operation involving repulping, shredding, or grinding.

(3) "Consumer" means a person who acquires wastepaper for use in the manufacturing process conducted by him.

(4) A dealer means a person in the business of collecting and/or buying and selling waste materials, including wastepaper, for private profit.

[Subparagraph (4) amended by Am. 7, 9 F.R. 6107, effective 6-3-44]

(5) "Commercially packed" means packed in machine compressed bales or by an optional method of packing where such method is allowed in the definition of a grade.

(6) "Objectionable papers" include carbon, waxed, paraffined, oil treated, greased, glazed, parchment, asphalt, tar, tympan, and used wall paper, friction board, cloth book-covers, heavy cores, pressboard, used bill board stock, paper-wrapped excelsior, felt furniture pads, paper twine, uncut printer's rolls, and paper strings.

(7) "Foreign materials" include every non-paper substance that cannot be manufactured into paper or paper products by the processes normally used for wastepaper, including, but in no way limited to cellophane, rags, rubbers, strings, vulcanized fiber, metals, and rubbish of all kinds.

(8) "Out-throw" for a given grade of wastepaper consists of all substances not suitable for the manufacture of paper or paperboard such as "Objectionable papers" and "Foreign materials", and all paper-making materials present in the

^a 9 F.R. 10476, 13715; 10 F.R. 11295.

^b 8 F.R. 13240.

packing that do not meet the requirements of the applicable definition for the grade. In the book, magazine and ledger grades, except as otherwise specified, "Out-throw" includes newsprint magazines, pulp magazines (novel news), hard backs and gilt, aluminum and varnish papers and other objectionable materials.

[Subparagraph (8) amended by Am. 5, 8 F.R. 13049, effective 9-29-43; and Am. 8, 9 F.R. 8056, effective 7-17-44]

(9) "Manila", whenever used in the definitions set forth in § 1347.14 of this Maximum Price Regulation No. 30, refers to a color and finish of paper obtained by the natural undyed or very lightly tinted color of the woodpulp employed in the manufacture of the paper, such color and finish being comparable to that secured in paper manufactured from manila hemp or rope.

(10) "One cut" as applied to wastepaper means wastepaper of one color and of uniform quality.

[Subparagraph (10) amended by Am. 5, 8 F.R. 13049, effective 9-29-43]

(11) "Broker", commonly known as a wastepaper broker, means any person who sells to consumers wastepaper not packed by such person, and purchased by such person in the condition in which it is to be delivered to the consumer.

(12) An "accumulator" means any person who accumulates wastepaper in the course of and as a result of a manufacturing, converting, printing, publishing, merchandising or similar operation conducted by him, or any person who accumulates wastepaper for sale with the intent of voluntarily devoting the proceeds to some public or charitable purpose, and not for the private profit of such person.

(13) "Sales agent" means a person who represents an accumulator of wastepaper and arranges and makes a sale of wastepaper to a consumer for the account and in the name of the accumulator.

[Subparagraphs (12) and (13) added by Am. 7, 9 F.R. 6107, effective 6-3-44]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.12 *Applicability.* The provisions of this Maximum Price Regulation No. 30 shall be applicable to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1347.13 *Effective date.* This Maximum Price Regulation No. 30 (§§ 1347.1 to 1347.14 inclusive) shall become effective November 27, 1942. [Maximum Price Regulation No. 30 originally issued November 21, 1942.]

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

§ 1347.14 *Appendix A: Maximum prices for wastepaper—(a) Grades and maxi-*

imum prices per short ton f. o. b. point of shipment. (1) List of grades and prices:

TABLE I

Grades	Column 1	Column 2
	Price for wastepaper loose or packed in any manner other than that specified in Column 2	Prices for wastepaper packed in machine-compressed bales weighing not less than 500 pounds or packed in any optional manner provided in the definition of the grade involved
No. 1 mixed paper ¹	\$14.00	\$13.00
No. 1 news ²	15.00	20.00
Overissue news ³	17.00	22.00
Old corrugated containers ⁴	23.00	28.00
Extra manilas ⁵	34.00	39.00
Mixed books ⁶	17.00	22.00
No. 1 heavy books and magazines ⁷	33.50	38.50
No. 1 mixed ledger (colored ledger) ⁸	35.00	40.00
No. 1 white ledger ⁹	41.00	46.00
Mill wrappers ¹⁰	17.00	22.00

The grades in Tables I and II are defined as follows (subject to the qualifications listed in paragraph (b) of this appendix):

¹"No. 1 mixed paper" consists of wastepaper which does not have the uniform or distinctive qualities required for classification as any other grade.

²"No. 1 news" consists of waste newspapers and may contain up to 2% of other papers customarily included in the packing of newspapers.

³"Overissue news" consists of unused over-run newspapers from a newspaper office. Dealers' returns constitute a lower quality of this grade and may contain sheets of wrapping or other paper customarily used as protection in making returns. Optional method of packing—securely tied bundles.

⁴"Old Corrugated Containers" consist of stock from used corrugated containers and may contain other Kraft paper or board which meets the requirements for inclusion in any Kraft grade listed in this Appendix A at a price equal to or higher than the price listed for "Old Corrugated Containers." Lower qualities may contain stock from used solid fibre containers.

⁵"Extra manilas" of the highest quality consist of unprinted manila paper. Lower qualities may contain printing.

⁶"Mixed books" consist of books or magazines, including outthrow, which may in no event exceed 20% of the total weight of the packing. Packings which contain in excess of 20% outthrow may not be sold at a price in excess of the maximum price for "No. 1 Mixed Paper."

⁷"No. 1 heavy books and magazines" consist of used and overissue books and magazines, stitchless stock, quire waste and similar printed matter and may contain colored ledger or any white paper which meets the requirements for inclusion in any white grade listed in this Appendix A at a price equal to or higher than the price listed for "No. 1 heavy books and magazines." The packing may contain up to 5% outthrow. A shipment containing more than 5% outthrow but not more than 10% outthrow must be rejected or paid for only after adjustment to eliminate any payment for outthrow in excess of 5%; in such shipment the excess of outthrow becomes the property of the purchaser. When a shipment invoiced as "No. 1 heavy books and magazines" contains outthrow of more than 10%, such shipments must be rejected as "No. 1 heavy books and magazines" and may be accepted only as "No. 1 Mixed Paper," even though it would otherwise meet the definition of "Mixed Books." A deduction of at least \$5.00 per ton from the maximum price must be made if the material is not packed in machine compressed bales weighing not less than 500 lbs. in air compressed bales, or on skids.

⁸"No. 1 mixed ledger (colored ledger)" consists of sheets and shavings of ledger, bond and writing papers, white and colored. Other papers which are similar and equivalent may be included. Must be free from groundwood and must contain no more than 2% outthrow. Deliveries which fail to meet the requirement as to outthrow must be rejected or paid for only after adjustment to eliminate any payment for the excessive outthrow.

⁹"No. 1 white ledger" consists of sheets and shavings of ledger, bond and writing papers, all white. Other white papers which are similar and equivalent may be included. It shall be free from groundwood and contain no more than 2% outthrow. Deliveries which fail to meet the requirements as to outthrow must be rejected or paid for only after adjustment to eliminate any payment for the excessive outthrow.

¹⁰"Mill wrappers" consist of paper used as outside wrappers for rolls or bundles of finished paper stock and may contain sulfite or kraft screenings, groundwood fibre or chemical woodpulp fibre.

TABLE II

Grades	Column 1	Column 2
	Prices for wastepaper loose or packed in any manner other than that specified in Column 2	Prices for wastepaper packed in machine-compressed bales or packed in any optional manner provided in the definition of the grade involved
New corrugated cuttings ¹¹	\$13.00	\$18.00
Boxboard cuttings ¹²	9.50	14.50
White Blank news ¹³	28.00	33.00
New manila envelope cuttings ¹⁴	48.00	53.00
One cut new manila envelope cuttings ¹⁵	52.50	57.50
Manila tabulating cards free from groundwood ¹⁶	40.00	45.00
Manila tabulating cards groundwood ¹⁷	22.00	27.00
No. 1 hard white shavings ¹⁸	52.50	57.50
Hard white envelope cuttings ¹⁹	57.50	62.50
One cut hard white envelope cuttings ²⁰	62.50	67.50
No. 1 soft white shavings ²¹	45.00	50.00
One cut soft white shavings ²²	52.50	57.50
Miscellaneous soft white shavings ²³	38.00	43.00
No. 1 fly leaf shavings ²⁴	28.50	33.50
No. 1 groundwood fly leaf shavings ²⁵	20.00	25.00
No. 2 mixed colored groundwood shavings ²⁶	13.00	18.00
No. 1 assorted kraft (old kraft) ²⁷	30.00	35.00
Triple sorted No. 1 brown soft kraft ²⁸	45.00	50.00
Mixed kraft envelope and bag cuttings ²⁹	50.00	55.00
Kraft envelope cuttings ³⁰	60.00	65.00
New 100 percent kraft corrugated cuttings ³¹	40.00	45.00
Damaged Newsprint ³²	45.00	50.00

¹¹"New corrugated cuttings" consist of new corrugated or solid fibre container board cuttings.

¹²"Boxboard cuttings" consist of new cuttings of wastepaper grades of paperboard (i. e. paperboard made principally from wastepaper) such as is used in the manufacture of folding paper cartons, set-up boxes and similar boxboard products.

¹³"White blank news" consists of unprinted cuttings or sheets of white newsprint paper or other papers of white newsprint quality.

¹⁴"New manila envelope cuttings" consist of new cuttings or sheets of unprinted manila paper of the quality used in the manufacture of manila envelopes.

¹⁵"One cut new manila envelope cuttings" consist of new one cut cuttings or sheets of unprinted manila paper of the quality used in the manufacture of manila envelopes.

¹⁶"Manila tabulating cards, free from groundwood" consist of new or used printed manila cards which have been manufactured for use in automatic tabulating machines. Must be free from groundwood. Lower qualities of this grade may include tabulating cards of similar stock having colors other than manila. Optional method of packing—bags or boxes.

¹⁷"Manila tabulating cards, groundwood" consist of new or used printed manila cards, containing groundwood, which have been manufactured for use in automatic tabulating machines. Lower qualities of this grade may include tabulating cards of similar stock having colors other than manila. Optional method of packing—bags or boxes.

¹⁸"No. 1 hard white shavings" consist of shavings or sheets of new bond or writing paper of sulfite or rag fibre content. Must be free from groundwood. Highest quality shall be all white. Lower qualities may contain rulings or light colored stock.

¹⁹"Hard white envelope cuttings" consist of cuttings and sheets, all white, from new bond or writing papers of the quality used in the manufacture of envelopes. The fibre content of the stock shall be sulfite, rag, or bleached sulfite, free from printed matter and free from groundwood.

²⁰"One cut hard white envelope cuttings" consist of one cut cuttings and sheets, all white, from new bond or writing papers of the quality used in the manufacture of envelopes. The fibre content of the stock shall be sulfite, rag, or bleached sulfite, free from printed matter and free from groundwood.

²¹"No. 1 soft white shavings" consist of shavings and sheets, all white, from book and similar printing papers, free from printed matter and containing not in excess of

10% of coated paper stock or heavily filled papers. Must be free from groundwood.

"One cut soft white shavings" consist of one cut shavings and sheets, all white, from book and similar printing papers, free from printed matter and containing not in excess of 10% of coated paper stock or heavily filled papers. Must be free from groundwood.

"Miscellaneous soft white shavings" consist of shavings and sheets, all white, from book and similar printing papers, free from printed matter but not limited with respect to coated or filled paper stock. Must be free from groundwood.

"No. 1 flyleaf shavings" consist of the trim of magazines, catalogs, and similar printed matter. It may contain the bleed of cover and insert stock but must be free from groundwood. Solid color and beater-dyed papers constitute a lower quality of this grade. Shavings of novel news or newsprint grades may not be included in the packing.

"No. 1 groundwood fly leaf shavings" consist of the trim of magazines, catalogs and similar printed matter, not limited with respect to groundwood and may contain the bleed of cover and insert stock. The highest quality shall be free of solid color printing, coated stock or beater dyed papers. Lower qualities may contain solid color printing and coated stock in any quantity but shall not contain beater dyed papers in excess of 1%.

"No. 2 mixed colored groundwood shavings" consist of the trim of magazines, catalogs and similar printed matter, not limited with respect to groundwood or coated stock, and may contain the bleed of cover and insert stock as well as beater-dyed papers and solid color printing.

"No. 1 assorted kraft (old kraft)" consists of kraft paper waste, free from corrugated waste of any kind.

"Triple sorted No. 1 brown soft Kraft" consists of old soft natural color kraft papers completely free from papers other than those containing 100% sulfate fiber. Lower qualities may contain old soft kraft papers of color other than brown or natural.

"Mixed Kraft envelope and bag cuttings" consist of new cuttings and sheets of 100% kraft papers of the qualities used in the manufacture of kraft envelopes and kraft bags.

"Kraft envelope cuttings" consist of new cuttings and sheets of 100% kraft papers of the quality used in the manufacture of kraft envelopes.

"New 100% Kraft corrugated cuttings" consist of cuttings and sheets from new corrugated and solid fibre container board of 100% sulfate fibre content and may contain cuttings and sheets of the component plies thereof provided such component plies are also of 100% sulfate fibre content. Lower qualities may contain cuttings or sheets from new corrugated stock composed of two liners which are 100% sulfate fibre with a corrugated fiber of other fibre, but unless both of the liners are of 100% sulfate fibre, the material must not be sold at a price in excess of the maximum price of "New corrugated cuttings."

"Damaged newsprint" consists of unprinted white newsprint paper rejected or discarded because of damage sustained prior to pressroom use. Optional method of packing—rolls.

[Paragraph (a) amended by Am. 1, 8 F.R. 3845, effective 4-2-43; Am. 4, 8 F.R. 7199, 7821, effective 5-27-43; Am. 5, 8 F.R. 13049, effective 9-29-43; Am. 8, 9 F.R. 8056, effective 7-17-44; Am. 9, 9 F.R. 11108, effective 9-11-44; Am. 14, 10 F.R. 12809, effective 10-17-45; Am. 15, 11 F.R. 532, effective 10-17-45; Am. 16, 11 F.R. 3745, effective 4-13-46; and Am. 17, 11 F.R. 6864, effective 6-19-46]

(b) *Grade requirements*—(1) *Differentials*. All prices established by this Maximum Price Regulation No. 30 are the maximum prices for the respective grades of wastepaper. No differentials or service charges other than those specifically provided for in this Maximum Price Regulation No. 30 may be charged.

(2) *Highest qualities*. The highest qualities of each grade shall be clean, dry, and free from objectionable papers and foreign materials. Other qualities of wastepaper of each grade may be purchased or sold at or below the maximum price established for such grade: *Provided*, That such wastepaper fulfills the minimum requirements of fiber and physical characteristics as set forth in the definition of such grade, and is of merchantable quality in all respects.

(3) *Tare*. The billed weight on any shipment of commercially packed wastepaper shall not include tare in excess of 2%.

(4) *Fiber content*. In the grade definitions listed in § 1347.14 (a) "free from

groundwood" shall mean free from groundwood except to the extent that groundwood is used in the furnish of papers, otherwise admissible in the grade, which had no groundwood content before the war. Similarly "100% kraft" or "100% sulfate fiber" or "free from non sulfate fiber" shall mean free from non sulfate fiber except to the extent that non sulfate fiber is used in the furnish of papers, otherwise admissible in the grade, which were 100% sulfate fiber before the war.

[Subparagraphs (3) and (4) added by Am. 16, 11 F.R. 3745, effective 4-13-46. Former subparagraph (3) deleted by Am. 8, 9 F.R. 8056, effective 7-17-44]

(c) *Maximum prices for unlisted grades of wastepaper*. The maximum price for any grade of wastepaper not listed in paragraph (a) of this § 1347.14 shall be a price in line with the maximum price enumerated therein for the nearest related grade of wastepaper.

Any person proposing to sell to a consumer of wastepaper or any consumer proposing to buy a grade of wastepaper not listed in paragraph (a) of this § 1347.14 shall, before making such sale or purchase, submit to the Administrator in Washington, D. C., a sworn statement setting forth all of the relevant facts including the following:

- (1) Name of grade.
- (2) Detailed statement of fiber content and physical characteristics of said grade.
- (3) Maximum price per short ton f. o. b. point of shipment for which such person proposes to buy or sell said grade.
- (4) Detailed statement of prices for which petitioner has purchased or sold said grade since January 1, 1941. This statement must be set forth on a monthly basis.
- (5) Detailed statement of tonnage of said grade purchased or sold by petitioner since January 1, 1941. This statement must be set forth on a monthly basis.
- (6) Statement indicating the degree of uniformity of fiber content and physical characteristics of said grade in all other purchases or sales thereof which have been made by said person.
- (7) All other facts requested by the Office of Price Administration.

Representative samples of the wastepaper proposed to be purchased or sold shall be submitted with the sworn statement.

The price for which such wastepaper is purchased or sold by such person shall be subject to adjustment by the Office of Price Administration, if such price is not in line with the maximum price enumerated in this schedule for the nearest related grade of wastepaper. When any person has submitted the data described above with respect to any grade of wastepaper, he shall not be required to submit such data again prior to making a purchase or sale of the identical grade of wastepaper.

If either the buyer or seller shall furnish the Administrator with all the data required under this paragraph (c), it shall not be necessary for the other party to the same transaction to furnish such data.

(d) *Maximum prices for unsorted wastepaper*. The maximum prices for sales of unsorted wastepaper to any person shall not exceed the maximum price prescribed by this regulation for "No. 1 mixed paper", regardless of the grades and quantity of each grade contained in such unsorted wastepaper.

[Paragraph (d) amended by Am. 6, 8 F.R. 17843, effective 1-4-44]

(e) *Transportation allowances*. All prices established by this Maximum Price Regulation No. 30 shall be for wastepaper f. o. b. freight cars, trucks, or barges at the point of shipment. The point of shipment is the point at which the wastepaper is first loaded on a conveyance for transportation to the buyer, except that in the case of imported wastepaper the point of shipment shall be the port or city of entry in the United States.

(1) *Delivery charges*. Sales may be made on a delivered basis, but such sales must be made at prices not in excess of the maximum f. o. b. point of shipment prices established by this Maximum Price Regulation No. 30, plus, where the costs of delivery are incurred by the seller, such of the transportation allowances set forth in this sub-paragraph (e) as are applicable thereto.

(i) When transportation to the consumer is by public (common or contract) carrier, the lowest established transportation rate for such shipment;

(ii) When transportation to the consumer is by a vehicle owned or controlled by the seller, other than a common or contract carrier;

(a) An amount not in excess of \$2.00 per short ton, plus actual toll charges, when the point of shipment and the consumers premises are located in the same city, town or municipality, or at a distance of ten miles or less from each other by the shortest available public highway route.

(b) \$1.00 per short ton in excess of the lowest published rail rate for full carload shipments of wastepaper, when the point of shipment and the consumers premises are not located in the same city, town or municipality and are at a distance of more than ten miles from each other by the shortest available public highway route.

(2) *Loading charge*. If there is no rail siding at the point of shipment, and the wastepaper is transported to and loaded on a freight car at the expense of the seller for transportation to the consumer, the seller may add to the maximum price an amount not in excess of \$2.00 per short ton for such transportation and loading. Similarly, if there is no barge dock at the point of shipment, and the wastepaper is transported and loaded on a barge at the expense of the seller for transportation to the consumer, the seller may add to the maximum price an amount not in excess of \$2.00 per short ton for such transportation and loading.

The seller, upon request of the buyer, may on behalf of and as agent for the buyer, engage and pay a common or contract carrier to pick up material and load it into a freight car for shipment to the

consumer and may charge the buyer the amount paid to the carrier for such transportation.

[Above paragraph added by Am. 19, effective 8-21-46]

For the purpose of this subparagraph (2) a rail siding or barge dock at the plant of an accumulator shall not be considered to be at the point of shipment if such rail siding or barge dock is not normally available and usable for the shipment of wastepaper.

[Paragraph (e) amended by Am. 10, 10 F.R. 1787, effective 2-17-45; Am. 16, 11 F.R. 3745, effective 4-13-46; and Am. 18, 11 F.R. 7416, effective 6-29-46]

(f) *Invoice requirements.* Each sale of commercially packed wastepaper shall be invoiced except that an accumulator (as defined in § 1347.11), whose practice has been to send shipping notices instead of invoices and to settle accounts on the basis of periodic credits from his buyer, may continue that practice.

(1) *What the invoice shall contain.* Each invoice shall separately state:

- (i) The date of loading.
- (ii) The name and address of the buyer and seller, and if consigned other than to the buyer, the name and address of the consignee.
- (iii) The name of each grade and the total weight of each grade. The grade name shall be the applicable grade name listed in § 1347.14 (a) or it shall be the grade name of a specialty sold in accordance with the provisions of § 1347.14 (c).
- (iv) The price charged per ton for each grade, the loading charge, if any, and the amount of broker's allowance, if any.

(v) Identification of origin of shipment, i. e.

(a) The packer's invoice shall show the name of the city or town and the street address from which shipment starts.

(b) The broker's invoice shall show the name of the city or town from which shipment starts and while he need not show the street address of origin on the copy of the invoice sent to the consumer, he shall show it on the copy he retains in his files.

(vi) Identification of vehicle in which shipped, i. e.:

(a) The railroad car number and initials or the barge number or name shall be shown on the packer's invoice if he loads directly into a car or barge or if he makes shipment by truck owned or controlled by him for the purpose of reloading into a car or barge, except as noted under (d).

(b) The railroad car number and initials or the barge number or name shall be shown on the broker's invoice on every shipment to the consumer involving rail or barge movement, except as noted under (d).

(c) In all other cases the invoice shall state the license number or truck number of the truck into which the wastepaper is loaded.

(d) If, under the circumstances specified in (a) or (b), the seller is prohibited by railroad or governmental authority from entering upon the property for determination of vehicle identification,

a statement to that effect, on the invoice, shall constitute full compliance with the requirements of this subdivision (vi).

(2) *When the invoice must be mailed.* The invoice shall be prepared by the seller and mailed to his buyer before the end of the business day following the day when the wastepaper was shipped, except that when the seller does not receive the description of the wastepaper from his supplier or suppliers within that time, he shall prepare and mail an invoice to his buyer as soon as he receives that description.

(3) *Records.* In all cases, the buyer shall keep every invoice received by him and the seller shall keep a copy of each invoice prepared by him and both buyer and seller shall make their copies available for inspection by the Office of Price Administration at any time. The broker shall also identify in his records his sources of supply of all paper in each shipment made by him.

[Subparagraph (f) amended by Am. 5, 8 F.R. 13049, effective 9-29-43; Am. 6, 8 F.R. 17843, effective 1-4-44; Am. 11, 10 F.R. 4103, effective 4-21-45; Am. 12, 10 F.R. 4492, effective 4-23-45; and Am. 13, 10 F.R. 7338, effective 6-21-45]

(g) *Shipping notice requirements.* On each sale of commercially packed wastepaper by a dealer or broker the seller shall prepare and forward a shipping notice in accordance with the following subparagraphs. This requirement shall not apply to any sale by an accumulator (except as noted under paragraph (f) above) or by his broker or sales agent nor to any sale by a broker on which shipping notices covering the entire shipment must be prepared and forwarded with the shipment by previous sellers in accordance with the following subparagraphs. (Important! See definitions in § 1347.11).

(1) *What the shipping notice shall contain.* Each shipping notice shall separately state:

- (i) The date of loading.
- (ii) The name of each grade. The grade name shall be the applicable grade name listed in § 1347.14 (a) or it shall be the grade name of a specialty sold in accordance with the provisions of § 1347.14 (c).
- (iii) The total weight of each grade and the number of bales of each grade.
- (iv) If baled, the weight of each bale, except that individual bale weights need not be shown if:

(a) The shipping notice covers an entire carload or truckload of wastepaper from a single commercial packer and is consigned directly to the consumer, or

(b) The shipment is made by the commercial packer of the bales and he has no adequate weighing facilities available. In this case, the commercial packer shall note the following on his shipping notice, "No adequate weighing facilities available" or

(c) The wastepaper was purchased commercially packed from a previous seller who was not required to show individual bale weights.

(v) The name of the city or town at which shipment originates.

(vi) Identification of vehicle in which shipped, i. e.

(a) The railroad car number and initials or the barge number or name shall be shown on the packer's shipping notice if he loads directly into a car or barge or if he makes shipment by truck owned or controlled by him for the purpose of reloading into a car or barge, except as noted under (d).

(b) The railroad car number and initials or the barge number or name shall be shown on the broker's shipping notice on every shipment to the consumer involving rail or barge movement, except as noted under (d).

(c) In all other cases the shipping notice shall state the license number or truck number of the truck into which the wastepaper is loaded.

(d) If, under the circumstances specified in (a) or (b), the seller is prohibited by railroad or governmental authority from entering upon the property for determination of vehicle identification, a statement to that effect, on the shipping notice, shall constitute full compliance with the requirements of this subdivision (vi).

(2) *Responsibility of the packer.* On each sale of wastepaper commercially packed by him, the packer shall prepare a shipping notice, in accordance with subparagraph (1) above, and shall forward it as follows:

(i) If initial loading is directly into a railroad car or barge, the packer shall mail the shipping notice to his buyer (broker or consumer, as the case may be) not later than twelve hours after loading.

(ii) If shipment starts by truck owned or controlled by the packer which makes delivery to a railroad car or barge for the purpose of reloading therein, the packer shall mail the shipping notice to his buyer not later than twelve hours after delivery to the car or barge.

(iii) On all other shipments by truck owned or controlled by the packer, the packer shall have the truck driver keep the shipping notice with the shipment and deliver it to the consignee.

(iv) On all shipments by truck not owned or controlled by the packer, the packer shall give the shipping notice to the driver of the truck before the truck leaves the point of shipment.

(3) *Responsibility of the broker.* On each sale of commercially packed wastepaper by a broker, as defined in § 1347.11, the broker's responsibility shall be as follows:

(i) If the shipment moves direct from packer to consumer by rail or barge the broker shall prepare and mail a new shipping notice to the consumer not later than twelve hours after he receives the packer's shipping notice.

(ii) If shipment starts by truck owned or controlled by the packer and is reloaded into a railroad car or barge for shipment to the consumer, the broker shall prepare and mail a shipping notice to the consumer not later than twelve hours after he receives shipping notices from all suppliers involved in the broker's shipment.

(iii) If shipment starts from the packer by truck owned or controlled by the broker and is reloaded into a rail-

road car or barge for shipment to the consumer, the broker shall have the driver of the truck secure a shipping notice from the packer and the broker shall prepare a new shipping notice and shall mail it to the consumer not later than twelve hours after loading or, if the broker's shipment involves wastepaper from other suppliers, not later than twelve hours after he receives shipping notices from all such suppliers.

(iv) If shipment starts from the packer by truck owned or controlled by the broker and is delivered to the consumer other than by railroad car or barge, the broker shall have the driver of the truck secure a shipping notice from the packer and shall have the packer's shipping notice accompany the shipment through to the consumer and shall deliver it to the consumer.

(v) If shipment is made direct from packer to consumer by truck owned or controlled by the packer, the broker shall have no responsibility as to any shipping notice.

(vi) If shipment starts from the packer by truck owned or controlled by the consumer the broker shall have no responsibility as to any shipping notice.

(vii) On all other shipments involving rail or barge movement, the broker shall prepare a shipping notice and shall mail it to the consumer not later than twelve hours after completion of loading, into the car or barge, of all wastepaper involved in the broker's shipment.

(viii) On all other truck shipments the broker shall prepare a shipping notice and shall have it accompany the shipment through to the consumer and shall deliver it to the consumer.

(4) *Responsibility of the consumer.* On any shipment by truck owned or controlled by the consumer, the consumer shall have the driver of the truck secure a shipping notice from the shipper and shall have it accompany the shipment through to destination.

(5) *Records.* In all cases the buyer shall keep every shipping notice received by him and the seller shall keep a copy of every shipping notice prepared by him and both buyer and seller shall make their copies available for inspection by the Office of Price Administration at any time.

[Paragraph (g) added and former paragraphs (g), (h) and (i) redesignated as (h), (i) and (j) by Am. 13, 10 F.R. 7338, effective 6-21-45]

(h) *Brokerage.* (1) In the event that a consumer of wastepaper shall purchase wastepaper through a broker as defined in § 1347.11 (a) (11), hereof, such consumer may pay such broker not more than the maximum price herein plus a broker's allowance not to exceed the following percentages of the price per ton of the amount actually paid to the broker, exclusive of the broker's allowance:

Price per ton for grade of wastepaper purchased:	Broker's allowance in percentage
Up to \$20.00.....	4
\$20.01 to \$30.00.....	5
\$30.01 to \$40.00.....	5½
\$40.01 to \$50.00.....	7
\$50.01 to \$60.00.....	8
\$60.01 and up.....	9

(2) The maximum prices established in § 1347.14 Appendix A, can in no case be augmented by more than one brokerage allowance for each ton. In no event shall a person receive brokerage or the proceeds of brokerage on wastepaper packed by him or by any person with whom he has any connection consisting of any community of ownership or other beneficial interest, profit sharing arrangement, agreement for division of losses, or control based on close family relationship. In no event shall a person receive brokerage on the pack of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge brokerage on, the pack of the other. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, and only if the transaction in question fulfills all of the following requirements:

[Subparagraph (2) amended by Am. 3, 8 F.R. 7350, effective 6-5-43; Am. 5, 8 F.R. 13049, effective 9-29-43]

(i) The broker records the name or names of his vendor, or vendors in each transaction, the quantity and grade of wastepaper purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made by the broker to the consumer.

(iii) The wastepaper sold by the broker to the consumer has been completely prepared for delivery by a person other than the broker.

(iv) The broker guarantees the merchantable quality of the wastepaper.

(v) The broker's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the broker has had no part in the preparation of the wastepaper covered, prior to its delivery to the consumer, and that the charges are not in excess of those established in this Maximum Price Regulation No. 30.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in this Maximum Price Regulation No. 30 are strictly complied with.

[Subparagraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) amended by Am. 3, 8 F.R. 7350, effective 6-5-43]

(i) *Charges for re-sorting, repacking, or other processing.* In any case where a person re-sorts, repacks or otherwise processes wastepaper belonging to another, the sum of the amount paid for such wastepaper by its owner, plus the amount paid by him for the processing, may not exceed the maximum price established by this regulation for the grade of wastepaper resulting from such processing. No person shall pay an amount for processing wastepaper belonging to him which, when added to the purchase price paid by him for such wastepaper, shall result in a sum which exceeds the maximum price established by this regulation for the grade of wastepaper resulting from such processing. In connection with any such processing, the

owner of the wastepaper shall warrant in writing to the person processing the wastepaper that the total of the processing charge and the purchase price paid by the owner does not exceed the maximum price established by this regulation for the grade of wastepaper resulting from such processing.

[Paragraph (1), formerly (h), added by Am. 2, 8 F.R. 6109, effective 5-15-43]

[NOTE: 2d Revised Supplementary Order No. 34 (10 F.R. 2014) permits, under certain conditions, the addition of extra packing expenses on sales to procurement agencies of the United States.]

(j) "Selling agents". (1) In the event that wastepaper is sold to a consumer through a sales agent, as defined in § 1347.11 (a) (13), the maximum price which the seller may charge the consumer may equal, but shall in no event exceed, the amount which a broker may charge in a sale of the same wastepaper to a consumer: *Provided*, That the amount which the seller may receive and realize from the sale for his own use shall in no event exceed the appropriate maximum price established by this Maximum Price Regulation for the grade or grades sold before the addition of brokerage fees: *And provided*, That the difference between the price charged and the price realized is paid to the selling agent. In no event shall a selling agent receive more for his services than the difference established by this paragraph (j); i. e., an amount equal to the amount of brokerage commission which a broker may receive in a similar sale under paragraph (g), exclusive of any other merchandizing profit. In no event shall the selling agent's commission be split or divided with any other person.

(2) In order that the accumulator may charge the consumer the higher price hereinbefore established, the following conditions must be met:

(i) The invoice must show the selling agent's commission as a separate item, and must identify the selling agent. The invoice must contain a statement that the selling agent has not prepared the wastepaper covered, prior to its delivery to the consumer, and that the charges are not in excess of those established in this Maximum Price Regulation No. 30.

(ii) The accumulator and the selling agent must record the name of the selling agent and the accumulator, respectively, in each transaction, the quantity and grade of wastepaper purchased, the price f. o. b. point of shipment paid by the consumer, the method of shipment to such consuming purchaser, and the amount of the selling agent's commission.

(iii) All pertinent provisions in this Maximum Price Regulation No. 30 must be strictly complied with.

[Paragraph (j), formerly (1) added by Am. 7, 9 F.R. 6107, effective 6-3-44]

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

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14364; Filed, Aug. 16, 1946; 11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 586, Amdt. 4 (§ 1499.689)]
EXEMPTION OF COTTON COMPRESSING AND
COTTON WAREHOUSING SERVICES

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.

In section 3 (b) a new subparagraph (3) is added to read as follows:

(3) Cotton compressing and cotton warehousing and services incidental thereto.

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

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14381; Filed, Aug. 16, 1946;
11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 586, Amdt. 7 to Supp. Storage Reg. 1
(§ 1499.6895)]

WAREHOUSING GOVERNMENT-OWNED COTTON
IN BRISTOL COUNTY, MASS.

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

Section 19 is deleted in its entirety.

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

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14383; Filed, Aug. 16, 1946;
11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES
[SR 14K, Amdt. 3]
PLUG FUSES

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

Supplementary Regulation 14K is amended in the following respect:

1. Paragraph (a) of Section 4.2 is amended to read as follows:

(a) *Definition.* For the purposes of this paragraph, the phrase, "plug fuses", includes standard plug fuses, non-standard size plug fuses, and special size plug fuses.

"Standard" plug fuses are one-time (or nonrenewable) standard Edison base plug fuses constructed in accordance with the requirements of Underwriters Laboratories, Inc., or of any governmental agency, for the protection of 125-V electric current, and of 10, 15, 20, 25 or 30 amperages.

"Non-standard size" plug fuses are plug fuses of sizes not included in the definition of standard plug fuses, but which otherwise meet the definition of

standard plug fuses, and which are specifically identified as non-standard sizes in the manufacturer's published price list in effect on October 1, 1941.

"Special" size plug fuses are plug fuses of sizes which are not included in the definition of standard and non-standard size plug fuses, but which otherwise meet the definition of standard plug fuses.

The phrase, "plug fuse", shall not include any type plug fuse having a thermal element or any other electrical device in addition to a fusible element.

2. Paragraph (b) of section 4.2 is amended to read as follows:

(b) *Maximum prices.* Maximum prices for sales of any plug fuses to consumers shall be the dollars-and-cents amounts listed below:

	<i>Each</i>
Standard plug fuses.....	\$0.06
Nonstandard size plug fuses.....	.07
Special plug fuses.....	.072

This amendment shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14363; Filed, Aug. 16, 1946;
11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 586, Revocation of Supp. Storage Reg. 2
(§ 1499.691)]

COTTON WAREHOUSING AND COTTON
COMPRESSING

For reasons set forth in the statement of considerations accompanying Amendment 4 to MPR 586, issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered, That:*

Supplementary Storage Regulation No. 2 under Maximum Price Regulation 586 (§ 1499.691) be, and it hereby is, revoked.

This order of revocation shall be effective as of July 25, 1946.

(Pub. Law 548, 79th Cong.)

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14384; Filed, Aug. 16, 1946;
11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 421, Amdt. 33; MPR 422, Amdt. 76;
MPR 423, Amdt. 72, Correction]

CORRECTION TO AMENDMENT 33 TO MPR 421,
AMENDMENT 76 TO MPR 422, AND AMEND-
MENT 72 TO MPR 423

In Amendment 33 to MPR 421, Amendment 76 to MPR 422 and Amendment 72 to MPR 423, the date "July 25, 1946" is corrected to read "August 7, 1946", wherever it appears.

This correction shall be effective as of August 7, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14376; Filed, Aug. 16, 1946;
11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 586, Revocation of Supp. Storage Reg. 3
(§ 1499.692)]

COTTON WAREHOUSING

For reasons set forth in the statement of considerations accompanying Amendment 4 to MPR 586, issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered, That:*

Supplementary Storage Regulation No. 3 under Maximum Price Regulation 586 (§ 1499.692) be, and it hereby is, revoked.

This order of revocation shall be effective as of July 25, 1946.

(Pub. Law 548, 79th Cong.)

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14385; Filed, Aug. 16, 1946;
11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES
[SR 14J, Amdt. 26]

SMALL ELECTRIC APPLIANCES

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

Supplementary Regulation No. 14J is amended by deleting therefrom the following sections:

1. Section 2.2.
2. Section 2.3.
3. Section 2.5.
4. Section 3.3.
5. Section 3.4.
6. Section 4.1.
7. Section 4.2.

This amendment shall become effective on the 21st day of August 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14362; Filed, Aug. 16, 1946;
12:00 m.]

PART 1499—COMMODITIES AND SERVICES
[2d Rev. SR 14, Amdt. 37]

PAPER AND PAPERBOARD COMMODITIES

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 4.1 is added to Article IV of 2d Revised Supplementary Regulation 14 to read as follows:

SEC. 4.1 *Pass-on by resellers.* (a) Whenever the maximum price for any paper commodity at the wholesale or retail level is established under the General

¹ 10 F.R. 1154, 2026, 2161, 2432, 2618, 3551, 4107, 4855, 8620, 9276, 9929, 10200, 10025, 11934, 13121, 14738; 11 F.R. 676, 1039, 2379, 2833, 3299, 3540, 3879, 3602, 4439, 4340, 5314, 5601, 6092, 6338, 6683, 6982, 7423.

Maximum Price Regulation and the manufacturer has received a price increase for the commodity subsequent to March 31, 1946, the wholesale or retail distributor of such commodity may add to his maximum price prevailing on March 31, 1946, the same percentage increase as granted to the manufacturer of the commodity.

(b) On and after August 16, 1946, each wholesale distributor, in every first shipment or delivery to a customer of a commodity which has received an adjustment in accordance with paragraph (a) above, shall include a notice of his supplier's percentage increase in the maximum price of the commodity since March 31, 1946, the specific action authorizing such increase and a statement that such percentage increase may be added to the customer's maximum price of the commodity prevailing on March 31, 1946, as determined in accordance with the provisions of the General Maximum Price Regulation.

This amendment shall become effective August 16, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14361; Filed, Aug. 16, 1946;
12:00 m.]

PART 1305—ADMINISTRATION

[SO 108,¹ Revocation]

APPAREL AND APPAREL ACCESSORIES

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

Supplementary Order 108, all special orders issued under section 17 thereof and all individual orders issued under section 9 thereof are hereby revoked subject to the provisions of Supplementary Order No. 40.²

This order shall become effective as of July 1, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14302; Filed, Aug. 15, 1946;
4:22 p. m.]

PART 1305—ADMINISTRATION

[Rev. SO 113,³ Revocation]

WOOL CIVILIAN APPAREL FABRICS—MANUFACTURERS' MAXIMUM AVERAGE PRICE

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

Revised Supplementary Order No. 113 and all orders issued thereunder are

¹ 10 F.R. 4336, 5995, 6402, 8368, 10200, 12080, 12984, 13129, 15125; 11 F.R. 604.

² 8 F.R. 4325.

³ 10 F.R. 9265, 14815; 11 F.R. 174, 2041.

hereby revoked, subject to the provisions of Supplementary Order No. 40.¹

This order of revocation shall become effective as of July 1, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14304; Filed, Aug. 15, 1946;
4:22 p. m.]

PART 1305—ADMINISTRATION

[SO 110,² Revocation]

GREY AND CERTAIN FINISHED RAYON AND OTHER SYNTHETIC WOVEN FABRICS

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

Supplementary Order No. 110 and all orders issued thereunder are hereby revoked, subject to the provisions of Supplementary Order No. 40.³

This order of revocation shall become effective as of July 1, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14303; Filed, Aug. 15, 1946;
4:22 p. m.]

Chapter XXIII—War Assets

Administration

[Reg. 14]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

Surplus Property Administration Regulation 14, November 6, 1945, as amended through April 5, 1946, entitled "Disposal to Nonprofit Institutions and Discounts for Educational or Public-Health Institutions and Instrumentalities" (10 F.R. 14028, 11 F.R. 2714, 4096), is hereby revised and amended as herein set forth as War Assets Administration Regulation 14. Order 1, June 17, 1946 (11 F.R. 6870), Order 2, June 29, 1946 (11 F.R. 7426), Order 3, June 29, 1946 (11 F.R. 7426), Order 4, July 14, 1946 (11 F.R. 7775), and Order 5, July 19, 1946 (11 F.R. 7970), under this part, shall continue in full force and effect.

Sec.

8314.1 Definitions.

8314.2 Scope.

8314.3 General policy of disposal.

8314.4 Determination of eligibility.

8314.5 [Deleted Aug. 15, 1946].

8314.6 Criteria.

8314.7 Submission of orders.

8314.8 Disposals.

8314.9 Prices.

8314.10 Certificate of need and use.

8314.11 Notices of offering.

8314.12 Regulations by disposal agencies to be filed with the War Assets Administrator.

8314.13 Records and reports.

¹ 8 F.R. 4325.

² 10 F.R. 5404, 6946, 8233; 11 F.R. 296, 606, 1296.

³ 8 F.R. 4325.

AUTHORITY: §§ 8314.1 to 8314.13, inclusive, issued under Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611), Pub. Law 181; 79th Cong., 1st Sess. (59 Stat. 533); Executive Order 9689 (11 F.R. 1265); and Pub. Law 375, 79th Cong., 2d Sess.

§ 8314.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Instrumentality" as used herein refers to any instrumentality of a State, territory, or possession of the United States, the District of Columbia, or any political subdivision thereof, as well as to such States and subdivisions themselves.

(2) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable or eleemosynary institution, organization, or association, or any nonprofit hospital or similar institution, organization, or association, which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(3) "Educational institution or instrumentality" means any school, school system, library, college, university, or other similar institution, organization or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution or an instrumentality.

(4) "Public-health institution or instrumentality" means any hospital, board, agency, institution, organization or association, which is organized for the primary purpose of carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution or an instrumentality.

§ 8314.2 *Scope.* This part shall apply only to disposals of surplus personal property made by disposal agencies within the continental United States, its territories and possessions. It shall not apply to any disposals of real property; nor to personal property appurtenant to, or severed from, or assigned for disposal in connection with, real property, and disposed of under Parts 8305,¹ 8310,² 8316,³ or 8320⁴; nor to aeronautical property subject to the provisions of Part 8304.⁵ This part grants to nonprofit institutions the opportunity to acquire surplus property and in the case of educational and public-health institutions the right to a discount. Instrumentalities are entitled to acquire surplus property by priority pursuant to the provisions of Part 8302.⁶ This part extends to educational and public-health instrumentalities the additional right to acquire such

¹ Reg. 5 (11 F.R. 7611, 7969).

² Reg. 10 (11 F.R. 7583).

³ Reg. 16 (11 F.R. 7427, 8361).

⁴ SPA Reg. 20 (11 F.R. 182, 561, 3302, 7431).

⁵ Reg. 4 (11 F.R. 5868).

⁶ Reg. 2 (11 F.R. 5125, 6237, 6545).

property at a discount. The benefits of this part apply only to those tax-supported institutions which are instrumentalities or which are nonprofit institutions referred to in § 8314.1.

§ 8314.3 *General policy of disposal.* Section 13 (a) of the Surplus Property Act of 1944 provides generally, to the extent feasible, for transfer of surplus property on the basis of need to nonprofit institutions and instrumentalities so that they may have the opportunity to fulfill in the public interest their legitimate needs, and that surplus property that is appropriate for school, classroom, or other educational use, and surplus medical supplies, equipment, and property suitable for use in the protection of public health, including research, may be disposed of at a value which takes into account any benefit which has accrued or may accrue to the United States from the use of such property.

§ 8314.4 *Determination of eligibility.* Federal Security Agency shall submit to the War Assets Administrator certified lists of public-health, educational, and other nonprofit institutions and instrumentalities eligible for the benefits provided under this part. Such lists shall be revised from time to time as necessary.

§ 8314.5 [Deleted Aug. 15, 1946]

§ 8314.6 *Criteria.* Federal Security Agency shall develop criteria and procedures by which to determine legitimate needs of nonprofit institutions and instrumentalities which apply for surplus property under this part. Federal Security Agency shall submit such criteria and procedures for the approval of the War Assets Administrator.

§ 8314.7 *Submission of orders.* Federal Security Agency shall establish with the approval of the War Assets Administrator procedures under which orders for property by or for nonprofit institutions and instrumentalities under this part will be submitted to the War Assets Administration. Provision may be made by the Federal Security Agency for approval by it or its designee of such orders as a condition precedent to granting the benefits of this part. Any applicant for property may appeal to the War Assets Administrator concerning orders which are disapproved in whole or in part.

§ 8314.8 *Disposals—(a) Acquisition at fair value.* Any nonprofit institution whose eligibility is approved by Federal Security Agency, or its designated representative, or on appeal by the War Assets Administrator, shall on complying with the requirements of Federal Security Agency pursuant to § 8314.7, be entitled to acquire from disposal agencies any surplus property available for disposal, at the fair value of such property and in lots not smaller than the smallest lots consistent with commercial practice. Property already advertised for public competitive bids or for sale at auction, or for immediate purchase at a fixed time, and property specifically selected by a prospective purchaser, shall not be considered available. Orders from nonprofit institutions (as distinguished from instrumentalities)

shall not be filled out of property reserved for priority claimants under § 8302.6. Nothing herein shall impair the rights of States or their political subdivisions or instrumentalities to acquire property pursuant to Part 8302, nor impair the priority granted to them by section 13 (f) of the act.

(b) *Acquisition at competitive sales.* Any nonprofit institution shall be entitled to compete on the same terms and conditions as other classes of purchasers whenever surplus property is offered for sale by a competitive method of offering.

§ 8314.9 *Prices—(a) Fair value.* The fair value at which surplus property shall be disposed of hereunder shall be the same value as established for disposals to Government agencies and State and local governments under Part 8302. Such fair value shall not be greater than the lowest price which is offered to any trade level at the time of acquisition by the nonprofit institution or instrumentality.

(b) *Discounts to educational and public-health institutions and instrumentalities.* Disposal agencies shall allow from the fair value of property as set forth in paragraph (a) a discount of forty (40) percent upon orders by or for educational or public-health institutions or instrumentalities which are approved as eligible by the Federal Security Agency or its designated representative, provided such orders meet the requirements of Federal Security Agency pursuant to § 8314.7, and provided further that no such discounts may be allowed to any nonprofit institutions which are not exempt from taxation under Section 101 (6) of the Internal Revenue Code.

§ 8314.10 *Certificate of need and use.* Each nonprofit institution or instrumentality applying for the benefits of this part shall certify through a responsible officer thereof that the property sought by the applicant under such certification is required for its own use to fill an existing need of the applicant and that it will not be resold to others within one (1) year of the date of purchase without the consent in writing of the disposal agency.

§ 8314.11 *Notices of offering.* Disposal agencies shall in cooperation with Federal Security Agency adopt procedures which will allow nonprofit institutions and instrumentalities to receive notices of what surplus property is available or offered for sale within the area in which the offering is made. Nonprofit institutions and instrumentalities shall have the right upon request to be put on mailing lists in all cases where such lists are used to offer property for disposal, including mailing lists otherwise reserved for special classes of buyers, unless the disposal agency shall find that the giving of such notices to nonprofit institutions and instrumentalities shall for any particular type of property become impracticable, unduly expensive to the Government, or unreasonably burdensome upon the facilities of the disposal agency. When public advertising is used as the method of offering, no other notice need be given to nonprofit institutions and instrumentalities.

§ 8314.12 *Regulations by disposal agencies to be filed with the War Assets Administrator.* Each disposal agency, the Federal Security Agency, the United States Office of Education, and the United States Public Health Service shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which they may issue in furtherance of the provisions, or any of them, of this part.

§ 8314.13 *Records and reports.* Each disposal agency shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by the Administrator by order hereunder subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This part shall become effective August 17, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

AUGUST 15, 1946.

[F. R. Doc. 46-14360; Filed, Aug. 16, 1946; 11:54 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS RELIEF

Chapter I—Veterans' Administration

PART I—GENERAL PROVISIONS

INSPECTION AND INVESTIGATION

§ 1.17 *Functions—(a) Inspection.* Inspection activities operative from central office will be under the director, inspection and investigation service. Inspections in the branch office will be under the chief, inspection and investigation division. Inspection is to be distinguished from investigation, although on occasion inspection may lead to indicated investigation.

There will be assigned in central office and in each branch office an adequate number of inspector-investigators (specialists) who will, at such intervals as may be designated, conduct over-all inspections of branch, regional, hospital and other activities to ascertain whether the functions are being performed properly, adequately and efficiently and in accordance with the laws, regulations and instructions issued pursuant thereto. Under special and unusual circumstances the inspectorate, collectively or individually, in addition to over-all inspection, will perform interim duties assigned involving inspection of any service in central office, branch offices, regional offices, hospitals, or any other activity, including contract hospitals, public, quasi-public, or private institutions rendering or seeking to render services to the Veterans' Administration, either gratuitously or for hire.

(b) *Investigation.* Investigation in central office will be under the director, inspection and investigation service. In the branch office it will operate under the chief, inspection and investigation division. Investigation or fact-finding

should not be confused with inspection. Investigation will be resorted to when the occasion demands and where it is necessary to develop the evidence on a given subject through the taking of testimony and procurement of documentary evidence in connection with alleged irregularities, maladministration, violation of Federal statutes, regulations, instructions and Veterans' Administration policies. It infers the compilation of complete, detailed, comprehensive reports based on facts supported by documentary evidence or a preponderance of testimony covering all matters investigated, to be incorporated in the permanent records of the Veterans' Administration and to contain detailed conclusions for consideration by the responsible services regarding remedial action to correct unfavorable conditions disclosed.

(c) Inspector-investigators, as the title implies, will operate in a dual capacity, having qualifications for conducting either inspection or investigation.

§ 1.18 *Jurisdiction and responsibility for inspection-investigation*—(a) *Central Office*. The inspection and investigation service of central office will have jurisdiction, and will be responsible for instructions, procedures, supervision, coordination and follow-up of all inspection and investigation activities within central office and the branch offices and for the making of inspections or investigations as set forth in and authorized by §§ 1.17 and 1.19.

(b) *Branch offices*. The inspection and investigation division of the branch office will have jurisdiction and will be responsible for the making of inspections or investigations as set forth in and authorized by § 1.19 (a) (2) and (b) (2) as well as matters referred by authorized central office officials, and by deputy administrators of branch offices.

(c) *Cooperation between offices*. The director, inspection and investigation service or the chief, inspection and investigation division of the branch office, may request through the deputy administrators the assistance of the inspection and investigation divisions of other offices in any matter under investigation. When such requests are received they will be given priority over routine investigations.

§ 1.19 *Who may authorize inspection-investigations* — (a) *Inspections* — (1) *Central office*. The Administrator or his designate may authorize inspections of central office, branch offices and any field station to afford the Administrator current information on the status of the operations of central office and field stations; to assist the responsible services in over-all planning of future operations; to bring to the attention of responsible services through the director of coordination and planning deficiencies in operation as well as innovations adopted in the interest of efficiency, which may be made applicable to all comparable operating activities. Inspections will not supersede or be superimposed upon supervision by the operating services but will be independent thereof and will comprise a separate and distinct function.

(2) *Branch offices*. The deputy administrator or his designate may authorize inspections of the branch office or any field station below that level in his respective area to keep the deputy administrator informed for the identical purposes as set forth in subparagraph (1) of this paragraph.

(b) *Investigations*—(1) *Central office*. The Administrator or his designate may authorize investigations of any matters involving central office, branch offices, regional offices, hospitals, or any activity of the Veterans Administration involving the following:

(i) Matters involving internal administration and functioning of any such office or activity.

(ii) Matters involving conduct of an officer or employee of the Veterans Administration.

(iii) Cases of claimants involving administrative irregularities or the conduct of an officer or employee of the Veterans Administration incident thereto.

(iv) Cases of claimants when in the opinion of the official concerned the matter is of a nature sufficiently serious or complex, or would require extra-regional travel and could not otherwise be satisfactorily investigated.

(v) Cases in which there is evidence of mass food poisoning.

(vi) Such other matters as in the judgment of the Administrator or his designate, require investigation.

(2) *Branch offices*. The deputy administrator or his designate upon his own authority and without reference to central office, may authorize investigations of matters set forth in subparagraph (1) (i) to (vi) of this paragraph, limited, however, to matters affecting his own office and branch area including all field stations and activities of the Veterans Administration situated therein.

(3) *Regional offices and hospitals*. The authority of managers of regional offices, hospitals, or other offices located in the branch office areas, to authorize or approve investigations, shall be limited to the authority provided in medical procedure (assaults upon, injuries to, and elopement of beneficiaries), and legal procedure (field examinations), and to minor infractions of regulations, loss or theft of funds or personal property of employees or beneficiaries, etc. On more serious matters, and those set forth in subparagraph (1) (i) to (vi) of this paragraph a preliminary report shall be forwarded to the branch office for consideration of the deputy administrator, with appropriate comment and recommendation.

§ 1.20 *Procedure for requesting or authorizing investigations*—(a) *Central office*. When any matter is reported or called to the attention of a central office official which, in his opinion, should receive consideration from an investigative standpoint he will submit the matter in writing with all available facts and recommendations to the Administrator or his designate who will either approve or disapprove the request for investigation.

(b) *Branch offices*. When any matter comes to the attention of the deputy administrator indicating irregularity or de-

ficiency on the part of any employee or any questionable matter within the jurisdiction and control of the branch office, the deputy administrator will consider the matter and either authorize or disapprove an investigation.

(c) *Regional and sub-regional offices, hospitals and other field activities*. When any matter is reported or brought to the attention of the manager, which in his judgment should be investigated, he will proceed as follows:

(1) Matters outlined in § 1.19 (b) (3) (assaults, etc. and field examinations), will be referred by the manager to the usual investigative sources at his local command for appropriate action as contemplated in § 1.19 (b) (3).

(2) More serious matters, and those set forth in § 1.19 (b) (1), (i) to (vi) the manager will report in writing, with all available facts, to the deputy administrator, with appropriate comment and recommendations. Reportable incidents occurring in sub-regional offices and contact units will be reported to the deputy administrator through the manager having jurisdiction of the sub-regional office or contact unit.

§ 1.21 *Cooperation of all officials on inspection-investigation*. Under ordinary circumstances stenographic services will be supplied by the central and branch offices, respectively, notwithstanding that travel may be involved. However, under warranted circumstances deputy administrators, managers of regional offices, hospitals and other responsible officials will at all times render every assistance and cooperation to inspector-investigators of the central and branch offices. This cooperation will include the temporary transfer of any claims, insurance, clinical or other records or hospital correspondence, upon a statement of the reason therefor. Such stenographic and other services as may be requested by central or branch office inspector-investigators at such times and points as desired will be furnished by deputy administrators, managers, and other comparable officials without regard for territorial limitation. This section will be cited as the authority for such action. Travel orders issued under this authority will be encumbered against station allotments but, if necessary, request may be made immediately upon the director, budget and planning service, for funds to compensate station budget.

§ 1.22 *Authority for extra-territorial travel*. (a) Deputy administrators may authorize travel for an inspector-investigator of his office to any point within the continental United States and to those stations beyond the continental limits of the United States when such stations are within the jurisdiction of the branch office, provided the matter under investigation pertains only to his office, does not involve other Veterans Administration offices outside of his jurisdiction and the matter is of a nature in which the services of an inspector-investigator of other branch offices cannot be utilized satisfactorily.

(b) Except in unusual circumstances, inspector-investigators of a branch office will not travel beyond the area over which the particular branch office has

jurisdiction and usually when matters are to be inspected or investigated at a point beyond the prescribed territory of the branch office a deputy administrator may request the deputy administrator having jurisdiction over the area involved to assign inspector-investigators for the purpose specified, it being understood that the deputy administrator of the originating branch office maintains jurisdiction over the subject matter and that reports thus secured are to be forwarded through the receiving deputy administrator to the originating deputy administrator.

§ 1.23 *All testimony confidential.* All testimony given in an investigation is confidential and for the use of central office or branch office officials only, except in those cases contemplated by § 1.20 (c). In these cases testimony is confidential but is for the use of regional managers and comparable officials. In order that investigations may not interrupt the normal functions of a station, all employees are instructed to refrain from discussing matters under investigation, during the investigation or after its completion. Particularly those employees called upon to testify will refrain from discussing their testimony, except with an inspector-investigator and as such inspector-investigator considers necessary.

§ 1.24 *Furnishing copies of testimony.* Witnesses will, at their request, be furnished copies of their testimony. Such copies normally will not be furnished the witness until the completion of the investigation.

§ 1.25 *Witness required to read and sign transcript.* In all instances where verbatim testimony is taken, the witness will be afforded an opportunity to read and sign the transcription of his testimony, unless it is not feasible to do so, and in such cases a statement of the reason for the witness failing to sign will be appended to the transcription.

§ 1.26 *Protection of witness.* No employee of the Veterans' Administration called as witness in an investigation shall be subjected to any form of retaliation, reprisal, or disciplinary action for testifying in such an investigation, unless his testimony is self-incriminating. A statement of the fact that testimony was given will be placed in the individual personnel file of each employee required to testify in an investigation.

(R.S. 471; secs. 1, 5, 43 Stat. 607, 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U.S.C. 2, 11, 11a, 421, 426, 707)

[SEAL] **OMAR N. BRADLEY,**
General, U. S. Army,
Administrator.

MAY 31, 1946.

[F. R. Doc. 46-14286; Filed, Aug. 15, 1946; 3:52 p. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[G. O. 60, Supp. 3]

PART 299—RULES AND REGULATIONS, FORMS AND CITIZENSHIP REQUIREMENTS

WAR-BUILT VESSELS

Subject to the provisions of the Merchant Ship Sales Act of 1946, and Part 299 of Title 46 published in the FEDERAL REGISTER on Tuesday, April 23, 1946, prices for various types of war-built vessels are published below. These constitute all prices published in the FEDERAL REGISTER on Tuesday, April 23, 1946, and Tuesday, April 30, 1946, together with additional prices published herein for the first time.

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				
N3.....	\$760,000	\$1,339,477	¹ \$380,000	\$468,817
C1-MT-BU1.....	1,063,000	1,396,813	531,500	488,885
C1-M-AV1.....	1,280,000	1,982,464	¹ 640,000	693,862
R1-M-AV3.....	1,750,000	2,449,385	875,000	857,285
C1-S-D1.....	1,350,000	2,242,913	¹ 675,000	785,020
C1.....	1,940,000	2,608,168	870,000	912,859
C2.....	2,100,000	2,736,624	1,050,000	957,818
R2-S-BV1.....	3,440,000	4,464,998	1,720,000	1,562,749
R2-ST-AU1 ²	4,300,000	5,530,684	2,150,000	1,985,739
C2-S-A1 ²	2,275,000	2,964,676	1,137,500	1,037,637
C2F.....	2,274,000	2,963,373	1,137,000	1,037,181
C2S.....	2,354,000	3,067,625	1,177,000	1,073,669
C2SU (Standard).....	2,470,000	3,218,791	1,235,000	1,126,577
C2SU (Refrig.).....	3,450,000	4,437,409	1,725,000	1,553,093
C3.....	2,460,000	3,659,228	¹ 1,230,000	1,280,730
C3-S-A3 & C3E.....	2,300,000	3,143,964	1,150,000	1,100,387
C4.....	3,300,000	4,420,965	1,650,000	1,547,338
C5-S-AX1 ²	3,460,000	4,508,914	1,730,000	1,578,120
EC2-S-C1 (Liberty).....	1,278,000	1,728,590	639,000	544,505
VC2-S-AP2 (Victory-15K).....	1,958,000	2,511,877	979,000	879,157
VC2-S-AP3 (Victory-17K).....	2,130,000	2,872,659	1,065,000	1,005,431
S3-S2-BP1.....	3,440,000	4,482,851	1,720,000	1,568,998
S4-SE2-BD1 & BE1.....	2,750,000	4,115,343	¹ 1,375,000	1,440,370
L6 ²	1,792,000	2,335,252	896,000	817,338

¹ Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35% of the domestic war cost and no tanker may be sold at less than 50% of the domestic war cost.

² For adjustment for prior sales; not available for disposal.

Type vessel	Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
TANKER				
T1-M-BT.....	\$994,000	\$1,774,038	¹ \$869,750	\$887,019
T2.....	2,460,000	3,197,897	2,152,500	1,598,949
T2-SE-A1 (14K).....	2,316,000	3,010,703	2,026,500	1,505,352
BULK OIL.....	1,957,080	2,455,150	1,712,445	1,227,575
T3-S-A1 (15K).....	2,175,000	2,970,029	1,903,125	1,485,015
T3-M-AZ1.....	2,614,000	3,398,091	2,287,250	1,699,046
T3-S-BF1 ²	1,789,500	2,244,925	1,565,812	1,122,463
T3-S-BZ1.....	2,080,000	2,612,305	1,820,000	1,306,153

¹ Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost and no tanker may be sold at less than 50 percent of the domestic war cost.

² For adjustment for prior sales; not available for disposal.

The following designs are subtypes of standard types listed above. The prices of each subtype may be adjusted above or below published prices for types of which they are subtypes, depending upon whether such subtypes possess desirable features which are not incorporated in the standard vessel, or lack desirable features which are incorporated in the standard vessel. The adjusted prices of such subtypes will be quoted upon written inquiry to the Commission.

Subtype published	Standard type
April 23, 1946:	
C1-S-AY1.....	C1.
C2-S-AJ2.....	C2.
C2-S-AJ5.....	C2.
C2-S-AJ3.....	C2.
C2 Cargo.....	C2.

Subtype published	Standard type
April 23, 1946—Con.	
C2T.....	C2.
C2-S-E1.....	C2.
C4-S-A4.....	C4.
C4-S-A1.....	C4.
C4-S-A3.....	C4.
C4-S-B1.....	C4.
C4-S-B2.....	C4.
Z-EC2-S-C2 ¹	EC2.
EC2-S-AW1 ¹	EC2.
Z-EC2-S-C5 ¹	EC2.
Z-ET1-S-C3 ¹	EC2.
Canadian Liberty ¹	EC2.
VC2-M-AP4.....	VC2-S-AP2.
VC2-S-AP5.....	VC2-S-AP3.
TE-SE-A2.....	T2-SE-A1.
T2-SE-A3.....	T2-SE-A1.

¹ Prices identical with those of standard EC2.

Subtype published

April 30, 1946:	Standard type
C1-ME-AV6.....	C1-M-AV1.
C1-M-AV8.....	C1-M-AV1.
C3-S-A1.....	C3.
C3M.....	C3.
C3 Cargo.....	C3.
Not previously published:	
C1-M-AV1 (Refrigerated).....	R1-M-AV3.

SUBPART F—PREWAR DOMESTIC COSTS:
STATUTORY SALES PRICES

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

2. Design characteristics are not set forth for types which are 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.)

3. Prices of the following additional vessel types will be published in the near future as amendments to this subpart:

a. For adjustment for prior sales to citizens in accordance with section 9 of the act. Not available for disposal:

C2-S1-AJ4	C3-S-BH1
C3 Passenger & Cargo	C3-S-BH2
C3-S-A4	C3-S-BR1
C3-S-A5	

b. Available for disposal:

Passenger & Cargo	SS Chicopee
P1-S2-L2	SS Housatonic
P2	MV Culpepper
P2-SE2-R3	MV St. James
N3-M-A1	SS Scepter
America	SS Hawaiian Shipper
SS Atacosa	MV Arthur Hoyt Scott

Section 299.56 is revised to read:

§ 299.56 *Prewar domestic costs; statutory sales prices.* The prewar domestic costs set forth in this section have been determined by the Commission pursuant to section 3 (c) of the act to be the amounts for which a standard vessel of the type specified could have been constructed (without its national defense features) in the United States under normal conditions relating to labor, materials, and other elements of cost, obtaining on or about January 1, 1941. In no case does the prewar domestic cost set forth in this section with respect to any type of vessel exceed 80% of the domestic war cost of a vessel of the same type. The unadjusted statutory sales prices set forth in this section have been determined by the Commission pursuant to section 3 (d) of the act. Subtypes listed may be adjusted above or below published prices for types of which they are subtypes, depending upon whether such subtypes possess desirable features which are not incorporated in the standard vessel, or lack desirable features which are incorporated in the standard vessel. The adjusted prices of such subtypes will be quoted upon written inquiry to the Commission.

(a) *Type C1-MT-BU1.* (Published in the FEDERAL REGISTER of April 23, 1946) The C1-MT-BU1 lumber freighter is a steel, full scantling type vessel with raked stem and cruiser stern. The propelling machinery, consisting of twin screws powered by Diesel engines, is located aft.

The principal design characteristics of this vessel are listed below:

No. 161—10

Design:	Full scantling
Length over-all.....	319' 0".
Beam molded.....	49' 0".
Depth molded.....	26' 0".
Lead draft molded.....	21' 7".
Deadweight tons.....	4950.
Gross tons.....	3130.
Net tons.....	1900.
Bale cubic capacity.....	185,235.
Propulsion.....	Diesel.
Shaft h. p., normal.....	2400.
Speed, knots.....	12.

The prices of the standard design are as follows:

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

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

There are two basic designs of the C1 type which are considered to be standard, the C1A and the C1B. (Characteristics and prices for both were published in the FEDERAL REGISTER of April 23, 1946.)

In addition, and not hitherto published, is the C1-S-AJ1 type which is a standard C1B converted to a transport. Reconversion to a cargo vessel would result in principal characteristics similar to the C1B (except that propulsion is turbine only) and a price in accordance with the formula indicated below.

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

Design	C1A	C1B
	Shelter deck	Full scantling
Length over-all.....	412' 3"	417' 9"
Beam molded.....	60' 0"	60' 0"
Depth molded.....	37' 6"	37' 6"
Lead draft molded.....	23' 6"	27' 6"
Deadweight tons.....	7,400	9,100
Gross tons.....	5,100	6,700
Net tons.....	2,900	3,900
Bale cubic capacity.....	447,000	452,000
Propulsion.....	Turbine or Diesel.	Turbine or Diesel.
Shaft h. p., normal.....	4,000	4,000
Speed, knots.....	14	14
Passengers.....	8	8, 12
Staterooms.....	4	4, 6

The prices for the two standard designs are as follows:

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

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

There are two basic designs of the C2 type which are considered to be standard, the C2-S-AJ1 and the C2-S-B1. (Characteristics and prices for both were

published in the FEDERAL REGISTER of April 23, 1946.)

In addition to the standard type C2's, there are the following subtypes which have not been previously published:

The C2-S-AJ2 and the C2-S-AJ5 are not available for disposal and are subject only to price adjustment for prior sales under section 9 of the act, and are also subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

The C2-S-AJ3, a modification of the C2-S-AJ1, is a military conversion.

When reconverted to the cargo vessel type, the C2-S-AJ3 will have basic features similar to the standard C2-S-AJ1 design.

The C2 Cargo and the C2T vessels available for disposal are military conversions. When reconverted to cargo vessels, they will have basic features similar to the standard C2-S-B1 design, except that the propulsion on the C2 Cargo is either steam or Diesel, and on the C2T is Diesel.

The C2-S-E1 vessels available for disposal are military conversions. When reconverted to the cargo vessel type, they will have basic characteristics as noted below. The price of these vessels is subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

Principal design characteristics are listed below:

Design	C2-S-B1	C2-S-AJ1	C2-S-E1
	Shelter deck	Modified full scantling	Shelter deck
Length over-all.....	459' 3"	459' 1"	468' 8 1/2"
Beam molded.....	63' 0"	63' 0"	63' 0"
Depth molded.....	40' 6"	40' 0"	40' 6"
Lead draft molded.....	25' 9"	27' 0"	27' 4"
Deadweight.....	9,200	10,800	10,700
Gross tons.....	6,200	8,300	6,170
Net tons.....	3,500	4,800	3,520
Bale cubic capacity.....	546,000	542,800	568,457
Net refrigerated capacity.....			
Propulsion.....	Turbine.	Turbine.	Turbine.
Shaft h. p., normal.....	6,000	6,000	6,000
Speed, knots.....	15 1/2	15 1/2	15 1/2
Passengers.....	8	8	12
Staterooms.....	4	4	6

The prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,100,000	\$2,736,624	\$1,050,000	\$937,818

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

The C4-S-B5 is considered to be the standard design of this type vessel. (Principal characteristics and prices were published in the FEDERAL REGISTER of April 23, 1946.)

In addition, and not hitherto published, is a modification of the C4-S-B5, the C4-S-A4, which is subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

Also, and not hitherto published, there are the C4-S-A1, the C4-S-A3, the C4-S-B1, and the C4-S-B2 designs. The C4-S-A1 and C4-S-A3 are military transports. Reconversion to cargo vessels will result in principal characteristics similar to the C4-S-A4 modified design. The C4-S-B1 is an Army tank carrier and the C4-S-B2 is a troop ship; reconversion to cargo vessels will result in principal characteristics similar to the standard C4-S-B5.

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

Design	Standard C4-S-B5	Modified C4-S-A4
	Full scantling	Full scantling
Length over-all.....	520'0"	522'10 1/2"
Beam molded.....	51'6"	71'6"
Depth molded.....	42'6"	43'6"
Load draft molded.....	32'9"	32'9"
Deadweight.....	15,570	15,540.
Gross tons.....	10,780	10,680.
Net tons.....	7,530	7,490.
Bale cubic capacity.....	711,580	672,240.
Propulsion.....	Turbine.....	Turbine.....
Shaft h. p., normal.....	9,000	9,000.
Speed, knots.....	16 1/2	16 1/2.
Passengers.....	12	4.
Staterooms.....	14	2.

¹ Passengers accommodations can be provided by suitable minor alterations.

Design	Standard EC2-S-C1	Modified Z-EC2-S-C5	Modified Z-ET1-S-C3	Modified EC2-S-AW1
	Full scantling	Boxed airplane tr.	Tanker	Collier
Length over-all.....	441' 6"	441' 6"	441' 6"	441' 6"
Beam molded.....	56' 10 3/4"	56' 10 3/4"	56' 10 3/4"	56' 10 3/4"
Depth molded.....	37' 4"	37' 4"	37' 4"	37' 4"
Load draft molded.....	27' 8"	27' 8"	27' 8"	28' 7"
Deadweight tons.....	10,800	10,600	10,800	11,040.
Gross tons.....	7,170	7,200	7,213	6,640.
Net tons.....	4,380	4,300	4,384	3,740.
Bale cubic capacity.....	500,000	490,000		472,800.
Barrel capacity.....			65,000	
Propulsion.....	Steam recip. ¹	Steam recip. ¹	Steam recip. ¹	Steam recip. ²
Indicated h. p.....	2,500	2,500	2,500	2,500.
Speed, knots.....	11	11	11	11.

¹ Located amidship.

² Located aft.

The prices of the EC2 vessels, which under the terms of the act shall be the same for all designs, are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$1,278,000	\$1,728,500	\$639,000	\$544,506

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

The VC2-S-AP2 is the standard Victory cargo vessel. The VC2-S-AP3 is a modified Victory cargo vessel with principal design characteristics basically similar to the standard design, except that the VC2-S-AP3 has 8500 horsepower turbine drive and a speed of 17 knots. (Principal characteristics and prices for these types were published in the FEDERAL REGISTER of April 23, 1946.)

In addition to the above standard and modified designs, and not hitherto published, are the VC2-M-AP4 and the VC2-S-AP5. The VC2-M-AP4 is a modifica-

The prices of the standard C4-S-B5 are as follows:

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

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

The EC2-S-C1 is considered to be the standard design of the Liberty type vessels. The modified designs are the Z-EC2-S-C5, the Z-ET1-S-C3, and the EC2-S-AW1. (Principal characteristics and prices for these types were published in the FEDERAL REGISTER of April 23, 1946.)

In addition, and not hitherto published, there is the Z-EC2-S-C2, a tank carrier, which has basic features similar to the modified Z-EC2-S-C5 design, and the Canadian Liberty ship, which is similar to the EC2-S-C1, but is coal-fired rather than oil-fired.

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

tion of the VC2-S-AP2, being a 5850 horsepower Diesel-propelled vessel having a speed of 15 knots and a deadweight of 10180 tons. The VC2-S-AP5 is a Navy transport design and upon conversion to a cargo ship will have the same principal design characteristics as the VC2-S-AP3.

The price of the VC2-M-AP4 is subject to adjustments for desirable features in accordance with section 3 (d) (3) of the act.

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

Design	Standard VC2-S-AP2	Modified VC2-S-AP3	Modified VC2-M-AP4
	Full scantling	Full scantling	Full scantling
Length over-all.....	455' 3"	455' 3"	455' 3"
Beam molded.....	62' 0"	62' 0"	62' 0"
Depth molded.....	38' 0"	38' 0"	38' 0"
Load draft molded.....	28' 6"	28' 6"	28' 6"
Deadweight tons.....	10,800	10,800	10,180.
Gross tons.....	7,600	7,600	7,600.
Net tons.....	4,600	4,600	4,615.
Bale cubic capacity.....	453,000	453,000	452,385.
Propulsion.....	Turbine.....	Turbine.....	Diesel.....
Shaft h. p., normal.....	6,000	8,500	5,850.
Speed, knots.....	15.3	17	15.
Passengers.....	18	18	18.
Staterooms.....	4	4	4.

¹ Passenger accommodations can be provided by suitable minor alterations.

The prices of the VC2-S-AP2 and VC2-S-AP3 types are as follows:

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

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

The T2-SE-A1 is considered to be the standard vessel of this type. (Principal characteristics and prices were published in the FEDERAL REGISTER of April 23, 1946.)

In addition, and not hitherto published, are the modified designs, the T2-SE-A2 and the T2-SE-A3. The T2-SE-A2 tanker is basically similar to the T2-SE-A1, except that it has a normal shaft horsepower of 10000 and a speed of 16 knots. The T2-SE-A3 is a Navy tanker and upon conversion to commercial operation will have the same principal design characteristics as the T2-SE-A2 tanker.

The price of the T2-SE-A2 is subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

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

Design	Standard T2-SE-A1	Modified T2-SE-A2 & A3
Length over-all.....	623'6"	623'6"
Beam molded.....	68'0"	68'0"
Depth molded.....	39'3"	39'3"
Load draft molded.....	30'2"	30'2"
Deadweight tons.....	16,760	16,580.
Gross tons.....	10,200	10,460.
Net tons.....	6,100	7,340.
Barrel capacity.....	140,000	140,000.
Propulsion.....	Turbo-electric.....	Turbo-electric.....
Shaft h. p., normal.....	6,000	10,000.
Speed, knots.....	14 1/2	16.

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,316,000	\$3,010,703	\$2,026,500	\$1,505,352

(h) *Type T3-S-A1 tanker*. (Published in the FEDERAL REGISTER of April 23, 1946.) The T3-S-A1 is a steel, 134,000 barrel tanker with a raked stem and cruiser stern. The propelling machinery is located aft.

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

Length over-all.....	531'0"
Beam molded.....	68'0"
Depth molded.....	37'0"
Load draft molded.....	29'11"
Deadweight tons.....	16,500.
Gross tons.....	9,900.
Net tons.....	5,900.
Barrel capacity.....	134,000.
Propulsion.....	Turbine.....
Shaft h. p., normal.....	7,000.
Speed, knots.....	15 1/2.

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,175,000	\$2,970,024	\$1,003,125	\$1,485,015

(i) **Type N3.** (Published in the FEDERAL REGISTER of April 30, 1946). The standard vessel is a steel, single deck vessel with a vertical stem and cruiser stern. The propelling machinery consists of a reciprocating steam engine directly connected to a single screw. The machinery is located amidships.

There are two basic designs of the N3 type which are considered standard; the N3-S-A2, which has oil-fired boilers, and the N3-S-A1, which has coal-fired boilers.

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

Design	N3-S-A1 Full scantling	N3-S-A2 Full scantling
Length over-all	258'9"	250'9 1/2"
Beam molded	42'1"	42'1"
Depth molded	20'5"	20'5"
Load draft molded	17'11 3/4"	17'11 3/4"
Deadweight tons	2,900	2,760
Gross tons	1,700	1,000
Net tons	1,020	1,000
Bale cubic capacity	121,000	118,000
Propulsion	Coal burning	Oil burning
Indicated h. p.	1,300	1,300
Speed, knots	10	11

Design	Standard C1-M-AV1	Modified C1-ME-AV6	Modified C1-M-AV8
	Full scantling	Full scantling	Full scantling
Length over-all	338' 8"	338' 8 1/2"	338' 8"
Beam molded	50' 0"	50' 0"	50' 0"
Depth molded	29' 0"	29' 0"	29' 0"
Load draft molded	21' 0"	21' 0"	21' 0"
Deadweight	5,100	5,050	5,100
Gross tons	3,800	3,800	3,800
Net tons	2,100	2,100	2,100
Bale cubic capacity	228,000	228,000	228,000
Net refrigerated cubic capacity	9,800	9,800	9,800
Propulsion	Diesel	Diesel-electric (Bowes-drive)	Diesel, with variable pitch propeller
Shaft h. p., normal	1,700	2,030	1,700
Speed, knots	10 1/2	11 1/2	10 1/2

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$1,280,000	\$1,982,464	\$640,000	\$693,862

¹ Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

(k) **Type C3.** The standard C3 cargo vessel is a steel, shelter deck type vessel with a raked stem and cruiser stern. The vessel will accommodate twelve passengers in six staterooms. There are four deep tanks in No. 2 hold. The propelling machinery is located amidships.

The C3-S-A2 is considered to be the standard vessel of this type. (Principal characteristics and prices were published in the FEDERAL REGISTER of April 30, 1946.)

In addition, and not hitherto published, are the following subtypes:

The C3-S-A1 is basically similar to the C3-S-A2 design. All vessels of this type have been converted to escort aircraft

The prices of the standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$760,000	\$1,339,477	\$380,000	\$468,817

¹ Price inapplicable since under terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35% of the domestic war cost.

(j) **Type C1-M-AV1.** The standard C1-M-AV1 cargo vessel is a steel, full scantling type vessel with a raked stem and cruiser stern. A deep tank is installed at the forward end of No. 1 hold. The propelling machinery is located aft. (Principal characteristics and prices were published in the FEDERAL REGISTER of April 30, 1946.)

In addition, and not hitherto published, are the C1-ME-AV6 and the C1-M-AV8 designs. The price of these two designs are subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

Principal design characteristics of the standard and modified vessels are listed below. (The C1-M-AV1 is not considered a "C" type under the Commission building program.)

Design	Standard C1-M-AV1	Modified C1-ME-AV6	Modified C1-M-AV8
	Full scantling	Full scantling	Full scantling
Length over-all	338' 8"	338' 8 1/2"	338' 8"
Beam molded	50' 0"	50' 0"	50' 0"
Depth molded	29' 0"	29' 0"	29' 0"
Load draft molded	21' 0"	21' 0"	21' 0"
Deadweight	5,100	5,050	5,100
Gross tons	3,800	3,800	3,800
Net tons	2,100	2,100	2,100
Bale cubic capacity	228,000	228,000	228,000
Net refrigerated cubic capacity	9,800	9,800	9,800
Propulsion	Diesel	Diesel-electric (Bowes-drive)	Diesel, with variable pitch propeller
Shaft h. p., normal	1,700	2,030	1,700
Speed, knots	10 1/2	11 1/2	10 1/2

carriers, and are not generally suitable for reconversion.

The C3-M and C3 Cargo are basically similar to the C3-S-A2 design. The C3M is not available for disposal, but is subject to price adjustment for prior sales under section 9 of the act.

One C3 Cargo vessel, now a military conversion, is available for disposal.

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

Design:	Standard C3-S-A2—shelter deck
Length over-all	492' 0"
Beam molded	69' 6"
Depth molded	42' 6"
Load draft molded	28' 6"
Deadweight	12,300
Gross tons	7,900
Net tons	4,600
Bale cubic capacity	732,000
Propulsion	Turbine
Shaft h. p., normal	8,500
Speed, knots	16 1/2
Passengers	12
Staterooms	6

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,460,000	\$3,659,228	\$1,230,000	\$1,280,730

¹ Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

(l) **Type T1-M-BT.** (Published in the FEDERAL REGISTER of April 30, 1946.) The T1-M-BT tanker is a steel, 31,000 barrel tanker with a raked stem and cruiser stern. The propelling machinery consists of a Diesel engine geared to a single screw. The machinery is located aft.

The T1-M-BT1 and the T1-M-BT2 are both considered to be standard designs of this type of tanker.

The principal design characteristics, which are the same for both designs, are listed below:

Length over-all	325' 4"
Beam molded	48' 2"
Depth molded	21' 9"
Load draft molded	19' 0"
Deadweight tons	4,189
Gross tons	2,660
Net tons	1,630
Barrel capacity	31,000
Propulsion	Diesel
Shaft, h. p., normal	1,400
Speed, knots	10

The prices of the standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$994,000	\$1,774,038	\$589,750	\$887,619

¹ Price inapplicable since under the terms of the Ship Sales Act of 1946 no tanker may be sold at less than 50 percent of the domestic war cost.

(m) **Type C1-S-D1.** (Not previously published) The C1-S-D1 is a self-propelled, single screw concrete cargo vessel with raked stem and modified cruiser stern. The machinery is located aft.

The principal design characteristics are as follows:

Length over-all	366' 4"
Beam molded	54' 0"
Depth molded	35' 0"
Load draft molded	27' 3"
Deadweight tons	5,310
Gross tons	4,820
Net tons	3,400
Bale cubic capacity	227,900
Propulsion	Steam recip.
Shaft h. p., normal	1,300 i. h. p.
Speed, knots	7

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$1,350,000	\$2,242,913	\$675,000	\$785,020

¹ Price inapplicable since under the terms of the Ship Sales Act of 1946, no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

(n) **Type R1-M-AV3.** (Not previously published.) The R1-M-AV3 is a steel, full scantling, refrigerated cargo type vessel, with a raked stem and cruiser stern. In addition, there are available for disposal fully refrigerated C1-M-AV1

vessels, which are a subtype of the R1-M-AV3, and are subject to price adjustment under section 3 (d) (3) of the act. Principal design characteristics of the R1-M-AV3 are as follows:

Length over-all.....	338'8½"
Beam molded.....	50'0"
Depth molded.....	29'0"
Load draft molded.....	21'0"
Deadweight tons.....	4,370.
Gross tons.....	3,770.
Net tons.....	2,100.
Reefer cubic capacity.....	
Propulsion.....	Diesel.
Shaft h. p., normal.....	1,700.
Speed, knots.....	10½.
Passengers.....	0.
Staterooms.....	0.

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$1,750,000	\$2,449,385	\$875,000	\$857,285

(o) *Type C2F.* (Not previously published.) The C2F vessel is a steel vessel with a raked stem and a cruiser stern. The quarters will accommodate eight passengers in four staterooms. The machinery is located amidships.

The principal characteristics of these vessels are listed below:

Design:	Shelter deck
Length over-all.....	459'2½"
Beam molded.....	63'0"
Depth molded.....	40'6"
Load draft molded.....	25'9"
Deadweight tons.....	9,400.
Gross tons.....	6,155.
Net tons.....	3,615.
Bale cubic capacity.....	558,000.
Propulsion.....	Turbine.
Shaft h. p., normal.....	6,000.
Speed, knots.....	15½.

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,274,000	\$2,963,373	\$1,137,000	\$1,037,161

(p) *Type C2SU.* (Not previously published.) The C2SU is a steel vessel with raked stem and cruiser stern. The quarters will accommodate twelve passengers in six staterooms. There are two variations of this type, one is a general cargo carrier with partial refrigerated capacity; the other variation is all refrigerated. The machinery is located amidships.

The principal design characteristics of each of these vessels are listed below:

Design	Partially refrigerated (shelter deck)	All refrigerated (flush deck)
Length over-all.....	474'1"	474'1"
Beam molded.....	63'0"	63'0"
Depth molded.....	40'6"	40'6"
Load draft molded.....	26'6"	26'6"
Deadweight tons.....	9,600.	7,925.
Gross tons.....	6,622.	8,591.
Net tons.....	3,854.	5,053.
Bale cubic capacity.....	507,000.	
Net refrigerated cargo capacity.....	28,000.	384,600.
Propulsion.....	Diesel.....	Diesel.....
Shaft h. p., normal.....	7,500.	7,500.
Speed, knots.....	16.	16.

The prices of the standard and refrigerated designs are as follows:

	Prewar domestic cost	Domestic war cost
C2SU (Standard).....	\$2,470,000	\$3,218,791
C2SU (Reefer).....	3,450,000	4,437,409

	Unadjusted statutory sales price	Floor price
C2SU (Standard).....	\$1,235,000	\$1,126,577
C2SU (Reefer).....	1,725,000	1,553,093

(q) *Type C2S.* (Not previously published) The C2S is a steel cargo vessel specially designed for South African trade with raked stem and cruiser stern. The quarters accommodate twelve passengers in eight staterooms. The machinery is located amidships.

The principal design characteristics of this vessel are listed below:

Design:	Shelter deck
Length over-all.....	479'8"
Beam molded.....	66'0"
Depth molded.....	43'0"
Load draft molded.....	27'0"
Deadweight tons.....	10,000.
Gross tons.....	7,101.
Net tons.....	4,259.
Bale cubic capacity.....	594,000.
Net refrigerated cargo capacity.....	11,500.
Propulsion.....	Turbine.
Shaft, h. p., normal.....	6,300.
Speed, knots.....	16.

The prices of the standard C2S type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,354,000	\$3,067,025	\$1,177,000	\$1,073,669

(r) *Type R2-S-BV1.* (Not previously published.) The R2-S-BV1 is an all refrigerated C2-S-B1 cargo vessel (see (c)) with a raked stem and cruiser stern. The quarters will accommodate eight passengers in four staterooms. The machinery is located amidships.

The principal characteristics of this vessel are listed below:

Design:	Flush deck
Length over-all.....	459'2½"
Beam molded.....	63'0"
Depth molded.....	40'6"
Load draft molded.....	25'9"
Deadweight tons.....	8,150.
Gross tons.....	6,178.
Net tons.....	3,483.
Net refrigerated capacity.....	348,000.
Propulsion.....	Turbine.
Shaft h. p., normal.....	6,000.
Speed, knots.....	15½.

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$3,440,000	\$4,464,998	\$1,720,000	\$1,562,749

(s) *Type C3-S-43 and C3E.* (Not previously published.) The standard type for these designations is a steel vessel with raked stem and a double knuckle

stern. The machinery is located amidships. There are no passenger accommodations nor cargo deep tanks provided.

The principal design characteristics for these vessels are listed below:

Design:	Shelter deck
Length over-all.....	473'1"
Beam molded.....	66'0"
Depth molded.....	42'3"
Load draft molded.....	27'8"
Deadweight tons.....	9,900.
Gross tons.....	6,736.
Net tons.....	3,996.
Bale cubic capacity.....	551,000.
Propulsion.....	Turbine.
Shaft h. p., normal.....	8,000.
Speed, knots.....	16½.

The prices of the standard C3-S-A3 and C3E are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,300,000	\$3,143,964	\$1,150,000	\$1,100,387

(t) *Type S3-S2-BP1.* (Not previously published.) The S3-S2-BP1 is a special twin screw cable ship with clipper bow contour and cruiser stern. It has four cable tanks. Principal design characteristics are as follows:

Length over-all.....	362'0"
Beam molded.....	47'0"
Depth molded.....	33'9"
Load draft molded.....	25'0"
Deadweight tons.....	4,330.
Gross tons.....	3,940.
Net tons.....	1,690.
Bale cubic capacity.....	49,642.
Propulsion.....	Recip. steam.
Shaft h. p., normal.....	4,000.
Speed, knots.....	14.
Passengers.....	0.
Staterooms.....	0.

The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$3,440,000	\$4,482,851	\$1,720,000	\$1,568,998

(u) *Type S4-SE2-BD1 and BE1.* (Not previously published.) Both designs are steel, twin screw vessels with raked stem and cruiser stern.

The S4-SE2-BD1 is a transport attack ship. The S4-SE2-BE1 is similar to the BD1, but is arranged as a cargo attack ship with troop accommodations. Principal design characteristics of both types are as follows:

	S4-SE2-BD1	S4-SE2-BE1
Length over-all.....	426'0"	426'0"
Beam molded.....	58'0"	58'0"
Depth molded.....	37'0"	37'0"
Load draft molded.....	15'6"	16'0"
Deadweight tons.....	2,660.	2,694.
Gross tons.....		
Net tons.....		
Bale cubic capacity.....	95,320.	116,410.
Propulsion.....	Turb.-elect.	Turb.-elect.
Shaft h. p., normal.....	6,000.	6,000.
Speed, knots.....	17½.	17½.
Passengers.....		
Staterooms.....		

The prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,750,000	\$4,115,343	\$1,375,000	\$1,440,370

Prices are based on bare boat ship after removal of national defense features and without passenger accommodations or additional cargo handling gear. The unadjusted statutory sales price is inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

(v) *Type T3-M-AZ1.* (Not previously published.) The T3-M-AZ1 is a 152,000 barrel tanker with a raked stem and cruiser stern. The propelling machinery is Diesel and is located aft. Principal design characteristics of this type of tanker are as follows:

Length over-all.....	547' 3/4"
Beam molded.....	70' 0"
Depth molded.....	40' 0"
Load draft molded.....	30' 1"
Deadweight tons.....	17,910
Gross tons.....	11,400
Net tons.....	6,906
Tank cargo capacity.....	152,595 bbls.
Propulsion.....	Diesel
Shaft h. p., normal.....	7,500
Speed, knots.....	15 1/2

The prices for the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,614,000	\$3,398,091	\$2,287,250	\$1,699,046

(w) *Type T2 tanker.* (Not previously published.) The type T2 tanker is a steel, single screw bulk oil carrier of single deck type with raked stem and cruiser stern. The machinery is located aft.

There are two standard designs of the type T2 tankers, M. C. Hulls 142-147 and M. C. Hulls 148-149, 157-159. Principal design characteristics of both types available for disposal are as follows:

	MC hulls 142-147	MC hulls 148-149, 157-159
Length over-all.....	501' 4 1/2"	520' 0"
Beam molded.....	68' 0"	68' 0"
Depth molded.....	37' 0"	37' 0"
Load draft molded.....	29' 8 1/2"	29' 11 1/8"
Deadweight tons.....	15,910	16,300
Gross tons.....	9,890	10,300
Net tons.....	5,928	6,086
Tank cargo capacity.....	130,016 bbls.	138,523 bbls.
Propulsion.....	Turbine	Turbine
Shaft h. p., normal.....	12,000 max.	12,000 max.
Speed, knots.....	16 1/2	16 1/2

The prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,460,000	\$3,197,897	\$2,152,500	\$1,598,949

(x) *S. S. Bulkoil.* (Not previously published.) The S. S. Bulkoil is a steel, 112,000 barrel tanker. The propelling machinery is located aft. Principal design characteristics are as follows:

Length over-all.....	457'
Beam molded.....	59'
Depth molded.....	36'
Load draft molded.....	29' 7 3/8"

Deadweight tons.....	13,080.
Gross tons.....	8,071.
Net tons.....	6,307.
Propulsion.....	Turbine.
Shaft h. p., normal.....	9,430.
Speed, knots.....	17.
Barrel capacity.....	112,000.

The prices of the S. S. Bulkoil are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$1,957,080	\$2,455,150	\$1,712,445	\$1,227,575

(y) *Type T3-S-BZ1.* (Not previously published.) The T3-S-BZ1 is a steel, single screw tanker with a raked stem and cruiser stern. The machinery is located aft.

Principal design characteristics are as follows:

Length between perpendiculars.....	541' 0"
Beam molded.....	80' 0"
Depth molded.....	40' 6"
Load draft molded.....	31' 6"
Deadweight tons.....	23,789.
Gross tons.....	14,136.
Net tons.....	11,455.
Tank cargo capacity.....	215,000.
Propulsion.....	Turbine.
Shaft h. p., normal.....	13,400 max.
Speed, knots.....	16 1/2.

The prices for the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
\$2,080,000	\$2,612,305	\$1,820,000	\$1,306,153

(z) *Miscellaneous.* (Not previously published.) 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.

Type	Prewar domestic cost	Domestic war cost
C2-S-A1.....	\$2,275,000	\$2,964,676
C5-S-AX1.....	3,460,000	4,508,914
L6.....	1,792,000	2,335,252
R2-ST-AU1.....	4,300,000	5,530,684
<i>Tankers</i>		
T3-S-BF1.....	1,789,500	2,244,925

Type	Unadjusted statutory sales price	Floor price
C2-S-A1.....	\$1,137,500	\$1,037,637
C5-S-AX1.....	1,730,000	1,578,120
L6.....	896,000	817,338
R2-ST-AU1.....	2,150,000	1,935,739
<i>Tankers</i>		
T3-S-BF1.....	1,565,812	1,122,463

(Sec. 12 (d) of the Merchant Ship Sales Act of 1946 (60 Stat. 41))

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, Secretary.

AUGUST 15, 1946.

[F. R. Doc. 46-14285; Filed, Aug. 16, 1946; 3:39 p. m.]

[G. O. '60, Supp. 4]

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

SUBPART A—GENERAL PROVISIONS

Section 299.2 *Order of preference*, paragraph (a) *In general*, is amended by adding at the end thereof the following sentence: "For applications involving vessels with respect to which the original publication of prices is being made in the FEDERAL REGISTER of August 17, 1946, the first calendar month shall be considered to include the period from the date of such publication to September 1, 1946."

(Sec. 12 (d) of the Merchant Ship Sales Act of 1946 (60 Stat. 41))

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, Secretary.

AUGUST 15, 1946.

[F. R. Doc. 46-14352; Filed, Aug. 16, 1946; 11:21 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520, *infra*.

[General Permit ODT 18A, Rev., 16]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW FRESH HARVESTED ONIONS

In accordance with the provisions of § 500.73 of General Order ODT 18A, Revised (11 F.R. 8229), it is hereby authorized, that:

§ 520.511 *Shipments of new fresh harvested onions.*¹ Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised (11 F.R. 8229), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested onions when the origin of any such freight is any point or place in the States of Colorado, Kansas, Missouri, Nebraska, Utah or Wyoming and the quantity loaded in each car is not less than 30,000 pounds.

This General Permit ODT 18A, Revised, 16, shall become effective August 17, 1946, and shall expire September 30, 1946.

(56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827, 59 Stat. 653, Public Law 475, 79th Congress; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9729, 11 F.R. 5641)

¹ See also General Permit ODT 18A, Revised, 7 (11 F.R. 8599).

Issued at Washington, D. C., this 15th day of August, 1946.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 46-14271; Filed, Aug. 15, 1946;
1:30 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Land Management.

[Misc. 2074223]

COLORADO

RESTORATION ORDER NO. 1204 UNDER FEDERAL POWER ACT

JULY 26, 1946.

By Executive order of July 2, 1910, creating Power Site Reserve No. 92, the following described lands were withdrawn for power purposes:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 78 W.

Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 13, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 120 acres.

Pursuant to the determination of the Federal Power Commission (DA-254, Colorado) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described lands are hereby opened to application, petition, location, or selection under the United States mining laws only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818).

This order shall not become effective to change the status of the lands until 10:00 a. m. on September 27, 1946, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to disposition under the United States mining laws only, as above provided.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-14340; Filed, Aug. 16, 1946;
9:25 a. m.]

Coal Mines Administration.

[Order CMAN 11-A]

WORKMEN'S COMPENSATION AND OCCUPATIONAL DISEASE LAWS OPERATING MANAGERS (ILLINOIS, KENTUCKY, VIRGINIA)

Reference is made to section 3 of the agreement dated May 29, 1946, between the Secretary of the Interior, acting as Coal Mines Administrator, and the United Mine Workers of America, which reads as follows:

The Coal Mines Administrator undertakes to direct each operating manager to provide its employees with the protection and coverage of the benefits under Workmen's Compensation and Occupational Disease Laws, whether compulsory or elective, existing in the states in which the respective employees

are employed. Refusal of any operating manager to carry out this direction shall be deemed a violation of his duties as operating manager. In the event of such refusal the Coal Mines Administrator will take appropriate action which may include disciplining or replacing the operating manager or shutting down the mine.

The office of the Coal Mines Administrator is informed that coverage under the Workmen's Compensation Laws of the state in which the mine or mines of your company are located is compulsory, but that the Occupational Disease Laws of such state are of the elective type. In accordance with section 3 of the Krug-Lewis Agreement quoted above, if your company has not already elected to do so, you are hereby directed as Operating Manager for the Government to provide the eligible employees of your company with the full protection and coverage of the benefits under the Occupational Disease Laws of the state in which the mine or mines of your company are located.

In order that the Coal Mines Administrator may be fully advised in the premises, you are further directed to furnish this office with the following information within ten days from the date of this letter:

1. Whether or not your company has heretofore elected to provide its eligible employees with the full benefits of the applicable Occupational Disease Laws of the state in which its mine or mines are located.

2. The extent of the coverage, if any, of the employees of your company at the present time under such Occupational Disease Laws.

Within thirty days from the date of this letter, if your company has not heretofore elected to provide its eligible employees with the full benefits of the applicable state Occupational Disease Laws, you are further directed to report as follows to this office:

1. Whether or not your company has provided its eligible employees with such benefits in accordance with this directive, and if so, the effective date of coverage.

2. If your company has not provided its eligible employees with such benefits, the reasons, if any, why such benefits have not been so provided in accordance herewith.

This order shall be deemed to be a specific direction or order within the meaning of the terms and provisions of the Revised Regulations For the Operation of Coal Mines Under Government Control (11 F.R. 7567).

N. H. COLLISSON,
Captain, USNR,

Deputy Coal Mines Administrator.

AUGUST 15, 1946.

[F. R. Doc. 46-14347; Filed, Aug. 16, 1946;
11:00 a. m.]

[Order CMAN 11-B]

WORKMEN'S COMPENSATION AND OCCUPATIONAL DISEASE LAWS OPERATING MANAGERS (ALABAMA, KANSAS, TENNESSEE, TEXAS)

Reference is made to section 3 of the agreement dated May 29, 1946, between

the Secretary of the Interior, acting as Coal Mines Administrator, and the United Mine Workers of America, which reads as follows:

The Coal Mines Administrator undertakes to direct each operating manager to provide its employees with the protection and coverage of the benefits under Workmen's Compensation and Occupational Disease Laws, whether compulsory or elective, existing in the states in which the respective employees are employed. Refusal of any operating manager to carry out this direction shall be deemed a violation of his duties as operating manager. In the event of such refusal the Coal Mines Administrator will take appropriate action which may include disciplining or replacing the operating manager or shutting down the mine.

The office of the Coal Mines Administrator is informed that the Workmen's Compensation Laws of the State in which the mine or mines of your company are located are of the elective type and that no state law provisions relating to coverage for occupational disease or silicosis are presently in effect. In accordance with section 3 of the Krug-Lewis Agreement quoted above, if your company has not already elected to do so, you are hereby directed as Operating Manager for the Government to provide the eligible employees of your company with the full protection and coverage of the benefits under the Workmen's Compensation Laws of the state in which the mine or mines of your company are located.

In order that the Coal Mines Administrator may be fully advised in the premises, you are further directed to furnish this office with the following information within ten days from the date of this letter:

1. Whether or not your company has heretofore elected to provide its eligible employees with the full benefits of the applicable Workmen's Compensation Laws of the state in which its mine or mines are located.

2. The extent of the coverage, if any, of the employees of your company at the present time under such Workmen's Compensation Laws.

Within thirty days from the date of this letter, if your company has not heretofore elected to provide its eligible employees with the full benefits of the applicable state Workmen's Compensation Laws, you are further directed to report as follows to this office:

1. Whether or not your company has provided its eligible employees with such benefits in accordance with this directive, and if so, the effective date of coverage.

2. If your company has not provided its eligible employees with such benefits, the reasons, if any, why such benefits have not been so provided in accordance herewith.

This order shall be deemed to be a specific direction or order within the meaning of the terms and provisions of the Revised Regulations For the Operations of Coal Mines Under Government Control (11 F. R. 7567).

N. H. COLLISSON,
Captain, USNR,

Deputy Coal Mines Administrator.

AUGUST 15, 1946.

[F. R. Doc. 46-14348; Filed, Aug. 16, 1946;
11:00 a. m.]

[Order CMAN-11]

WORKMEN'S COMPENSATION AND OCCUPATIONAL DISEASE LAWS

OPERATING MANAGERS (COLORADO, GEORGIA, INDIANA, MISSOURI, NEBRASKA, NEW MEXICO, NORTH CAROLINA, PENNSYLVANIA, WEST VIRGINIA)

Reference is made to section 3 of the agreement dated May 29, 1946, between the Secretary of the Interior, acting as Coal Mines Administrator, and the United Mine Workers of America, which reads as follows:

The Coal Mines Administrator undertakes to direct each operating manager to provide its employees with the protection and coverage of the benefits under Workmen's Compensation and Occupational Disease Laws, whether compulsory or elective, existing in the states in which the respective employees are employed. Refusal of any operating manager to carry out this direction shall be deemed a violation of his duties as operating manager. In the event of such refusal the Coal Mines Administrator will take appropriate action which may include disciplining or replacing the operating manager or shutting down the mine.

The office of the Coal Mines Administrator is informed that the Workmen's Compensation and Occupational Disease Laws of the state in which the mine or mines of your company are located are of the elective type. In accordance with section 3 of the Krug-Lewis Agreement quoted above, if your company has not already elected to do so, you are hereby directed as Operating Manager for the Government to provide the eligible employees of your company with the full protection and coverage of the benefits under the Workmen's Compensation and Occupational Disease Laws of the state in which the mine or mines of your company are located.

In order that the Coal Mines Administrator may be fully advised in the premises, you are further directed to furnish this office with the following information within ten days from the date of this letter:

1. Whether or not your company has heretofore elected to provide its eligible employees with the full benefits of the applicable Workmen's Compensation and Occupational Disease Laws of the state in which its mine or mines are located.

2. The extent of the coverage, if any, of the employees of your company at the present time under such Workmen's Compensation and Occupational Disease Laws.

Within thirty days from the date of this letter, if your company has not heretofore elected to provide its eligible employees with the full benefits of the applicable state Workmen's Compensation and Occupational Disease Laws, you are further directed to report as follows to this office:

1. Whether or not your company has provided its eligible employees with such benefits in accordance with this directive, and if so, the effective date of coverage.

2. If your company has not provided its eligible employees with such benefits, the reasons, if any, why such benefits have not been so provided in accordance herewith.

This order shall be deemed to be a specific direction or order within the

meaning of the terms and provisions of the Revised Regulations For the Operation of Coal Mines Under Government Control (11 F.R. 7567).

N. H. COLLISSON,
Captain, USNR,

Deputy Coal Mines Administrator.

AUGUST 15, 1946.

[F. R. Doc. 46-14346; Filed, Aug. 16, 1946; 11:00 a.m.]

Office of the Secretary.

ACREAGE HOLDINGS UNDER POTASSIUM PERMITS

NOTICE OF HEARING ON PROPOSED AMENDMENT

Pursuant to the authority vested in me by section 32 of the act of February 25, 1920 (41 Stat. 450, 30 U.S.C. sec. 189), a hearing will be held at the Hilton Hotel, Albuquerque, New Mexico on September 26 and 27, 1946, commencing at 10 a. m., with respect to the provisions of 43 CFR § 194.26 which now state the maximum acreage which may be held under permits for the purpose of prospecting for potassium. The hearing will be conducted by Oscar L. Chapman, Under Secretary of the Department of the Interior and will be open to the attendance of all interested parties. Those desiring to be heard in person at such hearing must give notice thereof to the Director, Bureau of Land Management, Washington, D. C., no later than September 16, 1946. Written statements may also be filed with the Director by any parties so desiring on or prior to September 16, or with the Under Secretary at the hearing. At the conclusion of the hearing, the minutes thereof, together with appropriate recommendations, will be forwarded to me. I shall thereafter take such action as I deem appropriate and due notice thereof will be given to the public.

The regulation reads as follows:

§ 194.26 *Limitation on holdings.* Section 5 of the act of February 7, 1927 (44 Stat. 1057, 30 U. S. C. 295) provides that the general provisions of the act of February 25, 1920 shall be applicable. The Secretary is given authority to prescribe necessary and proper rules and regulations, and in view of the provisions of amended section 27 of the latter act as to holdings of permits and leases of the minerals enumerated therein, no person, association, or corporation will be granted, either directly or indirectly or by approval of assignments, permits and leases, an area which, when added to the area already held under the act, exceeds in the aggregate 15,360 acres.

The act of February 7, 1927, (44 Stat. 1057, 30 U. S. C. sec. 281) providing for the issuance of potassium prospecting permits and leases contains no limitation on acreage holdings but makes applicable to such permits and leases the general provisions of section 27 of the act of February 25, 1920 (41 Stat. 448, 30 U. S. C. sec. 184) which prohibit holdings under leases, subleases, or otherwise in any manner resulting in any combination in the form of an unlawful trust or the control of prices or restraint of trade. Since the public lands prospectively valuable for potassium are limited in extent the present regulation was adopted to prevent undue concentration of control

over the production and sale of potassium in violation of these provisions.

J. A. KRUG,
Secretary of the Interior.

AUGUST 9, 1946.

[F. R. Doc. 46-14342; Filed, Aug. 16, 1946; 9:54 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

OREGON

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U. S. C. 1000-1006), excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Oregon named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

OREGON

County	Limitation	County	Limitation
Baker	\$12,000	Lane	\$12,000
Benton	12,000	Lincoln	10,000
Clackamas	12,000	Linn	12,000
Clatsop	12,000	Malheur	12,000
Columbia	12,000	Marion	12,000
Coos	11,000	Morrow	12,000
Crook	12,000	Multnomah	12,000
Curry	11,000	Polk	12,000
Deschutes	12,000	Sherman	12,000
Douglas	12,000	Tillamook	12,000
Gilliam	12,000	Umatilla	12,000
Grant	12,000	Union	12,000
Harney	12,000	Wallowa	12,000
Hood River	12,000	Wasco	12,000
Jackson	12,000	Washington	12,000
Jefferson	12,000	ton	12,000
Josephine	12,000	Wheeler	12,000
Klamath	12,000	Yamhill	12,000
Lake	12,000		

Issued this 15th day of August 1946.

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

[F. R. Doc. 46-14349; Filed, Aug. 16, 1946; 11:05 a. m.]

ARKANSAS, LOUISIANA, MISSISSIPPI

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U.S.C. 1000-1006), excepting those to eligible veterans, may be made for the acquisition or enlarge-

ment of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties and parishes of Arkansas, Louisiana and Mississippi named below. With respect to each county or parish, the limitation does not exceed the average value of efficient family-size farm-management units located in such county or parish.

ARKANSAS

County	Limitation	County	Limitation
Arkansas	\$12,000	Lawrence	\$8,000
Ashley	7,500	Lee	8,500
Baxter	5,000	Lincoln	7,500
Benton	7,200	Little River	8,000
Boone	6,000	Logan	6,500
Bradley	6,000	Lonoke	8,500
Calhoun	6,000	Madison	5,500
Carroll	6,000	Marion	5,000
Chicot	8,000	Miller	8,000
Clark	6,500	Mississippi	9,000
Clay	8,500	Monroe	8,500
Cleburne	5,000	Montgomery	5,000
Cleveland	5,500	Nevada	6,500
Columbia	6,500	Newton	5,000
Conway	6,500	Ouachita	6,000
Craighead	8,500	Perry	5,000
Crawford	7,000	Phillips	8,500
Crittenden	9,000	Pike	7,000
Cross	8,500	Poinsett	8,500
Dallas	5,500	Polk	5,000
Desha	8,000	Pope	6,500
Drew	7,500	Prairie	12,000
Faulkner	6,500	Pulaski	8,500
Franklin	6,500	Randolph	8,000
Fulton	6,000	St. Francis	8,500
Garland	5,000	Saline	5,600
Grant	5,000	Scott	5,000
Greene	8,500	Searcy	5,500
Hempstead	6,500	Sebastian	6,500
Hot Spring	5,000	Sevier	6,000
Howard	7,000	Sharp	5,750
Independence	8,000	Stone	5,000
Izard	5,500	Union	6,250
Jackson	8,000	Van Buren	5,000
Jefferson	8,500	Washington	7,200
Johnson	6,500	White	6,000
Lafayette	8,000	Woodruff	8,000
		Yell	6,500

LOUISIANA

Acadia	\$12,000	Jefferson	
Allen	10,000	Davis	\$12,000
Ascension	7,500	Lafayette	10,000
Assumption	8,000	Lafourche	10,000
Avoyelles	10,500	La Salle	6,000
Beauregard	7,000	Lincoln	8,000
Bienville	7,000	Livingston	7,500
Bossier	9,000	Madison	10,000
Caddo	10,000	Morehouse	10,000
Calcasieu	11,500	Natchitoches	10,000
Caldwell	8,000	Orleans	12,000
Cameron	8,000	Ouachita	10,000
Catahoula	6,500	Piaquemines	9,000
Clalborne	7,500	Pointe	
Concordia	8,000	Coupee	9,000
De Soto	8,000	Rapides	10,000
East Baton Rouge	8,000	Red River	9,000
East		Richland	10,000
Carroll	10,000	Sabine	6,500
East		St. Bernard	12,000
Feliciana	6,250	St. Charles	10,000
Evangeline	10,000	St. Helena	6,000
Franklin	7,500	St. James	10,000
Grant	8,000	St. John the Baptist	10,000
Iberia	9,000	St. Landry	10,000
Iberville	10,000	Saint Martin	
Jackson	7,000	tin	10,000
Jefferson	12,000	Saint Mary	10,150

LOUISIANA—continued

Parish	Limitation	Parish	Limitation
Saint Tammany		Washington	\$7,500
many	\$6,500	Webster	7,500
Tangipahoa	7,500	West Baton Rouge	10,000
Tensas	10,000	West Carroll	9,000
Terrebonne	10,000	West Feliciana	7,000
Union	7,500	Winn	7,000
Vermilion	12,000		
Vernon	6,000		

MISSISSIPPI

Adams	\$8,000	Lee	10,000
Alcorn	10,000	Lincoln	8,000
Amite	7,500	Lowndes	8,500
Attala	7,000	Madison	10,000
Benton	8,250	Marion	7,000
Bolivar	12,000	Marshall	8,500
Calhoun	8,000	Monroe	9,000
Carroll	9,000	Montgomery	7,000
Chickasaw	8,000	Neshoba	7,000
Choctaw	7,000	Newton	7,500
Clalborne	9,000	Noxubee	9,000
Clarke	7,000	Oktibbeha	10,000
Clay	8,000	Panola	9,000
Coahoma	12,000	Pearl River	7,500
Copiah	8,000	Perry	7,000
Covington	7,000	Pike	8,000
De Soto	10,000	Pontotoc	9,000
Forrest	8,000	Prentiss	8,500
Franklin	7,000	Quitman	11,500
George	7,500	Rankin	8,000
Greene	7,000	Scott	7,000
Grenada	9,000	Sharkey	11,000
Hancock	7,000	Simpson	7,000
Harrison	7,500	Smith	8,000
Hinds	9,500	Stone	7,000
Holmes	10,000	Sunflower	12,000
Humphreys	10,000	Tallahatchie	11,500
Issaquena	11,600	Tate	9,000
Itawamba	8,500	Tippah	8,500
Jackson	7,000	Tishomingo	8,500
Jasper	8,000	Tunica	12,000
Jefferson	9,000	Union	9,000
Jefferson Davis	8,000	Walthall	8,500
Jones	8,500	Warren	9,500
Kemper	6,500	Washington	12,000
Lafayette	8,600	Wayne	7,500
Lamar	7,600	Webster	7,000
Lauderdale	7,000	Wilkinson	7,500
Lawrence	7,500	Winston	7,000
Leake	7,500	Yalobusha	7,500
Leflore	12,000	Yazoo	10,000

Issued this 15th day of August 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-14350; Filed, Aug. 16, 1946; 11:05 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-762]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATION

AUGUST 15, 1946.

Notice is hereby given that on July 29, 1946, Natural Gas Pipeline Company of America (Applicant), a Delaware Corporation, having its principal place of business at Chicago, Illinois, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate at two locations in McHenry County, Illinois, certain facilities subject to the jurisdiction of the Federal Power Commission.

The proposed facilities to be constructed and operated by the Applicant consist of:

(1) A tap, a pipeline connection therewith, regulating and metering settings and appurtenances in the Northwest Quarter of the Northeast Quarter of Section 32 in Hartland Township near the point where its 20-inch lateral line (a 20-inch lateral extending northeasterly from Applicant's compressor station near Geneso, Illinois, to the Illinois-Wisconsin State Line) crosses the distribution system of Western United Gas and Electric Company;

(2) A tap, a pipeline connection therewith, regulating and metering settings and appurtenances in the Southwest Quarter of the Southwest Quarter of Section 2 in Nunda Township near the point where the North Chicago lateral (a 16-inch lateral line extending from the 20" lateral line described above to a point near Volo, Illinois and authorized in Docket No. G-651) will cross the distribution system of Western United Gas and Electric Company.

Applicant states that it is presently serving Chicago District Pipeline Company, which company supplies all of the Natural gas requirements of Western United Gas and Electric Company, and that the latter company is at the present time distributing a mixture of natural and artificial gas through its distribution facilities in a local service area including the city of Joliet, Illinois and other municipalities in that vicinity. Applicant further states that the Chicago District Pipeline Company has submitted to it a statement that the Western United Gas and Electric Company desires to place a segment of its local service area on straight natural gas service. The area to be converted to straight natural gas service includes the following municipalities:

Algonquin.	Harvard.
Cary.	Huntley.
Crystal Lake.	Lakewood.
Fox River Grove.	Marengo.
Genoa.	McHenry.
Gilberts.	Union.
Hampshire.	Woodstock.

Applicant also states that Chicago District Pipeline Company desires Applicant to install facilities for the delivery of natural gas, at the two points described in paragraphs (1) and (2) above, directly into the distribution system of Western United Gas and Electric Company; and to sell natural gas at such points of delivery to Chicago District Pipeline Company for resale at such points to Western United Gas and Electric Company for distribution to the latter company's consumers in the portion of its local service area to be converted to straight natural gas service.

Applicant states that it desires to effectuate better service to Chicago District Pipeline Company, Western United Gas and Electric Company, and the consumers served by the latter company, through the installation and operation of the facilities and sales for resale requested.

Applicant states that the over-all capital costs of the proposed facilities will be \$52,449. The cost of constructing the

proposed facilities will be furnished from Applicant's own funds.

Applicant asserts that it proposes to charge the same rates for gas delivered by said facilities as is charged on other sales to Chicago District Pipeline Company in accordance with rate schedules on file with the Federal Power Commission.

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

Any person desiring to be heard or to make any protest with reference to the application of Natural Gas Pipeline Company of America should file with the Federal Power Commission, Washington 25, D. C. not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition, or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act:

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-14358; Filed, Aug. 16, 1946;
11:50 a. m.]

[Docket No. G-766]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

AUGUST 15, 1946.

Notice is hereby given that on August 7, 1946, an application was filed with the Federal Power Commission by Arkansas Louisiana Gas Company (hereinafter referred to as "Applicant"), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and authorized to do business in the States of Louisiana, Arkansas and Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate a certain natural gas pipe line in Caddo Parish, Louisiana, for the primary purpose of supplying natural gas to the brick manufacturing plant of R. S. Allday Clay Products, near Mooringsport, Louisiana, as hereinafter more particularly described.

Applicant seeks authorization to construct and operate the following facilities:

A 4½-inch natural gas pipe line approximately 4,000 feet in length, to be designated line RM-14, extending in a westerly direction from Applicant's natural gas transmission pipe line known as line R, located approximately 1½ miles southeast of Mooringsport, Louisiana, to the R. S. Allday Clay Products Plant located in the northwest quarter of the southwest quarter of Section 6, Township 19 North, Range 15 West, Caddo Parish, Louisiana, together with appurtenant metering and regulating facilities and including taps in such pipe line necessary

for service to future residential and commercial consumers.

Applicant proposes to construct the pipe line facilities described hereinbefore for the primary purpose of supplying natural gas to the R. S. Allday Clay Plant for use under a continuous kiln which is being installed and under a second such kiln scheduled to be installed within approximately one year. It is recited that possibly a third such kiln will be installed in the future. Applicant further proposes to make such taps on the pipe line facilities described above that are necessary for rendering requested future service to residential and commercial consumers. It is stated that no other gas company is rendering service within the immediate area of the proposed construction.

Applicant estimates the over-all total cost of construction of the facilities described herein will be \$4,860 which it proposes to finance with funds from its cash reserve.

Applicant proposes to commence the construction of such facilities as soon as practical after the granting of a certificate covering the matters herein and thereafter to complete their construction in not more than two weeks.

It is stated that the rates to be charged R. S. Allday Clay Products are governed by the contract submitted with the application and the rates to be charged future residential or commercial consumers will be the prevailing rates for these classes of service.

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

Any person desiring to be heard or to make any protest with reference to the application of Arkansas Louisiana Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-14359; Filed, Aug. 16, 1946;
11:50 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 422, Special Permit 15]

HOLDING UNDER LOAD OF EXPORT CARS AT SAN FRANCISCO BAY AREA, CALIF.

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F.R. 250), permission is granted for

any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load of the export cars listed below, by the Atchison, Topeka and Santa Fe Railway Company, at San Francisco Bay Area, California:

PRR -----	572197	AT -----	10598
PRR -----	74546	CRIP -----	260278
SAL -----	10053	SOO -----	175868
CNW -----	51514		

This permit shall become effective at 12:01 a. m., August 14, 1946, and it shall expire at 11:59 p. m., August 28, 1946.

The waybills 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 14th day of August 1946.

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

[F. R. Doc. 46-14354; Filed, Aug. 16, 1946;
11:26 a. m.]

[S. O. 479, Special Permit 14]

REFRIGERATION OF POTATOES FROM BORDENTOWN, N. J.

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 479 (11 F.R. 3367), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 479 insofar as it applies to the furnishing of standard refrigeration on car BREX 75560, potatoes, shipped August 14, 1946, from Bordentown, N. J., by F. H. Vahlsing, Inc., consigned to Harry Mitchell, Miami, Florida, routed P. RR.-R. F. & P.-S. A. L.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 14th day of August 1946.

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

[F. R. Doc. 46-14355; Filed, Aug. 16, 1946;
11:26 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 591, Amdt. 1 to Order 738]

AGAWAN MFG. CO.

AUTHORIZATION 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 section 9 of Maximum Price Regulation No. 591; *It is ordered:*

Order No. 738 under section 9 of Maximum Price Regulation No. 591 is amended in the following respects:

In paragraph (a) Model No. 312-b-45 chrome plated shower arm and wall flange—\$0.74 On Sales to Dealer—\$0.55 On Sales to Jobbers—is amended to read as follows:

	On sales to dealer	On sales to Jobbers
Model 312-b-45 chrome plated shower arm and wall flange.	\$0.88	\$0.65

This amendment shall become effective August 16, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14266; Filed, Aug. 15, 1946; 11:58 a. m.]

[MPR 120, Order 1718]

PHILIPS COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

PHILIPS COAL CO., P. O. BOX 171, PUNXSUTAWNEY, PA., HANNOCK MINE, E SEAM, MINE INDEX NO. 5794, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, HILLMAN, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipment.....	335	335	335	305	305
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	360	335	335	325	315

JOE RAGLANI, BOX 383, HOMER CITY, PA., RAGLANI MINE B, SEAM MINE INDEX NO. 5766, INDIANA COUNTY, PA., SUBDISTRICT 23, RAIL SHIPPING POINT, HOMER CITY, PA., STRIP MINE

	H	H	H	H	H
Price classification.....	H	H	H	H	H
Rail shipment.....	330	330	310	285	285
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	350	330	330	315	305

HARRY RAY & SON, BOX 64, GARRETT, PA., RAY SUMMIT MINE, B, MINE INDEX NO. 5765, SOMERSET COUNTY, PA., SUBDISTRICT 41, RAIL SHIPPING POINT, GARRETT, PA., DEEP MINE

	G	G	G	G	G
Price classification.....	G	G	G	G	G
Rail shipment.....	422	422	407	397	397
Railroad locomotive fuel.....	412	412	397	387	387
Truck shipment.....	447	422	422	412	402

RININGER & SECREST, ROUTE No. 3, HOOVERVILLE, PA., RENINGER & SECREST MINE, C SEAM, MINE INDEX NO. 5787 SOMERSET COUNTY, PA., SUBDISTRICT 37, RAIL SHIPPING POINT, KANTNER, PA., DEEP MINE

	E	E	E	E	E
Price classification.....	E	E	E	E	E
Rail shipment.....	447	427	427	407	407
Railroad locomotive fuel.....	412	412	397	387	387
Truck shipment.....	457	432	432	422	412

ROCHESTER & PITTSBURGH COAL CO., INDIANA, PA., NYPEN MINE, A SEAM, MINE INDEX NO. 5544, CLINTON COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, BEECH CREEK, PA., STRIP MINE

	D	D	D	D	D
Price classification.....	D	D	D	D	D
Rail shipment.....	360	340	335	325	325
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	370	345	345	335	325

SERGE & PANGOLLO COAL CO., 510 ELK ST., FRANKLIN, PA., SERGE-PANGOLLO MINE, C' SEAM, MINE INDEX NO. 5307, CLARION COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, BILLINGS, PA., STRIP MINE

	G	G	G	G	G
Price classification.....	G	G	G	G	G
Rail shipment.....	330	330	315	305	305
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	355	330	330	320	310

LELAND C. SHORTS, 4000 ARDMORE RD., CLEVELAND HEIGHTS, OHIO, SHORTS MINE, E SEAM, MINE INDEX NO. 5693, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, DORA, PA., DEEP MINE

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment.....	427	427	427	397	397
Railroad locomotive fuel.....	412	412	397	387	387
Truck shipment.....	452	427	427	417	407

SHARPE STONEBRAKER, R. D. No. 1, MARION CENTER, PA., STONEBRAKER No. 2 MINE, D SEAM, MINE INDEX NO. 5777, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, IDAMAR, PA., DEEP MINE

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment.....	427	427	427	397	397
Railroad locomotive fuel.....	412	412	397	387	387
Truck shipment.....	452	427	427	417	407

This order shall become effective August 16, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14264; Filed, Aug. 15, 1946; 11:57 a. m.]

[MPR 592, Order 110]

UNITED STATES GYPSUM CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 110 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. United States Gypsum Co. Docket No. 6122-592.16-161.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation 592; *it is ordered:*

(a) Any person purchasing warehoused specialized gypsum "white" plasters and lime products from the United States Gypsum Company, Chicago, Illinois, for resale in the same form may increase his present maximum prices established under the General Maximum Price Regulation by the percentage increase in cost to him resulting from the warehousing charge increases permitted the United States Gypsum Company pursuant to Amendment No. 1 to Statement of Maximum Price for Warehousing (OPA Docket 586.7-142), issued and made effective by the Transportation and Public Utilities Division of the Office of Price Administration on June 10, 1946. However, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(b) The United States Gypsum Company shall furnish to each buyer purchasing any of the warehouse products described in (a) above, for resale in the same form on or before the date it makes delivery at the adjusted price, a written statement as follows:

The Office of Price Administration has granted the United States Gypsum Company an adjustment of 86¢ per ton for warehoused specialized gypsum "white" plaster and lime products. You are permitted to add the percentage amount of your increased cost resulting from the increase permitted United States Gypsum Company to your existing maximum prices for these products actually purchased from it at the increased price. Except that in any area where maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(c) All requests of the United States Gypsum Company's application not granted herein are denied.

(d) All provisions of Maximum Price Regulation 592 not inconsistent with this order shall apply to sales covered by this order.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This Order No. 110 shall become effective August 16, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14269; Filed, Aug. 15, 1946; 11:58 a. m.]

[MPR 591, Order 784]

SECURITY MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 784 under section 16 of Maximum Price Regulation No. 591.

Docket No. 6123-591.16-152. Security Manufacturing Company, Kansas City, Missouri.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 of Maximum Price Regulation No. 591, it is ordered:

(a) *Adjustment of maximum prices for the Security Manufacturing Company, Kansas City, Missouri.* (1) This order permits the Security Manufacturing Company of Kansas City, Missouri, to increase by 4.7 percent its properly established maximum net prices in effect on June 30, 1946, to each class of purchaser for its line of gas water heaters.

(2) The maximum net prices set forth in (a) (1) above are subject to discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which the Security Manufacturing Company extended or rendered or would have rendered or extended to each class of purchaser during March 1942 on comparable sales of gas water heaters.

(b) *Maximum prices for resellers.* (1) All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their properly established maximum prices in effect on June 30, 1946, the percentage increase in cost to them resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The Security Manufacturing Company shall send the following notice to every purchaser of the commodities covered by the order at or before the first invoice after the effective date of this order.

Order No. 784 under section 16 of Maximum Price Regulation No. 591 provides for a 4.7 percent increase in maximum net prices in effect on June 30, 1946, for sales by the Security Manufacturing Company for its line of gas water heaters.

Resellers (but not manufacturers who purchase these items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost resulting from the adjustment granted by Order No. 784.

(d) All requests of the application of the Security Manufacturing Company of Kansas City, Missouri, not herein granted are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective August 16, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14263; Filed, Aug. 15, 1946; 11:58 a. m.]

[MPR 120, Order 1719]

HOWARD COAL MINING CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. river shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

HOWARD COAL MINING CO., 222 LAUREL LANE, HAVERFORD, PA., EARNST No. 1 MINE, A SEAM, MINE INDEX No. 5755, CENTRE COUNTY, PA., SUBDISTRICT 21, RAIL SHIPPING POINT, SANDY RIDGE, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	H	H	H	H	H
Rail shipment.....	330	330	310	285	285
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	350	330	330	315	305

L. L. KEISTER, R. D. No. 1, BROCKWAY, PA., L. L. KEISTER MINE, D SEAM, MINE INDEX No. 5754, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, BROCKWAY, PA., STRIP MINE

	E	E	E	E	E
Price classification.....	E	E	E	E	E
Rail shipment.....	355	335	335	315	315
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	365	340	340	330	320

VICTOR LANTZY, R. D. No. 1, BOX 161, HOOVERSVILLE, PA., LANTZY No. 1 MINE, E SEAM, MINE INDEX No. 5781, SOMERSET COUNTY, PA., SUBDISTRICT 37, RAIL SHIPPING POINT, KANTNER, PA., DEEP SEAM

	E	E	E	E	E
Price classification.....	E	E	E	E	E
Rail shipment.....	447	427	427	407	407
Railroad locomotive fuel.....	412	412	397	387	387
Truck shipment.....	457	432	432	422	412

LOW ASH COAL CO., 809 MAIN ST., SCALP LEVEL, PA., LOW ASH No. 3 MINE, C SEAM, MINE INDEX No. 5810, SOMERSET COUNTY, PA., SUBDISTRICT 33, RAIL SHIPPING POINT, WINDBER, PA., DEEP MINE

	E	E	E	E	E
Price classification.....	E	E	E	E	E
Rail shipment.....	447	427	427	407	407
Railroad locomotive fuel.....	412	412	397	387	387
Truck shipment.....	457	432	432	422	412

MARTINDALE COAL CO., C/O JAMES SALSINGER, PARTNER, PORTAGE, PA., MARTINDALE COAL CO. MINE, D SEAM, MINE INDEX No. 3478, CAMBRIA COUNTY, PA., SUB-DISTRICT 31, RAIL SHIPPING POINT: PORTAGE, PA., DEEP MINE

	D	D	D	D	D
Price classification.....	D	D	D	D	D
Rail shipment.....	452	432	427	417	417
Railroad locomotive fuel.....	412	412	397	387	387
Truck shipment.....	462	437	437	427	417

¹ Previously established.

MEABON COAL & LUMBER CO., LAMARTINE, PA., MEABON COAL & LUMBER CO. MINE, A SEAM, MINE INDEX No. 5775, CLARION COUNTY, PA., SUB-DISTRICT 1, RAIL SHIPPING POINT: CLARION, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	G	G	G	G	G
Rail shipment.....	330	330	315	305	305
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	355	330	330	320	310

MERRY VESTA COAL CO., 722 WASHINGTON ST., CUMBERLAND, MD., MARY JANE MINE, B SEAM, MINE INDEX No. 5805, GARRETT COUNTY, MD., SUBDISTRICT 44 RAIL SHIPPING POINT: CRELLIN, MD., DEEP MINE

	H	H	H	H	H
Price classification.....	H	H	H	H	H
Rail shipment.....	422	422	402	377	377
Railroad locomotive fuel.....	412	412	397	367	367
Truck shipment.....	442	422	422	407	397

MERRY VESTA COAL CO., 722 WASHINGTON ST., CUMBERLAND, MD., VESTA STRIP MINE, B SEAM, MINE INDEX No. 5806, GARRETT COUNTY, MD., SUBDISTRICT 44, RAIL SHIPPING POINT: CRELLIN, MD., STRIP MINE

	H	H	H	H	H
Price classification.....	H	H	H	H	H
Rail shipment.....	330	330	310	285	285
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	350	330	330	315	305

This order shall become effective August 16, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14265; Filed, Aug. 15, 1946; 11:57 a. m.]

[MPR 591, Order 783]

BORG-WARNER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, It is ordered:

(a) 1. The maximum net prices for sales by any person to consumers of the following sizes of aluminum combination Koolshade Screens and Storm Windows manufactured by Ingersoll Steel and Disc Division, Borg-Warner Corporation, Kalamazoo, Michigan, and as described in the application dated June 15, 1946, which is on file with the Mechanical Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be the list price per window opening set forth in (g).

2. The maximum price on an installed basis on sales to consumers shall be the list prices set forth in (g) below plus the actual cost of the installation in no event to exceed \$2.00 per window opening on the charge established in the appropriate area order whichever is lower.

(b) The maximum net delivered prices on sales to display dealers, or distributors or dealers commission agents by any person shall be the list prices set forth in (g) below reduced by 10 percent.

(c) The maximum net delivered prices on sales to non-installing drop shipment dealers by any person shall be the list prices set forth in (g) below reduced by 20 percent.

(d) The maximum net delivered prices on sales to non-installing stocking dealers by any person shall be the list prices set forth in (g) below reduced by 25 percent.

(e) The maximum net delivered prices on sales to installing dealers by any person shall be the list price set forth in (g) below reduced by 33 1/3 percent.

(f) The maximum net prices f. o. b. point of shipment on sales to distributors by any person shall be the list price set forth in (g) below reduced by successive discounts of 40 and 10 percent.

TWO-LIGHT ALUMINUM COMBINATION STORM SASH AND KOOLSHADE INSERTS

Window glass size	Frame and 2 storm sash	2 Koolshade inserts	Total
16 x 15	\$13.67	\$9.11	\$22.78
16	14.18	9.45	23.63
18	15.20	10.13	25.33
20	15.58	10.38	25.96
21	15.86	10.58	26.44
22	16.20	10.80	27.00
24	16.54	11.02	27.56
26	17.44	11.63	29.07
28	18.31	12.21	30.52
30	18.65	12.44	31.09
32	19.42	12.62	32.04
34	19.96	12.98	32.94
36	20.17	13.44	33.61
38	28.90	19.27	48.17
40	30.67	20.44	51.11
42	32.56	21.71	54.27
18 x 15	14.15	9.44	23.59
16	14.62	9.75	24.37
18	15.55	10.36	25.91
20	15.99	10.66	26.65
21	16.31	10.88	27.19
22	16.66	11.10	27.76
24	17.01	11.34	28.35
26	17.90	11.93	29.83
28	18.78	12.52	31.30
30	19.13	12.76	31.89
32	19.46	12.97	32.43
34	20.29	13.52	33.81
36	21.25	14.16	35.41
38	30.28	20.19	50.47
40	32.12	21.41	53.53
42	34.01	22.68	56.69
20 x 15	14.63	9.74	24.37
16	15.30	9.83	25.13
18	16.33	10.30	26.63
20	16.61	10.72	27.33
21	16.76	11.17	27.93
22	17.11	11.41	28.52
24	17.61	11.54	29.15
26	18.35	12.24	30.59
28	19.50	12.56	32.06
30	19.82	12.85	32.67
32	20.11	13.20	33.31
34	21.10	14.07	35.17
36	22.33	14.89	37.22
38	31.67	21.12	52.79
40	33.58	22.39	55.97
42	35.48	23.65	59.13
22 x 15	15.10	10.07	25.17
16	15.52	10.35	25.87
18	16.38	10.92	27.30
20	16.81	11.21	28.02
21	17.20	11.47	28.67
22	17.58	11.72	29.30
24	17.96	11.97	29.93
26	18.81	12.54	31.35
28	19.69	13.12	32.81
30	20.08	13.38	33.46
32	20.52	13.68	34.20
34	21.91	14.61	36.52
36	23.41	15.61	39.02
38	33.05	22.03	55.08
40	35.05	23.36	58.41
42	36.96	24.64	61.60
24 x 15	15.56	10.37	25.93
16	16.11	10.48	26.59
18	16.87	11.07	27.94
20	17.16	11.54	28.70
21	17.63	11.76	29.39
22	18.04	12.02	30.06
24	18.35	12.41	30.76
26	19.30	12.87	32.17
28	20.13	13.46	33.59
30	20.48	13.80	34.28
32	20.94	14.15	35.09

See footnotes at end of table.

TWO-LIGHT ALUMINUM COMBINATION STORM SASH AND KOOLSHADE INSERTS—continued

Window glass size	Frame and 2 storm sash	2 Koolshade inserts	Total
24 x 34	\$22.46	\$14.98	\$37.44
36	23.89	15.92	39.81
38	33.88	22.59	56.47
40	35.91	23.94	59.85
42	37.95	25.30	63.25
26 x 15	15.94	10.62	26.56
16	16.33	10.89	27.22
18	17.14	11.43	28.57
20	17.63	11.76	29.39
21	18.04	12.03	30.07
22	18.47	12.31	30.78
24	18.88	12.58	31.46
26	19.78	13.18	32.96
28	20.71	13.81	34.52
30	21.13	14.09	35.22
32	22.08	14.72	36.80
34	23.58	15.72	39.30
36	25.07	16.71	41.78
38	35.62	23.74	59.36
40	37.69	25.12	62.81
42	39.82	26.55	66.37
27 x 15	16.31	10.88	27.19
16	16.76	11.09	27.85
18	17.52	11.70	29.22
20	17.82	12.22	30.04
21	18.47	12.31	30.78
22	18.89	12.59	31.48
24	19.09	13.11	32.20
26	20.29	13.52	33.81
28	21.02	14.39	35.41
30	21.45	14.74	36.19
32	21.54	16.96	38.50
34	24.66	16.43	41.09
36	26.22	17.48	43.70
38	37.18	24.79	61.97
40	39.44	26.29	65.73
42	41.66	27.77	69.43
28 x 15	16.73	11.16	27.89
16	17.18	11.45	28.63
18	18.07	12.04	30.11
20	18.60	12.40	31.00
21	19.02	12.68	31.70
22	19.42	12.95	32.37
24	19.81	13.23	33.07
26	20.84	13.90	34.74
28	21.86	14.57	36.43
30	22.36	14.90	37.26
32	23.15	15.44	38.59
34	24.67	16.44	41.11
36	26.30	17.53	43.83
38	37.30	24.87	62.17
40	39.53	26.35	65.88
42	41.76	27.84	69.60
30 x 15	17.15	11.44	28.59
16	17.56	11.83	29.39
18	18.54	12.46	31.00
20	18.91	13.02	31.93
21	19.65	13.04	32.69
22	19.96	13.30	33.26
24	20.00	13.96	33.96
26	21.41	14.28	35.69
28	22.16	15.28	37.44
30	22.70	15.67	38.37
32	22.74	15.96	38.70
34	24.82	16.55	41.37
36	26.39	17.59	43.98
38	37.42	24.95	62.37
40	39.67	26.45	66.12
42	41.93	27.95	69.88
32 x 15	17.66	11.77	29.43
16	18.14	12.10	30.24
18	19.15	12.76	31.91
20	19.68	13.12	32.80
21	20.12	13.42	33.54
22	20.56	13.70	34.26
24	21.01	14.01	35.02
26	22.07	14.71	36.78
28	23.14	15.42	38.56
30	23.62	15.75	39.37
32	23.86	15.90	39.76
34	25.46	16.98	42.44
36	27.09	18.06	45.15
38	38.43	25.62	64.05
40	40.75	27.16	67.91
42	43.05	28.70	71.75
34 x 15	18.12	12.08	30.20
16	18.64	12.43	31.07
18	19.69	13.12	32.81
20	20.20	13.47	33.67
21	20.69	13.79	34.48
22	21.17	14.11	35.28
24	21.64	14.43	36.07
26	22.71	15.14	37.85
28	23.80	15.87	39.67
30	24.21	16.14	40.35
32	24.49	16.32	40.81
34	26.17	17.44	43.61
36	27.81	18.54	46.35
38	39.45	26.30	65.75
40	41.97	27.98	69.95
42	43.45	28.96	72.41
36 x 15	18.62	12.42	31.04
16	19.16	12.77	31.93

See footnotes at end of table.

TWO-LIGHT ALUMINUM COMBINATION STORM SASH AND KOOLSHADE INSERTS

Window glass size	Frame and 2 storm sash	2 Koolshade inserts	Total
36 x 18	\$20.25	\$13.47	\$33.72
20	20.70	13.82	34.52
21	21.23	14.16	35.39
22	21.76	14.50	36.26
24	22.28	14.83	37.11
26	23.36	15.57	38.93
28	23.98	16.78	40.76
30	24.11	17.22	41.33
32	24.34	17.57	41.91
34	26.84	17.90	44.74
36	28.55	19.04	47.59
38	40.49	26.99	67.48
40	42.94	28.62	71.56
42	45.36	30.24	75.60
38 x 15	19.11	12.74	31.85
16	19.98	13.32	33.30
18	21.07	14.04	35.11
20	21.47	14.31	35.78
21	21.98	14.65	36.63
22	22.46	14.98	37.44
24	23.05	15.36	38.41
26	24.22	16.15	40.37
28	24.52	16.35	40.87
30	25.62	17.08	42.70
32	26.24	17.50	43.74
34	27.72	18.48	46.20
36	29.47	19.64	49.11
38	41.81	27.87	69.68
40	44.31	29.64	73.95
40 x 15	20.24	13.50	33.74
16	20.28	14.37	34.65
18	21.39	15.11	36.50
20	21.92	15.12	37.04
21	22.71	15.14	37.85
22	23.18	15.45	38.63
24	23.81	15.88	39.69
26	25.10	16.73	41.83
28	26.09	17.39	43.48
30	26.44	17.62	44.06
32	26.75	17.84	44.59
34	28.57	19.04	47.61
36	30.39	20.26	50.65
38	43.10	28.73	71.83
40	45.69	30.46	76.15
42 x 15	21.01	14.01	35.02
16	21.55	14.36	35.91
18	22.62	15.08	37.70
20	22.39	15.94	38.33
21	22.77	16.30	39.07
22	23.14	16.67	39.81
24	23.97	16.99	40.96
26	25.98	17.32	43.30
28	26.91	17.94	44.85
30	27.25	18.16	45.41
32	27.56	18.37	45.93
34	29.45	19.64	49.09
36	31.31	20.88	52.19
38	44.42	29.61	74.03
44 x 15	21.78	14.52	36.30
16	22.30	14.87	37.17
18	23.38	15.58	38.96
20	23.90	15.93	39.83
21	24.42	16.28	40.70
22	24.94	16.62	41.56
24	24.65	17.63	42.28
26	26.84	17.90	44.74
28	27.10	19.12	46.22
30	27.14	19.60	46.74
32	27.23	20.07	47.30
34	30.26	20.17	50.43
36	31.83	21.73	53.56
38	45.38	30.25	75.63
46 x 15	22.55	15.04	37.59
16	23.06	15.37	38.43
18	24.08	16.05	40.13
20	24.80	16.53	41.33
21	25.40	16.93	42.33
22	25.99	17.32	43.31
24	26.39	17.59	43.98
26	27.72	18.48	46.20
28	28.78	19.18	47.96
30	29.38	19.58	48.96
32	29.99	19.99	49.98
34	31.87	21.24	53.11
36	34.00	22.67	56.67

Add 33 1/3 percent to list prices for oriel windows or interim sizes.

1/33 1/3 percent has been added to basic price.

(h) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(1) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(j) The Ingersoll Steel and Disc Division, Kalamazoo, Michigan, shall attach a tag to each item covered by this order containing substantially the following:

OPA Maximum Retail Price—\$-----
Plus actual installation charge not exceeding \$2.00 per window or charge established in the appropriate area order which ever is lower.

(k) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 16, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14267; Filed, Aug. 15, 1946;
11:58 a. m.]

[Rev. SO 119, Rev. Order No. 244]

AMERICAN FIXTURE AND MFG. CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* American Fixture and Manufacturing Company, 2300 Locust Boulevard, St. Louis, Mo., may compute its adjusted ceiling prices for its sales of the commercial furniture and fixtures which it manufactures, as follows:

(1) For an article which has a properly established ceiling price in effect before the effective date of this revised order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by 20.0 per cent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) The manufacturer's adjusted ceiling price fixed in accordance with this revised order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has

sold at an adjusted ceiling price determined under this revised order shall determine their maximum prices as follows:

A person who resells the articles covered by this revised order shall calculate his ceiling prices by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this revised order.

(c) *Terms of sale.* Ceiling prices adjusted by this revised order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this revised order, showing prices adjusted in accordance with this revised order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this revised order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) The provisions of Supplementary Order No. 153 shall not apply to sales covered by this revised order.

(f) This revised order may be revoked or amended by the Price Administrator at any time.

(g) This revised order shall become effective as of the 5th day of June 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14270; Filed, Aug. 15, 1946;
11:57 a. m.]

[MFR 188, Amdt. 1 to Order 12]

BUSINESS MACHINES

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered*, That Order 12 under Section 1499.159e of Maximum Price Regulation No. 188 be amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *Adjusted maximum retail prices for business machines, including portable typewriters.* The maximum retail price (exclusive of Federal excise tax) for sales of a business machine, including portable typewriters, for which the seller had a suggested retail list price in effect prior to the effective date of this order, is the higher of the following:

(a) An amount no greater than 112% of the manufacturer's suggested retail list price (exclusive of Federal excise tax and any adjustment heretofore authorized).

(b) An amount no greater than the manufacturer's suggested retail list price (exclusive of Federal excise tax) in effect prior to any adjustment in manufacturers' maximum prices under Supplementary Orders No. 118, 133 and Revised Supplementary Order No. 119, plus the percentage amount of that adjustment.

The amount of Federal excise tax paid by the manufacturer and state and local taxes may also be collected on sales covered by paragraphs (a) and (b) of this section.

2. Section 5 is amended to read as follows:

SEC. 5. *Adjusted maximum prices to governmental agencies, dealers and distributors for business machines, including portable typewriters.* (a) A manufacturer's adjusted maximum price (exclusive of Federal excise tax) for sales of a business machine, including portable typewriters, to governmental agencies, dealers and distributors, is the adjusted retail list price as determined under this order less his customary discounts to the particular class of purchaser. The amount of the Federal excise tax may also be collected.

(b) A distributor's adjusted maximum price (exclusive of Federal excise tax) for sales of a business machine, including portable typewriters, to dealers is the adjusted maximum retail price as determined under this order less his customary discounts. The amount of Federal excise tax paid to the manufacturer may also be collected.

3. Section 6 is amended to read as follows:

SEC. 6. *Adjusted maximum prices established by this order for business machines, including portable typewriters.* In the case of a business machine, including a portable typewriter, for which a manufacturer did not publish a sug-

gested retail list price prior to the effective date of this order the adjusted maximum retail price may not be determined under the preceding provisions of this order. The manufacturer shall make application under this section to the Office of Price Administration, Washington, D. C., for an order authorizing an adjusted maximum retail price in line with the level of adjusted maximum retail prices fixed by this order. The application may be made by letter, which shall state: the manufacturer's maximum prices to each class of purchaser; the amount of any adjustment in his maximum prices which have been authorized and the provision under which the adjustment in his maximum prices was authorized.

4. Order 12 is further amended by deleting sections 7 and 8.

5. Order 12 is further amended by redesignating sections 9, 10, 11, 12, 13 and 14 to read as sections 7, 8, 9, 10, 11 and 12 respectively.

This amendment shall become effective on the 19th day of August 1946.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14313; Filed, Aug. 15, 1946;
4:29 p. m.]

[MPR 188, Amdt. 1 to Order 16]

BICYCLES

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 16 under § 1499.159e of Maximum Price Regulation No. 188 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. Retail ceiling prices. This section provides for the determination of retail ceiling prices of bicycles covered by this order. Manufacturers, except in the case of bicycles sold only to another manufacturer, are required to calculate the retail ceiling prices of their products in accordance with the provisions of this section, and are required to comply with the tagging provisions of section 7 of this order.

The retail ceiling price of any bicycle which the manufacturer ships or delivers prior to August 19, 1946, shall be the retail price determined in accordance with the provisions of this section as set forth in Order 16 as originally issued on May 21, 1946. This retail ceiling price of any bicycle which the manufacturer ships or delivers on and after August 19, 1946, shall be determined as follows:

(a) The retail ceiling prices of a bicycle sold by the following classes of sellers shall be:

(1) The retail ceiling price for a sale by a dealer other than a "chain store" or "mail order house," is 161% of the "manufacturer's price" to the class of distributor to which he has the highest ceiling price.

(2) The retail ceiling price for a sale by a "chain store" or other direct buyer, except a "mail order house", is the higher of 150% of the "manufacturer's price" to the seller or the price determined under paragraph (1) above less 7%.

(3) The retail ceiling price for a sale by a "mail order house" is 135% of the "manufacturer's price" to the seller.

(b) The retail ceiling prices are for sales in all areas except the Mid-west and Far-west zones. The following differentials may be added to those retail ceiling prices when sold by a retailer in the Mid-west or Far-west zone:

(1) 3% of the retail price for sales in the Mid-west zone.

(2) 6% of the retail price for sales in the Far-west zone.

2. Section 5 is amended to read as follows:

SEC. 5. Distributor's ceiling prices. Manufacturers, except in the case of bicycles sold only to another manufacturer or directly to mail order houses, chain stores, or dealers, are required to calculate distributors' ceiling prices in accordance with this section:

(a) A distributor's ceiling price for the sale of a bicycle to a dealer, which the manufacturer shipped or delivered prior to August 19, 1946, is the retail price of that bicycle in the zone which the distributor is located, less 25%.

(b) A distributor's ceiling price for the sale of a bicycle to a dealer which the manufacturer shipped or delivered on or after August 19, 1946, is the retail price of that bicycle in the zone which the distributor is located, less 28%.

3. Section 7 (b) is amended by the addition of the following paragraph at the end thereof:

All sellers who receive, prior to August 19, 1946, "untagged" a bicycle which the manufacturer is required to tag with the retail ceiling price, must tag it with the retail ceiling price determined under Section 4 as originally issued, before it is displayed, offered for sale, sold or delivered at retail.

This amendment shall become effective August 19, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14316; Filed, Aug. 15, 1946;
4:30 p. m.]

[MPR 188, Amdt. 2 to Order 17]

BOXSPRINGS AND HAND-TIED BOXSPRING CONSTRUCTIONS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered*, That Order 17 under

§ 1499.159e of Maximum Price Regulation No. 188, be amended in the following respects:

1. Section 2 is amended by deleting paragraph (d) thereof.

2. Section 4 is amended by deleting paragraph (b) thereof.

3. Section 5 is amended to read as follows:

SEC. 5. Adjusted maximum prices for sales at wholesale; or to commercial and institutional users. (a) Wholesalers whose sales are covered by Maximum Price Regulation No. 590 shall determine their adjusted maximum prices for their sales of articles covered by this regulation in accordance with the provisions of Maximum Price Regulation No. 590.

(b) All other wholesalers, including persons who purchase boxsprings from the manufacturer and resell them to hospitals, hotels or any other commercial or institutional user, shall determine their adjusted maximum prices for sales of the articles covered by this regulation as follows:

A wholesaler shall calculate his maximum prices by adding to his invoice cost the same percentage markup which he had on the "most comparable article" for which he had a properly established maximum price on March 31, 1946. For this purpose the "most comparable article" is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a maximum price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his maximum price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a maximum price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

4. Sections 6, 7 and 8 are deleted.

5. A new section 6 is added to read as follows:

SEC. 6. Notification to purchasers for resale. At the time of, or prior to, the first invoice to each purchaser for resale showing a maximum price adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method by which he determined his

adjusted maximum price. This notice may be given in any convenient form.

6. Sections 9, 10, 11, 12, 13, 14 and 15 are redesignated 7, 8, 9, 10, 11, 12 and 13 respectively.

7. The new designated section 7 is amended to read as follows:

SEC. 7. "Branded Articles." This section sets forth the changes and additions to the other provisions of this order, applicable to transactions involving "branded articles."

(a) *Definition.* An article covered by this order is a "branded article" if:

(1) It was advertised at a uniform retail price during or prior to March 1942; and

(2) It is identified by a brand or company name; and

(3) During or prior to March 1942, it generally was sold at retail at the advertised uniform retail price.

(b) *Retail ceiling price.* (1) The maximum price for sales of a branded article by a retailer to an ultimate consumer is the retail ceiling price which the manufacturer has calculated, and has properly stated on the tag attached to the article.

(2) Each manufacturer shall calculate the retail ceiling price of his branded article in the following manner: For an article which the manufacturer delivers prior to August 19, 1946, he shall multiply by 172 per cent his highest f. o. b. factory, or f. o. b. warehouse l. c. l. maximum price for sales of the particular articles to retailers, after deducting cash discounts; for an article which the manufacturer delivers on or after August 19, 1946, he shall multiply by 192 per cent his highest f. o. b. factory or f. o. b. warehouse, l. c. l. maximum price for sales of the particular article to retailers, after deducting cash discounts. In each instance the resulting figure shall be rounded to the nearest twenty-five cents.

(c) *Manufacturers' reports.* Before first offering a branded article covered by this order for sale after the effective date of this order, each manufacturer shall file a report with the Office of Price Administration, Washington 25, D. C., which report shall set forth the information specified in section 4 (a) and also:

- (1) The brand name of the article.
- (2) The retail ceiling price of the article.

(d) *Invoices to purchasers for resale.* (1) If the branded article is sold by a manufacturer to a wholesaler or retailer, or by a wholesaler to a retailer, the seller shall furnish to the purchaser an invoice, or evidence of sale, containing the following:

- (i) The name and address of both the seller and purchaser, and the date of sale.
- (ii) The name, number, or other identification of each article sold.
- (iii) The quantity of each article sold.
- (iv) The actual selling price of each article sold.
- (v) The nature and amount of any additional charges.
- (vi) The terms of sale.
- (vii) The retail ceiling price of the article in the following form—OPA Retail Ceiling Price \$----- (with the blank properly filled in).

(2) If the branded article is sold by a retailer to another retailer (cross-stream sale) the seller shall furnish the purchaser only with the proper invoice required by Section 9 (b) of Maximum Price Regulation No. 580.

(e) *Tagging by manufacturers.* (1) On and after June 10, 1946, no manufacturer shall deliver any branded article unless it has attached to it a durable tag or label which shall state in clearly readable print, the brand name of the article and the following statement with the retail ceiling price filled in, as determined in accordance with the provisions of section 7 (b) (2):

OPA Retail Ceiling Price \$-----
This tag may not be detached until after delivery to the consumer

(2) All sellers who receive prior to August 19, 1946, an article "untagged" which the manufacturer is required to tag with the retail ceiling price, must tag it with the retail ceiling price in effect on August 18, 1946, before it is displayed, offered for sale, sold or delivered at retail. For an article which the seller receives "untagged" after August 18, 1946, the seller shall tag it with the maximum retail price then in effect.

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

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14317; Filed, Aug. 15, 1946; 4:30 p. m.]

[RMPR 289, Order 2]

DAIRY PRODUCTS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and un-

DIAPERS

Brand name	Manufacturer's selling price to—		Ceiling price at retail east of Denver	Ceiling price at retail (Denver and West)
	Wholesalers	Retailers		
Chix.....	\$1.97 doz.....	\$2.34 doz. (less than 48 doz.)... \$2.18 doz. (48 doz. or more).	\$3.05 doz.....	\$3.05 doz.
Chux.....	\$8.40 per case of 12 boxes.	\$11.20 per case (less than 3 cases). \$10.40 per case (3 cases or more).	\$1.39 per box..	\$1.49 per box.
Chix disposeses.....	\$6.63 doz. boxes.....	\$8.16 doz. boxes (less than 4½ doz. boxes). \$7.80 doz. boxes (4½ boxes or more).	\$1.00 per box..	\$1.10 per box.
Chix disposeses holders....	\$3.56 doz.....	\$4.45 doz. (East of Denver).... \$4.63 doz. (Denver and West).	\$0.59 each.....	\$0.65 each.

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

(b) The retail ceiling price of each article stated in paragraph (a) shall apply in place of the ceiling price which has been or would otherwise be established under this or any other regulation, and shall apply to any other article of the same type, having the same selling price to the retailer, the same brand

der the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, and 9599 and in accordance with section 16 of Revised Maximum Price Regulation 289, *It is hereby ordered:*

(a) Any person may deliver or agree to deliver and any person may accept delivery or agree to accept delivery of industrial casein (inedible) covered by section 23 of Revised Maximum Price Regulation 289 at a price to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery.

This order shall become effective August 15, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14297; Filed, Aug. 15, 1946; 4:32 p. m.]

[MPR 580, Amdt. 3 to Order 26]

CHICOPEE MFG. CORP.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 3 to Order No. 26. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-747.

For the reasons set forth in the opinion issued simultaneously herewith, Order 26 issued under section 13 of Maximum Price Regulation 580 on application of Chicopee Manufacturing Corporation, New Brunswick, New Jersey, is amended in the following respects:

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

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Chicopee Manufacturing Corporation, New Brunswick, New Jersey and described in the manufacturer's application dated April 18, 1945:

name, and first sold by the manufacturer after the effective date of this order.

3. 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."

4. Paragraph (c) is further 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, Chicopee Manufacturing Corporation, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance 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 days 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. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

5. 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 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 August 15, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14321; Filed, Aug. 15, 1946; 4:32 p. m.]

[Rev. SO 119, Order 279]

COLUMBIAN ENAMELING & STAMPING CO.,
INC.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, It is ordered:

(a) *Manufacturers' ceiling prices.* Columbian Enameling and Stamping Company, Incorporated, 1536 Beech Street, Terre Haute, Indiana, may increase its ceiling prices to each class of purchaser as established by Maximum Price Regulation No. 188 for enamel household kitchen ware and commercial enameled cooking utensils and pails by 10 percent.

As used in this paragraph "ceiling prices as established under Maximum Price Regulation No. 188", shall mean the ceiling prices established under that regulation without the inclusion in those

ceiling prices either directly or indirectly of any adjustment, either individual or industry-wide.

(b) *Ceiling prices of purchasers for resale.* (1) A purchaser for resale, who had an established ceiling price prior to the effective date of this order for any commercial enameled cooking utensil or pail whose manufacturer's ceiling price was adjusted in accordance with the provisions of this order may increase that established ceiling price by 10 percent.

(2) A purchaser for resale who had no established ceiling price prior to the effective date of this order for any commercial enameled cooking utensil or pail whose manufacturer's ceiling price is subject to this order, shall determine his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is one which meets all the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration, however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the resale ceiling price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(3) As required by Order No. 5122 under § 1499.159b of Maximum Price Regulation No. 188, Columbian Enameling and Stamping Company, Incorporated, shall calculate resellers' ceiling prices for enamel household kitchenware in accordance with the provisions of that order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted ceiling prices for resales of the articles.

This notice may be given in any convenient form.

(e) All the provisions of Order No. 5122 under § 1499.159b of Maximum Price Regulation No. 188 not expressly inconsistent with the provisions of this order shall continue to apply to enamel household kitchen ware covered by this order.

(f) All requests contained in the application for price adjustment filed by Columbian Enameling and Stamping Company, Incorporated, assigned OPA Docket No. 6069-SO 119-53c, not specifically granted by this order are hereby denied.

(g) The provisions of Supplementary Order No. 153, shall have no application to any sale or delivery of any article subject to this order.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on 15th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14325; Filed, Aug. 15, 1946; 4:31 p. m.]

[MPR 580, Amdt. 3 to Order 65]

INTERNATIONAL SHOE CO.

Maximum Price Regulation 580, Amendment 3 to Order No. 65. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-742.

For the reasons set forth in the opinion issued simultaneously herewith, Order 65 issued under section 13 of Maximum Price Regulation 580 on application of International Shoe Company, 1509 Washington Avenue, St. Louis, Missouri, is amended in the following respects:

1. Paragraph (a) is amended to establish uniform retail ceiling prices for the following:

Branded article	Manufacturers unadjusted selling price						Retail ceiling price
	Light weights				Welt		
	Regular sole		Platform sole		Regular sole		
	Kid	Others	Kid	Others	Kid	Others	
Vitality shoes	\$4.45	\$4.39	\$4.55	\$4.49	\$4.61	\$4.55	\$7.95
Queen Quality Shoes	4.45	4.39	4.55	4.49	4.61	4.55	7.95
Dorothy Dodd Shoes	4.45	4.39	4.55	4.49	4.61	4.55	7.95

2. Paragraph (c) 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 listed in paragraph (a) or changes the retail ceiling price of a listed article, International Shoe Company, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance 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 Maximum Price Regulation 580. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

This amendment shall become effective August 15, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14322; Filed, Aug. 15, 1946; 4:32 p. m.]

[MPR 580, Amtd. 3 to Order 216]

JOYCE, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 3 to Order No. 216. *Establishing ceiling prices at retail for certain articles.* Docket No. 6063-580-13-746.

For the reasons set forth in the opinion issued simultaneously herewith, Order 216 issued under section 13 of Maximum Price Regulation 580 on application of Joyce, Inc., 55 North Vernon Avenue, Pasadena 1, California, is amended in the following respects:

1. Paragraph (a) is amended to establish uniform retail ceiling prices for the following:

WOMEN'S SHOES

Type	Manufacturer's unadjusted selling price	Retail ceiling price
Cooler-outdoor.	\$2.95	\$5.00
	4.03	7.50
Wedge-Tees.	4.73	8.95
	4.81	8.95

WOMEN'S HOUSE SLIPPERS

Scuff-fur trim.	\$2.20	\$3.95
Slipper-silk.	3.00	5.25

2. Paragraph (d) is amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already listed in paragraph (a) or changes the retail ceiling price of a listed article, Joyce, Inc., as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance 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 applicable regulation. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

This amendment shall become effective August 15, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14323; Filed, Aug. 15, 1946; 4:32 p. m.]

[MPR 188, Amtd. 1 to Order 8, Under Rev. Order 1]

HOUSEHOLD ALUMINUM COOKING UTENSILS
UNIFORM RETAIL CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 (g) of Revised Order No. 1 under § 1499.159e of Maximum Price Regulation No. 188, hereinafter referred to as Revised Order No. 1, *It is ordered*, That Order No. 8 under section 7 (g) of Revised Order No. 1 under § 1499.159e of Maximum Price Regulation No. 188 be amended to read as follows:

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

(b) The uniform retail ceiling price in each zone for an article covered by this order shall be the uniform retail ceiling price heretofore established for that article plus 4% thereof in the case of sheetware and 6% thereof in the case of castware.

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14310; Filed, Aug. 15, 1946; 4:28 p. m.]

[MPR 599, Amtd. 3 to Order 1]

"SPECIAL BRAND" RADIOS BY "MAIL ORDER HOUSES"

APPROVAL OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Maximum Price Regulation No. 599, *It is ordered*, That Order No. 1 under section 21 of Maximum Price Regulation No. 599 be amended in the following respects:

1. Paragraph (a) is amended by substituting the phrase "section 11" for the phrase "section 21" whenever the latter phrase appears in paragraph (a).

2. Subparagraph (2) of paragraph (a) is amended to read as follows:

(2) The applicable one of the following:

- (i) 45% of that ceiling price when it is less than \$14.05, or
- (ii) 54% of that ceiling price when it is more than \$14.04 but less than \$38.24, or
- (iii) 60% of that ceiling price when it is more than \$38.23.

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14324; Filed, Aug. 15, 1946; 4:33 p. m.]

[MPR 188, Amtd. 2 to Order 2]

WOOD RADIO CABINETS

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 2 under § 1499.159e of Maximum Price Regulation No. 188 be amended in the following respects:

1. A new section 6b is added to follow section 6a and to read as follows:

Sec. 6b. *Ceiling prices of purchasers for resale.* (1) This section applies only to resellers of wooden radio cabinets who determine their ceiling prices for the cabinets in question under the General Maximum Price Regulation and not under some individual adjustment order issued under some supplementary order.

(2) A purchaser for resale who sells wooden radio cabinets, as such and not as part of a radio, who had an established ceiling price prior to August 19, 1946 for a particular model, may increase that established ceiling price by 3%.

(3) A purchaser for resale who sells wooden radio cabinets, as such and not as part of a radio, who had no established ceiling price prior to August 19, 1946 for a particular model, shall determine his ceiling price for that model by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is one which meets all the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the resale ceiling price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

2. A new paragraph (e) is added to section 7 to follow paragraph (d) and to read as follows:

(e) *Terms, discounts and allowances of resellers.* Each reseller of wooden radio cabinets shall allow the same terms, discounts and allowances on sales to each class of purchaser as those he had in effect during March 1942, or which, thereafter, were properly established under OPA regulations.

3. A new paragraph (f) is added to section 7 to follow paragraph (e) and to read as follows:

(f) *Relationship of this order to the General Maximum Price Regulation.* In establishing ceiling prices for resellers of wooden radio cabinets, this order shall supersede the provisions of the General Maximum Price Regulation only insofar as this order is inconsistent with the General Maximum Price Regulation. The provisions of the General Maximum Price Regulation which are not inconsistent with this order shall continue to apply with full force and effect to such sales.

This amendment shall become effective on the 19th day of August 1946.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14306; Filed, Aug. 15, 1946;
4:27 p. m.]

[MPR 188, Amdt. 1 to Order 14]

CLOCKS AND WATCHES

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:* That Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 be amended in the following respects:

1. The second paragraph of section 2 (a) is amended to read as follows:

This order does not cover electric clock motors without time trains, timing devices or clock systems which are under RMPR 136, watches or clocks with 7 or more jewels, clocks and watches with imported movements which are under the MIPR or RMPR 499, respectively, or used clocks and watches which are covered by the GMPR and MPR 429.

2. Section 4 is amended to read as follows:

SEC. 4. Retail ceiling prices. This section provides for the determination of retail ceiling prices of clocks and watches covered by this order. Manufacturers, except in the case of articles which are sold only to another manufacturer, are required to calculate the retail ceiling prices of their products in accordance with the provisions of this section and to comply with the tagging provisions of section 7.

(a) The retail ceiling price of any clock or watch which the manufacturer delivered to a purchaser for resale prior to August 19, 1946, shall be the retail ceiling price computed in accordance with the provisions of this order as in effect on May 13, 1946. The retail ceiling price for any clock or watch which the manufacturer delivers to a purchaser for resale on or after August 19, 1946, shall be determined in accordance with the following provisions of this section:

(1) The retail ceiling price is the "manufacturer's price" to a wholesaler plus the applicable one of the following percentages, the total to be adjusted to the nearest 5¢:

(i) 77% in the case of watches and spring-wound clocks for which the "manufacturer's price" is less than \$2.90;

(ii) 91% in the case of watches and spring-wound clocks for which the "manufacturer's price" is \$2.90 or more but less than \$5.56; and electric clocks for which the "manufacturer's price" is less than \$5.56;

(iii) 116% in the case of watches and clocks for which the "manufacturer's price" is \$5.56 or more.

(2) The retail ceiling price for a watch or clock for which the manufacturer does not have a maximum price to a wholesaler but does have a maximum price to a retailer shall be the manufacturer's price to a retailer plus a markup which will yield the retailer the same percentage margin as the discount which a wholesaler is required to give a retailer by section 5 (b) of this order, the total to be adjusted to the nearest 5¢.

(3) The applicable Federal excise tax upon the retail price may be collected in addition to the ceiling prices determined in accordance with this section.

3. Section 5 is amended to read as follows:

SEC. 5. Wholesalers' ceiling prices. A wholesaler's ceiling price for a clock or watch which the manufacturer delivered to a purchaser for resale prior to August 19, 1946, shall be the wholesaler's ceiling price computed in accordance with the provisions of this section as in effect on May 13, 1946. A wholesaler's ceiling price for a clock or watch which the manufacturer delivers to a purchaser for resale on and after August 19, 1946, shall be the wholesale ceiling price calculated by the manufacturer in accordance with the following provisions of this section:

(a) A manufacturer whose published price list in effect in October 1941 showed different prices for sales by wholesalers in small and large quantities shall determine the wholesale ceiling price for sales in smallest quantities by deducting from the retail ceiling price (exclusive of the Federal excise tax) the applicable one of the following discounts:

(1) 29% in the case of watches and spring-wound clocks for which the manufacturer's price is less than \$2.90;

(2) 32% in the case of watches and spring-wound clocks for which the manufacturer's price is \$2.90 or more, but less than \$5.56; and electric clocks for which the manufacturer's price is less than \$5.56.

(3) 37% in the case of watches and clocks for which the manufacturer's price is \$5.56 or more.

The manufacturer shall calculate wholesalers' ceiling prices for sales in larger quantities by applying to the wholesale ceiling prices for sales in smallest quantities the differentials contained in his October 1941 price list for sales in such larger quantities.

(b) A manufacturer who had no published price list in effect during October 1941 or whose price list did not show different prices for sales by wholesalers in small and large quantities shall determine the wholesale ceiling price for sales of all quantities by applying to the retail ceiling price (exclusive of the Federal excise tax) the applicable one of the following discounts:

(1) 30.5% in the case of watches and spring-wound clocks for which the manufacturer's price is less than \$2.90;

(2) 34% in the case of watches and spring-wound clocks for which the manufacturer's price is \$2.90 or more but less than \$5.56; and electric clocks for which the manufacturer's price is less than \$5.56.

(3) 38.5% in the case of watches and clocks for which the manufacturer's price is \$5.56 or more.

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14314; Filed, Aug. 15, 1946;
4:29 p. m.]

[MPR 116, Amdt. 3 to Order 14]

CHINA AND POTTERY

GENERAL ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1362.59b of Maximum Price Regulation No. 116, and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered.* That Order No. 14 under Maximum Price Regulation No. 116, be amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. Resellers' maximum prices. The maximum price for a sale by a wholesaler to a purchaser for resale; and for a sale by a retailer to an ultimate consumer shall be the amount of his supplier's invoice plus the same percentage markup which he had on June 12, 1946 on the "most comparable article" for which he then had a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(b) When the result of the foregoing computation is an amount ending in a

fraction of a cent, a retailer may determine his maximum price by rounding to the nearest cent. When such a fraction of a cent is an even half-cent, the nearest cent shall be considered to be the next highest cent.

(c) If the reseller cannot determine his maximum price under (a) above, he shall apply to the Office of Price Administration for the establishment of his maximum price under § 1499.3 (c) of the General Maximum Price Regulation. A maximum price established in this way will be in line with maximum prices established generally under this order.

2. Section 5 is revoked.

3. Section 9 is amended to read as follows:

SEC. 9. Notification to purchasers for resale. At the time of, or prior to, the first invoice to a purchaser for resale showing a price adjusted in accordance with this order, the seller shall notify the purchaser in writing that he must determine his maximum resale prices for articles covered by this order under section 4 of this order.

4. Section 12 is amended to read as follows:

SEC. 12. Delegation of authority. Any Regional Administrator or District Administrator authorized by the appropriate Regional Administrator, may issue orders under sections 4 and 6 of this order.

5. Section 14 is revoked.

This amendment shall become effective on the 19th day of August 1946.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14293; Filed, Aug. 15, 1946;
4:24 p. m.]

[MPR 188, Amdt. 1 to Order 15]

OUTBOARD MOTORS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

Order No. 15 under § 1499.159e of Maximum Price Regulation No. 188 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. Manufacturers' maximum prices—(a) *Determination of maximum prices.* Manufacturers shall continue to determine their maximum prices for new or changed articles covered by this order under the same regulation and pricing provisions applicable before this order was issued.

(b) *Increase factor.* Manufacturers may increase, by 10%, their maximum prices (exclusive of any permitted increases) to each class of purchasers for

resale properly established by Order No. 4927 under Maximum Price Regulation No. 188, or under any of the pricing provisions of that regulation.

2. Section 4 is amended to read as follows:

SEC. 4. Maximum prices of purchasers for resale. Resellers of an article which the manufacturer has sold at an adjusted maximum price determined under this order shall determine their maximum prices as follows:

(a) A reseller who had a properly established maximum price in effect on March 31, 1946 shall determine his maximum prices by increasing his maximum price in effect on March 31, 1946 by 10%.

(b) A reseller who did not have a maximum price in effect on March 31, 1946 for an article covered by this order shall calculate his maximum price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established maximum price determined in accordance with paragraph (a) above. For this purpose the "most comparable article" is one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a maximum price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his maximum price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a maximum price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

3. Section 5 is deleted.

4. Section 6 is amended to read as follows:

SEC. 6. Notification. At the time of, or prior to the first invoice to a purchaser for resale, the manufacturer or any other seller shall notify the purchaser in writing of the method established in section 4 for determining his resale maximum prices. Such notice may be given in any convenient form.

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14315; Filed, Aug. 15, 1946;
4:29 p. m.]

[MPR 188, Amdt. 1 to Order 23 Under Order 6]

ELECTRICAL APPLIANCES

UNIFORM RETAIL CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 13 of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188, *It is ordered,* That Order No. 23 under section 13 of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 be amended in the following respects:

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

(2) Increase the result by 9 percent.

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14309; Filed, Aug. 15, 1946;
4:30 p. m.]

[MPR 188, Amdt. 1 to Order 5054]

DRY CELL BATTERIES

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:*

Order No. 5054 under § 1499.159b of Maximum Price Regulation No. 188 is amended in the following respect:

1. Section 5 is amended to read as follows:

SEC. 5. Adjusted maximum prices for sales at wholesale by certain resellers. Resellers at wholesale of the dry batteries covered by this order, whose maximum prices are governed by the General Maximum Price Regulation rather than by Maximum Price Regulation No. 576 may increase those maximum prices (exclusive of any authorized adjustment) to each class of purchaser by the percentage amount of the increase granted to his supplier pursuant to this order.

2. Section 6 is amended by deleting the period at the end of the section and substituting therefor a comma, and by adding the words "as amended" after the comma.

This amendment shall be effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14320; Filed, Aug. 15, 1946;
4:31 p. m.]

[SO 94, Revocation of Order 3]

CERTAIN NURSE'S OXFORDS

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *Revocation of Order 3.* Order 3 under Supplementary Order 94 be and is hereby revoked.

This order of revocation shall become effective August 19, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14388; Filed, Aug. 16, 1946; 11:55 a. m.]

[SO. 94, Revocation of Order 9]

NEW ARMY SHOES

SPECIAL MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *Revocation of Order 9, as amended.* Order 9, as amended, under Supplementary Order 94 be and is hereby revoked.

This order of revocation shall become effective August 19, 1946.

Issued this 16th day of August, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14389; Filed, Aug. 16, 1946; 11:55 a. m.]

[SO. 94, Revocation of Order 19]

CERTAIN NAVY MOSQUITO BOOTS

SPECIAL MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94; it is ordered:

(a) *Revocation of Order 19.* Order 19 under Supplementary Order 94 be and is hereby revoked.

This order of revocation shall become effective August 19, 1946.

Issued this 16th day of August, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14390; Filed, Aug. 16, 1946; 11:55 a. m.]

[SO 94, Revocation of Order 31]

CCC TYPE WORK SHOES

SPECIAL MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *Revocation of Order 31.* Order 31 under Supplementary Order 94 be and is hereby revoked.

This order of revocation shall become effective August 19, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14391; Filed, Aug. 16, 1946; 11:55 a. m.]

[SO 94, Revocation of Rev. Order 32]

CERTAIN LOW WHITE SHOES

SPECIAL MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *Revocation of Rev. Order 32.* Revised Order 32 under Supplementary Order 94 be and is hereby revoked.

This order of revocation shall become effective August 19, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14392; Filed, Aug. 16, 1946; 11:56 a. m.]

[SO 94, Revocation of Order 45]

CERTAIN LOW BLACK SHOES

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with Section 11 of Supplementary Order 94, it is ordered:

(a) *Revocation of Order 45.* Order 45 under Supplementary Order 94 be and is hereby revoked.

This order of revocation shall become effective August 19, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14393; Filed, Aug. 16, 1946; 11:51 a. m.]

[RMFR 136, Amdt. 1 to Order 598]

PLUG FUSES

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 31 of Revised Maximum Price Regulation 136; it is ordered:

Order No. 598 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. Paragraph (a) of Order No. 598 under Revised Maximum Price Regulation 136 is amended to read as follows:

(a) For the purposes of this order, the phrase, "plug fuses", includes standard

plug fuses, non-standard size plug fuses, and special size plug fuses.

"Standard" plug fuses are one-time (or nonrenewable) standard Edison base plug fuses constructed in accordance with the requirements of Underwriters Laboratories, Inc., or of any governmental agency, for the protection of 125-V electric current, and of 10, 15, 20, 25 or 30 amperages.

"Non-standard size" plug fuses are plug fuses of sizes not included in the definition of standard plug fuses, but which otherwise meet the definition of standard plug fuses, and which were specifically identified as non-standard sizes in the manufacturer's published price list in effect on October 1, 1941.

"Special" size plug fuses are plug fuses of sizes which are not included in the definitions of standard plug fuses and non-standard size plug fuses, but which otherwise meet the definition of standard plug fuses.

The phrase "plug fuse" shall not include any type plug fuse having a thermal element or any other electrical device in addition to a fusible element.

2. Paragraph (b) of Order No. 598 under Revised Maximum Price Regulation 136 is amended to read as follows:

(b) The maximum prices for sales (except to consumers) of any plug fuses shall be the dollars-and-cents amount listed in the following table subject to the same extra charges, allowances and discounts in effect to a purchaser of the same class just prior to the issuance of this order.

Type of sale	Standard plug fuses (price per M)	Non-standard size plug fuses (price per M)
Sales to resellers of four or more standard packages, each containing 500 plug fuses.....	\$29.00	\$32.00
Sales to resellers of from one to three standard packages, each containing 500 plug fuses.....	36.13	39.74
Sales to resellers of standard cartons, each containing 50 plug fuses.....	41.96	46.16
Sales to resellers of less than standard cartons.....	47.78	52.56

The table gives the type of sale and the maximum price per thousand for standard plug fuses and the maximum price per thousand for non-standard size plug fuses for each type of sale [maximum prices for sales to consumers are covered by section 4.2 of Supplementary Regulation 14K (Modifications of Maximum Prices Established by General Maximum Price Regulation for Certain Machinery and Parts)].

3. Paragraph (c) of Order No. 598 under Revised Maximum Price Regulation 136 is amended to read as follows:

(c) The maximum prices for special size plug fuses shall be the prices for non-standard size plug fuses given in the above table plus \$2.00 per thousand.

4. Paragraph (d) of Order No. 598 under Revised Maximum Price Regulation 136 is amended to read as follows:

(d) The maximum prices for imprinting, labeling, set-up charges, special packaging, and other special services shall be the dollars-and-cents amounts

added by the seller for such services on October 1, 1941.

This order shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14366; Filed, Aug. 16, 1946;
11:57 a. m.]

[RMPR 136, Amdt. 2 to Order 605]

INDUSTRIAL POWER TRANSMISSION EQUIPMENT

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

Order No. 605 under Revised Maximum Price Regulation 136 is amended in the following respect:

Section (2) of Order No. 605 is amended by adding the phrase, "together with accessories, repair and replacement parts which are integral and functional parts thereof".

This amendment shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14367; Filed, Aug. 16, 1946;
11:59 a. m.]

[RMPR 136, Amdt. 1 to Order 647]

PANS

ADJUSTMENT 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. 647 under Revised Maximum Price Regulation 136 is amended as follows: The definitive listing in paragraph (a) of "Pans, baking, bread, cake, cookie, cracker, roll, bun, pies, roast, specialty, display, delivery, but not including any pans made of aluminum or stainless steel construction," is changed to read "Pans, baking, bread, cake, cookie, cracker, roll, bun, pies, roast, specialty, display, and delivery."

This order shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14369; Filed, Aug. 16, 1946;
11:50 a. m.]

[RMPR 136, Amdt. 1 to Order 606]

ELECTRICAL STEEL DUCTS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 31 of Revised Maximum Price Regulation 136, *It is ordered:*

Order No. 606 is amended in the following respects:

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

(a) As used in this order, the phrase, "electrical steel ducts," shall include only the following new steel ducts for carrying electric wires:

Rigid steel conduit, including elbows and couplings, but not including fittings.

Electric metallic (steel) tubing, couplings, and elbows (EMT).

Flexible steel conduit.

Steel raceways for carrying electric wires, including fittings.

The phrase shall not include busways.

This order shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14368; Filed, Aug. 16, 1946;
11:59 a. m.]

[RMPR 136, Order 672]

DISTRIBUTION TRANSFORMERS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 31 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) For the purposes of this order, the term, "distribution transformers," shall be defined as in Order No. 597 under Revised Maximum Price Regulation 136.

(b) For the purposes of this order, the term, "base prices," shall be the prices established in accordance with the provisions of Order No. 597 under Revised Maximum Price Regulation 136, without the addition of any individual adjustment granted a manufacturer under the provisions of that regulation or Supplementary Order No. 142.

(c) Subject to the provisions of paragraph (e) herein, the maximum prices for sales of distribution transformers by manufacturers of those products shall be the base prices increased by 12%.

(d) Subject to the provisions of paragraph (e) herein, the maximum prices for sales of distribution transformers by resellers of those products shall be the maximum prices in effect just prior to the issuance of this order, increased by the same percentage by which their net invoiced costs have been increased as a result of the issuance of this order.

(e) All prices established under paragraphs (c) and (d) shall be subject to the same discounts, allowances, deductions and other conditions of sale, in effect to any purchasers or classes of purchasers just prior to the issuance of this order.

(f) Notwithstanding any of the other provisions of this order, the maximum prices in effect just prior to the issuance of this order may be charged and received.

(g) This order shall not apply to the maximum prices for sales of distribution transformers established after the effective date of this order under the

"in-line" provisions of Revised Maximum Price Regulation 136.

(h) Order No. 659 under Revised Maximum Price Regulation 136 is hereby revoked.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14370; Filed, Aug. 16, 1946;
11:59 a. m.]

[MPR 188, Amdt. 2 to Rev. Order 1]

HOUSEHOLD ALUMINUM COOKING UTENSILS

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:* That Revised Order No. 1 under § 1499.159e of Maximum Price Regulation No. 188 be amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *What this order covers.* This order applies to all sales of household aluminum cooking utensils.

As used in this order the term "household aluminum cooking utensils" means all articles of housewares made wholly or substantially of aluminum or aluminum alloys and used for the preparation, storage and service of foods and beverages, and clothes sprinklers, soap dishes and sink strainers, but not including vacuum bottles or specialties and not including kitchen gadgets or kitchen tools such as can openers, can sealers, bottle cappers, spice grinders, spatulas, basting spoons, potato mashers and egg beaters.

2. Paragraph (b) of section 3 is amended to read as follows:

(b) *Sales to ultimate consumers.* A manufacturer's ceiling price for the sale of a household aluminum cooking utensil to an ultimate consumer prior to August 19, 1946, shall be his ceiling price as determined in accordance with the provisions of this section as in effect on June 17, 1946.

A manufacturer's ceiling price for the sale of a household aluminum cooking utensil to an ultimate consumer on or after August 19, 1946 is the highest price of the following:

(1) His ceiling price for sales to an ultimate consumer in effect on January 1, 1941, plus 4% of each such price in the case of sheetware, or plus 6% of each such price in the case of castware.

(2) His ceiling price for sales to an ultimate consumer established for particular articles in accordance with the provisions of the first, second, third, or fourth pricing methods of Maximum Price Regulation No. 188 or by an order of the Office of Price Administration issued under § 1499.159c of that regulation, plus 4% of each such price in the case

of sheetware, or plus 6% of each such price in the case of castware.

(3) His price to the particular class of purchaser as established by Order 3827 under Maximum Price Regulation No. 188.

3. The first undesignated paragraph in section 5 is amended to read as follows:

SEC. 5. Retailers' ceiling prices. Manufacturers are required to calculate the retail ceiling prices of all household aluminum cooking utensils according to the provisions of this section. The manufacturer must also comply with the tagging provisions of section 6 of this order. The retail ceiling price of any household aluminum cooking utensil which the manufacturer delivers to a purchaser for resale subsequent to June 17, 1946 but prior to August 19, 1946 shall be the retail ceiling price determined in accordance with the provisions of this section as in effect on June 17, 1946. The retail ceiling price of any household aluminum cooking utensil which the manufacturer delivers to a purchaser for resale on or after August 19, 1946 shall be the retail ceiling price determined in accordance with the following provisions of this section as in effect on and after August 19, 1946.

4. 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 a household aluminum cooking utensil sold by a retail 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 in the case of both sheetware and castware. If any retail ceiling price exceeds \$1.00 and is not a multiple of 5¢, it may be adjusted to the nearest figure which is a multiple of 5¢.

For the purposes of this section, the "manufacturer's price" is the highest of the following f. o. b. factory prices for sales of the article to the class of wholesaler or chain store to whom he sells articles covered by this order in the largest dollar volume.

(1) The price in effect on January 1, 1941, plus in the case of sheetware 4% of such price, and plus in the case of castware 6% of such price.

(2) The price established in accordance with the first, second, third, or fourth pricing methods of Maximum Price Regulation No. 188 §§ 1499.155 through 1499.158) or by an order of the Office of Price Administration under § 1499.159c of that regulation, plus in the case of sheetware 4% of such price, and plus in the case of castware 6% of such price.

(3) The price established by Order No. 3827 under Maximum Price Regulation No. 188.

(4) The price established by an individual adjustment order under Supplementary Order 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 prices, less in the case of sheetware 10%, and

less in the case of castware 3%, of the highest of the following:

(i) The price in effect on January 1, 1941, or

(ii) The price established in accordance with the first, second, third or fourth pricing methods of Maximum Price Regulation No. 188 (§§ 1499.155 through 1499.158) or by an order of the Office of Price Administration under § 1499.159c of that regulation, without the inclusion in such price of any individual adjustment that might have been obtained by the manufacturer.

(iii) The price established by Order No. 3827 under Maximum Price Regulation No. 188.

5. 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 4% in the case of sheetware and 6% in the case of castware.

6. Section 5 (d) (1) (iii) is amended to read as follows:

(iii) The price requested for the article is no higher than the level of retail ceiling prices for that article prevailing during March 1942, plus in the case of sheetware 4%, and plus, in the case of castware, 6%.

7. Section 6 (b) is amended by the addition of the following paragraph at the end thereof:

Any seller who received, prior to August 19, 1946 "untagged" a household aluminum cooking utensil which the manufacturer is required to tag with the retail ceiling price, must tag it with the retail ceiling price determined under section 5 of this order as in effect prior to August 19, 1946, before it is displayed, offered for sale, sold or delivered at retail.

This amendment shall become effective on the 19th day of August 1946.

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

Issued this 15th day of August, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14305; Filed, Aug. 15, 1946;
4:27 p. m.]

[MPR 188, Amdt. 4 to Order 6]

**SMALL ELECTRICAL APPLIANCES
ADJUSTMENT OF CEILING PRICES**

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 be amended in the following respects:

1. At the end of section 3 a new section 3a is added to read as follows:

Sec. 3a. The provisions of section 4 and 5 as in effect on May 20, 1946 shall

govern all resales of small electrical appliances which the manufacturer shipped or delivered to a purchaser for resale subsequent to May 20, 1946 and prior to August 19, 1946.

The provisions of sections 4 and 5 as in effect on and after August 19, 1946 shall govern all resales of small electrical appliances which the manufacturer ships or delivers to a purchaser for resale on or after August 19, 1946.

2. Section 4 (b) (1) (ii) is amended to read as follows: "(ii) 92% of that ceiling price."

3. Section 4 (b) (2) (i) (b) is amended to read as follows: "(b) 73% of that ceiling price."

4. Section 4 (b) (2) (ii) (b) is amended to read as follows: "(b) 64% of that ceiling price."

5. Section 4 (c) (1) (ii) is amended to read as follows: "(ii) 87% of that ceiling price."

6. Section 4 (c) (2) (i) (b) is amended to read as follows: "(b) 69% of that ceiling price."

7. Section 4 (c) (2) (ii) (b) is amended to read as follows: "(b) 60% of that ceiling price."

8. Section 5 (a) is amended by substituting the figure, "33%" for the figure "31%" and the figure "36%" for the figure "34%."

9. Section 6 (a) is amended to read as follows:

(a) On and after August 19, 1946, unless otherwise authorized, no manufacturer shall ship a small electrical appliance unless there is attached to it a retail price tag or label. That tag or label shall state the retail ceiling price (inclusive of Federal excise tax) for sales in each zone determined in accordance with section 4 of Order 6 as amended. The tag shall also state the manufacturer's name or the brand name; the model designation of the article; and that the tag or label may not be removed before the article is delivered to the consumer.

When different retail ceiling prices have been fixed for sales in each zone in accordance with section 4 (b), a tag or label in the following form with the blanks properly filled in shall be used to indicate those different prices:

Manufacturer's name, or brand name.....

Model No.
OPA Retail Ceiling Price (including Federal excise tax) \$.....
Plus 5% in Zone II
Do Not Detach

When a brand name is stated on the retail ceiling price tag without a statement of the manufacturer's name, the manufacturer is required to report to the Office of Price Administration, Washington, D. C., before shipping any articles so tagged, his name and address; his ceiling prices for each article to distributors and chain stores and the method by which it was determined; the brand name that will be used; and the retail ceiling price.

However, a manufacturer is not required to comply with the foregoing tag-

ging provision with respect to articles which are shipped to mail order houses or to persons who operate both as chain stores and as mail order houses; or articles which are shipped for export.

10. Section 6 (c) is amended to read as follows:

(c) On and after July 1, 1946 dealers other than mail order houses, may not display, offer for sale, sell or deliver a small electrical appliance which was shipped or delivered by the manufacturer to a purchaser for resale between May 20, 1946 and August 19, 1946, unless it bears the tag or label provided by the manufacturer as required by paragraph (a) of this section as in effect between May 20, 1946 and August 18, 1946, or unless it bears a tag or label identical to that which the manufacturer should have provided for the article if he had shipped it between July 26, 1946 and August 18, 1946.

11. Section 6 (d) is redesignated as section 6 (e) and a new section 6 (d) is added to read as follows:

(d) On and after August 19, 1946, dealers other than mail order houses may not display, offer for sale, sell or deliver a small electrical appliance which was shipped or delivered by the manufacturer to a purchaser for resale on and after August 19, 1946, unless it bears the tag or label provided by the manufacturer as required by paragraph (a) of this section as in effect on and after August 19, 1946.

This amendment shall become effective on the 19th day of August 1946.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14308; Filed, Aug. 15, 1946;
4:28 p. m.]

[MPR 188, Amdt. 2 to Order 10]

PHOTOGRAPHIC EQUIPMENT
ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered*:

Order 10 under § 1499.159e of Maximum Price Regulation No. 188 is amended in the following respects:

1. Sections 3 (a) (1), 3 (a) (2), 3 (a) (3), 3 (a) (4), and 3 (a) (5) are amended by deleting the words "other than ultimate consumers" where they appear in those paragraphs.

2. Section 4 is amended by adding a new unnumbered paragraph after the first paragraph of the section, to read as follows:

For articles of photographic equipment which the manufacturer delivers prior to August 19, 1946, he shall calcu-

late retail ceiling prices in accordance with the provisions of section 4 of Order 10 under Maximum Price Regulation No. 188, as in effect on July 26, 1946. For articles of photographic equipment which the manufacturer delivers on or after August 19, 1946, he shall calculate retail ceiling prices in accordance with the following provisions.

3. Section 4 (a) (1) (ii) is amended by deleting the words "dollar and cents" from the first line of that paragraph and substituting therefor the word "percentage".

4. Section 4 (a) (1) (ii) is further amended by deleting the entire last sentence of the paragraph beginning with the word "However" and ending with the word "tax".

5. Section 4 (b) (1) (ii) is amended by deleting the numerical figure "91%" and substituting therefor the numerical figure "100%".

6. Section 4 (b) (2) (ii) is amended by deleting the numerical figure "51%" and substituting therefor the numerical figure "56%".

7. Section 5 is amended by amending the first unnumbered paragraph and paragraphs (a) and (b) to read as follows:

SEC. 5. *Distributors' ceiling prices.* Manufacturers, except in the case of articles which are sold only to another manufacturer, are required to calculate distributors' ceiling prices in accordance with the provisions of this section.

For articles of photographic equipment which the distributor delivers prior to August 19, 1946, he shall calculate his ceiling price in accordance with the provisions of section 5 of Order 10 under Maximum Price Regulation No. 188 as in effect on July 26, 1946. For articles of photographic equipment which the distributor delivers on or after August 19, 1946, he shall calculate his ceiling price in accordance with the provisions following this section.

Paragraph (a) may be used only when the retail ceiling price was determined under Method A.

(a) A distributor's ceiling price for an article of photographic equipment is the manufacturer's ceiling price to the same class of dealer, or the following:

(b) The retail ceiling price for the article (including Federal excise tax) for sales by a dealer, other than a mail order house, less:

(i) 30.5% when no differentials are in effect for sales in different quantities, or 29.5% for sales in the smallest quantities and 35% for sales in the largest quantities, for which the distributor had a price in effect during March 1942, or for which maximum prices have been previously established under applicable OPA regulations.

Ceiling prices for sales in quantities other than the smallest and largest shall reflect the distributor's established differentials for sales in those quantities.

8. Section 6 (a) is amended to read as follows:

SEC. 6. *Retail price tags.* (a) On and after July 26, 1946, unless otherwise authorized by the Office of Price Adminis-

tration, a manufacturer may not ship to any purchaser a photographic accessory for which the retail ceiling price fixed by this order is \$5.00 or more, or any camera, projector or enlarger covered by this order, unless a retail ceiling price tag or label is attached to it. That tag or label shall state: the manufacturer's name or the brand name; the model designation of the article; the retail ceiling price (inclusive of Federal excise tax), and that the tag or label may not be removed before the article is delivered to the consumer.

For an article which the manufacturer delivers prior to August 19, 1946, the retail price tag shall state the retail price determined under Section 4 of this order as in effect on July 26, 1946. For articles which the manufacturer delivers after August 18, 1946, the retail price tag shall state the retail price determined by this order as subsequently amended.

However, the manufacturer is not required to comply with the foregoing tagging provisions with respect to articles which are shipped to another manufacturer or to mail order houses (including mail order houses which also operate as any other type of retailer) or with respect to articles which are shipped for export.

9. Section 6 (b) is amended by changing the unnumbered paragraph at the end thereof to read as follows:

Dealers who received prior to August 19, 1946, "untagged" an article which the manufacturer is required to tag with the retail ceiling price, must tag it with the proper retail ceiling price determined under Section 4 of this order as in effect on July 26, 1946. Dealers who receive on and after August 19, 1946, "untagged" an article which the manufacturer is required to tag, must tag it with the proper retail ceiling price determined under Section 4 of this order as subsequently amended.

This amendment shall be effective on August 19, 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14311; Filed, Aug. 15, 1946;
4:28 p. m.]

[MPR 188, Amdt. 1 to Rev. Order 3]

HAND LAWN MOWERS
ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered*:

1. Section 2 (c) is revoked.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14307; Filed, Aug. 15, 1946;
4:27 p. m.]

[MPR 188, Rev. Order 11]

METAL COMMERCIAL FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

SEC. 1. Purpose of this order. Metal commercial furniture as set forth below, has been found to be a reconversion product in accordance with the standards set forth in § 1499.159e of Maximum Price Regulation No. 188.

This order specifies a price increase factor to be used by manufacturers of this product; and it sets forth the specific pricing provisions which all sellers are to follow in calculating their their maximum prices for resales of the product.

SEC. 2. Articles covered by this order. This order covers all articles of metal commercial furniture, fixtures, equipment and accessories covered by Maximum Price Regulation No. 188, except those whose maximum prices were established under the "cost method" of Order No. 4332 or Revised Order No. 4332 under Maximum Price Regulation No. 188. "Metal commercial furniture" as used in this order means all furniture, fixtures, equipment and accessories set forth in Appendix C of Maximum Price Regulation No. 188, except those listed below, when primarily designed and generally used for non-household purposes, and when made with metal which accounts for, at least, 50% of the total cost of materials used, exclusive of joining hardware.

This order does not cover articles of scientific and professional equipment such as dentist's and physician's examination chairs and tables, and hospital operating-room equipment; cooking utensils; and business and store machines.

SEC. 3. Manufacturers' maximum prices—(a) Determination of maximum prices. Manufacturers shall continue to determine their maximum prices for articles covered by this order under the same regulation and pricing provisions applicable before this order was issued.

(b) *Increase factor.* Manufacturers may increase, by 10.5 per cent their maximum prices (exclusive of any permitted increases) properly established under Maximum Price Regulation No. 188 or the "comparability method" of Order No. 4332 or Revised Order No. 4332 under that regulation for sales to each class of purchaser.

SEC. 4. Maximum prices of purchasers for resale. Resellers of an article which the manufacturer has sold at an adjusted maximum price determined under this order or by an order under 2d Revised Order A-3 under Maximum Price Regulation No. 188, Revised Supplementary Order No. 119, Supplementary Order No. 118 or Supplementary Order No. 133 shall determine their adjusted maximum prices as follows:

A reseller shall calculate his maximum prices by adding to his invoice cost the

same percentage markups which he had on March 31, 1946, on the same article or on the "most comparable article" for which he then had a properly established maximum price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

SEC. 5. Terms of sale. Except as provided below, every seller of an article covered by this order must maintain all of his terms, discounts, allowances and price differentials in effect during March 1942, or which have been subsequently properly established under Office of Price Administration regulations or orders.

Sellers who granted quantity discounts based on quantities ordered rather than delivered, need only grant such quantity discounts on the basis of quantities delivered when the quantities delivered are less than the quantities ordered, so long as quantities delivered are as great as the seller's supply permits and the volume and number of sales pursuant to such orders are not diminished to avoid the granting of quantity discounts.

SEC. 6. Notification. At the time of, or prior to the first invoice to a purchaser for resale, the manufacturer or any other seller shall notify the purchaser in writing of the method established in Section 4 for determining his resale maximum prices. Such notice may be given in any convenient form.

SEC. 7. Credit charges on dealers' sales. Charges for the extension of credit may be added to the retail ceiling prices established by this order or by any other order issued under this order unless such order provides otherwise. No such credit charge may exceed that permitted by this section.

(a) Dealers who in March 1942 collected a separately stated additional charge for the extension of credit on sales of metal commercial furniture may collect a

charge for the extension of credit on sales under this order, not exceeding such charge in March 1942 on similar sale on similar terms to the same class of purchaser. Dealers who did not then so state and collect an additional charge, may collect a charge for the extension of credit only on installment plan sales; and the charge shall not exceed the separately stated additional charge collected for the extension of credit on a similar sale on similar terms to the same class of purchaser in March 1942 by the dealer's closest competitor who made such a separately stated charge.

An installment plan sale as used in the above paragraph means a sale where the unpaid balance is to be paid in installments over a period of either (1) six weeks or more from the date in the case of weekly installments, or (2) eight weeks or more in the case of other than weekly installments.

(b) All charges for the extension of credit shall be quoted and stated separately. Any charge which is not quoted and stated separately or which otherwise does not conform to this section, shall for the purpose of this order, be considered to be part of the price charged for the article sold.

(c) No dealer may require as a condition of sale that the purchaser must buy on credit.

SEC. 8. Compliance with this order—

(a) *No buying or selling at over ceiling prices.* Prices established by this order are ceiling prices. Prices lower than ceiling prices may be charged and collected at any time. However, regardless of any contract or other obligation, no person shall sell, offer to sell, or deliver, and in the course of trade or business, no person shall purchase or accept delivery of any metal commercial furniture at a price higher than the ceiling price fixed by this order or before the manufacturer has properly determined his ceiling price under this order.

If, in violation of this provision, a sale, offer to sell, or delivery of any metal commercial furniture is made before its ceiling price has been properly established in accordance with this order, the ceiling price applicable to the sale, offer to sell or delivery shall be the correct ceiling price for the metal commercial furniture properly determined in accordance with this order.

(b) *Certain practices forbidden.* It shall be a violation of this order to charge a price above the applicable ceiling price in connection with any sale of metal commercial furniture, either alone or in conjunction with any other consideration even though the price increase appears only indirectly.

The following is illustrative of the things a seller is not permitted to do. A seller is not permitted to require the purchaser, as a condition of the sale or transfer of metal commercial furniture to make payment over a period of time; to require him to finance the purchaser through any particular lending agency; to require him to purchase any equipment, accessories, repairs, parts or services so as to increase the total compensation above the article's ceiling price; to require him to purchase any other com-

modity or service; or to require him to make payment in whole or in part by exchanging, transferring, or trading in any other metal commercial furniture, product or commodity. Where there is an exchange, transfer or traded-in in connection with a sale it is a violation for the seller to give the purchaser an allowance for the metal commercial furniture, product or commodity exchanged, transferred or traded-in, which is less than its reasonable value.

SEC. 9. Relationship of this order to Maximum Price Regulation No. 188 and the General Maximum Price Regulation. The provisions of this order supersede the provisions of Maximum Price Regulation No. 188 and the General Maximum Price Regulation only to the extent that they are inconsistent with the provisions of those regulations.

SEC. 10. Definitions. Unless otherwise required by the context of this order, all terms shall have the same meanings as provided by Maximum Price Regulation No. 188 or the General Maximum Price Regulation, whichever is applicable.

This order shall become effective on the 19th day of August 1946.

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

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14312; Filed, Aug. 15, 1946; 4:28 p. m.]

[MPR 188, Corr. to Rev. Order 4418]

**AUTOMOBILE SEAT COVERS
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:*

(a) That Revised Order No. 4418 under Maximum Price Regulation No. 188 is corrected in the following respects:

1. The table of cut-off points in section 3 (b) is corrected to read as follows:

The cut-off points referred to above are as follows:

Article	Maximum price to jobbers	Maximum price to retailers
Universal seat covers:		
Coupe solid back.....	\$3.70	\$4.65
Coupe divided back.....	4.45	5.55
Coach and sedan (front seat).....	4.45	5.55
Coach and sedan (complete set).....	6.80	8.50
Coach and sedan (complete set with center arm rest).....	7.55	9.40
Tailor made seat covers:		
Coupe solid back.....	5.60	7.00
Coupe divided back.....	6.40	8.00
Coach and sedan (front seat).....	6.40	8.00
Coach and sedan (complete set).....	10.55	13.20
Coach and sedan (complete set with center arm rest).....	11.35	14.20

2. The first sentence of section 4 (a) preceding the colon is corrected to read as follows:

(a) No manufacturers may sell an automobile seat cover at a maximum price higher than his unadjusted maxi-

mum price unless, fifteen days before first offering the article for sale, he files a signed report with the Office of Price Administration, Washington 25, D. C., setting forth the following:

This correction shall become effective August 16, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14371; Filed, Aug. 16, 1946; 11:56 a. m.]

[MPR 188, Amdt. 1 to Rev. Order 1470]

NEW METAL COTS AND DOUBLE DECK BEDS

MAXIMUM PRICES FOR SALES

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 Revised Order 1470 under § 1499.159b of Maximum Price Regulation No. 188, is amended in the following respects:

1. Section 3 (ix) Step 5 is amended to read as follows:

Step 5. For an article which the manufacturer delivers prior to August 19, 1946, he shall calculate its retail ceiling price by multiplying his proposed f. o. b. factory l. c. l. maximum price to retailers by 184 per cent. For an article which the manufacturer delivers on or after August 19, 1946, he shall calculate its retail ceiling price by multiplying his proposed f. o. b. factory l. c. l. maximum price to retailers by 191 per cent. In each instance the resulting figure shall be rounded to the nearest five cents.

2. Section 4 (a) (4) is amended to read as follows:

(4) Fourth. The jobber shall subtract five cents from the result of the third step for all articles which the manufacturer delivers prior to August 19, 1946. For articles which the manufacturer delivers on or after August 19, 1946, the jobber need not subtract the five cents. The resulting figure in each instance is the jobber's maximum price. However, if the resulting figure is an amount less than the manufacturer's maximum price for the particular sale, the jobber's maximum price shall be that maximum price of the manufacturer.

3. Section 5 (a) (2) (a) is amended to read as follows:

(2) *Unlisted maximum prices.* (a) The manufacturer's maximum price for an article which is not listed in Appendix A and which is determined under section 3 (b) of this revised order, or was established under paragraph (f) of Order 1470 and was delivered by the manufacturer prior to August 19, 1946, is calculated by multiplying the manufacturer's f. o. b. factory l. c. l. maximum price to retailers by 184 per cent; for such an article which the manufacturer delivered on or after August 19, 1946, the retail ceiling price is calculated by multiplying the manufacturer's f. o. b. factory l. c. l. maximum price to retailers by 191 per cent. If the manufacturer's maximum price is estab-

lished by an order of the Office of Price Administration under section 3 (d) of this revised order, the retailer's maximum price is the retail maximum price established by such order.

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

(b) *Articles in inventory prior to August 19, 1946.* If a retailer has an article covered by this revised order in his inventory prior to August 19, 1946, he shall determine his maximum (retail ceiling) price by multiplying his actual invoice cost for the article by 184 per cent. Such articles must be tagged by the retailer as required by section 7 of this revised order, if the article has been received "untagged" prior to August 19, 1946.

5. Section 7 is amended by adding a new paragraph (c) to read as follows:

(c) For an article which the seller receives "untagged" prior to August 19, 1946, he is required to tag with the retail maximum price in effect on August 18, 1946, as determined under section 3 or 4 of this revised order, whichever is applicable.

6. Appendix A is amended by changing the heading of each of the third columns to read as follows: "Cash maximum retail price for articles which the manufacturer delivered prior to August 19, 1946".

7. Appendix A is further amended by adding a new fourth column heading in each class of price list, to read as follows: "Cash maximum retail price for articles which the manufacturer delivers on or after August 19, 1946".

8. Appendix A is further amended by adding the following list of maximum retail prices in the new fourth column, opposite the classes of articles listed below:

Class 1—link wire fabric cot	
2'6" size.....	\$9.35
3'3" size.....	10.30
3'6" size.....	10.80
4'0" size.....	11.85
Class 2—coil cot, helical top	
2'6" size 40 coil.....	\$13.10
3'3" size 50 coil.....	14.60
3'6" size 60 coil.....	15.20
4'0" size 70 coil.....	16.35
Class 3—Cable fabric cot	
2'6" size.....	\$10.30
3'0" size.....	10.80
3'3" size.....	11.25
3'6" size.....	11.75
4'0" size.....	12.80
Class 4—Tubular end link fabric	
2'6" size.....	\$7.15
3'0" size.....	7.65
Class 5—Angle end link fabric cot	
2'6" size.....	\$6.40
3'0" size.....	6.90
Class 6—Angle and bed	
2'6" size.....	\$15.10
3'0" size.....	16.15

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14318; Filed, Aug. 15, 1946; 4:30 p. m.]

[MPR 188, Amdt. 1 to Order 5000]

WINDOW SHADES AND WINDOW SHADE ROLLERS

MAXIMUM PRICES FOR SALES

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. 5000 under Maximum Price Regulation No. 188 be amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. Manufacturers' maximum prices.—(a) *Determination of maximum prices.* (1) The maximum price for sales of any of the articles covered by this order by a manufacturer to a purchaser for resale shall be the higher of the applicable of the following:

(i) His maximum prices properly established under Maximum Price Regulation No. 188 (exclusive of any permitted adjustments or increases) increased by no more than the appropriate one of the following percentages:

Type of article:	Percentage increase
Cloth shades.....	15
Paper and fibre shades.....	20
Window shade rollers.....	15

(ii) His maximum price as adjusted or established by an OPA order other than this order.

(2) The maximum price for sales of any of the articles covered by this order by a manufacturer to a household consumer shall be the higher of the applicable of the following:

(i) His maximum price properly established under Maximum Price Regulation No. 188 (exclusive of any permitted adjustments or increases) increased by no more than 9 percent.

(ii) His maximum price as adjusted or established by an OPA order other than this order.

2. Section 4 is amended to read as follows:

SEC. 4. Wholesalers' maximum prices.

(a) The maximum price for a sale by a wholesaler of any of the articles covered by this order shall be the amount of his supplier's invoice plus the same percentage markup on that amount which he had on March 31, 1946 on the "most comparable article" for which he had a properly established ceiling price on that date. For this purpose the "most comparable article" is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a maximum price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA Form 620-759, with regard to how he determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942, as amended remains in effect.

(b) If the wholesaler cannot determine his maximum price under (a) above, he shall apply to the Office of Price Administration for the establishment of his maximum price under § 1499.3 (c) of the General Maximum Price Regulation. A maximum price established in this way will be in line with maximum prices established generally under this order.

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

(2) *Maximum prices.* Each retailer of cloth shades shall determine his maximum prices as follows:

(1) For sales of stock shades, he shall multiply his invoice cost (less all dis-

counts except cash discounts, and not including freight costs), by 156 percent.

(ii) For sales of custom shades he shall multiply his invoice cost (less all discounts except cash discounts, and not including freight costs), by 167 percent.

4. Section 5 (c) is amended to read as follows:

(c) *Window shade rollers.* Each retailer shall determine his maximum prices for sales of window shade rollers by multiplying his invoice cost (less all discounts except cash discounts, and not including freight costs), by 156 percent.

5. Section 6 is revoked.

6. Appendix A is amended to read as follows:

APPENDIX A—MAXIMUM PRICES FOR SALES BY RETAILERS OF PAPER AND FIBER SHADES

To use the table below, the retailer determines the price range in Column 1 (if he buys from the manufacturer), or the price range in Column 2 (if he buys from a wholesaler), in which his actual invoice cost lies. The actual invoice cost for this purpose is less all discounts except cash discounts, and not including any freight costs. The retail ceiling price stated on the same line as that price range is the retailer's maximum price.

Column 1		Column 2		Column 3
Invoice price when purchased from manufacturer		Invoice price when purchased from wholesaler		Retail ceiling price
Per doz.	Per hd.	Per doz.	Per hd.	(Per unit)
\$0.90-\$1.019	\$7.50-\$8.49	\$0.96-\$1.139	\$8.00-\$9.49	\$0.15
1.02- 1.379	8.50-11.49	1.14- 1.499	9.50-12.49	.19
1.38- 1.859	11.50-15.49	1.50- 2.099	12.50-17.49	.23
1.86- 2.339	15.50-19.49	2.10- 2.579	17.50-21.49	.29
2.34- 2.819	19.50-23.49	2.58- 2.939	21.50-24.49	.35
2.82- 3.299	23.50-27.49	2.94- 3.539	24.50-29.49	.39
3.30- 3.499	27.50-29.24	3.54- 3.899	29.50-32.49	.45
3.50- 4.169	29.25-34.74	3.90- 4.289	32.50-35.74	.49
4.17- 4.399	34.75-36.74	4.29- 4.599	35.75-38.49	.55
4.40- 4.749	36.75-39.49	4.60- 4.929	38.50-39.99	.59
4.75- 4.859	39.50-40.49	4.93- 5.219	40.00-43.49	.65
4.86- 5.339	40.50-44.49	5.22- 5.579	43.50-46.49	.69
5.34- 6.059	44.50-50.49	5.58- 6.299	46.50-52.49	.75
6.06- 6.449	50.50-53.74	6.30- 6.599	52.50-55.49	.79
6.45- 6.599	53.75-64.99	6.60- 7.019	55.50-58.49	.85
6.60- 7.259	55.00-60.49	7.02- 7.379	58.50-61.49	.89
7.26- 7.619	60.50-63.49	7.38- 7.739	61.50-64.49	.92
7.62- 7.859	63.50-65.49	7.74- 8.099	64.50-67.49	.96
7.86- 8.219	65.50-68.49	8.10- 8.819	67.50-73.49	1.05
8.22- 8.699	68.50-72.49	8.82- 9.179	73.50-76.49	1.10
8.70- 9.299	72.50-77.49	9.18- 9.539	76.50-79.49	1.15

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

This amendment shall become effective on the 19th day of August 1946.

Issued this 15th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14319; Filed, Aug. 15, 1946; 4:31 p. m.]

[MPR 586, Order 3]

STORAGE AND TERMINAL SERVICES

DISMISSAL OF COTTON WAREHOUSING APPLICATIONS

For the reasons set forth in the accompanying opinion, and under authority vested in the Price Administrator by section 7 (f) of Maximum Price Regulation 586, it is ordered:

(a) *Advancement of effective dates.*

(1) *General rule.* The effective dates of all applications under section 7 of Maximum Price Regulation 586 which are postponed by the first proviso in section 18 (3) of the Price Control Extension Act of 1946 are hereby advanced to the dates which would have been applicable if the Price Control Extension Act of 1946 had been enacted on June 30, 1946.

(2) *Effective dates in particular cases.* If a later order under section 7 of Maximum Price Regulation 586 sets a different effective date for a specific adjustment, then that date is applicable in lieu of the general rule stated in paragraph (a) (1) above.

(b) *Cotton warehousing.* All applications for adjustment of rates for compressing, warehousing and incidental services on cotton are hereby dismissed.

This order shall be effective as of July 25, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14382; Filed, Aug. 16, 1946;
11:57 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register August 14, 1946.

Region I

Augusta Order 1-M, Amendment 3, covering bottled beer and ale in certain cities and towns in Maine. Filed 9:59 a. m.

Region II

Baltimore Order 13-F, Amendment 1, covering fresh fruits and vegetables in the Baltimore, Maryland area. Filed 9:54 a. m.

Baltimore Order 14-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Maryland. Filed 9:54 a. m.

Wilmington Order 6-F, Amendment 1, covering fresh fruits and vegetables in the State of Delaware. Filed 9:53 a. m.

Region IV

Atlanta Order 16, Amendment 19, covering eggs in Zone 15. Filed 9:37 a. m.

Atlanta Order 17, Amendment 17, covering eggs in Zone 15. Filed 9:36 a. m.

Atlanta Order 18, Amendment 19, covering eggs in Zone 18. Filed 9:35 a. m.

Atlanta Order 19, Amendment 17, covering eggs in Zone 18. Filed 9:35 a. m.

Atlanta Order 20, Amendment 19, covering eggs in Zone 19. Filed 9:34 a. m.

Atlanta Order 21, Amendment 17, covering eggs in Zone 19. Filed 9:34 a. m.

Atlanta Order 14-C, Amendment 8, covering poultry in Chatham county, Georgia. Filed 9:34 a. m.

Atlanta Order 30-C, Amendment 12, covering poultry in Zone 22. Filed 9:33 a. m.

Atlanta Order 31-C, Amendment 12, covering poultry in Zone 22. Filed 9:33 a. m.

Atlanta Order 32-C, Amendment 12, covering poultry in Zone 23. Filed 9:32 a. m.

Atlanta Order 33-C, Amendment 12, covering poultry in Zone 23. Filed 9:32 a. m.

Atlanta Order 34-C, Amendment 12, covering poultry in Zone 25. Filed 9:31 a. m.

Birmingham Order 25, Amendments 7 and 8, covering dry groceries sold by Groups 1 and 2 stores. Filed 9:51 and 9:50 a. m.

Birmingham Order 26, Amendments 8 and 9, covering dry groceries sold by Groups 3 and 4 stores. Filed 9:50 a. m.

Birmingham Order 27, Amendments 6 and 7, covering dry groceries sold by Groups 1 and 2 stores. Filed 9:49 a. m.

Birmingham Order 28, Amendments 7 and 8, covering dry groceries sold by Groups 3 and 4 stores. Filed 9:49 a. m.

Birmingham Orders 1-C and 2-C, Amendments 23 and 25, covering poultry

in certain specified counties in the Birmingham area. Filed 9:53 and 9:52 a. m.

Birmingham Orders 3-C and 4-C, Amendments 9 and 7, covering poultry in certain specified counties in the Birmingham area. Filed 9:52 a. m.

Birmingham Orders 5-C and 13-C, Amendments 6 and 8, covering poultry in certain specified counties in the Birmingham area. Filed 9:51 a. m.

Birmingham Orders 1-O and 2-O, Amendment 13, covering eggs in certain specified counties in the Birmingham area. Filed 9:48 and 9:47 a. m.

Birmingham Order 3-O, Amendment 13, covering eggs in certain specified counties in the Birmingham area. Filed 9:47 a. m.

Birmingham Order 4-O, Amendment 19, covering eggs in Jefferson county, Alabama. Filed 9:47 a. m.

Birmingham Order 6-O, Amendment 4, covering eggs in the Birmingham area. Filed 9:46 a. m.

Birmingham Order 7-O, Amendment 16, covering eggs in Montgomery county, Alabama. Filed 9:46 a. m.

Birmingham Order 8-W, Amendment 8, covering dry groceries in the Birmingham area. Filed 9:48 a. m.

Birmingham Order 7-W, Amendment 8, covering dry groceries in the Birmingham area. Filed 9:48 a. m.

Jacksonville Order 46, Amendment 7, covering dry groceries in certain counties in Florida. Filed 9:41 a. m.

Jacksonville Order 47, Amendment 7, covering dry groceries in certain counties in Florida. Filed 9:41 a. m.

Jacksonville Order 48, Amendment 6, covering dry groceries in certain counties in Florida. Filed 9:40 a. m.

Jacksonville Order 5-D, Amendment 3, covering butter and cheese in certain counties in Florida. Filed 9:38 a. m.

Jacksonville Order 4-D, Amendment 3, covering butter and cheese in certain counties in Florida. Filed 9:39 a. m.

Jacksonville Order 6-D, Amendment 2, covering butter and cheese in certain counties in Florida. Filed 9:37 a. m.

Jacksonville Order 17-W, Amendment 7, covering dry groceries in certain counties in Florida. Filed 9:40 a. m.

Jacksonville Order 18-W, Amendment 7, covering dry groceries in certain counties in Florida. Filed 9:39 a. m.

Nashville Order 13-F, Amendments 14 and 15, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 9:46 and 9:45 a. m.

Nashville Order 14-F, Amendments 35 and 36, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 9:44 and 9:43 a. m.

Nashville Order 22, Amendments 3 and 4, covering dry groceries in certain areas in Tennessee. Filed 9:43 a. m. and 9:42 a. m.

Region V

New Orleans Order 6-F, Amendment 42, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:31 a. m.

San Antonio Order 6-F, Amendment 50, covering fresh fruits and vegetables in Bexar county, Texas. Filed 10:05 a. m.

San Antonio Order 8-F, Amendment 51, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 10:05 a. m.

San Antonio Order 9-F, Amendment 39, covering fresh fruits and vegetables in Culberson, El Paso, Hudspeth and Presidio counties, Texas. Filed 10:04 a. m.

San Antonio Order 11-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:03 a. m.

San Antonio Order 12-F, Amendment 8, covering fresh fruits and vegetables in Travis county, Texas. Filed 10:03 a. m.

San Antonio Order 13-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:02 a. m.

Wichita Order 12-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:02 a. m.

Wichita Order 13-F, Amendment 34, covering fresh fruits and vegetables in Sedgwick county, Kansas. Filed 10:01 a. m.

Wichita Order 14-F, Amendment 34, covering fresh fruits and vegetables in certain counties in Kansas. Filed 10:01 a. m.

Wichita Order 15-F, Amendment 34, covering fresh fruits and vegetables in Chase, Coffey, Greenwood, Lyon, Marion and Morris counties, Kansas. Filed 10:00 a. m.

Wichita Order 16-F, Amendment 34, covering fresh fruits and vegetables in Reno county, Kansas. Filed 10:00 a. m.

Wichita Order 17-F, Amendment 34, covering fresh fruits and vegetables in Shawnee county, Kansas. Filed 10:00 a. m.

Wichita Order 34, Amendment 8, covering dry groceries sold by Groups 1 & 2 stores. Filed 9:30 a. m.

Wichita Order 35, Amendment 8, covering dry groceries sold by Groups 1 & 2 stores. Filed 9:29 a. m.

Wichita Order 36, Amendment 5, covering dry groceries sold by Groups 3 & 4 stores. Filed 9:28 a. m.

Wichita Order 1-M, Amendment 1, covering bottled beer and ale in the City of Wichita. Filed 9:30 a. m.

Region VII

Albuquerque Order 46, Amendment 1, covering dry groceries in the Northwestern, Central and Extreme Southwestern New Mexico area. Filed 9:26 a. m.

Albuquerque Order 46, covering dry groceries in the Northwestern, Central and Extreme Southwestern New Mexico area. Filed 9:27 a. m.

Albuquerque Order 47, Amendment 1, covering dry groceries in certain areas in New Mexico. Filed 9:24 a. m.

Albuquerque Order 47, covering dry groceries in certain areas in New Mexico. Filed 9:25 a. m.

Salt Lake City Order 17-F, covering fresh fruits and vegetables in Salt Lake, Davis and Weber area. Filed 10:07 a. m.

Salt Lake City Order 18-F, covering fresh fruits and vegetables in The Cache, Carbon, Emery area. Filed 10:06 a. m.

Salt Lake City Order 19-F, covering fresh fruits and vegetables in the Rich,

Daggett and Duchesne area. Filed 9:23 a. m.

Salt Lake City Order UD-1, covering dry groceries. Filed 10:06 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. 46-14260; Filed, Aug. 15, 1946;
11:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1884]

MISSOURI MONARCH CONSOLIDATED MINES Co.

FINDINGS AND ORDER DISMISSING PROCEEDINGS

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Missouri Monarch Consolidated Mines Company, Common Stock, 50¢ par value, should be suspended or withdrawn. File No. 1-1884.

This proceeding was instituted by the Commission pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 50¢ par value, of Missouri Monarch Consolidated Mines Company (hereinafter called the registrant) on the Salt Lake Stock Exchange, a national securities exchange.

The registrant filed an application with the Commission on or about July 6, 1935, for registration of its Common Stock, 50¢ par value, on the Salt Lake Stock Exchange. The exchange certified to the Commission approval of these securities for listing and registration, and registration became effective pursuant to section 12 (d) of the act on or about July 16, 1935.

The order of January 23, 1946, instituting this proceeding set forth as the issue to be determined in the hearing:

Whether the registrant has failed to comply with the provisions of section 13 of the Act in that it failed to file its Annual Report on Form 10-K for the year ended December 31, 1944, within the time prescribed to file such report, and has failed to file such annual report at any later date.

After appropriate notice to the registrant, the Salt Lake Stock Exchange and the public, a hearing was held before a trial examiner at Denver, Colorado on February 13, and May 6, 1946. An advisory report was filed by the trial examiner.

We find that the registrant did not file its annual report on Form 10-K for the year ended December 31, 1944 within the time specified by the Commission's rules, and that the registrant has therefore failed to comply with section 13 and the rules, regulations and forms promulgated thereunder. However, on April 4, 1946,

before the hearing in this matter was closed, the registrant filed its annual report for the year ended December 31, 1944. The contents and accuracy of this annual report, which was not filed by the due date, was not in issue in this proceeding.

The annual report for the year ending December 31, 1944 is now on file with the Commission together with the registration statement and amended annual reports filed by the registrant for prior years, and the registrant will be obligated to keep this information current as long as its securities remain registered. Under the circumstances, therefore, we do not find it necessary or appropriate for the protection of investors to suspend or withdraw the registration of these securities.

It is therefore ordered, That the instant proceeding to suspend or withdraw the registration of the Common Stock, 50¢ par value, of Missouri Monarch Consolidated Mines Company on the Salt Lake Stock Exchange be dismissed forthwith. This order is, of course, without prejudice to the institution of a subsequent proceeding under section 19 (a) (2) if it appears that the registrant has failed in any other respect to comply with any provisions of the act of any of the Commission's rules or regulations thereunder.

By the Commission.

CRVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-14345; Filed, Aug. 16, 1946;
10:23 a.m.]

[File No. 70-1344]

COLUMBIA GAS & ELECTRIC CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of August 1946.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation, a registered holding company; and

Notice is further given that any interested person may, not later than August 26, 1946, at 5:30 p.m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to the declaration, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which may be summarized as fol-

lows: Columbia Gas & Electric Corporation proposes:

(a) To make a capital contribution to its wholly-owned subsidiary, Binghamton Gas Works, in the amount of \$474,263.07 through the forgiveness of 5% Demand Loans (open account) owing to it by Binghamton. Columbia will increase its investment in the common stock of Binghamton by the amount of the capital contribution and will concurrently appropriate a like amount from its Special Capital Surplus in order to create a reserve against said investment. This reserve will be available for adjustment of its investment in the common stock of Binghamton at such time as Columbia revalues its investments in its subsidiary companies as ordered by this Commission under date of January 25, 1939 (Columbia Gas & Electric Corporation, 4 S.E.C. 406 (1939), Holding Company Act Release No. 1417).

(b) To cause Binghamton to decrease its 5% Demand Loans Payable (open account) and create Unearned Surplus with the capital contribution in the amount of \$474,263.07; and further to use all of the unearned surplus thus created for adjustments to its accounts required to state its Utility Plant Account at original cost, as more fully described below.

Binghamton has been ordered by the Public Service Commission of the State of New York, in connection with original cost proceedings, to credit its Utility Plant Account with \$393,740.16 and Contributions in Aid of Construction with \$223,355.87. The charge to Earned Surplus in connection therewith is \$612,987.25 and of that amount \$542,049.79 represents charges applicable to periods prior to January 1, 1938. As of May 31, 1946, Binghamton had available \$67,786.72 of Earned Surplus Prior to January 1, 1938 leaving a deficiency of \$474,263.07 to be provided for. The Public Service Commission has provided in an amended order that Binghamton might charge such an amount to Unearned Surplus to be created by a capital contribution from Columbia.

By the Commission.

[SEAL] CRVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-14344; Filed, Aug. 16, 1946;
10:23 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6911]

SADAKAZU TAKAKI

In re: Bonds, detached bond coupons and stock owned by Sadakazu Takaki. D-39-2187-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9085, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sadakazu Takaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);
2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in a custodian account, Account Number 7904, together with any and all rights thereunder and thereto,

b. Three (3) coupons, dated December 1, 1941, each of \$30 face value, detached from City of Yokohama, Japan, External Loan of 1926 Sinking Fund Bonds, bearing numbers 8005, 11396 and 17830, which coupons are presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in a custodian account, Account Number 7904, together with any and all rights thereunder and thereto.

c. Seventeen (17) coupons, dated October 15, 1934, each of \$35 face value and each stamped 50% paid, detached from German Government External Loan 7% Bonds, due October 15, 1949, bearing numbers 11632, 38479, 53695 to 53699 inclusive, 53783 to 53786 inclusive, 53788 to 53791 inclusive, 62497 and 65148, which coupons are presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in a custodian account, Account Number 7904, together with any and all rights thereunder and thereto,

d. Seventeen (17) coupons, dated April 15, 1935, each of \$35 face value, detached from German Government External 7% Bonds, due October 15, 1949, bearing numbers 53783 to 53786 inclusive, 53788 to 53790 inclusive, 65148, 62497, 11632, 53791, 38479 and 53695 to 53699 inclusive, which coupons are presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in a custodian account, Account Number 7904, together with any and all rights thereunder and thereto, and

e. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of Salkeld & Co., beneficially owned by Sadakazu Takaki and presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in a custodian account, Account Number 7904, together with all declared and unpaid dividends thereon,

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

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

est and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

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

Executed at Washington, D. C., on July 2, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Description of issue	Certificate No.	Face value	Rate of Interest	Due date
Dominion of Canada 25-year bonds dated Jan. 15, 1936.	44234	\$1,000	3 ¹ / ₂ %	Jan. 15, 1961 ¹
Kingdom of Denmark, external sinking fund.	3294	1,000	5 ¹ / ₂ %	Aug. 1, 1955
	5369	1,000	5 ¹ / ₂ %	Do.
	10442	1,000	5 ¹ / ₂ %	Do.
	10804	1,000	5 ¹ / ₂ %	Do.
	16534	1,000	5 ¹ / ₂ %	Do.
	16733	1,000	5 ¹ / ₂ %	Do.
	24619	1,000	5 ¹ / ₂ %	Do.
	586	500	5 ¹ / ₂ %	Do.
Japanese Imperial Government 35-year external sinking fund loan of 1930.	587	500	5 ¹ / ₂ %	Do.
	590	500	5 ¹ / ₂ %	Do.
	591	500	5 ¹ / ₂ %	Do.
Japanese Imperial Government 35-year external sinking fund loan of 1930.	43560	1,000	5 ¹ / ₂ %	May 1, 1965
Ujizawa Electric Power Co., Ltd., 1st mortgage sinking fund.	5903	1,000	7	Mar. 15, 1945
	5944	1,000	7	Do.
City of Yokohama, Japan, external loan of 1926 sinking fund bonds.	8066	1,000	6	Dec. 1, 1961
	11396	1,000	6	Do.
	17830	1,000	6	Do.

¹ Optional Jan. 15, 1956.

EXHIBIT B

Name and address of corporation	Place of incorporation	Type of stock	Par value	Number of shares	Certificate No.
Copperweld Steel Co., Glassport, Pa. Detroit Edison Co., 2000 2d Ave., Detroit, Mich.	Pennsylvania New York	Common	\$5	100	526
		Capital	20	2	31011
		do.	20	2	60240
		do.	20	2	89266
		do.	20	2	118526
		do.	20	2	146740
		do.	20	2	173479
		do.	20	2	200349
		do.	20	2	227339
		do.	20	2	102174
Miami Copper Co., duPont Bldg., Wilmington, Del.	Delaware	Common	10	100	32054
North American Co., 60 Broadway, New York, N. Y.	New Jersey	Common	25	1	197854
Pacific Gas & Electric Co., 245 Market St., San Francisco, Calif.	California	do.	25	1	216110
		do.	25	1	254033
		do.	25	1	273111
		do.	25	1	291488
		do.	25	1	309427
		do.	25	1	316973
		do.	25	1	365583
		do.	25	1	381091
		do.	25	1	408338
		do.	25	1	428460
Washington Railway & Electric Co., 929 E St., NW., Washington, D. C.	District of Columbia	Participating unit, common.	100	240	76610
		do.	100	340	46012

[F. R. Doc. 46-14228; Filed, Aug. 15, 1946; 9:37 a. m.]

[Vesting Order 7384]

GEORGE MAYER

In re: Estate of George Mayer, deceased. File D-28-3900; E. T. sec. 6628.

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

Heinrich Mayer, Issue, names unknown, of Heinrich Mayer, Karl Fohlenweider, Issue, names unknown, of Karl Fohlenweider, Adolph Fohlenweider, Issue, names unknown of Adolph Fohlenweider, Emil Fohlenweider, Issue, names unknown of Emil Fohlenweider, Otto Fohlenweider, Issue, names unknown of Otto Fohlenweider, Elise Fohlenweider, Issue, names unknown of Elise Fohlenweider, Louisa Fohlenweider, Issue, names unknown of Louisa Fohlenweider, and each of them, in and to the Estate of George Mayer, deceased,

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

Nationals and Last Known Address

Heinrich Mayer, issue, names unknown, of Heinrich Mayer, Germany.

Karl Fohlenweider, issue, names unknown, of Karl Fohlenweider, Germany.

Adolph Fohlenweider, issue, names unknown, of Adolph Fohlenweider, Germany.

Emil Fohlenweider, issue, names unknown, of Emil Fohlenweider, Germany.

Otto Fohlenweider, issue, names unknown, of Otto Fohlenweider, Germany.

Elise Fohlenweider, issue, names unknown, of Elise Fohlenweider, Germany.

Louisa Fohlenweider, issue, names unknown, of Louisa Fohlenweider, Germany.

That such property is in the process of administration by The San Francisco Bank, as Executor of the Estate of George Mayer, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

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. 46-14240; Filed, Aug. 15, 1946; 9:40 a. m.]

