

353.005
UNIN

Ag Lib

THE LIBRARY OF THE
DEC 2 1948
UNIVERSITY OF ILLINOIS



FEDERAL REGISTER

VOLUME 11

NUMBER 230

Washington, Tuesday, November 26, 1946

The President

EXECUTIVE ORDER 9805

REGULATIONS GOVERNING PAYMENT OF TRAVEL AND TRANSPORTATION EXPENSES OF CIVILIAN OFFICERS AND EMPLOYEES OF THE UNITED STATES WHEN TRANSFERRED FROM ONE OFFICIAL STATION TO ANOTHER FOR PERMANENT DUTY

By virtue of and pursuant to the authority vested in me by the act of August 2, 1946, Public Law 600, 79th Congress, and in the interest of the internal management of the Government, I hereby prescribe the following regulations governing the allowance and payment from Government funds of expenses of travel and of transportation of immediate families, household goods, and personal effects of civilian officers and employees of the Government when transferred from one official station to another for permanent duty:

TITLE I—GENERAL

SECTION 1. As used in these regulations:

- (a) "Employee" means a civilian officer or employee of a department as defined herein.
- (b) "Department" means an executive department, independent establishment or other executive agency, wholly-owned Government corporation, or the Government of the District of Columbia.
- (c) "Continental United States" means the forty-eight States and the District of Columbia.
- (d) "Immediate family" means any of the following-named members of the employee's household: spouse, children (including stepchildren and adopted children) unmarried and under twenty-one years of age or physically or mentally incapable of supporting themselves regardless of age, or dependent parents of the employee (but not of the spouse).
- (e) "Temporary storage" means storage at point of departure, destination, or way station for not more than sixty days.

SEC. 2. *Travel expenses of employees.* Travel expenses of the employee transferred shall be allowed in accordance with the Subsistence Expense Act of

1926, as amended (5 U. S. C. 821-823), the Standardized Government Travel Regulations, and the act of February 14, 1931, as amended (5 U. S. C. 73 (a)).

SEC. 3. *Transportation expenses of immediate family.* The transportation of the immediate family of an employee shall be subject to those provisions of the Standardized Government Travel Regulations which relate to transportation, including mileage, and shall be in accordance with the act of February 14, 1931 (5 U. S. C. 73 (a)), whether the travel originates at the employee's last official station or at some previous place of residence and whether the point of destination is the new official station or some other point selected by him, or both. The cost to the Government shall not exceed the cost of transportation by the most economical route between the last official station and the new official station.

SEC. 4. *Payment of expenses.* The travel and transportation expenses allowable under these regulations, when authorized, in the order directing the travel, by such subordinate official as the head of the department concerned may designate, shall be paid in case of transfer from one official station to another, including transfer from one department to another, for permanent duty, but in no case in which the transfer is made primarily for the convenience or benefit of the employee or at his request. In case of transfer from one department to another such expenses shall be paid from the funds of the department to which the employee is transferred.

SEC. 5. *Time limit.* All travel and transportation allowable under these regulations shall begin within two years from the effective date of the transfer of the employee, except that for employees who enter upon active military, naval, or Coast Guard duty at any time prior to the expiration of such period and are furloughed for the duration of such duty, the two-year period shall be exclusive of the time spent on such furlough; and for employees transferred to posts of duty outside the continental United States the two-year period shall be exclusive of any

(Continued on p. 13825)

CONTENTS THE PRESIDENT

EXECUTIVE ORDER:	Page
Civilian officers and employees of U. S.; payment of travel and transportation expenses when transferred from one official station to another for permanent duty	13823
REGULATIONS AND NOTICES	
AGRICULTURE DEPARTMENT:	
Materials and Equipment Branch; delegation of authority	13827
ALIEN PROPERTY, OFFICE OF:	
Vesting orders, etc.:	
Ahlswede, August	13844
Berger, Ignatz	13844
Dohrmann, George H.	13840
Gehrmann, Charles	13844
Goldman, Benjamin	13843
Hoefler, John Conrad	13841
Hunholt, Theodore	13845
Jacobi, Frieda M.	13845
Knodel, Ernest	13845
Kota, Minora	13846
Lawyers Mortgage Co.	13842
Maier, Karoline	13846
Mecker, Grace M. et al.	13842
Okumura, Frank N.	13842
Shulze, Frederick	13843
Ueckert, August	13843
Von Crailsheim, Eleonore ..	13840
Von Luttichau, Margaret Palmer Soutter	13839
CIVIL AERONAUTICS BOARD:	
Air carrier operating certification; proposed rules ..	13827, 13846
Certification and operation rules for scheduled air carrier operations outside continental limits of U. S.; proposed rules	13827, 13847
CIVILIAN PRODUCTION ADMINISTRATION:	
Electric suppliers, prolongation of ability to render service (U-14)	13833
Gas utilities, manufactured and mixed, prolongation of ability to render service (U-13)	13832
Lead (M-38)	13829



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOW AVAILABLE

Code of Federal Regulations 1945 Supplement

Book 1: Titles 1 through 9, including, in Title 3, Presidential documents in full text with appropriate reference tables.

Book 2: Titles 10 through 14.

Book 3: Titles 15 through 32.

Book 4: Titles 33 through 50.

These books may be obtained from the Superintendent of Documents, Government Printing Office, at \$3 each.

A limited sales stock of the 1944 Supplement (3 books) is still available at \$3 a book.

CONTENTS—Continued

FEDERAL HOUSING ADMINISTRATION:	Page
Delegation of authority from Office of Housing Expediter.....	13828
FEDERAL PUBLIC HOUSING AUTHORITY:	
Delegation of authority from Office of Housing Expediter.....	13828
FEDERAL TRADE COMMISSION:	
Cease and desist order; Office of Civil Preparation.....	13827
Gay Time Frock Co. and Gil Sportwear Co., hearing.....	13862
HOUSING EXPEDITER, OFFICE OF:	
Premium payments; merchant gypsum liner.....	13829
Priorities orders; delegation of authority (2 documents).....	13828
INTERNAL REVENUE BUREAU:	
Harrison Narcotic Law; manner of reporting sales in monthly narcotic returns of manufacturers and wholesalers; proposed rules.....	13829, 13838

CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION:	Page
Car service; trainloads of bauxite ore concentrates.....	13837
Carriers by electric railway, classification for reporting purposes.....	13838
Coal, bituminous:	
Baltimore, Md. (2 documents).....	13850
Edgewater, N. J. (2 documents).....	13848
Hampton Roads, Va. (5 documents).....	13848, 13849
Jersey City, N. J.....	13850
Port Richmond, Pa.....	13849
South Amboy, N. J.....	13848
Reconsignment:	
Grapes, at certain cities.....	13848
Potatoes, at St. Louis, Mo.....	13847
Tomatoes at Kansas City, Mo.....	13847
NATIONAL HOUSING AGENCY:	
Delegation of authority from Office of Housing Expediter.....	13828
PRICE ADMINISTRATION, OFFICE OF:	
Adjustments and pricing orders:	
Ironclay Brick Co. et al.....	13852
Northern Concrete Products Co. et al.....	13862
Delegation of authority from Office of Housing Expediter.....	13834
District office, discontinuance by Regional Administrators; delegation of authority (Gen. Order 75).....	13834
Food rationing for institutional users (Rev. Gen. RO 5, Am. 15).....	13835
Regional and district office orders. See also Adjustments.	
Building materials:	
Buffalo, N. Y., area (2 documents).....	13857, 13859
Jefferson, Lewis, St. Lawrence, Oswego and Herkimer Counties, N. Y.....	13860
Northern Missouri.....	13859
Rochester, N. Y., area.....	13856
Sullivan County, N. Y.....	13860
Syracuse, N. Y., area.....	13861
Wayne, Ontario, Seneca, Cayuga and Onondaga Counties, N. Y.....	13861
Fuels, solid, Kansas City, Mo., and Kansas City, Kans.....	13852
Rent, procedure for adjustments, amendments, protests and interpretations (Rev. Procedural Reg. 3, Am. 16).....	13834
Sugar (3d Rev. RO 3, Am. 30).....	13835
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Cities Service Co. et al.....	13851
North American Co.....	13851
Windsor Coal Co. and Windsor Power House Coal Co.....	13850
SOLID FUELS ADMINISTRATION FOR WAR:	
Coal, bituminous; authorization of loadings of vessels in certain circumstances (Corr.).....	13829
STATE DEPARTMENT:	
Legal services, procurement; authorization of principal officer.....	13828
Miscellaneous; assistance to American Red Cross.....	13828

CONTENTS—Continued

TREASURY DEPARTMENT. See also Internal Revenue Bureau.	Page
Certificates of indebtedness, 7/8 percent.....	13839

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

TITLE 3—THE PRESIDENT:	Page
Chapter II—Executive orders:	
8588 ¹	13823
9122 ¹	13823
9223 ¹	13823
9348 ¹	13823
9743 ¹	13823
9805.....	13823
TITLE 7—AGRICULTURE:	
Chapter XXI—Organization, functions and procedure:	
Part 2329—Materials and Equipment Branch.....	13827
TITLE 14—CIVIL AVIATION:	
Chapter I—Civil Aeronautics Board:	
Part 40—Air carrier operating certification (proposed).....	13827, 13846
Part 41—Certification and operation rules for scheduled air carrier operations outside U. S. (proposed).....	13827, 13847
TITLE 16—COMMERCIAL PRACTICES:	
Chapter I—Federal Trade Commission:	
Part 3—Cease and desist orders.....	13827
TITLE 22—FOREIGN RELATIONS:	
Chapter I—Department of State:	
Part 110—Legal services.....	13828
Part 120—Miscellaneous.....	13828
TITLE 24—HOUSING CREDIT:	
Chapter V—Federal Housing Administration.....	13828
Chapter VI—Federal Public Housing Authority.....	13828
Chapter VII—National Housing Agency.....	13828
Chapter VIII—Office of Housing Expediter:	
Part 801—Priorities orders under Veterans' Emergency Housing Act, 1946 (2 documents).....	13828
Part 805—Premium payments regulations under Veterans' Emergency Housing Act, 1946.....	13829
TITLE 26—INTERNAL REVENUE:	
Chapter I—Bureau of Internal Revenue:	
Part 151—Regulations under Harrison Narcotic Law, as amended (proposed).....	13829, 13838
TITLE 30—MINERAL RESOURCES:	
Chapter VI—Solid Fuels Administration for War:	
Part 602—General orders and directives.....	13829

¹ E. O. 9805.

CODIFICATION GUIDE—Continued

TITLE 32—NATIONAL DEFENSE:	Page
Chapter XI—Office of Price Administration:	
NOTE: Regulations and orders appearing under this chapter are listed only in the Table of Contents, <i>supra</i> .	
TITLE 49—TRANSPORTATION AND RAILROADS:	
Chapter I—Interstate Commerce Commission:	
Part 95—Car service.....	13837
Part 126—Classes of carriers..	13838

time during which shipping restrictions make the travel and transportation impossible. Administrative officers shall endeavor to complete travel and transportation at the earliest practicable dates.

SEC. 6. Weight limit. The weight of the household goods and personal effects transported at Government expense shall not exceed 7000 pounds if uncrated or 8750 pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement and when the amount payable by the Government is computed solely on the basis of the cubic measurement of the goods shipped.

SEC. 7. Items not allowable. Household goods and personal effects shall not include wines, liquors, animals or birds not necessary in the performance of official duties, or automobiles.

SEC. 8. Origin and destination of shipment. The expenses of transportation authorized hereunder or reimbursement on a commuted basis within the continental United States shall be allowable whether the shipment originates at the employee's last official station or at some previous place of residence, or partially at both, or whether the point of destination is the new official station or some other point selected by him, or both: *Provided*, That the cost to the Government shall not exceed the cost of shipment in one lot by the most economical route from the last official station to the new. No expenses shall be allowable for the transportation of property acquired en route from the last official station to the new. For the purposes of these regulations, the term "official station" shall be construed to include any point from which the employee commutes daily to his official post of duty.

SEC. 9. Change of station prior to November 1, 1946. These regulations shall not be applicable in case of change of station which is ordered prior to November 1, 1946, and is incomplete on that date, but in such case the provisions of Executive Order No. 8588 of November 7, 1940, as amended, and Executive Order No. 9743 of June 26, 1946, shall control.

SEC. 10. Preparation of vouchers. In preparing vouchers for payments under these regulations the following conditions shall be observed:

(a) *Statement of weight.* When charges for transportation are based upon weight, the actual (not estimated) weight shall be shown.

(b) *Payment by more than one voucher.* When all the services rendered are not covered by a single voucher, vouchers covering payment for subsequent charges shall bear a reference to the prior vouchers.

SEC. 11. Employees not affected. These regulations shall not apply to: (1) Civilian employees of the War Department and their dependents when transferred under the provisions of section 3 of the act of June 5, 1942 (50 U. S. C. App. 763); (2) officers or employees of the Foreign Service, Department of State; or (3) persons whose pay and allowances are established by the Pay Readjustment Act of 1942 (56 Stat. 359).

TITLE II—TRANSPORTATION OF HOUSEHOLD GOODS AND PERSONAL EFFECTS BETWEEN POINTS WITHIN THE CONTINENTAL UNITED STATES

SEC. 12. Commutation of expenses. In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in the case of transfers between points within the continental United States, reimbursement shall be made to the employee on a commuted basis at rates per hundred pounds as fixed by zones in Schedule A which is attached to and made a part of these regulations. The amount payable shall be the product of the applicable rate and the net weight of household goods and personal effects actually shipped by carrier for the employee (within the weight limitation prescribed by section 16 hereof). Government bills of lading shall not be used.

SEC. 13. Schedule of rates. The schedule of rates is predicated on zones consisting of mileage blocks. The application of the schedule will require a determination of the short-line highway distance between the points which may be authorized under these regulations, and in accordance with the provisions of the Household Goods Carriers' Bureau Mileage Guide No. 4, Motor Freight-Interstate Commerce Commission No. 27, or successive reissues thereof. If the rate is not shown on the schedule for the actual distance stated in such mileage guide, the rate shown for the next greater distance shall apply.

SEC. 14. Evidence of shipment. Employees shall be required to submit the carrier's original bills of lading, or a certified copy thereof when using common carrier service. If no bill of lading is required, other evidence showing point of origin, destination, and weight shall be required. In instances in which no adequate scale is located at point of origin or at any point within a radius of ten miles thereof, a constructive weight, based on seven pounds per cubic foot of properly loaded van space, may be used.

SEC. 15. Advance of funds. An advance of funds may be allowed employees who are being transferred from one duty station to another within the continental limits of the United States in connection with shipment of their household goods and personal effects. A bond under the terms specified under Treasury

Department Circular No. 369, Revised, shall be required in making such an advance. In requesting an advance of funds, the applicant shall submit a written statement disclosing the number of rooms containing his personal property which is for shipment, such number of rooms to exclude bathrooms and closets, and reception hallways in apartments. The reported number of rooms shall be multiplied by 1,000, and the result shall be considered the estimated net weight of the prospective shipment. Such statement shall also designate the shipping point and the destination. The estimated weight and the distances between the origin and the destination of the shipment shall be used as the factors required by the schedule of rates to compute the amount of funds which may be advanced in anticipation of the ultimate settlement to be made hereunder.

SEC. 16. Determination of weight. For the purpose of determining the rates and computing the amounts to be allowed for the household goods and personal effects shipped at Government expense, there shall be used the net weight of such goods and effects uncrated, and such weight shall include the weight of containers and packing materials which are required to protect articles of fragile or breakable nature. When such goods and effects are crated and packed for shipment, the net weight for consideration herein shall be eighty per cent of the gross shipping weight. Such net weights shall not exceed 7,000 pounds for employees with immediate families and 2,500 for employees without immediate families.

TITLE III—TRANSPORTATION OF HOUSEHOLD GOODS AND PERSONAL EFFECTS TO OR FROM POINTS OUTSIDE THE CONTINENTAL UNITED STATES

SEC. 17. Maximum Allowance for Transportation—Weight. The actual costs of transportation of the household goods and personal effects of the employee, not in excess of 7,000 pounds net, and of the packing, crates, boxes, lift vans, or other temporary containers required for the shipment, shall be allowed in the case of transfers to or from points outside the continental United States: *Provided*, That employees who have no immediate family shall be entitled to the transportation of household effects and other personal property not in excess of 2,500 pounds. Gross weight shall include the net weight of the property and the weight of packing, crates, boxes, or lift vans which have no connection with the property except for the purposes of the immediate shipment and which do not constitute a continuing part of the property of the employee. For the application of the limitations prescribed by this section the gross weight of the property shall be considered to be eighty per cent of the combined weight of the property and the packing and crating used for the shipment: *Provided*, That in case of shipments involving transportation by vessel over all or part of the distance, the gross weight of the property shall be considered to be eighty per cent of the combined weight of the property and the packing, crating, boxing, and lift vans

used for the shipment: *And provided further.* That when shipment is by motor freight the gross weight of the property shall be the actual weight of the goods transported. Thus, transportation shall be allowed at Government expense for property when packed, crated, boxed, or placed in lift vans for shipment, within the following maximum weights:

	Pounds
Employees having immediate family:	
Shipment involving transportation by vessel over all or part of route or by rail or motor carriers requiring packing or crating.....	8,750
Shipment by motor carriers of household goods uncrated.....	7,000
Employees having no immediate family:	
Shipment involving transportation by vessel over all or part of route or by rail or motor carriers requiring packing or crating.....	3,125
Shipment by motor carriers of household goods uncrated.....	2,500

SEC. 18. Allowances for packing, crating, unpacking, and uncrating. The actual costs of packing, crating, unpacking, and uncrating (not to exceed the authorized weight) shall be allowed.

SEC. 19. Allowances for drayage. In case door-to-door common carrier rates are not applicable, the actual costs of drayage (not to exceed the authorized weight) to and from the common carrier shall be allowed.

SEC. 20. Temporary storage. The actual expenses of temporary storage (not to exceed the authorized weight) for not to exceed sixty days, shall be allowed.

SEC. 21. Means of shipment. For the duration of the present war and six months thereafter transportation services, including allowances specified in sections 18 and 19 hereof, may be procured by the agency concerned from any available common carrier: *Provided, however,* That the employee may have his effects moved by some means other than that selected by the Government by paying the difference between the charges under the means selected by the Government and the charges by the preferred means.

SEC. 22. Use of Government bill of lading or purchase order. Shipment shall be made on Government bill of lading or purchase order whenever possible; otherwise reimbursement shall be made to the employee for transportation expenses actually and necessarily incurred within the limitations prescribed by these regulations. If property in excess of the amount allowable under these regulations is shipped on a Government bill of lading or purchase order, the employee shall immediately upon completion of the shipment pay to the proper officer of the department or establishment an amount equal to the charge for the transportation of such excess computed from the total charges according to the ratio of excess weight to the total weight of the shipment.

SEC. 23. Use of lift vans. Charges allowable hereunder for packing and crating and for transportation shall include expenses incurred in hiring, transporting,

and packing lift vans when shipments are made in whole or in part by water, but shall not include charges in connection with any shipment of empty lift vans or for payment of storage charges or import duties on lift vans.

SEC. 24. Valuation. The valuation of property as declared for shipping purposes shall not exceed that at which the lowest freight rates will apply. If the employee desires a higher valuation, he shall assume all costs of transportation in excess of the charges at the lowest rate.

SEC. 25. Shipment by American vessels. Except to the extent noted in section 208 of the Independent Offices Appropriation Act, 1947, all shipments of property by water shall be made on ships registered under the laws of the United States whenever such ships are available.

SEC. 26. Itemization of charges. In case the services rendered cover, in addition to transportation, other services such as packing, crating, drayage, unpacking, and uncrating, the total charge for the services shall be itemized so as to show the charge for each service.

TITLE IV—REVOCATION OF PRIOR ORDERS

Executive Orders No. 8588 of November 7, 1940, No. 9122 of April 6, 1942, No. 9223 of August 15, 1942, No. 9348 of June 3, 1943, and No. 9743 of June 26, 1946, are hereby revoked; except that Executive Orders No. 8588 and No. 9743 shall continue in effect to the extent that, and so long as, it may be necessary for the effectuation of section 9 hereof.

TITLE V—EFFECTIVE DATE AND PUBLICATION

This order shall become effective as of November 1, 1946, and shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 25, 1946.

SCHEDULE A—RATE PER ONE HUNDRED POUNDS

Miles	1,799 pounds or less	1,800 pounds to 3,799 pounds	3,800 pounds to 7,000 pounds
15	2.29	2.24	2.17
25	2.44	2.32	2.26
40	2.56	2.39	2.29
50	2.67	2.46	2.31
60	2.77	2.54	2.33
70	2.87	2.63	2.45
80	2.98	2.71	2.52
90	3.08	2.79	2.60
100	3.19	2.87	2.68
110	3.30	2.97	2.76
120	3.40	3.06	2.85
130	3.51	3.15	2.95
140	3.62	3.24	3.03
150	3.73	3.34	3.12
160	3.83	3.43	3.21
180	4.05	3.62	3.39
190	4.16	3.71	3.48
200	4.26	3.81	3.58
210	4.36	3.89	3.66
220	4.46	3.98	3.73
230	4.56	4.07	3.81
240	4.67	4.15	3.89
250	4.76	4.24	3.98
260	4.86	4.33	4.06
270	4.94	4.41	4.14
285	5.08	4.53	4.26
300	5.23	4.67	4.39
315	5.35	4.78	4.50
330	5.47	4.90	4.61
345	5.59	5.03	4.73
360	5.72	5.13	4.84

SCHEDULE A—RATE PER ONE HUNDRED POUNDS—Continued

Miles	1,849 pounds or less	1,850 pounds to 3,849 pounds	3,850 pounds to 7,000 pounds
375	5.84	5.23	4.94
390	5.96	5.33	5.05
405	6.07	5.44	5.16
415	6.15	5.52	5.23
430	6.26	5.63	5.34
445	6.37	5.75	5.45
460	6.47	5.86	5.55
475	6.58	5.97	5.67
490	6.68	6.09	5.77
505	6.80	6.18	5.88
520	6.89	6.27	5.97
535	6.98	6.37	6.07
550	7.08	6.46	6.16
565	7.17	6.55	6.26
580	7.26	6.64	6.36

Miles	1,899 pounds or less	1,900 pounds to 3,899 pounds	3,900 pounds to 7,000 pounds
600	7.39	6.77	6.48
615	7.49	6.86	6.57
630	7.57	6.94	6.65
645	7.65	7.01	6.74
665	7.77	7.13	6.85
690	7.91	7.27	6.99
710	8.02	7.40	7.11
725	8.11	7.48	7.18
740	8.19	7.56	7.25
760	8.31	7.67	7.35
785	8.45	7.81	7.49
810	8.57	7.94	7.60
835	8.68	8.03	7.71
860	8.80	8.12	7.83
880	8.89	8.17	7.92
905	9.00	8.26	8.03
925	9.09	8.35	8.12
950	9.21	8.47	8.22
970	9.29	8.56	8.30
1,000	9.43	8.76	8.42
1,020	9.52	8.82	8.48
1,050	9.63	8.95	8.60
1,080	9.75	9.07	8.72
1,110	9.90	9.20	8.85
1,140	10.04	9.33	8.97
1,170	10.15	9.43	9.06
1,200	10.25	9.54	9.18
1,260	10.48	9.75	9.37
1,290	10.59	9.87	9.48
1,320	10.70	9.97	9.58
1,350	10.82	10.07	9.69
1,380	10.91	10.18	9.79
1,410	11.03	10.29	9.90
1,440	11.14	10.39	9.99
1,470	11.25	10.50	10.10
1,500	11.35	10.61	10.20
1,530	11.44	10.70	10.30
1,560	11.57	10.82	10.41
1,600	11.66	10.92	10.52
1,630	11.77	11.03	10.62
1,660	11.89	11.13	10.72
1,700	11.99	11.25	10.85
1,730	12.09	11.35	10.94
1,760	12.20	11.44	11.05
1,800	12.31	11.57	11.17
1,830	12.42	11.66	11.27
1,860	12.51	11.77	11.37
1,900	12.64	11.89	11.48
1,930	12.74	11.99	11.59
1,960	12.84	12.09	11.70
2,000	12.96	12.21	11.80
2,050	13.10	12.35	11.96
2,100	13.24	12.49	12.09
2,150	13.39	12.65	12.25
2,200	13.53	12.78	12.38
2,250	13.67	12.93	12.52
2,300	13.81	13.07	12.67
2,350	13.96	13.21	12.81
2,400	14.10	13.36	12.96
2,450	14.26	13.50	13.10
2,500	14.38	13.64	13.24
2,550	14.53	13.79	13.39
2,600	14.68	13.93	13.53
2,650	14.82	14.08	13.67
2,700	14.97	14.21	13.81
2,750	15.10	14.36	13.96
2,800	15.24	14.50	14.10
2,850	15.40	14.65	14.26
2,900	15.53	14.79	14.38
2,950	15.69	14.94	14.53
3,000	15.82	15.07	14.68
3,050	15.97	15.22	14.81
3,100	16.11	15.37	14.94

Regulations

TITLE 7—AGRICULTURE

Chapter XXI—Organization, Functions and Procedure of the Department of Agriculture

PART 2329—MATERIALS AND EQUIPMENT BRANCH

DELEGATION OF AUTHORITY

CROSS-REFERENCE: For amendment of an authority delegation from the Office of Housing Expediter to the Materials and Equipment Branch of the Department of Agriculture with respect to processing applications for priorities assistance, see Part 801 of Title 24, Chapter VIII, *infra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 40—AIR CARRIER OPERATING CERTIFICATION

CROSS-REFERENCE: For notice of proposed rules under this part, see F. R. Doc. 46-20826, Civil Aeronautics Board, in Notices section, *infra*.

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

CROSS-REFERENCE: For notice of proposed rules under this part, see F. R. Doc. 46-20827, Civil Aeronautics Board, in Notices section, *infra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5321]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

OFFICE OF CIVIL PREPARATION

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:* § 3.96 (b) *Using misleading name—Vendor—Government connection.* In connection with the offering for sale, sale and distribution in commerce, of courses of study and instruction intended for preparing students thereof for examinations for civil service positions under the United States Government, or any similar courses of study, and among other things, as in order set forth, representing, directly or by implication, (1) that respondent has any connection with the United States Government or any branch or agency thereof, through the use of the term "Office of Civil Preparation," or any other term of similar import or meaning, as a trade name or as a part thereof; or, (2) that respondent has any connection

with the United States Government or any branch or agency thereof, through the use of the terms "Chief Special Agent," "Director," "Assistant Director," or any other term of similar import or meaning, to designate or describe respondent or any of his representatives or salesmen; or, (3) representing, through the use of emblems or other picturizations resembling or simulating official United States Government insignia, that respondent is connected with the United States Government or any branch thereof; or, (4) representing in any manner, either directly or by implication, that respondent has any connection with the government of the United States, or any branch thereof, including the Civil Service Commission; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Office of Civil Preparation, Docket 5321, October 10, 1946]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique or special status or advantages:* § 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Civil Service Commission connections:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.6 (y) 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.72 (g) *Offering deceptive inducements to purchase or deal—Job guarantee:* § 3.72 (i) 5) *Offering deceptive inducements to purchase or deal—Opportunities in product or service.* In connection with the offering for sale, sale and distribution in commerce, of courses of study and instruction intended for preparing students thereof for examinations for civil service positions under the United States Government or any similar courses of study, and among other things, as in order set forth, representing, directly or by implication:

(1) That the number of positions available in the United States Civil Service or any branch thereof is greater than is actually the fact.

(2) That respondent is authorized by the Civil Service Commission to qualify applicants for government positions or that jobs in the United States Civil Service can be obtained through respondent or by completing respondent's courses of study.

(3) That certain specified Civil Service positions are open and available to students of respondent's courses of study when in fact such positions are not open and available or when positions are such that students of respondent's courses are not properly qualified.

(4) That examinations for positions in United States Civil Service are held at more frequent intervals than is actually the fact or that the positions listed by respondent are immediately available or that respondent can place applicants in such positions.

(5) That a common school education is sufficient to qualify applicants for all positions listed by respondent; or

(6) Misrepresenting in any manner the positions or opportunities for employment in Civil Service positions of students of respondent's courses of study; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Office of Civil Preparation, Docket 5321, October 10, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of October A. D. 1946.

In the Matter of Gerald A. Rice, Individually and Doing Business Under the Name and Style of Office of Civil Preparation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered. That respondent Gerald A. Rice, his representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act of courses of study and instruction intended for preparing students thereof for examinations for Civil Service positions under the United States Government, or any similar courses of study, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent has any connection with the United States Government or any branch or agency thereof, through the use of the term "Office of Civil Preparation", or any other term of similar import or meaning, as a trade name or as a part thereof.

2. Representing, directly or by implication, that respondent has any connection with the United States Government or any branch or agency thereof, through the use of the terms "Chief Special Agent", "Director", "Assistant Director", or any other term of similar import or meaning, to designate or describe respondent or any of his representatives or salesmen.

3. Representing, through the use of emblems or other picturizations resembling or simulating official United States Government insignia, that respondent is connected with the United States Government or any branch thereof.

4. Representing in any manner, either directly or by implication, that respondent has any connection with the Government of the United States, or any branch thereof, including the Civil Service Commission.

5. Representing, directly or by implication, that the number of positions available in the United States Civil Service or any branch thereof is greater than is actually the fact.

6. Representing, directly or by implication, that respondent is authorized by

the Civil Service Commission to qualify applicants for Government positions or that jobs in the United States Civil Service can be obtained through respondent or by completing respondent's courses of study.

7. Representing, directly or by implication, that certain specified Civil Service positions are open and available to students of respondent's courses of study when in fact such positions are not open and available or when positions are such that students of respondent's courses are not properly qualified.

8. Representing, directly or by implication, that examinations for positions in United States Civil Service are held at more frequent intervals than is actually the fact or that the positions listed by respondent are immediately available or that respondent can place applicants in such positions.

9. Representing, directly or by implication, that a common school education is sufficient to qualify applicants for all positions listed by respondent.

10. Misrepresenting in any manner the positions or opportunities for employment in Civil Service positions of students of respondent's courses of study.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-20833; Filed, Nov. 25, 1946;
8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-19]

PART 110—LEGAL SERVICES

AUTHORIZATION OF PRINCIPAL OFFICER TO PROCURE LEGAL SERVICES

Pursuant to the authority vested in me by R. S. 161 (5 U. S. C. 22), and section 1031 of the Foreign Service Act of 1946, I hereby prescribe the following section of the Foreign Service Regulations:

§ 110.7 *Authorization of principal officer to procure legal services.* (a) A principal officer, subject to prior approval in each instance by the Department, may procure legal services whenever such services are required for the protection of the interests of the Government or to enable an officer or employee of the Service to carry on his work efficiently.

(b) A principal officer may procure legal services in advance of approval by the Department where, in his opinion, the interests of the United States would suffer irreparable injury by any delay.

In any such instance the continued employment of an attorney or solicitor shall be determined by the Department. (X-7) (Pub. Law 724, 79th Cong.)

This regulation shall become effective on November 13, 1946.

For the Secretary of State.

[SEAL] DONALD RUSSELL,
Assistant Secretary of State.

[F. R. Doc. 46-20835; Filed, Nov. 25, 1946;
8:45 a. m.]

[Foreign Service Reg. S-26]

PART 120—MISCELLANEOUS

ASSISTANCE TO AMERICAN RED CROSS

NOVEMBER 20, 1946.

Pursuant to the authority vested in me by section 302 of the Foreign Service Act of 1946, I hereby revise § 120.6 of the Foreign Service Regulations as follows:

§ 120.6 *Assistance to American Red Cross.* Officers and employees of the Foreign Service may cooperate fully with the American Red Cross within their respective districts and subject to the limitations prescribed in § 102.806¹ of this subchapter. They shall however avoid taking an active part in the solicitation of memberships or the collection of funds.

(Pub. Law 724, 79th Cong.)

This regulation shall become effective November 13, 1946.

For the Secretary of State.

[SEAL] DONALD RUSSELL,
Assistant Secretary.

[F. R. Doc. 46-20834; Filed, Nov. 25, 1946;
8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

DELEGATION OF AUTHORITY

CROSS-REFERENCE: For amendment of an authority delegation from the Office of Housing Expediter to the Federal Housing Administration with respect to processing applications for priorities assistance, see Part 801 of Chapter VIII, *infra*.

Chapter VI—Federal Public Housing Authority

DELEGATION OF AUTHORITY

CROSS-REFERENCE: For amendment of an authority delegation from the Office of Housing Expediter to the Federal Public Housing Authority with respect to processing applications for priorities assistance, see Part 801 of Chapter VIII, *infra*.

Chapter VII—National Housing Agency

DELEGATION OF AUTHORITY

CROSS-REFERENCE: For amendment of an authority delegation from the Office

¹ Not yet filed or published in FEDERAL REGISTER.

of Housing Expediter to the National Housing Agency with respect to processing applications for priorities assistance, see Part 801 of Chapter VIII, *infra*.

Chapter VIII—Office of Housing Expediter

[Priorities Order 2, Amdt. 1]

PART 801—PRIORITIES ORDERS UNDER VET- ERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

Housing Expediter Priorities Order 2 (§ 801.2, 11 F. R. 9507) is amended in the following respects:

1. By the addition of the following sentence at the end of paragraph (a): "It also delegates to a specified official authority to process applications for priorities assistance under § 803.6 of this chapter (Housing Expediter Priorities Regulation 6)."

2. By the following changes in paragraph (b):

a. Redesignating the present paragraph (b) (5) as (b) (6).

b. Adding a new paragraph (b) (5) to read as follows:

(5) The Director or Acting Director of the Prefabrication Production Branch of the Office of Industrialized Housing of the Office of the Administrator of the National Housing Agency is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 6, applications, changes in applications, and appeals which that regulation authorizes to be filed with the National Housing Agency, except applications under paragraph (u) of Housing Expediter Priorities Regulation 6.

(Title III, 56 Stat. 177, Pub. Law 388, 79th Cong., 60 Stat. 207; 50 U. S. C. App. Supp. 633)

Issued this 21st day of November 1946

JOSEPH L. RAUH,
Acting Housing Expediter.

[F. R. Doc. 46-20829; Filed, Nov. 25, 1946;
8:45 a. m.]

[Priorities Order 3, as Amended, Oct. 16, 1946,
Amdt. 1]

PART 801—PRIORITIES ORDERS UNDER VET- ERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

Housing Expediter Priorities Order 3 (§ 801.3, 11 F. R. 12150) is amended by the following changes:

1. By deleting the words "Director of the Expediting Branch, Office of Materials Supply," in the 4th through the 6th lines of paragraph (b), and substituting therefor the following: "Deputy Expediter for Temporary Re-use and Camp Demolition (and, in his absence, the Assistant Deputy Expediter for Temporary Reuse and Camp Demolition)."

2. By the same change in the 4th and 5th lines of paragraph (c).

3. By the same change in the 4th through the 6th lines of paragraph (d).

4. By deleting the words "Director of the Expediting Branch, Office of Materials Supply," in the 12th and 13th lines of paragraph (d), and substituting there-

for the following: "said Deputy Expediter or Assistant Deputy Expediter,"

(Title III, 56 Stat. 177, Pub. Law 388, 79th Cong.; 60 Stat. 207; 50 USC App. Supp. 633)

Issued this 21st day of November 1946.

JOSEPH L. RAUH,
Acting Housing Expediter.

[F. R. Doc. 46-20830; Filed, Nov. 25, 1946;
8:45 a. m.]

[Housing Expediter Premium Payments Reg.
3 as Amended Aug. 30, 1946, Amdt. 1]

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

MERCHANT GYPSUM LINER

Section 805.3 (Housing Expediter Premium Payments Regulation 3) is amended as follows:

1. By deleting subparagraphs (5) and (6) of paragraph (a) in their entirety and renumbering subparagraphs (7) through (11), inclusive, as subparagraphs (5) through (9) inclusive.

2. By deleting the last sentence of subparagraph (4) of paragraph (c).

3. By deleting paragraph (e) and substituting therefor a new paragraph reading as follows:

(e) *Quota.* Each eligible company will receive premium payments only with respect to tonnage shipped by it in excess of its quota. The quota of each company shall be 60 percent of its production goal.

4. This amendment shall be effective as of November 1, 1946.

5. Issued this 25th day of November 1946.

JOSEPH L. RAUH,
Acting Housing Expediter.

[F. R. Doc. 46-20923; Filed, Nov. 25, 1946;
10:55 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[Narcotic Reg. 5]

PART 151—REGULATIONS UNDER THE HARRISON NARCOTIC LAW, AS AMENDED

MANNER OF REPORTING SALES IN MONTHLY NARCOTIC RETURNS OF MANUFACTURERS AND WHOLESALERS

CROSS-REFERENCE: For notice of proposed rule making under this part, see F. R. Doc. 46-20831, Treasury Department, Bureau of Internal Revenue, in Notices section, *infra*.

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Rev. Reg. 32, Exception 1 to Direction 4]

PART 602—GENERAL ORDERS AND DIRECTIVES

AUTHORIZATION OF LOADINGS OF VESSELS IN CERTAIN CIRCUMSTANCES

Correction

In Federal Register Document 46-20696, appearing on page 13630 of the issue for Wednesday, November 20, 1946, the word "operations" in the next to the last line of paragraph 3 should read "operators".

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

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

PART 984—LEAD

[General Preference Order M-38, as amended Nov. 25, 1946]

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

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

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

(1) "Lead" means metallic lead, lead alloys, components or products (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead (Pb). It includes battery lead oxide, but does not include other lead chemicals.

(2) "Battery lead oxide" means litharge, black oxide, red lead, basic lead sulphate or any other lead chemical produced from primary or secondary lead, for use in the manufacture of storage batteries.

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

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

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

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

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

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

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

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

(3) Manufacturing quotas are set in List I for certain of the items and processes in which lead may be used. If an item or process in List I has a manufacturing quota, a manufacturer or processor must not use, in the manufacture of the item or in the process during the current calendar period listed, more lead than the specific percentage of the amount legally used for that purpose during the base period indicated, or than the amount specifically authorized in writing by the Civilian Production Administration. These quotas may not be transferred except in accordance with Priorities Regulation 7A. Manufacturers or processors who did not use lead, or were not authorized to use it, during

the period indicated as the base period in the manufacture of an item or in a process which is subject to a quota restriction (including persons who were not in business at that time) may nevertheless apply for a quota. Their applications, as well as all applications for quotas which are individually assigned by the Civilian Production Administration, will be considered and quotas granted on an equitable basis, to the extent that this will not unduly disrupt existing production. Applications for quotas for the fourth quarter 1946 should be filed promptly with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., Ref: M-38, or in any event not later than October 20, 1946.

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

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

(e) *Allocation of lead.* (1) Any person who is unable to use secondary lead and who is unable to obtain primary soft lead from regular sources of supply may apply to the Civilian Production Administration for an allocation of lead. Applications should be made on Form CPA-95 and should be filed with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. not later than the 20th of the month preceding the month in which shipment is requested. Allocations, if granted, may be either an authorization to buy lead from the Office of Metals Reserve or an authorization to obtain lead from the refiners' reserve described in paragraph (e) (2).

(2) No refiner may deliver in any month, without specific authorization of the Civilian Production Administration, more than 75% of his anticipated production of primary soft lead in that month. In addition, after September 1, 1946, no refiner may deliver to any person in any month, without the specific authorization of the Civilian Production Administration, any primary soft lead except lead which, before the 20th of the preceding month, he has contracted to deliver to that person. In computing his lead production, each refiner must include lead produced for him by others under toll agreement, but not lead which he produces for others under toll agreement. The Civilian Production Administration will allocate deliveries of primary soft lead by refiners from this reserve in the manner described in paragraph (c) (1).

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

(g) *Special restriction on deliveries of battery lead oxide.* (1) Beginning

July 1, 1946, no person shall deliver or accept delivery of battery lead oxide for use in the manufacture of storage batteries without a specific authorization in writing by the Civilian Production Administration. This restriction applies not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(2) Requests for authorization to accept delivery of battery lead oxide should be made to the Civilian Production Administration on Form CPA-95-A not later than the 10th day of the month before the month in which delivery is requested. Failure by any person to file an application in accordance with this paragraph may be construed as notice to the Civilian Production Administration that such person does not wish to accept delivery of battery lead oxide in the succeeding month.

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

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

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

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

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

(4) Prime contract numbers on military orders.

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

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

(7) Present inventory of lead and any other information pertinent to the appeal (including a statement of equipment or facilities available to the appellant).

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

(k) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No. 1, § 944.1. Such records must include complete statements of the amounts of lead consumed for the items specified in this order, and the amount of inventory on hand.

(l) *Required reports.* (1) On or before the 20th day of each calendar month each person who purchased or consumed 10 tons or more of metallic lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead, shall report such

purchases, consumption and stocks on hand at the end of the preceding month to the Civilian Production Administration on Form CPA-95. Manufacturers of battery lead oxide and storage batteries must also file monthly production reports with the Civilian Production Administration on Form CPA-95-A.

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

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

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

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

(n) *Communications.* All communications and reports dealing with this order shall be addressed to: Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., Ref: M-38.

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

Issued this 25th day of November 1946.

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

LIST I

Permitted Uses

1. Ammunition for military orders or essential civilian requirements. (Manufacturing quota for ammunition for essential civilian requirements: for the fourth quarter 1946, 89% of the amount of lead legally used for the same purpose during the third quarter 1946).
2. Anchorages for equipment, including expansion bolts, shields and grommets.
3. Anodes for electrolytic refining chromium plating and for lead plating as permitted in Item 40 of this list.
4. Anti-vibration mats.
5. Babbitt for abrasives and grinding wheels and for securing hardware to radio insulators and for securing end connections of windings and/or for securing enclosures of wire wound restrictors.
6. Ballast for implements of war where available space does not permit the use of material of lower density, for submarines and for surface craft of sizes up to and including destroyers.
- 6a. Battery lead oxide (See paragraph (g) for special restrictions on delivery).
7. Bearing Metal.
8. Bolster metal for surgical, table and industrial cutlery.
9. Brake lining and clutch facings.
10. Brass and bronze.

11. Cable covering (Manufacturing quota: for the fourth quarter 1946, 22% of the amount of lead legally used for the same purpose during the calendar year 1940). If lead covered cable is replaced, the user of the cable must promptly deliver all salvable lead to his supplier, a lead smelter, or a scrap dealer.
12. Cable sleeving and other accessories necessary for the maintenance, repair and installation of lead covered cable.
13. Cable terminals and bushings for storage batteries.
14. Cames.
15. Caulking for use in caulking cast iron pipe lines, plumbing waste lines and vents, or automotive carburetors where other material such as sulphur compounds or cement does not provide a leak proof joint. (Manufacturing quota for caulking bars and wools: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the first quarter 1946).
16. Chemicals (except battery lead oxide tetra ethyl) subject to the restrictions of Order L-354.
17. Closure spouts for drugs and chemicals (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).
18. Coating of wire and zinc plated sheet, including sheathing.
19. Collapsible tubes. (Manufacturing quota: for the fourth quarter 1946, the amount of lead (including that contained in blanks and converted into tubes) legally used for the same purpose during the second quarter 1946). Use of tin in collapsible tubes is subject to the restrictions of Order M-43.
20. Counterweights, weights and sliding poles for Military, industrial and laboratory equipment, and implements of war where available space does not permit the use of material of lower density.
21. Foil:
 - (a) Military orders to the extent that Method IA (not dehydrated) and/or Method II (dehydrated) packaging, as presently defined in the U. S. Army Specification 100-14, U. S. Navy Specification 39-P-18 and British Standard Packaging Code BS-1133, or any new specifications covering the above are expressly specified in the prime contract.
 - (b) For component ammunition.
 - (c) Electrotypers subject to the restrictions of Order M-43.
 - (d) Condensers.
 - (e) Cap Liners for packaging drugs.
 - (f) Electrostatic shielding of transformer coils and cores.
 - (g) For use in chrome plating.
22. Fire extinguisher and decontaminator components.
- 22a. Free machining steel when the percentage of lead does not exceed one-half of 1%.
23. Gaskets, locknuts and shims.
24. Heat equalization in galvanizing pots and for molten zinc operations.
25. Heat treating and annealing.
26. Implements of War, as defined in paragraph (b) (6) of the order.
27. Impression Lead. (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).
28. Inserts for treads on non-sparking ladders and stairs.
29. Lead hammers.
30. Lead-headed nails only to the extent that the use of springhead or flathead nails is impracticable.
31. Fusible alloys.
32. Lead lined bowls for centrifugal oil purifiers.
33. Lead wire for determining gear bearing clearances.
34. Lining for acid lockers.
35. Lubricant for cold drawing of steel products.
36. Manufacture and moulding of plastics.
37. Medical, dental and veterinarian equipment and instruments.
38. Metallic and semi-metallic packing.
39. Patterns and dies.
40. Plating or coating where lead is used in place of either cadmium or tin, or where corrosion makes the use of any other material impracticable.
41. Powder for military uses, powder metallurgy, gear lubricants and rubber valves.
42. Production of rayon.
43. Refining of metals.
44. Repair of existing lead construction.
45. Seals for pistoning and tampering protections.
46. Sheath for curing process of rubber.
47. Sheet, pipe (including lead lined pipe), valves, fittings, burning bars and castings to be used for the following purposes (Manufacturing quota for the fourth quarter 1946: the amount of lead legally used for the same purpose during the third quarter 1946):
 - (a) In new chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable.
 - (b) In repairs and replacement parts for chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable. The equipment must promptly deliver all replaced salvable lead to his supplier, a lead smelter or a scrap dealer.
- 47a. Pipe (including lead lined pipe), bends, traps, plugs and flanges for water supply and waste lines or vents to the extent that municipal, state or Federal regulations permit no substitutes or, within water works proper, where sound water works practice requires the use of these products.
- 47b. Shot for use in Items 15, 20, 38, 45, 53 or 61.
48. Sinkers and other fishing tackle. (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).
49. Solder.
50. Sounding leads. (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).
51. Spectographs and spectrophotometers.
52. Storage batteries for the uses specified below. (The antimony content in any antimonial lead used for grids, connecting parts or components for storage batteries shall not exceed nine (9%) percent, except where an alloy with a higher antimony content is specified as mandatory in contracts of the Army or Navy of the United States, or the U. S. Maritime Commission. The lead content of battery lead oxide in any storage battery shall not exceed 50% of the total lead content of the battery. In figuring all manufacturing quotas, the lead which may be used and the lead used in the base period includes the lead content of battery lead oxide and component parts. However no person may use more lead in making parts for the batteries which he makes himself than the percentage specified of the lead he legally used for making such parts in the base period. When a manufacturer has accepted an order for original equipment batteries such batteries shall receive preference in processing and delivery over replacement batteries.)
 - (a) Special batteries for military use in submarine, aircraft or communication equipment.
 - (b) Original equipment for military or civilian purposes. (No battery manufacturer may deliver any automotive SLI type batteries made for original equipment except to an equipment manufacturer who states in writing that the batteries will be used only in new equipment which he manufactures. In the case of industrial type batteries, no battery manufacturer may deliver any batteries made for original equipment except to a purchaser who states in writing that the batteries will be used or resold only for new equipment and not for replacement purposes.)
 - (c) Industrial type, for replacement purposes. (Manufacturing quota: for the fourth quarter 1946: 100% of the amount of lead authorized to be used for industrial type replacement batteries during the third quarter 1946.) An Industrial Storage Battery means an electric storage battery of other than SLI type which has been completely assembled and sealed, whether charged or uncharged and which is designed and built for industrial applications such as, but not confined to, railway signaling and lighting, mine locomotives, industrial trucks, farm lighting, public utilities stand-by equipment, commercial radio installations, airplane and commercial boat installations and components thereof.
 - (d) Automotive SLI type for replacement purposes:

(Manufacturing quota for the fourth quarter 1946:

 - (A) For those authorized to use 70 tons of lead or less for automotive SLI replacement batteries during the third quarter 1946: 100% of the amount of lead authorized to be used for the same purpose during the third quarter 1946;
 - (B) For those authorized to use more than 70 tons of lead for automotive SLI replacement batteries during the third quarter 1946: 86% of the amount of lead authorized to be used for the same purpose during the third quarter 1946.)
 - (e) Component parts furnished as such to others (Manufacturing quota: 100% of the amount of lead authorized to be used for the same purpose during the third quarter 1946). A manufacturer of such parts, who also makes industrial or automotive SLI type batteries, may not include lead used in component parts furnished as such to others in determining the amount of lead he is permitted to use for industrial or automotive SLI type batteries under paragraphs (c) and (d) above.
53. Terne plate and Terne metal subject to restrictions of Conservation Order M-43.
54. Tetraethyl. (The manufacturing quota for tetraethyl will be assigned on individual applications by the producer.)
55. Turbine and gear bearing oil deflectors.
56. Turbine gland labyrinth and diaphragm packing.

¹In view of the reduction in the total amount of lead available for the manufacture of automotive SLI type storage batteries in the fourth quarter of 1946, and in order not to unduly disrupt existing production the Civilian Production Administration will not process during the fourth quarter any applications for automotive SLI type replacement battery quotas from persons who have not previously been authorized to use lead for this purpose under this order.

57. Type metal for use in the printing trade, (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose for the third quarter 1946).
58. Vocational purposes where lead is re-used and in laboratories for analytical purposes and research, and for use for experimental purposes where the total amount of lead used in any quarter does not exceed 500 pounds.
59. X-ray purposes and Radiography.
60. Zinc production.
61. For use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment.

[F. R. Doc. 46-20944; Filed, Nov. 25, 1946; 11:29 a. m.]

PART 4500—UTILITIES

[Utilities Order U-13]

TO PROLONG THE ABILITY OF MANUFACTURED AND MIXED GAS UTILITIES TO RENDER SERVICE

A critical shortage of coal threatens in many parts of the country to reduce manufactured gas supplies below the level necessary to provide for essential requirements and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4500.69 *Utilities Order U-13*—(a) *Purpose of the order.* The purpose of this order is to save coal by reducing the amount used in producing manufactured gas and by curtailing deliveries of gas to certain consumers.

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

(1) "Utility" means any person in the United States engaged in producing, transmitting or supplying manufactured or mixed gas directly or indirectly for general use by the public. "Utility" does not include any person supplying only natural gas.

(2) "Non-Utility producer" means any person who owns or operates any manufactured gas production or transmission facilities and who is not included in the definition of "utility" in paragraph (b) (1).

(3) "Consumer" means any ultimate user of manufactured or mixed gas produced, transmitted or distributed by any utility.

(4) "Manufactured gas" means any combustible gas produced by any manufacturing process consuming coal or coke.

(5) "Mixed gas" means a mixture of manufactured gas and hydrocarbon gases such as natural gas, refinery oil gas, liquefied petroleum gas.

(6) "Standby facilities" means equipment designed to use another fuel to replace gas, and for the operation of which a supply of fuel is available or obtainable.

(c) *Conservation of coal generally.* Each utility and each non-utility producer shall conserve coal by the employment of all practical methods.

(d) *When gas shortages will be deemed to exist.* A gas shortage will be deemed to exist whenever a utility's

stock or assured supply of coal or coke is equal to or less than a three weeks' supply required for the production of an amount of manufactured gas, which, combined with the utility's anticipated supply of other gas, is essential to provide normal gas service.

(e) *Substitution of water gas facilities.* In the event of a gas shortage in any area, each utility and each non-utility producer in that area having facilities for obtaining manufactured gas directly or indirectly from water gas and coal gas manufacturing facilities, shall, so far as practicable, operate its facilities so as to maximize supplies of gas obtained from water gas facilities and reduce the operation of coal gas facilities.

(f) *Limitations on deliveries of manufactured and mixed gas.* In the event of a gas shortage in any area, the utility supplying such area shall also reduce deliveries to consumers where such reductions will substantially prolong its ability to deliver gas. Such reductions shall be made in accordance with the following provisions of this paragraph (f) and with such further directives as the Civilian Production Administration may from time to time issue: *Provided*, That to the extent, if any, required by the emergency nature of the shortage, such utility may, in the first instance, reduce deliveries without regard to such provisions but shall as soon as possible thereafter readjust its operations and deliveries to conform in all respects to the requirements of this paragraph (f) during the continuance of the gas shortage.

(1) First, the utility shall, within the limits of its contractual rights, reduce deliveries to all consumers purchasing manufactured or mixed gas under contracts permitting the supplier to interrupt deliveries: *Provided*, That such deliveries of gas necessary for the maintenance of the essential services listed in Schedule I to this order shall be reduced or discontinued only to the extent that the fuel requirements for such production and services can be supplied from the consumer's stand-by facilities.

(2) Second, the utility, without regard to its contractual rights or those of any consumer, shall reduce deliveries to all consumers who have stand-by facilities, to the extent to which the operation of such facilities can reduce the consumers' requirements for the delivery of manufactured gas. Such reduction shall be made, insofar as practicable, on a uniform proportionate basis. All such consumers shall so far as practicable maximize their use of stand-by facilities and to a corresponding extent reduce their acceptance of manufactured gas from utilities.

(3) Third, the utility shall reduce deliveries to all commercial and industrial consumers, except to the extent that such deliveries are necessary for the maintenance of the essential services listed in Schedule I or to prevent permanent damage to the production facilities of such consumers. Such reductions shall be made, insofar as practicable, on a uniform proportionate basis.

(4) Fourth, the utility shall reduce deliveries to the essential services listed in Schedule I except hospitals and power, gas, communications, water, sewage and

sanitation systems. Such reductions shall be made on a uniform proportionate basis insofar as practicable.

(5) Finally, after effectuating the reductions in deliveries required by the foregoing provisions of this paragraph (f), the utility shall reduce deliveries to all remaining consumers to the extent and in the manner it deems necessary and practicable.

(g) *Directives.* The Civilian Production Administration may from time to time issue such further directives with respect to conservation of coal and deliveries of mixed and manufactured gas, as may be necessary.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional or unreasonable hardship on him may appeal for relief to the Civilian Production Administration which may grant such specific exemptions or take such action as may be consistent with the purposes of this order.

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

(j) *Reports.* Whenever any utility reduces service to consumers pursuant to this order, it shall immediately notify the Office for Emergency Control, Civilian Production Administration, Washington 25, D. C., by telephone or telegraph, describing the nature and extent of such reductions. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Communications.* Communications concerning this order should be addressed to the Office for Emergency Control, Civilian Production Administration, Washington 25, D. C., REF: U-13.

Issued this 25th day of November 1946.

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

SCHEDULE I

1. Fire and police stations, hospitals, and prisons.
2. Public eating establishments (whose principal business is the serving of food) including industrial plant and store cafeterias, but not including private dining rooms, night clubs, taverns, etc.
3. Bakeries (to the extent necessary for the manufacture of bread products only).
4. Dairies (to the minimum extent necessary to prevent loss of perishable products).
5. Meat, poultry, fish and perishable food packing, raising and warehousing establishments (to the minimum extent necessary to prevent loss of perishable products or material in process).
6. Power, gas, communications, water, sewage and sanitation systems.

7. Public transportation systems including repair yards and shops engaged in the maintenance or repair of public transportation equipment.
8. Facilities used for the preservation of perishable food, biologicals and pharmaceuticals.
9. Newspaper production facilities.

[F. R. Doc. 46-20943; Filed, Nov. 25, 1946; 11:29 a. m.]

PART 4500—UTILITIES
[Utilities Order U-14]

TO PROLONG THE ABILITY OF CERTAIN ELECTRIC SUPPLIERS TO RENDER SERVICE

A critical shortage of coal threatens in many parts of the country to reduce electricity supplies below the levels necessary to provide for essential power requirements and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4500.70 *Utilities Order U-14*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, business trust, political subdivision, governmental agency or corporation or any organized group of persons, whether incorporated or not.

(2) "Electric supplier" means any person who generates, transmits, or distributes electricity.

(3) "Base billing month" for any person means the billing month for which the last meter reading fell on any day during the period October 1, 1946, through October 31, 1946.

(b) *Electric suppliers to conserve coal.* Each electric supplier shall so operate its reservoirs, generating plants, substations, transmission lines and other facilities, and shall so interchange power with other electric suppliers as to achieve the maximum conservation of coal. Such operations shall, depending upon the supply and availability of fuels other than coal, include the following:

(1) Using water power to the fullest extent practicable to achieve conservation of coal.

(2) Using fuels other than coal to the maximum possible extent.

(3) Exchanging power with other electric suppliers wherever such exchange will result in protection of low coal stock piles.

(c) *Initial curtailment.* After 6:00 o'clock p. m. on Monday, November 25, 1946, no consumer shall use electricity for any of the purposes listed in Schedule I of this order except in those areas listed as exempt in Schedule IV of this order.

(d) *Electric suppliers with less than 30 days' supply of coal.* Any electric supplier which has on hand less than 30 days' supply of coal may apply to the Civilian Production Administration for assistance in obtaining a portion of its electric power requirements from other suppliers.

(e) *Intermediate curtailment.* Whenever any electric supplier determines that its resources, considering but not limited to fuel on hand or in transit, hydro storage, and electricity available from other suppliers, are insufficient to

provide for service to its consumers for more than 15 days at the then rate of consumption plus transit time of coal from the mines, it shall immediately so notify the Office for Emergency Controls, Civilian Production Administration, Washington 25, D. C., by telephone or telegraph. The Civilian Production Administration may thereafter place in effect in the area served by such electric supplier the restrictions on uses of electricity listed in Schedule II of this order.

(f) *Ultimate curtailment.* Whenever any electric supplier determines that its resources, considering but not limited to fuel on hand or in transit, hydro storage, and electricity available from other suppliers, are insufficient to provide for service to its consumers for more than 10 days at the then rate of consumption plus transit time of coal from the mines, it shall immediately so notify the Office for Emergency Controls, Civilian Production Administration, Washington 25, D. C., by telephone or telegraph. The Civilian Production Administration may thereafter place in effect in the area served by such electric supplier the restrictions on uses of electricity listed in Schedule III of this order.

(g) *Adjacent suppliers.* The restrictions on uses of electricity listed in Schedules I, II, and III of this order may be placed in effect in the area served by a electric supplier interconnected with a supplier which is subject to curtailment under paragraphs (c), (e) or (f) whenever the Civilian Production Administration determines that service to consumers of the latter supplier can thereby be prolonged.

(h) *Appeals.* Appeals from the restrictions on uses of electricity listed in Schedules I, II, or III shall be addressed to the Office for Emergency Controls, Civilian Production Administration, Washington 25, D. C., Ref: U-14.

(i) *Exemptions.* The restrictions of this order do not apply to (1) electric suppliers who use no bituminous coal for the generation of electricity and who are not interconnected with another electric supplier subject to such restrictions, or (2) consumers of such electric suppliers. Any other electric supplier who considers that compliance with this order will not substantially prolong its ability, or that of the electric supplier with which it is interconnected, to render service, may apply to the Office for Emergency Controls, Civilian Production Administration, Washington 25, D. C., Ref: U-14, to exempt the area it serves from the restrictions of this order.

(j) *Notice.* (1) Each electric supplier shall, as soon as practicable, notify its consumers by publication or otherwise of the uses of electricity prohibited or curtailed by this order.

(2) If any electric supplier has knowledge of a violation of this order by a person to whom it supplies electricity, it shall inform the person of the violation unless it has evidence that the person has been informed of the violation in some other manner. If the violation is continued, the electric supplier shall notify the person in writing of the specific terms of the order which apply and of the penalties prescribed for violation and shall mail a copy of the notice to the re-

gional compliance office of the CPA for the area in which the consumer is located, Ref: U-14.

(k) *Violations.* When the Civilian Production Administration determines that any person is using electricity in violation of this order, it may direct the electric supplier serving such person to disconnect service and prescribe the conditions under which service may be reconnected. In addition, any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment.

(l) *Reports.* The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 25th day of November 1946.

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

SCHEDULE I

Pursuant to paragraph (c) of this order, no consumer shall use electricity for any of the following purposes:

1. Refrigeration for air-conditioning except to the extent essential for industrial processes or for health and safety.
2. Outdoor and indoor advertising and promotional lighting.
3. Outdoor display and flood lighting except to the extent necessary for the conduct of outdoor business or services.
4. Outdoor or indoor decorative and ornamental lighting.
5. Show window or show case lighting.
6. Marquee lighting in excess of 60 watts for each marquee.
7. White way street lighting in excess of the amount determined by local public authority to be necessary for public safety.
8. Outdoor or indoor sign lighting except for:
 - (i) Directional or identification signs required for fire and police protection, traffic control, transportation terminals, or hospitals, or directional or identification lighting for any similar essential public services;
 - (ii) Directional or identification signs using not more than 60 watts per establishment, for doctors and for hotels and other public lodging establishments.
9. Outdoor entrance lighting, except the minimum essential for public health and safety and then not more than 60 watts per entrance.
10. Any other form of general outdoor or indoor illumination in or about any commercial, industrial or other non-residential establishment in excess of 75 percent of the illumination normally used.
11. In excess of 75 percent of the normal passenger elevator or escalator service in any building having more than one passenger elevator or escalator.

SCHEDULE II

When this schedule has been made effective pursuant to paragraph (e) of this order, in addition to complying with the restrictions of Schedule I, no consumer shall use electricity for any of the following purposes:

1. Outdoor floodlighting or other general outdoor illumination for amusements or sports.
2. Any other form of general outdoor or indoor illumination in or about any com-

mercial, industrial, or other non-residential establishments in excess of 50 percent of the illumination normally used.

3. In excess of 50 percent of the normal passenger elevator or escalator services in any building having more than one passenger elevator or escalator.

4. In excess of 50 percent of the white way street lighting in effect during the base billing month, if this amount is less than the amount permitted under Schedule I.

5. Commercial or industrial operations or processes which will consume in any consecutive 7-day period more than 15 percent of the amount of electricity consumed in each commercial, industrial, or other non-residential establishment during the base billing month.

Exceptions. The foregoing restrictions do not apply to:

A. The following essential community services: hospitals, refrigeration for food preservation plants, and newspapers.

B. Transportation services:

(1) Urban, suburban and interurban common or contract carriers of passengers or freight including terminals.

(2) Railways, terminals and related facilities.

(3) Shipping on inland waterways, including locks and terminals and not including dredging.

(4) Airports and airfields.

(5) Oil pipe lines and pumping stations.

(6) Maintenance and repair yards or shops used exclusively for the maintenance or repair of the above transportation services.

C. Communications services including:

(1) Post offices.

(2) Telephone and telegraph systems.

(3) Radio communications.

(4) Traffic control and signal systems.

D. Water supply and sanitation systems including waterworks, pumping stations and sewage disposal plants and equipment.

E. Manufactured, by-product, natural and mixed gas systems, including manufacturing plants, pipe lines, pumping stations and facilities for the maintenance and repair thereof.

F. Plants exclusively engaged in the production, mining or refining of fuels.

G. Plants engaged in the production and processing of food for human and animal nutrition.

SCHEDULE III

When this Schedule has been made effective pursuant to paragraph (f) of this order, in addition to complying with the restrictions of Schedules I and II, no consumer shall use electricity for any of the following purposes:

1. Any form of general outdoor or indoor illumination in or about a commercial, industrial, or other non-residential establishment in excess of 30 percent of the illumination normally used.

2. In excess of 30 percent of the normal passenger elevator or escalator services in any building having more than one passenger elevator or escalator.

3. Commercial or industrial operations or processes which will consume in any consecutive 7-day period more than 7 percent of the amount of electricity consumed in each commercial, industrial, or other non-residential establishment during the base billing month.

4. Operation of electric street and interurban railways, including trolley buses, in excess of 50 percent of normal schedules.

Exceptions. The foregoing restrictions do not apply to:

A. The following essential community services: hospitals, refrigeration for food preservation plants, and newspapers.

B. Transportation services:

(1) Railways, terminals and related facilities other than electric street interurban railways and trolley buses.

(2) Shipping on inland waterways, including locks and terminals and not including dredging.

(3) Airports and airfields.

(4) Oil pipe lines and pumping stations.

(5) Maintenance and repair yards or shops used exclusively for the maintenance or repair of the above transportation services.

C. Communications services including:

(1) Post offices.

(2) Telephone and telegraph systems.

(3) Radio communications.

(4) Traffic control and signal systems.

D. Water supply and sanitation systems including waterworks, pumping stations and sewage disposal plants and equipment.

E. Manufactured, by-product, natural and mixed gas systems, including manufacturing plants, pipe lines, pumping stations and facilities for the maintenance and repair thereof.

F. Plants exclusively engaged in the production, mining or refining of fuels.

G. Plants engaged in the production and processing of food for human and animal nutrition.

SCHEDULE IV

AREAS EXEMPT FROM THE RESTRICTIONS OF PARAGRAPH (C)

The following areas are exempt from the restrictions on uses of electricity established by paragraph (c) of this order:

Alabama.

Alaska.

Arizona.

Arkansas.

California.

Colorado.

Florida.

Georgia.

Idaho.

Kansas.

Louisiana.

Maine.

Michigan: (a) Counties: (1) The portion of the County of Delta served by the Upper Michigan Power and Light Company, including the cities of Gladstone and Escanaba. (2) The portions of the counties of Houghton, Keweenaw, Baraga, and Ontonagon served by The Copper District Power Company and the Houghton County Electric Light Company. (b) City of Hillman.

Mississippi.

Montana.

Nebraska.

Nevada.

New York: (a) Counties: (1) The portions of the counties of Clinton, Franklin, and Essex served by Cities of Plattsburg, Lake Placid, and Rouses Point, Paul Smith's Electric Light and Power and Railroad Company, and New York State Electric and Gas Corporation. (b) Cities: (1) Copenhagen, (2) Gouverneur, (3) Hailesboro.

New Mexico.

North Carolina.

North Dakota.

Oklahoma.

Oregon.

South Carolina.

South Dakota.

Tennessee.

Texas.

Washington.

Utah.

Wyoming.

[F. R. Doc. 46-20942; Filed, Nov. 25, 1946; 11:29 a. m.]

Chapter XI—Office of Price Administration

DELEGATION OF AUTHORITY

CROSS-REFERENCE: For amendment of an authority delegation from the Office of Housing Expediter to the Office of Price Administration with respect to

processing applications for priorities assistance, see Part 801 of Title 24, Chapter VIII, *supra*.

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3, 1st Amdt. 16]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

Paragraph (a) of § 1300.257 of Revised Procedural Regulation No. 3 is amended to read as follows:

(a) "Act" means the Emergency Price Control Act of 1942, as amended by the Stabilization Act of 1942 (Pub. Laws 421 and 729, 77th Cong., 2d Sess.), the Stabilization Extension Act of 1944 (Pub. Law 383, 78th Cong., 2d Sess.), the Stabilization Extension Act of 1945 (Pub. Law 108, 79th Cong., 1st Sess.) and the Price Control Extension Act of 1946 (Pub. Law 548, 79th Cong., 2d Sess.).

This amendment shall become effective November 26, 1946.

Issued this 25th day of November 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-20927; Filed, Nov. 25, 1946; 11:04 a. m.]

PART 1305—ADMINISTRATION

[Gen. Order 75 (§ 1305.221)]

REGIONAL ADMINISTRATORS TO DISCONTINUE DISTRICT OFFICES; DELEGATION OF AUTHORITY

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Second War Powers Act, 1942, as amended, and Executive orders and directives, *It is ordered:*

(a) All District Offices of the Office of Price Administration shall be discontinued as of the close of business on November 30, 1946.

(b) Upon the effective date of orders of discontinuance issued by Regional Administrators pursuant to the authority granted by this order:

(1) Except as the Regional Administrators may by discontinuance orders specify otherwise, all functions, powers and duties of the following named district officials shall be transferred to the following named regional officials as indicated below:

District and Regional

District Director to the Regional Administrator.

District Enforcement Attorney to the Regional Enforcement Executive.

District Sugar Rationing Representative to the Regional Sugar Executive.

District Rent Executive to the Regional Rent Executive.

All functions, powers and duties of District executives, officials or employees and of Price Control Boards previously transferred to District Offices not transferred above shall be transferred to the

19 F.R. 10484; 10 F.R. 2431, 5077; 11 F.R. 1305.

Regional Administrator and may by him be re-delegated or re-transferred in the same manner and to the same extent to which he is now, or may hereafter be, authorized to re-delegate or re-transfer any functions.

(2) On and after the effective date of such order, any action theretofore taken by any official or employee of a discontinued District Office authorizing or requiring any person to do or perform any act shall continue in full force and effect, and shall be taken as the action of the appropriate official or employee of the Regional Office, to be administered by him in the Regional Office.

(3) A discontinuance order, unless otherwise specifically stated, shall have no retroactive effect with regard to any determinations, orders, decisions and other acts heretofore made or done by any executives, officers, or employees of any discontinued District Offices; and all determinations, orders, decisions and other acts theretofore made, done, or issued by them in any discontinued District Office shall continue and remain in full force and effect until revised, cancelled, modified or otherwise dealt with by proper authority.

(c) Each Regional Administrator is hereby authorized and directed to issue an order of discontinuance for all District Offices in his region pursuant to this order. Such discontinuance order may contain such further provisions as may be necessary to effectuate the discontinuance, transfer of functions and any other provisions of this order.

This order shall become effective on November 30, 1946.

Issued this 25th day of November 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-20926; Filed, Nov. 25, 1946; 11:04 a. m.]

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5, Amdt. 15]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respects:

1. Section 30.1 is amended by changing the definition of "District Office" to read as follows:

"District Office" means a District Office or a Sugar Branch Office of the Office of Price Administration for the area in which the institutional user's establishment is located.

2. A new Article XXXI is added to read as follows:

ARTICLE XXXI—ISSUANCE OF EVIDENCE

§ 31.1 Regional Sugar Division shall issue evidences. Notwithstanding any provisions to the contrary in the order wherever the provisions of the order au-

thorize the District Office to issue evidences, the issuance shall be made by the Regional Sugar Division serving the area in which the District Office is located, instead of by the District Office whenever the Regional Office designates the Regional Sugar Division to make such issuance for that District. (National Office shall instruct Regional Offices as to such issuances). However, all applications shall continue to be made at the District Office. The District Office shall review each application and may request the Regional Sugar Division to issue evidences in a proper case.

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

Issued this 25th day of November 1946.

PAUL A. PORTER,
Administrator.

Rationale Accompanying Amendment No. 30 to Third Revised Ration Order 3 and Amendment No. 15 to Revised General Ration Order 5

The sugar rationing regulations now provide for issuance of evidences by District Offices in certain cases. In order to coordinate and consolidate issuances of evidences to all users all issuances will hereafter be made by Regional Offices and thus sugar branch offices, formerly District Offices, will not issue evidences after December 6, 1946. It is necessary therefore to provide that industrial users may apply twenty days before the beginning of an allotment period for their allotment rather than the fifteen days previously provided for. This will provide more time in which Regional Offices may process applications and assure industrial users receiving allotments before beginning of allotment period if applications are promptly filed.

Other appropriate changes have been made in the interest of conformity with this new issuance procedure.

[F. R. Doc. 46-20925; Filed, Nov. 25, 1946; 11:04 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 30]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 1.2 is amended by amending the last two sentences thereof to read as follows: "Before evidences are issued to a consumer a 'sugar stamp' for each five pounds granted shall be detached from the book of the consumer. (Stamps applicable to expired ration periods shall not be detached for this purpose.)"

2. Section 1.5 (c) is amended to read as follows:

(c) Issuance of evidences. The District Office may grant the application

under the conditions and in the amounts authorized by instructions issued by the Washington Office.

3. Section 1.5 (d) is amended to read as follows:

(d) Notations on book. Before evidences are issued under this section, a notation shall be entered on the book submitted with the application:

- (1) The address of the District Office.
- (2) The date evidences are issued.
- (3) The amount of sugar covered by such evidences.
- (4) The period for which the supplemental ration was given.

4. Section 1.6 (b) is amended to read as follows:

(b) Action on application. If the District Office finds the statements made in the application to be true, evidences shall be issued to him in the amount needed to replace the sugar.

5. Section 13.5A (b) is amended by deleting the first sentence and inserting in place thereof the following: "If the District Office finds that the applicant, pursuant to a contract or order which was terminated, used sugar in products which were not acquired by a designated agency it shall authorize the issuance of a check to the user equal to the amount of sugar so used."

6. Section 7.3 (a) is amended to read as follows:

Sec. 7.3 (a) Application for a sugar ration book. Application for a sugar ration book shall be made on OPA Form R-146 at the Regional Office having jurisdiction over the place where the applicant lives or at any other place designated by the Office of Price Administration. The application must be signed by the person to whom the book is issued or by this agent.

7. Section 7.4 (a) is amended to read as follows:

(a) Before issuing the sugar ration book all expired stamps, the home canning sugar stamps and all valid stamps except the last consumer sugar stamp which became valid shall be removed.

8. Section 7.6 (c) is revoked.

9. Section 7.8 (a) is amended to read as follows:

(a) An application for replacement of a book shall be made to the Regional Office having jurisdiction to act upon an original application for the issuance of the book sought to be replaced. Application shall be made on OPA Form R-194 by the person in whose name the book was issued or by his agent. The applicant must give all the information called for by the Form.

10. Section 7.9 (b) is amended to read as follows:

(b) The mutilated ration book must be surrendered with the application. Stamps which have been detached from such book must if possible be submitted with the mutilated book. The Regional Office may require the applicant to submit additional proof. If the Regional Office finds the book sought to be replaced was issued to the applicant and that it was mutilated, the Regional Office

¹ 11 F. R. 116.

shall note its decision on the application and issue a new book.

11. Section 7.9 (c) is amended to read as follows:

(c) If the book is being replaced because of mutilation, before the new book is issued all expired stamps and all valid stamps except the last consumer sugar stamp which became valid on or before the date the book is issued and the "home canning sugar" stamp (or stamps) shall be removed. However, if the applicant states that the book did not contain the currently valid consumer sugar stamp at the time of mutilation of such book, the last consumer sugar stamp which became valid on or before the date the book was issued shall also be removed. Further, if the applicant states that the ration book did not contain the "home canning sugar" stamp (or stamps) at the time of mutilation of such book, the "home canning sugar" stamp (or stamps) shall also be removed.

12. Section 7.10 is amended to read as follows:

Sec. 7.10 Lost, destroyed or stolen ration books. (a) An applicant seeking to replace a lost, destroyed or stolen ration book shall make application on Form R-194. The Regional Office must require the applicant to report the theft of a book to the police before considering his application. The Regional Office may also require the applicant to present additional proof.

(b) If the Regional Office finds from all the evidence that the book sought to be replaced was issued to the person seeking such replacement, that the loss, destruction or theft occurred and that the applicant was unable to recover the book, the decision shall be noted upon the application and a new book issued.

13. Section 7.11 is amended to read as follows:

Sec. 7.11 Wrongfully withheld books. (a) If a person claims that his book is being wrongfully withheld from him by another person, he shall make application on Form F-194. Upon receipt of such application the Regional Office shall direct the District Office to hold a hearing. The District Office shall give notice of the time and place to the applicant. Furthermore, the District Office shall give three (3) days' notice by mail to the alleged wrongful holder to appear at the hearing and to bring the applicant's book with him.

(b) If the District Office finds at the hearing that the book sought to be replaced is being wrongfully held by a person, it shall order the wrongful holder to surrender it to the applicant. If the wrongful holder fails to appear at the hearing or refuses to surrender the book, a new book shall be issued to the applicant and the District Enforcement Attorney notified of the wrongful holder's action.

14. Section 7.12 (a) is amended by deleting the words "District Office" in the first sentence and inserting in place thereof the words "Office of Price Administration".

15. Section 12.3 (b) is amended by deleting the words "District Office" in the first sentence and substituting in place thereof the words "Office of Price Administration".

15a. Sections 9.1 (b), 9.1 (c) and 9.2 (c) are amended by deleting the words "District Office" and inserting in place thereof the words "Regional Office".

16. Section 12.5 (b) is amended by deleting the words "District Office" in the first sentence and substituting in place thereof the words "Office of Price Administration".

17. Section 12.7 is amended to read as follows:

Sec. 12.7 District and Regional Offices may be authorized to approve applications for exports not covered by this order. The Washington Office may authorize District or Regional Offices to approve applications for exports not covered by this order.

18. Section 12.8 is revoked.

19. Section 13.7 (d) is amended by deleting the last two sentences and inserting in place thereof the following: "In the latter case if all or part of the excess inventory charge allocable to the sugar used in such products has already been repaid by the applicant the District Office shall, in addition to cancelling the remaining portion of such charge, authorize the issuance of a check to the user for the part of the charge already paid. The allotment of the user or the allotment period in which such check is received shall be considered increased by the amount of such check."

20. Section 13.5 is amended by deleting the period at the end thereof and inserting the words "or for making bulk sweetened condensed milk."

21. Section 14.1 is amended by deleting the words "District Office" wherever they appear and inserting in place thereof the words "Regional Office".

22. Section 14.4 (d) is amended by deleting the words "District Office" and inserting in place thereof the words "Regional Office".

23. Section 17.4 (c) is amended by deleting the first sentence and inserting in place thereof the following: "If the District Office finds that the facts stated in the application are true and that the applicant needs an adjustment it shall authorize the issuance of a check to the wholesaler or retailer."

24. Section 18.3 (d) (2) (i) is amended as follows:

(i) If the District Office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in section 18.3 (b) (2) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. **The base-period use and the allotment assigned to the transferee shall be de-**

ducted from the base-period use and current allotment of the transferor. A check shall be issued to the transferee (or his excess inventory determined) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of sugar which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up evidences to the Office of Price Administration for the difference. If he does not give up evidences, that difference shall be treated as excess inventory.

25. Section 18.3 (e) (3) is amended to read as follows:

(3) If the District Office finds that there was a bona fide sale or transfer of part of the business, that the transferee will produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name), and that the transferee will continue to serve the same general class of customers, and the same area previously served by the part of the business transferred, the District Office shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and the base-period use allocable to the part of the business transferred. That base-period use shall be assigned to the transferee. The transferee's allotment shall be part of the transferor's allotment (for that part of his business) corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. A check shall be issued to the transferee (or his excess inventory determined) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of sugar which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up evidences to the Office of Price Administration for the difference. If he does not give up evidences, that difference shall be treated as excess inventory.

26. Section 18.7 (c) is amended to read as follows:

(c) *Reduction of base-period use: issuance of allotment.* As soon as the customer is permitted to register and receives a base-period use, the District Office shall notify the District Office where the industrial user is registered. The District Office where the industrial user is registered shall reduce the base period use of the industrial user for the class of products in question by the amount of the base period use established for the customer. The application shall be deemed an application for an allotment for the customer for the current allotment period made as of the date on which the application is approved. The District Office where the application is filed shall authorize the issuance of a check for the amount of the allotment, and shall notify the District Office where

the industrial user is registered of the issuance of the allotment. The latter District Office shall then charge the amount of the allotment against the industrial user's next allotment as excess inventory.

27. Section 19.12 (c) (2) (ii) the last sentence thereof is amended to read as follows: "The District Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes."

28. Section 19.3 (c) (2) (iii) the last sentence thereof is amended to read as follows: "The District Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes."

29. Section 19.4 (c) (2) (ii) the last sentence thereof is amended to read as follows: "The District Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes."

30. Section 19.5 (c) (2) (ii) the last sentence thereof is amended to read as follows: "The District Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance to his last provisional allowance of sugar issued for these purposes."

31. Section 19.6 (c) (2) (ii) the last sentence thereof is amended to read as follows: "The District Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes."

32. Section 19.7 (c) (2) the last sentence thereof is amended to read as follows: "The District Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes."

33. Section 19.9 (c) (2) (ii) the last sentence thereof is amended to read as follows: "The District Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes."

34. Section 19.10 (c) (2) the last sentence thereof is amended to read as follows: "The District Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes."

35. Section 22.19 is added to read as follows:

SEC. 22.19 *District Offices (Branch Offices) will continue to get some applications.* Notwithstanding any other provisions of this order consumers will continue to apply for books, or evidences, at Branch Offices under the provisions of Article VII and IX until the Regional

Offices, acting under instructions issued by the Washington Office have provided for the issuance of such books or evidences by the Regional Sugar Division.

36. Section 24.1 (o) (10) is amended to read as follows:

(10) "District Office" means a District Office or a Sugar Branch Office of the Office of Price Administration.

37. Section 2.2 (b) is amended by deleting the word "fifteen" in the second sentence and inserting in place thereof the word "twenty".

This amendment shall become effective as of November 19, 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 25th day of November 1946.

PAUL A. PORTER,
Administrator.

Rationale Accompanying Amendment No. 30 to Third Revised Ration Order 3 and Amendment No. 15 to Revised General Ration Order 5

The sugar rationing regulations now provide for issuance of evidences by District Offices in certain cases. In order to coordinate and consolidate issuances of evidences to all users all issuances will hereafter be made by Regional Offices and thus sugar branch offices, formerly District Offices, will not issue evidences after December 6, 1946. It is necessary therefore to provide that industrial users may apply twenty days before the beginning of an allotment period for their allotment rather than the fifteen days previously provided for. This will provide more time in which Regional Offices may process applications and assure industrial users receiving allotments before beginning of allotment period if applications are promptly filed.

Other appropriate changes have been made in the interest of conformity with this new issuance procedure.

[F. R. Doc. 46-20924; Filed, Nov. 25, 1946; 11:04 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 381]

PART 95—CAR SERVICE

TRAINLOADS OF BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of November A. D. 1946.

It appearing that the loading of box cars with bauxite ore concentrates by the Aluminum Ore Company, Mobile, Alabama, and Reynolds Metals Company, Bauxite, Arkansas, and the assembling and forwarding of the loaded cars in trainload lots of 1800 tons, or more, by common carriers by railroad are imped-

ing the use, control, supply, movement, distribution, exchange, and interchange of such cars; in the opinion of the Commission an emergency exists at Mobile, Alabama, and Bauxite, Arkansas, requiring immediate action; it is ordered, that:

§ 95.381 *Trainloads of bauxite ore concentrates*—(a) *Shipments of bauxite ore concentrates to be forwarded within one day (24 hours).* Common carriers by railroad subject to the Interstate Commerce Act transporting in switch and line-haul movement trainload shipments of 1800 tons, or more, of bauxite ore concentrates from the Aluminum Ore Company, Mobile, Alabama, and Reynolds Metals Company, Bauxite, Arkansas, shall forward each individual carload consisting of part of a shipment made under section 1, Item 1605 of Agent L. E. Kipp's I. C. C. 1509, or as amended, within one day (24 hours) after the first 7 a. m. after the car is loaded.

(b) *Cars comprising minimum trainload must be moved within three days (72 hours).* Each common carrier by railroad shall forward all carloads comprising minimum trainload shipment mentioned in paragraph (a) of this section from Mobile, Alabama, or Bauxite, Arkansas, within three days (72 hours) after the first 7 a. m. after the first car is loaded.

(c) *Exceptions.* Box cars in which mechanical defects have developed after loading.

(d) *Computing time.* In computing the time under this order Sundays and bank holidays shall be included.

(e) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(f) *Effective date.* This order shall become effective at 12:01 a. m., November 23, 1946.

(g) *Expiration date.* This order shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended or annulled by order of the Commission.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register. (Sec. 402, 40 Stat. 101; sec. 4, 41 Stat. 476, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-20822; Filed, Nov. 25, 1946; 8:49 a. m.]

PART 126—CLASSES OF CARRIERS
CLASSIFICATION OF CARRIERS BY ELECTRIC
RAILWAY FOR REPORTING PURPOSES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of November A. D. 1946.

The matter of the classification of carriers by electric railway being under consideration; it is ordered, that:

§ 126.3 *Classification of carriers by electric railway for reporting purposes.* (a) For the purpose of annual, other periodical, and special reports, carriers by electric railway subject to the provisions of the Interstate Commerce Act shall be, and they hereby are, divided into three general classes, designated respectively as Class I, Class II, and Class III. Class I shall include all carriers having annual operating revenues exceeding \$1,000,000; Class II, all carriers having annual operating revenues exceeding \$250,000 but not more than \$1,000,000; and Class III, all carriers having annual operating revenues of \$250,000 or less.

(b) For the calendar year 1947 the classification of carriers by electric railway as aforesaid shall be based on the average annual operating revenues for the 3-year period ended with the calendar year 1946; and, subsequently, if at the close of any calendar year the average of the annual revenues for the latest 3-year period is greater or less than the amount applicable to the class in which the carrier has been reporting, its class for the next succeeding year shall change accordingly; *Provided*, That, carriers which have operated for a period less than three calendar years shall be classified upon the basis of the average amount of their annual revenues, for the latest period of such operation: *And provided*, That, newly organized carriers which commence operations for revenue subsequently to the effective date of this order, shall be assigned to classes, as above defined, on the basis of their operating revenues, known or estimated, for a year: *And provided*, That, nothing contained in this order shall prevent changes in the assignment of carriers to classes on the part of the Commission deemed to be warranted by special conditions: *And, provided further*, That, carriers shall within 30 days after the close of a calendar year notify the Commission's Bureau of Transport Economics and Statistics when a change of classification has taken place.

It is further ordered, That this order shall become effective on January 1, 1947, and that a copy of this order shall be served upon every electric railway subject to the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such electric railway; and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register,

(24 Stat. 386, 34 Stat. 593, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-20823; Filed, Nov. 25, 1946;
8:49 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

MANNER OF REPORTING SALES IN MONTHLY NARCOTIC RETURNS OF MANUFACTURERS AND WHOLESALERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Narcotics, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue or to the Commissioner of Narcotics, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 2551, 2559, and 2606 of the Internal Revenue Code (53 Stat., 270, 277, 283; 26 U. S. C. 2551, 2559, 2606).

[SEAL]

H. J. ANSLINGER,
Commissioner of Narcotics.
WM. T. SHERWOOD,
Acting Commissioner
of Internal Revenue.

[Narcotic Reg. 5]

PART 151—REGULATIONS UNDER THE HARRISON NARCOTIC LAW, AS AMENDED

Manner of reporting sales in monthly narcotic returns of manufacturers and wholesalers. Narcotic Regulations 5 amended.

Narcotic Regulations 5 (Part 151, Title 26, Code of Federal Regulations) relating to narcotics subject to the Harrison Narcotic Law, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939 (Chapter 1, Note, Title 26, Code of Federal Regulations, Cum. Sup., 5875) as amended as follows:

1. Article 116 (§ 151.116 of such Title 26) is amended to read as follows:

§ 151.116 *Forms 810b and 810f; dispositions.* All dispositions of taxable narcotics and preparations by a manufacturer as such, including exports, sales, transfers to other classes at the same location, and losses, shall be reported in summarized entries on Form 810b. A separate sheet, properly headed in the space provided, shall be used for each

different type of transaction. On each sheet separate entries shall be used to report dispositions of each kind of drug and of each different type and size of package or unit involved. All losses reported shall be fully explained.

The details of all exports, all insular sales, and all domestic sales to manufacturers (Class 1), manufacturers of exempted preparations (Class 5), and wholesale dealers (Class 2), shall be reported in full on Form 810f. The details of all sales of (1) opium, its tinctures and extracts, (2) pantopon, (3) morphine and its salts, (4) dihydromorphinone and its salts (dilaudid, hymorphan), (5) dihydrocodeinone and its salts (dicodid, hycodan), (6) methyl-dihydromorphinone and its salts (metopon), (7) cocaine and its salts, (8) isonipecaine and its salts (demerol), to retail pharmacists (Class 3), practitioners (Class 4), hospitals, clinics, and sanatoria (Classes 3 or 4), and laboratories (Class 6), shall likewise be reported in full on Form 810f. The details of sales of other drugs to Class 3, 4 and 6 registrants, may be omitted from returns on Form 810f, but such transactions will be included in the summarized entries on Form 810f. For all such sales not reported in detail the manufacturer shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

2. Article 151 (§ 151.151 of such Title 26) is amended to read as follows:

§ 151.151 *Forms 811b and 810f; Dispositions.* All dispositions of taxable narcotics and preparations by a wholesale dealer as such, including exports, sales, transfers to other classes at the same location, and losses, shall be reported in summarized entries on Form 811b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be used to report dispositions of each kind of drug and of each different type and size of package or unit involved. All losses reported shall be fully explained.

The details of all exports, all insular sales, and all domestic sales to manufacturers (Class 1), manufacturers of exempted preparations (Class 5), and wholesale dealers (Class 2), shall be reported in full on Form 810f. The details of all sales of (1) opium, its tinctures and extracts, (2) pantopon, (3) morphine and its salts, (4) dihydromorphinone and its salts (dilaudid, hymorphan), (5) dihydrocodeinone and its salts (dicodid, hycodan), (6) methyl-dihydromorphinone and its salts (metopon), (7) cocaine and its salts, (8) isonipecaine and its salts (demerol), to retail pharmacists (Class 3), practitioners (Class 4), hospitals, clinics, and sanatoria (Classes 3 or 4), and laboratories (Class 6), shall be reported in full on Form 810f. The details of sales of other drugs to Class 3, 4 and 6 registrants, may be omitted from returns on Form 810f, but such transactions will be included in the summarized entries on Form 811b. For all such sales not reported in detail the wholesale dealer shall have available for inspection

original sales, orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

[F. R. Doc. 46-20831; Filed, Nov. 25, 1946; 8:48 a. m.]

Bureau of Public Debt.

[Department Circular 797]

CERTIFICATES OF INDEBTEDNESS

NOVEMBER 18, 1946.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated $\frac{7}{8}$ percent Treasury Certificates of Indebtedness of Series L-1947, in exchange for Treasury Certificates of Indebtedness of Series K-1946, maturing December 1, 1946.

II. *Description of certificates.* 1. The certificates will be dated December 1, 1946, and will bear interest from that date at the rate of $\frac{7}{8}$ percent per annum, payable with the principal at maturity on December 1, 1947. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates, now or hereafter subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be

made on or before December 2, 1946, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series K-1946, maturing December 1, 1946, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-20789; Filed, Nov. 25, 1946; 8:49 a. m.]

DEPARTMENT OF JUSTICE.

Office of Alien Property.

[Vesting Order 7407]

MARGARET PALMER SOUTTER VON LUTTICHAU

In re: Stocks, bonds, and mortgage participations, coupons and mortgagor payments and debts owing to Margaret Palmer Soutter von Luttichau, also known as Margaret P. S. von Luttichau and as Margaret P. S. von Luttichau-A-1, F-28-283-A-1, F-28-283-A-2, F-49-1302-A-1.

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

1. That Margaret Palmer Soutter von Luttichau, also known as Margaret P. S. von Luttichau and as Margaret von Luttichau, whose last known address is Schloss Barenstein, Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred shares of no par value common capital stock of Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered 927820 for four shares, 927821 for ten shares, 927822 for twelve shares and 927823 for seventy-four shares, registered in the name of Margaret P. S. von Luttichau, held in an account of Handelstrust West N. V. with J. Henry Schroder Banking Corporation, 46 William Street, New York, New York, beneficially owned by Margaret Palmer Soutter von Luttichau, together with all declared and unpaid dividends thereon,

b. Two hundred shares of \$10 par value capital stock of Irving Trust Company,

One Wall Street, New York, New York, evidenced by certificates numbered 13778 and 13779, each for one hundred shares, registered in the name of Margaret Palmer Soutter von Luttichau, held in an account of Handelstrust West N. V. with J. Henry Schroder Banking Corporation, 46 William Street, New York, New York, beneficially owned by Margaret Palmer Soutter von Luttichau, together with all declared and unpaid dividends thereon,

c. Five The Baltimore and Ohio Railroad Company 30 Year Convertible Stamped Modified Gold $4\frac{1}{2}\%$ Bonds, due 1960, each of \$1000 face value, bearing the numbers 33546 through 33550 inclusive, issued in the name of bearer, held in an account of J. Henry Schroder & Co., London, England, with J. Henry Schroder Banking Corporation, 46 William Street, New York, New York, beneficially owned by Margaret Palmer Soutter von Luttichau, together with any and all rights thereunder and thereto,

d. Cash in the amount of \$157.50, as of December 31, 1945, arising out of proceeds of coupons due May 1, 1943 on the bonds described in subparagraph 2 c. hereof, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York, New York, together with any and all accruals thereon, and any and all rights to demand and collect the same,

e. Thirty-five shares of capital stock of Central Park North & East River Railroad Company, evidenced by certificate number 416, registered in the name of Edwin Gibbs and beneficially owned by Margaret Palmer Soutter von Luttichau, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

f. Eighteen shares of \$50 par value capital stock of Louisville & Nashville Railroad Company, Ninth Street and Broadway, Louisville, Kentucky, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number TN03415, registered in the name of Hare & Co. and beneficially owned by Margaret Palmer Soutter von Luttichau, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

g. One hundred twenty-eight shares of \$25 par value capital stock of New Jersey Zinc Company, 35 Main Street, Franklin, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 01371 for ninety-two shares and 028471 for thirty-six shares, registered in the name of Hare & Co. and beneficially owned by Margaret Palmer Soutter von Luttichau, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

h. Forty shares of \$100 par value capital stock of Second Avenue Railroad Company, evidenced by certificates numbered 6194 for thirty shares and 6195 for ten shares, registered in the name of Margaret von Luttichau, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together

with all declared and unpaid dividends thereon,

i. Twenty-two shares of capital stock of South Brooklyn Saw Mill Company, evidenced by certificate number 649, registered in the name of Edwin Gibbs and beneficially owned by Margaret Palmer Soutter von Luttichau, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

j. Two shares of capital stock of Wood-Lawn Cemetery, evidenced by certificate number 2194, registered in the name of Hare & Co. and beneficially owned by Margaret Palmer Soutter von Luttichau, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

k. Five Havana Electric Railway Company 25 Year Debenture 5½% Bonds, due 1951, each of \$1,000 face value, bearing the numbers 843 through 847, inclusive, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

l. That certain debt or other obligation owing to Margaret Palmer Soutter von Luttichau, by Bank of New York, 48 Wall Street, New York, New York, arising out of a custodian account maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

m. A mortgage participation certificate issued by Bank of New York in a mortgage participation on the premises 3696 Broadway, New York, New York, with an original face value of \$481.89 and an unpaid balance as of December 31, 1945 of \$358.48, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

n. A mortgage participation certificate issued by Bank of New York in a mortgage participation on the premises 6823-5 Fifth Avenue, Brooklyn, New York, with an original face value of \$167.90 and an unpaid balance as of December 31, 1945 of \$163.62, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

o. Twelve coupons, each of \$35 face value, due November 1, 1932, detached from twelve Greek Government 7% Refugee Loan 40 Year Sinking Fund Bonds, due 1964, each of \$1,000 face value, bearing the numbers M00042, M00043, M00044, M00045, M00046, M00047, M02152, M02153, M03428, M03429, M03430, M03431, which coupons are presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with any and all rights thereunder and thereto.

p. Eighteen coupons, each of \$17.50 face value, due November 1, 1932, detached from eighteen Greek Government 7% Refugee Loan 40 Year Sinking Fund Bonds, due 1964, each of \$500 face value, bearing the numbers D0861 through D0878 inclusive, which coupons are presently in the custody of Bank of New York, 48 Wall Street, New York,

New York, together with any and all rights thereunder and thereto,

q. Twelve receipts issued by the Greek Government, each of \$21 face value, bearing the numbers M-2492 through M-2503 inclusive, accompanying the coupons described in subparagraph 2 o. hereof, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with any and all rights thereunder and thereto, and

r. Eighteen receipts issued by the Greek Government, each of \$10.50 face value, bearing the numbers D-307 through D-324 inclusive, accompanying the coupons described in subparagraph 2 p. hereof, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

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

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

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

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

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

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

Executed at Washington, D. C., on August 14, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20837; Filed, Nov. 25, 1946; 8:45 a. m.]

[Vesting Order 7473]

GEORGE H. DOHRMANN

In re: Trust under will of George H. Dohrmann, deceased. File No. D-28-1872; E. T. sec. No. 1642.

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 Adala Lutz and the descendants of Adala Lutz, whose names are unknown, and each of them, in and to the Trust under the will of George H. Dohrmann, deceased,

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

Nationals and Last Known Address

Adala Lutz, Germany.

The descendants of Adala Lutz, Germany, whose names are unknown,

That such property is in the process of administration by the Sullivan County National Bank, as Trustee under the will of George H. Dohrmann, deceased, acting under the judicial supervision of the Surrogate's Court, Sullivan County, State of New York;

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.

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

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

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20839; Filed, Nov. 25, 1946; 8:46 a. m.]

[Vesting Order 7453]

ELEONORE VON CRAILSHEIM

In re: Bank account, stocks and bonds owned by Eleonore Von Crailsheim, also known as Mrs. Eleanore von Crailsheim.

F-28-250-A-1, F-28-250-D-1, F-28-250-E-1.

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

1. That Eleonore Von Crailsheim, also known as Mrs. Eleonore von Crailsheim, whose last known address is Frohstockheim, Kitzingen A/M, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Eleonore Von Crailsheim, also known as Mrs. Eleonore von Crailsheim, by Irving Trust Company, 350 Fifth Avenue, New York 1, New York, arising out of a checking account, entitled Mrs. Eleonore von Crailsheim, and any and all rights to demand, enforce and collect the same,

b. Three (3) United States of America 2½% Treasury coupon Bonds, \$2,500 aggregate face value, bearing the numbers 93796F; 93795F, and 31391A, presently in the custody of Lewis R. Conklin, 63 Wall Street, New York 5, New York in safe deposit box, Box Number 7072 of the Standard Safe Deposit Company, 25

Broad Street, New York, New York, together with any and all rights thereunder and thereto, and

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Eleonore von Crailsheim and presently in the custody of Lewis R. Conklin, 63 Wall Street, New York 5, New York, in safe deposit box, Box Number 7072 of the Standard Safe Deposit Company, 25 Broad Street, New York, New York, together with all declared and unpaid dividends thereon,

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

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

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

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

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

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

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

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Issuer and Address	State of Incorporation	Number of shares	Type of stock	Par value	Certificate No.
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York	23	Common	\$100.00	X227344, A301311.
The Borden Co., 350 Madison Ave., New York, N. Y.	New Jersey	42	do	15.00	F20466, NYF106323, NYF49239.
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	New York	20	do	13.55	360164.
The Chesapeake & Ohio Ry. Co., Richmond, Va.	Virginia and West Virginia	6	do	25.00	0277442.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	Delaware	38	do	10.00	E410-054, E610-265.
Jones & Laughlin Steel Corp., Jones & Laughlin Bldg., Pittsburgh, Pa.	Pennsylvania	15	5% preferred, Series A	100.00	NY06510.
Missouri Pacific R. R. Co., Missouri Pacific Bldg., St. Louis, Mo.	Missouri	30	5% preferred	100.00	038142.
Norfolk & Western Ry. Co., Roanoke, Va.	Virginia	15	Common	100.00	152868.
Philadelphia Co., 435 Sixth Ave., Pillsbury, Pa.	Pennsylvania	7	6% preferred	50.00	NR26735.
Public Service Corp. of New Jersey, 80 Park Pl., Newark, N. J.	New Jersey	18	7% preferred	100.00	D037532, D037531.
Union Pacific R. R. Co., 120 Broadway, New York, N. Y.	Utah	32	Common	100.00	A561066, A534014, A534781.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	15	7% preferred	100.00	C801847.
Universal Leaf Tobacco Co., Richmond Trust Bldg., Richmond, Va.	Virginia	6	8% preferred	100.00	NY06543.

[F. R. Doc. 46-20838; Filed, Nov. 25, 1946; 8:46 a. m.]

[Vesting Order 7622]

JOHN CONRAD HOEFER

In re: Estate of John Conrad Hoefer, deceased. File D 28-8165, E. T. sec. 9176.

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 brother of John Conrad Hoefer, deceased, name unknown, whose last address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

That the property described as follows: The sum of \$954.64 and all accretions thereon paid into the State Treasury of the Commonwealth of Pennsylvania through the Department of Revenue pursuant to an adjudication of the Orphans' Court of Philadelphia County, Pennsylvania, dated March 30, 1944, and entered in the proceeding entitled "Es-

tate of John Conrad Hoefer, deceased," (No. 3376 of 1943) subject, however, to all lawful fees and disbursements of the Commonwealth of Pennsylvania,

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

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

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

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

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

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

Executed at Washington, D. C., on September 18, 1946.

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

[F. R. Doc. 46-20840; Filed, Nov. 25, 1946; 8:46 a. m.]

[Vesting Order 7647]

GRACE M. MEEKER ET AL.

In re: United States vs. 685.2 Acres of Land in Lake County, Illinois and Grace M. Meeker, et al. File D-28-9625; E. T. sec. 13325.

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

That the property described as follows: Cash in the amount of \$253.02, is property in the possession of the Alien Property Custodian;

That such property was held by Roy H. Johnson, Clerk, U. S. District Court for the Northern District of Illinois, Eastern Division, and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Hilda Prasse, Germany.

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

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

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

This vesting order is issued nunc pro tunc to confirm and ratify the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 9, 1946, pursuant to the Trading with the Enemy Act, as amended.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section

10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

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

[F. R. Doc. 46-20841; Filed Nov. 25, 1946; 8:46 a. m.]

[Vesting Order 7678]

FRANK N. OKUMURA

In re: Debt owing to and stock owned by Frank N. Okumura. F-39-4690-A-1.

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

1. That Frank N. Okumura, 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. That certain debt or other obligation owing to Frank N. Okumura, by Davies & Mejia, 2800 Russ Building, San Francisco 4, California, in the amount of \$1805.45, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Three hundred (300) shares of \$1.00 par value common capital stock of Menasco Manufacturing Co., 805 East San Fernando Road, Burbank, California, a corporation organized under the laws of the State of California, registered in the name of Davies & Mejia, Russ Building, San Francisco 4, California, presently in the custody of the aforesaid Davies & Mejia, 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 interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licens-

ing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

Executed at Washington, D. C., on September 19, 1946.

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

[F. R. Doc. 46-20842; Filed, Nov. 25, 1946; 8:46 a. m.]

[Vesting Order 7703]

LAWYERS MORTGAGE CO.

In re: First Mortgage Certificate No. 1 in issue of Lawyers Mortgage Company, No. 101090. File No. F-28-5137; E. T. sec. No. 4784.

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

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate No. 1 issued and guaranteed by Lawyers Mortgage Company, No. 101090, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

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

National and Last Known Address

Theresia Schlogol, Germany.

That such property is in the process of administration by the Lawyers Mortgage Company, as Trustee under Declaration of Trust dated January 2, 1940 for the Benefit of Certificate Holders of Guaranteed Mortgage No. 101090 of the Lawyers Mortgage Company, acting under the judicial supervision of the Supreme Court, New York County, State of New York;

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

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

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

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

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

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

[F. R. Doc. 46-20843; Filed, Nov. 25, 1946;
8:47 a. m.]

[Vesting Order 7719]

FREDERICK SHULZE

In re: Estate of Frederick Shulze, deceased. File D-28-10413; E. T. sec. 14831.

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 Alma von der Ohr, Issue, names unknown of Alma von der Ohr, Ernestine Buchner, Issue, names unknown of Ernestine Buchner, Elmgard Schaffer, Issue, names unknown of Elmgard Schaffer, Fridrick Schaffer, Issue, names unknown of Fridrick Schaffer, and each of them, in and to the Estate of Frederick Shulze, deceased,

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

Nationals and Last Known Address

Alma von der Ohr, issue, names unknown of Alma von der Ohr, Germany.
Ernestine Buchner, issue, names unknown of Ernestine Buchner, Germany.
Elmgard Schaffer, issue, names unknown of Elmgard Schaffer, Germany.
Fridrick Schaffer, issue, names unknown of Fridrick Schaffer, Germany.

That such property is in the process of administration by Ben. F. White, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Riverside.

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.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

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

[F. R. Doc. 46-20844; Filed, Nov. 25, 1946;
8:47 a. m.]

[Vesting Order 7755]

AUGUST UECKERT

In re: Estate of August Ueckert, deceased. File No. D-28-2380; E. T. sec. 3948.

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 Hildegard Bergemann Bornemann, in and to the estate of August Ueckert, deceased,

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

National and Last Known Address

Hildegard Bergemann Bornemann, Germany.

That such property is in the process of administration by E. G. Kroger, Court House, Grand Island, Nebraska, as Executor, acting under the judicial supervision of the County Court of Hall County, Nebraska,

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

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

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

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

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 26, 1946.

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

[F. R. Doc. 46-20845; Filed, Nov. 25, 1946;
8:47 a. m.]

[Vesting Order 7761]

BENJAMIN GOLDMAN

In re: Estate of Benjamin Goldman. File D-28-10834; E. T. sec. 15184.

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 Heirs at law, next of kin and personal representatives, names unknown, of Bertha Alexander, deceased, Heirs at law, next of kin and personal representatives, names unknown, of Oscar Abraham, deceased, Heirs at law, next of kin and personal representatives, names unknown, of Rosa Chassel, deceased, Heirs at law, next of kin and personal representatives, names unknown, of Erna Wahnschaffe, deceased, Heirs at law, next of kin and personal representatives, names unknown, of Otto Brueck, deceased, Heirs at law, next of kin and personal representatives, names unknown, of Adolph Goldman, deceased, Heirs at law, next of kin and personal representatives, names unknown, of Bertha Rheinstein, deceased, and Klara Hypenmeier, and each of them, in and to the Estate of Benjamin Goldman, deceased,

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

Nationals and Last Known Address

Heirs at law, next of kin and personal representatives, names unknown, of Bertha Abraham, deceased; Germany.

Heirs at law, next of kin and personal representatives, names unknown, of Oscar Abraham, deceased, Germany.

Heirs at law, next of kin and personal representatives, names unknown, of Rosa Chassel, deceased; Germany.

Heirs at law, next of kin and personal representatives, names unknown, of Erna Wahnschaffe, deceased; Germany.

Heirs at law, next of kin and personal representatives, names unknown, of Otto Brueck, deceased; Germany.

Heirs at law, next of kin and personal representatives, names unknown, of Adolph Goldman, deceased; Germany.

Heirs at law, next of kin and personal representatives, names unknown, of Bertha Rheinstejn, deceased; Germany.

Klara Hyphenmeir; Germany.

That such property is in the process of administration by Max Goldman, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles.

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.

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

Executed at Washington, D. C. on September 30, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20846; Filed, Nov. 25, 1946; 8:47 a. m.]

[Vesting Order 7831]

AUGUST AHLWEDE

In re: Estate of August Ahlswede, deceased. File No. D-28-9428; E. T. sec. 12607.

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 Anna Voigt, Herman Ahlswede and Heinrich Jacke, and each of them in and to the estate of August Ahlswede deceased,

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

Nationals and Last Known Address

Anna Voigt, Germany.
Herman Ahlswede, Germany.
Heinrich Jacke, Germany.

That such property is in the process of administration by Francis J. Mulligan, Public Administrator of the estate of August Ahlswede, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

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.

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 October 14, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20847; Filed, Nov. 25, 1946; 8:47 a. m.]

[Vesting Order 7834]

IGNATZ BERGER

In re: Estate of Ignatz Berger, deceased. File D-34-779; E. T. sec. 11774.

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 Geza Boross Berger, Armin Berger, Rezsone Schatz and Amalia Kugler, and each of them, in and to the Estate of Ignatz Berger, deceased,

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

Nationals and Last Known Address

Geza Boross Berger, Hungary.
Armin Berger, Hungary.
Rezsone Schatz, Hungary.
Amalia Kugler, Hungary.

That such property is in the process of administration by John T. Dempsey, as administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois,

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 (Hungary);

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

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

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

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

Executed at Washington, D. C., on October 14, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20848; Filed, Nov. 25, 1946; 8:47 a. m.]

[Vesting Order 7840]

CHARLES GEHRMANN

In re: Trust under the will of Charles Gehrman, deceased. File No. D-28-2182; E. T. sec. 2860.

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 Anni Wunderlich, the issue of Anni Wunderlich, names unknown, the issue of Dr. Richard Kurwitz, deceased, names unknown, Paul Gehrman, and the issue, heirs-at-law, next-of-kin and personal representatives of Paul Gehrman, whose names are unknown, and each of them, in and to the Trust created under the Will of Charles Gehrman, deceased,

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

Nationals and Last Known Address

Anni Wunderlich, Germany.
The issue of Anni Wunderlich, names unknown, Germany.
The issue of Dr. Richard Kurwitz, deceased, names unknown, Germany.
Paul Gehrman, Germany.
The issue, heirs-at-law, next-of-kin and personal representatives of Paul Gehrman, whose names are unknown, Germany.

That such property is in the process of administration by the City Bank Farmers Trust Company, as Trustee of the Trust created under the Will of Charles Gehrman, deceased, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey,

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

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

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

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

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 October 14, 1946.

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

[F. R. Doc. 46-20849; Filed, Nov. 25, 1946; 8:47 a. m.]

[Vesting Order 7843]

THEODORE HUNHOLT

In re: Estate of Theodore Hunholt, deceased. File No. D-28-10341; E. T. sec. 14724.

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

Florentine Hunholt, Leonhard Hunholt, and Adolph Hunholt, and each of them, in and to the Estate of Theodore Hunholt, deceased,

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

Nationals and Last Known Address

Florentine Hunholt, Germany.
Leonhard Hunholt, Germany.
Adolph Hunholt, Germany.

That such property is in the process of administration by Audley Brindley, as Executor of the Estate of Theodore Hunholt, deceased, acting under the judicial supervision of the Surrogate's Court, Nassau County, New York;

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.

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 October 14, 1946.

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

[F. R. Doc. 46-20850; Filed, Nov. 25, 1946; 8:47 a. m.]

[Vesting Order 7844]

FRIEDA M. JACOBI

In re: Estate of Frieda M. Jacobi, deceased. File No. D-28-9288; E. T. sec. No. 12218.

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

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Frau Irmgard Leichtweiss, Frau Frieda Habermehl and Frau Gertrud Volker,

and each of them, in and to the estate of Frieda M. Jacobi, deceased,

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

Nationals and Last Known Address

Frau Irmgard Leichtweiss, Germany.
Frau Frieda Habermehl, Germany.
Frau Gertrud Volker, Germany.

That such property is in the process of administration by Chauncey A. Plyley, Substituted Administrator, C. T. A., acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey,

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

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

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

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

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 October 14, 1946.

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

[F. R. Doc. 46-20851; Filed, Nov. 25, 1946; 8:48 a. m.]

[Vesting Order 7847]

ERNEST KNODEL

In re: Estate of Ernest Knodel, deceased. File D-28-11019; E. T. sec. 15458.

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 Katharine Lentz in and to the Estate of Ernest Knodel, deceased.

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

National and Last Known Address

Katharine Lentz, Germany.

That such property is in the process of administration by The Merchants National Bank of Allentown, as executor, acting under the judicial supervision of the Orphans' Court of Lehigh County, Allentown, Pennsylvania;

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

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

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

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

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

Executed at Washington, D. C., on October 14, 1946.

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

[F. R. Doc. 48-20852; Filed, Nov. 25, 1946; 8:48 a. m.]

[Vesting Order 7848]

KAROLINE MAIER

In re: Estate of Karoline Maier, deceased. File No. D-28-9616; E. T. sec. 13298.

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 Hedwig Maier in and to the estate of Karoline Maier, deceased,

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

National and Last Known Address

Hedwig Maier, Germany.

That such property is in the process of administration by Alfred Norick, Esq., as Executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

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

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

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

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

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

Executed at Washington, D. C., on October 14, 1946.

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

[F. R. Doc. 46-20853; Filed, Nov. 25, 1946; 8:48 a. m.]

[Vesting Order 7881]

MINORA KOTA

In re: Stock owned by Minora Kota. F-39-4594-D-1.

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

1. That Minora Kota, 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: Sixty (60) shares of \$1 par value common capital stock of Curtiss-Wright Corporation, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 122662 and 168075 for thirty (30) shares each and registered in the name of Minora Kota, 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 re-

quires that such person be treated as a national of a designated enemy country (Japan);

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

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

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

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

Executed at Washington, D. C., on October 14, 1946.

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

[F. R. Doc. 46-20854; Filed, Nov. 25, 1946; 8:48 a. m.]

CIVIL AERONAUTICS BOARD.

AIR CARRIER OPERATING CERTIFICATION

NOTICE OF PROPOSED AMENDMENT

The currently effective § 40.2 (d) would eliminate after December 31, 1948, all aircraft not certificated under a transport category from use in scheduled passenger air transportation. Compliance with this regulation would, after the above date, preclude the use in scheduled passenger air transportation of such aircraft as the Douglas DC-3 which was originally certified in 1937 under the requirements of the Bureau of Air Commerce. This regulation is for the purpose of carrying out the Board's desire to raise the safety standards of all aircraft used in scheduled passenger air transportation. However, because of the economic readjustments made necessary by the war and the resulting fact that the DC-3 was the only airplane available to the airlines for purchase in quantity after the war to meet the needs of the country in air transportation, a large number of such airplanes were purchased accordingly. Even at this date, there are relatively few airplanes certificated in the transport category. Inasmuch as the requirement for strict compliance with § 40.2 (d) would preclude the use of the DC-3 while it is still serviceable and the fact that other suitable airplanes will not be available in ade-

quate quantities, and also the fact that substantial investments would be nullified by such compliance, with the result that economic hardships would be created which may, along with the other relevant factors, in many cases be extremely detrimental to the air transportation system of the country, it is believed that the interests of the public will be better served if aircraft which now are not certificated in a transport category are allowed to operate in scheduled passenger air transportation beyond December 31, 1948: *Provided*, That they are reevaluated for operation under the higher safety standards of performance required of aircraft which are fully certificated in a transport category.

Therefore, pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives public notice that the Bureau will propose to the Board an amendment to § 40.2 (d) of the Civil Air Regulations to read as follows:

§ 40.2 *Passenger minimum requirements.* * * *

(d) Airplanes not governed by the provisions of paragraphs (a) and (b) of this section shall not be used in scheduled passenger transportation after December 31, 1948, unless they can meet the requirements of § 61.712 of this chapter over each route to be flown, and have been shown to comply with either (1) the performance requirements of the transport category contained in §§ 04.75-T to 04.7533-T, inclusive, of Part 04 issued prior to November 9, 1945, or (2) the flight requirements contained in § 04.1 of Part 04 issued on November 9, 1945, as amended.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938.

It is the desire of the Board that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C. for receipt within 30 days from the date of this public notice. Simultaneously, Civil Air Regulation Draft Release No. 46-7, giving additional explanatory material on this subject, is being circulated to the aircraft industry. Copies of this Draft Release are available to the public at the offices of the Safety Bureau.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 46-20826; Filed, Nov. 25, 1946;
8:49 a. m.]

the above date, preclude the use in scheduled passenger air transportation of such aircraft as the Douglas DC-3 which was originally certificated in 1937 under the requirements of the Bureau of Air Commerce. This regulation is for the purpose of carrying out the Board's desire to raise the safety standards of all aircraft used in scheduled passenger air transportation. However, because of the economic readjustments made necessary by the war and the resulting fact that the DC-3 was the only airplane available to the airlines for purchase in quantity after the war to meet the needs of the country in air transportation, a large number of such airplanes were purchased accordingly. Even at this date, there are relatively few airplanes certificated in the transport category. Inasmuch as the requirement for strict compliance with § 41.26 (b) would preclude the use of the DC-3 while it is still serviceable and the fact that other suitable airplanes will not be available in adequate quantities, and also the fact that substantial investments would be nullified by such compliance, with the result that economic hardships would be created which may, along with the other relevant factors, in many cases be extremely detrimental to the air transportation system of the country, it is believed that the interests of the public will be better served if aircraft which now are not certificated in a transport category are allowed to operate in scheduled passenger air transportation beyond December 31, 1947: *Provided*, That they are reevaluated for operation under the higher safety standards of performance required of aircraft which are fully certificated in a transport category.

Therefore, pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives public notice that the Bureau will propose to the Board an amendment to § 41.26 (b) of the Civil Air Regulations to read as follows:

§ 41.26 *Airplane certification limitations.* * * *

(b) Airplanes not governed by the provisions of paragraph (a) of this section shall not be used in scheduled passenger transportation after December 31, 1948, unless they can meet the requirements of § 41.27 over each route to be flown, and have been shown to comply with either: (1) the performance requirements of the transport category contained in §§ 04.75-T to 04.7533-T, inclusive, of Part 04 issued prior to November 9, 1945, or (2) the flight requirements contained in § 04.1 of Part 04 issued on November 9, 1945, as amended.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938.

It is the desire of the Board that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice. Simultaneously, Civil Air Regulation Draft Release No. 46-7 giving additional explanatory material on this subject is being circulated to

the aircraft industry. Copies of this draft release are available to the public at the offices of the Safety Bureau.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 46-20827; Filed, Nov. 25, 1946;
8:50 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 396, Special Permit 66]

RECONSIGNMENT OF POTATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., November 18, 1946, by W. W. and W. T. Newcomb, of cars PFE 60172 and ART 20224, potatoes, now on the Missouri Pacific Railroad, to C. H. Robinson & Co., Peoria, Illinois.

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 18th day of November 1946.

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

[F. R. Doc. 46-20819; Filed, Nov. 25, 1946;
11:57 a. m.]

[S. O. 396, Special Permit 68]

RECONSIGNMENT OF TOMATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., November 2, 1946, by C. Cuttone & Bros., of cars PFE 36952 and PFE 30386, tomatoes, on the C., R. I. & P. Railroad and Wabash Railroad, respectively, to C. Cuttone & Bros., Chicago, Illinois (Wab.).

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

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

NOTICE OF PROPOSED AMENDMENT

The currently effective § 41.26 (b) would eliminate after December 31, 1947, all aircraft not certificated under a transport category from use in scheduled passenger air transportation. Compliance with this regulation would, after

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 19th day of November 1946.

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

[F. R. Doc. 46-20821; Filed, Nov. 25, 1946;
11:57 a. m.]

Car No.	At	On	To	Via
PFE 90195	New Orleans.....	I. C. R. R.....	Indianapolis, Ind.....	I. C.
PFE 50782	Kansas City.....	U. P. R. R.....	Toledo, Ohio.....	Wab.
ART 23508	St. Louis.....	Mo. Pac. R. R.....	Baltimore, Md.....	B. & O.
PFE 73290	Kansas City.....	U. P. R. R.....	New Haven, Conn.....	Wab.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 18th day of November 1946.

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

[F. R. Doc. 46-20820; Filed, Nov. 25, 1946;
11:57 a. m.]

[S. O. 645, Special Permit 17]

BITUMINOUS COAL AT HAMPTON ROADS, VA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Hampton Roads, Virginia, by the Chesapeake & Ohio Railway of approximately 6,000 tons of bituminous coal from C. H. Sprague classification No. 521 for loading the S. S. Glamorgan Seam, destined Bangor & Aroostook Railroad, care of C. H. Sprague, Searsport, Maine.

This special permit shall become effective at 12:01 a. m., November 22, 1946, and it shall expire at 11:59 p. m., November 27, 1946.

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

[S. O. 396, Special Permit 67]

RECONSIGNMENT OF GRAPES AT NEW ORLEANS, KANSAS CITY AND ST. LOUIS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment November 18, 1946, by Simon Segal of following cars grapes:

at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20929; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 18]

BITUMINOUS COAL AT EDGEWATER, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Edgewater, New Jersey, by the New York, Susquehanna & Western Railroad, of approximately 1,700 tons of bituminous coal from consignments of the Koppers Company for loading barge destined Eastern Gas & Fuel Associates, Everett, Massachusetts. This special permit shall become effective at 10:00 a. m., November 21, 1946, and it shall expire at 11:59 p. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20930; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 19]

BITUMINOUS COAL AT SOUTH AMBOY, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at South Amboy, New Jersey, by the Pennsylvania Railroad, of approximately 3,500 tons of bituminous coal from consignments of the Koppers Company for loading barges destined Eastern Gas & Fuel Associates, Everett, Massachusetts.

This special permit shall become effective at 10:00 a. m., November 21, 1946, and it shall expire at 11:59 p. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20931; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 20]

BITUMINOUS COAL AT EDGEWATER, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Edgewater, New Jersey, by the New York, Susquehanna & Western Railroad, of approximately 3,500 tons of bituminous coal from consignments of the Koppers Company for loading barges destined Eastern Gas & Fuel Associates, Everett, Massachusetts.

This special permit shall become effective at 10:00 a. m., November 21, 1946, and it shall expire at 11:59 p. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20932; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 21]

BITUMINOUS COAL AT HAMPTON ROADS, VA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Hampton Roads, Virginia, by the Virginian Railway, of approximately 9,300 tons of bituminous coal from consignments of the Koppers Company for loading the S. S. T. P. Beal, destined Eastern Gas & Fuel Associates, Everett, Massachusetts.

This special permit shall become effective at 12:01 a. m., November 22, 1946, and it shall expire at 11:59 p. m., November 26, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20933; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 22]

BITUMINOUS COAL AT HAMPTON ROADS, VA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Hampton Roads, Virginia, by the Virginian Railway, of approximately 11,500 tons of bituminous coal from consignments of the Koppers Company for loading the S. S. Jewell Seam, destined Eastern Gas & Fuel Associates, Everett, Massachusetts.

This special permit shall become effective at 10:00 a. m., November 21, 1946,

and it shall expire at 11:59 a. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20934; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 23]

BITUMINOUS COAL AT HAMPTON ROADS, VA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Hampton Roads, Virginia, of approximately 1,800 tons of bituminous coal by the Norfolk & Western Railway, and 9,800 tons by the Chesapeake & Ohio Railway, from consignments of the Koppers Company for loading the S. S. Merimac Seam, destined Eastern Gas & Fuel Associates, Everett, Massachusetts.

This special permit shall become effective at 10:00 a. m., November 21, 1946, and it shall expire at 11:59 p. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20935; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 24]

BITUMINOUS COAL AT PORT RICHMOND, PA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Port Richmond, Pennsylvania, by the Reading Railroad, of approximately 800 tons from consignments of the Koppers Company for loading barge, destined Philadelphia Coke Company, Philadelphia, Pennsylvania.

This special permit shall become effective at 10:00 a. m., November 21, 1946, and it shall expire at 11:59 p. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20936; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 25]

BITUMINOUS COAL AT HAMPTON ROADS, VA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping at piers at Hampton Roads, Virginia, by the Norfolk & Western Railway, of approximately 11,000 tons of bituminous coal from consignments of C. H. Sprague for loading the S. S. Linton Seam, destined Maine Central Railroad, Portland, Maine.

This special permit shall become effective at 6:00 p. m., November 21, 1946, and it shall expire at 11:59 p. m., November 26, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20937; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 26]

BITUMINOUS COAL AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at Pier 18, Jersey City, New Jersey, by the Central Railroad of New Jersey, of approximately 1,700 tons of bituminous coal from consignments of the Koppers Coal Division for loading barge, destined Boston Edison Company, South Boston, Massachusetts.

This special permit shall become effective at 6:00 p. m., November 21, 1946, and it shall expire at 11:59 p. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20938; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 27]

BITUMINOUS COAL AT BALTIMORE, MD.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Locust Point, Baltimore, Maryland, by the Baltimore & Ohio Railroad, of one car (B. & O. 429820) of bituminous coal consigned to C. W. Hendley & Company for the Booth Packing Company.

This special permit shall become effective at 6:00 p. m., November 21, 1946, and it shall expire at 11:59 p. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20939; Filed, Nov. 25, 1946;
12:07 p. m.]

[S. O. 645, Special Permit 28]

BITUMINOUS COAL AT BALTIMORE, MD.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 645 (11 F. R. 13639), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 645 insofar as it applies to the delivery for dumping and dumping, at piers at Locust Point, Baltimore, Maryland, by the Baltimore & Ohio Railroad, of two cars (B. & O. RR. 434053 and W. Md. Ry. 15197) of bituminous coal consigned to C. W. Hendley & Company for Gibbs & Company, Inc., Canneries.

This special permit shall become effective at 6:00 p. m., November 21, 1946, and it shall expire at 11:59 p. m., November 25, 1946.

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 21st day of November 1946.

INTERSTATE COMMERCE
COMMISSION,
T. J. LEONARD,
Agent.

[F. R. Doc. 46-20940; Filed, Nov. 25, 1946;
12:07 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1372]

WINDSOR COAL CO. AND WINDSOR POWER HOUSE COAL CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of November A. D. 1946.

Windsor Power House Coal Company ("Power House") and its subsidiary, Windsor Coal Company ("Coal Company"), both companies being subsidiaries in the American Water Works and Electric Company, Inc. holding company system and the Electric Bond and Share Company holding company system, have

filed a joint application-declaration with an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder regarding the following transactions:

The entire capital stock of Coal Company, consisting of five shares of common stock, par value \$100 per share, is owned by Power House; the capital stock of Power House consisting of 4,064 shares of common stock, par value \$100 per share, is divided equally between The Ohio Power Company ("Ohio"), an operating electric utility company, subsidiary of American Gas and Electric Company, a registered holding company which in turn is a subsidiary of Electric Bond and Share Company, a registered holding company, and West Penn Power Company ("West Penn"), a registered holding company and subsidiary of The West Penn Electric Company, a registered holding company, which in turn is a subsidiary of American Water Works and Electric Company, Inc., a registered holding company.

Coal Company and Power House, each organized under the laws of the State of West Virginia, each owns land and other properties concerned primarily with the mining of coal. At the present time the properties of these two companies are operated as a unit, and the coal produced by their operations are supplied to Windsor Power Station (owned by West Penn and Ohio and operated as a unit). The instant filing proposes that Coal Company be merged into Power House as the surviving corporation, in accordance with the laws of the State of West Virginia. In connection with the proposed merger, Power House will acquire all of the assets and assume all of the liabilities of Coal Company. All indebtedness owed by Power House to Coal Company will be cancelled, the filing indicating that as at July 31, 1946. Power House owed Coal Company \$422,057 on open account. At that same date Coal Company owed \$539,655 to West Penn on open account and \$276,632 to Ohio on open account, plus \$12,244* of accrued interest applicable to these open accounts. Upon the assumption of these liabilities of Coal Company, Power House will be indebted to West Penn and Ohio in the amount of \$1,142,599 to each. In addition Power House has outstanding in the hands of the public \$527,000 principal amount of assumed First Mortgage Bonds. Power House proposes to surrender to Coal Company for cancellation and retirement all of the outstanding shares of capital stock of Coal Company. No new securities will be issued and no financing will be required to effect consummation of the proposed transactions. The savings resulting from the merger, including savings in taxes, are estimated by the companies to approximate \$1,220 a year.

The joint application-declaration was filed on September 20, 1946 and the amendment thereto on October 14, 1946. Notice of this filing was duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission has not received a

request for hearing with respect thereto within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application be granted and said joint declaration be permitted to become effective; and further deeming it appropriate to grant the request of applicants-declarants that this order be effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that this joint application be, and the same hereby is, granted, and that this joint declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-20793; Filed, Nov. 25, 1946;
8:50 a. m.]

[File No. 70-1380]

CITIES SERVICE CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of November A. D. 1946.

In the matter of Cities Service Company, Republic Light, Heat & Power Company, Inc., Doniphan County Light & Power Company; File No. 70-1380.

Cities Service Company ("Cities"), a registered holding company and its wholly owned subsidiaries, Republic Light, Heat & Power Company, Inc. ("Republic"), and Doniphan County Light & Power Company ("Doniphan") having filed a joint declaration pursuant to sections 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-45 promulgated thereunder concerning the transactions summarized below:

(a) Cities proposes to make a capital contribution to Republic in the amount of \$535,823.48 through the surrender of 6% Demand Notes of Republic due to Cities in a like aggregate principal sum;

(b) Cities proposes to make a capital contribution to Doniphan in the amount of \$4,000 through the surrender of 6% Demand Notes of Doniphan due to Cities in a like aggregate principal amount;

(c) Cities proposes to cause Republic to cancel and retire its 6% Demand Notes payable to Cities and credit the proposed capital contribution of \$535,823.48 to Capital Surplus;

(d) Cities proposes to cause Doniphan to cancel and retire its 6% Demand Notes payable to Cities and credit the proposed capital contribution of \$4,000 to Capital Surplus.

Said joint declarations having been filed on October 14, 1946 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon;

Declarants having requested that the Commission's order be issued not later than November 14, 1946 and become effective forthwith; and the Commission deeming it appropriate to grant such request; and

The Commission observing no basis for adverse findings under sections 12 (b), 12 (c), or 12 (f) of the act or rules promulgated thereunder, and finding that the proposed capital contribution by Cities to Doniphan is exempt from the provisions of Rule U-45 by virtue of paragraph (b) (4) thereof:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-20794; Filed, Nov. 25, 1946;
8:50 a. m.]

[File No. 70-1392]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of November 1946.

The North American Company, a registered holding company, has filed a declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder, regarding a proposal to pay on January 2, 1947, a dividend to its holders of common stock of record on December 3, 1946, payable in the common stock of Pacific Gas and Electric Company, having a par value of \$25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the outstanding common stock of The North American Company. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of forty cents for each $\frac{1}{100}$ of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of \$40 per share as of October 25, 1946, the date on which the proposed dividend was declared. The North American Company has requested that the order of the Com-

mission permitting the declaration to become effective conform to the requirements of section 1808 (f) of the Internal Revenue Code, as amended.

The declaration having been filed on October 28, 1946, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The North American Company having requested that the Commission issue its order on or before November 19, 1946; and

The Commission on April 14, 1942, having issued its order, pursuant to section 11 (b) (1) of the act, directing, among other things, that The North American Company dispose of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by Pacific Gas and Electric Company; and

The Commission finding that the requirements of section 12 (d) of the act and Rules U-43 and U-44 thereunder are satisfied, that no adverse findings are necessary thereunder, and that action upon said declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors to permit said declaration to become effective:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be and the same is hereby permitted to become effective forthwith.

It is further ordered, And the Commission finds, that the distribution and transfer by The North American Company on January 2, 1947, to its common stockholders of record on December 3, 1946, of shares of common stock of Pacific Gas and Electric Company having a par value of \$25 per share, first out of Certificate No. NF-287118 for 68,121 shares, then to the extent required out of Certificate No. NF-217588 for 5,000 shares, and then to the extent required out of Certificate No. NF-217606 for 1,000 shares, in payment as a dividend to such stockholders, at the rate of one share of common stock of Pacific Gas and Electric Company on each one hundred shares of the outstanding common stock of The North American Company, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and is a step in compliance with the order of this Commission dated April 14, 1942, with respect to The North American Company pursuant to section 11 (b) (1) of the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-20795; Filed, Nov. 25, 1946;
8:50 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region III Order G-70 Under MPR 592]

IRONCLAY BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This order No. G-70 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of maximum prices for the sales of brick produced at the Hanover, Ohio plant of the Ironclay Brick Company, Columbus, Ohio, hereinafter referred to as the manufacturer. The maximum prices of the manufacturer and the maximum prices of the resellers of such commodities are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* (1) The adjusted maximum prices, f. o. b. plant, for sales by it at its Hanover, Ohio plant shall be as follows:

Commodity	Adjusted maximum prices
Matt texture, grade 1:	
Shade 70.....	\$26.75
Shade 40, 50, 60.....	24.75
Full range mingled.....	24.75
40 to 80 red mingled.....	23.75
20 and 30 light red.....	22.75
Matt texture or blends, grade 2:	
Select line, commons, shades 130, 140, 150, 160, 165 and 170.....	22.25
Back-up common brick.....	19.75
Double common brick.....	27.75

(2) The adjusted maximum prices delivered, for sales by the manufacturer of brick produced by it at its Hanover, Ohio plant shall be its f. o. b. plant prices listed in (b) (1) above plus the following delivery charges:

Type of delivery:	Delivery rate (per thousand brick)
Up to 10 miles.....	\$2.50
11 to 20 miles.....	3.50
21 to 35 miles.....	4.50
36 to 45 miles.....	5.30
46 to 65 miles.....	6.00
66 to 85 miles.....	7.60
86 to 115 miles.....	8.50
116 to 125 miles.....	10.00

(c) *Resellers' adjusted maximum prices.* Any reseller of the commodities for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increases granted the manufacturer by this order. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(d) *Discounts and allowances.* All sellers of the subject commodities must continue to maintain discounts, allowances, and other price differentials, to each class of purchaser, at least as fa-

vorable as those which were in effect on March 31, 1942.

(e) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodities covered by this order a notice of the price increases authorized by this order. Such notice shall contain substantially the following:

Order No. G-70 under section 16 of Maximum Price Regulation No. 592 provides adjusted maximum prices for the sale of brick produced by the Ironclay Brick Company of Columbus, Ohio, at its Hanover, Ohio, plant. Resellers may add to their maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the percentage amount of increase in their net invoiced cost resulting from the increases granted to the manufacturer by this order. However, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(f) *Revocation and amendment.* This order may be revoked or amended at any time by the Office of Price Administration.

This order shall become effective October 25, 1946.

Issued: October 25, 1946.

HENRY J. ZETZER,
Acting Regional Administrator.

Opinion Accompanying Order No. G-70 Under Section 16 of Maximum Price Regulation No. 592

The accompanying Order No. G-70 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of the maximum prices for sales of brick produced at the Hanover, Ohio plant of the Ironclay Brick Company of Columbus, Ohio (therein referred to as the manufacturer) and further provides for an adjustment of the maximum prices of resellers of such commodities.

The adjustment requested by the manufacturer is a divisional adjustment of its maximum prices of brick, by which, under the provisions of section 16 of Maximum Price Regulation No. 592, the Regional Administrator may authorize increases in the maximum prices of the manufacturer's commodities in an amount sufficient to permit the recovery of total costs plus a reasonable margin of profit.

Analysis of the financial data submitted by the manufacturer discloses that it will not realize total costs plus a reasonable margin of profit in the operation of its Hanover, Ohio plant. It is, therefore, concluded that an adjustment should be granted. It is considered that the adjustment granted, while constituting the minimum required, is sufficient to enable the manufacturer to maintain a continued supply of the subject commodities.

It has been determined that resellers of the subject commodities would be unable to absorb the increases granted to the manufacturer and, accordingly, it is provided in the order that any reseller may add to his maximum prices in effect immediately prior to the effective

date of this order, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increases granted the manufacturer by such order. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established under dollar-and-cents area pricing orders.

The price increases established in the accompanying order are considered generally fair and equitable in accordance with the provisions of Maximum Price Regulation No. 592 and consistent with the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-20739; Filed, Nov. 22, 1946; 8:54 a. m.]

[Region V Rev. Order G-2 Under RMPR 122]

SOLID FUELS IN KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, Order No. G-2 under Revised Maximum Price Regulation No. 122 is hereby redesignated Revised Order No. G-2 and is revised and amended to read as follows:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels covered by Revised Maximum Price Regulation No. 122 in the Greater Kansas City, Missouri, and Kansas City, Kansas, metropolitan area. These are the highest prices that any dealer may charge when he sells or delivers any of such fuels at or to a point within the following described boundary line:

Beginning at the junction of U. S. Highway 71 and U. S. Highway 69 in Clay County, Missouri; thence north and east along U. S. Highway 69 to junction with State Highway 33; thence straight south to the Missouri River and thence east along the north bank of the Missouri River to Highway 71 by-pass; thence south to Sugar Creek Road (4M); thence east along Sugar Creek Road (4M) to a common junction thereof with U. S. Highway 24 and an unnumbered highway; thence southeast over such unnumbered highway to its junction with Jones Road and south thereon and on Necessary Road to Holke Road; thence west thereon to Kiger Road; thence south thereon to Evans and Sheley Lane; thence west thereon to Noland Road (U. S. Highway 71 By-pass); thence south thereon to junction with U. S. Highway 40; thence west along U. S. Highway 40 and Alternate U. S. Highway 40 to Norfleet Road; thence south thereon to Smith Road (or an unnumbered highway representing an extension thereof); thence generally west thereon to Woodson Road; thence south on Woodson Road to junction with County Road (8E); thence west to Raytown South Road; thence south on Raytown South Road (5E) to Bannister Road; thence west on Bannister Road to Blue Ridge Boulevard Extension (County Road 4E); thence south on Blue Ridge Boulevard Extension to junction with U. S. Highway 71; thence south on U. S. Highway 71 to Outer Belt Road; thence west on Outer Belt Road to Missouri-Kansas State Line; thence south on Missouri-Kansas State Line to southern boundary of Johnson County, Kansas; thence west on southern boundary of Johnson

County to western boundary of Johnson County; thence north on western boundary of Johnson County to the Kansas River; thence along the southern bank of the Kansas River to a point north of Morris; thence north to Muncie; thence northeast from Muncie on State Highway 32 to its junction with Francis Road; thence generally north along Francis Road to its junction with U. S. Highway 40; thence east on U. S. Highway 40 to its junction with Brenner Heights Road; thence generally north on Brenner Heights Road to Parallel Avenue; thence west thereon to Mahan Road and north thereon to its junction with Dickenson Road; thence east on Dickenson Road to Nearman; thence north on an imaginary line across the Missouri River to State Highway 45 in Platte County, Missouri; thence east on State Highway 45 to State Highway 9; thence north on State Highway 9 to its junction with U. S. Highway 71; thence south and east on U. S. Highway 71 to its junction with U. S. Highway 69; the point of beginning (including all points and places within the limits of all points described as on said boundary). Boundary lines so described shall be construed as following the center of the public highways named.

(1) The territorial limits as outlined above are the boundary lines of the Kansas City, Missouri and Kansas City, Kansas trade areas as suggested by the retailer coal dealers of that area.

(b) *Solid fuels not covered by this order.* There are a few kinds and sizes of solid fuels covered by Revised Maximum Price Regulation No. 122 sold and delivered in the area covered by this order which are not included in, and for which prices are not established by, this order. The maximum prices for such solid fuels when sold by any person covered by this order shall continue to be the maximum prices for such fuels established by Revised Maximum Price Regulation No. 122, as amended. Such sales shall in all respects be governed by the provisions of Revised Maximum Price Regulation No. 122, as amended.

(c) *What this order prohibits.* Regardless of any obligation no person shall:

(1) Sell, or in the course of trade or business buy, solid fuels at prices higher than the maximum prices set by this Revised Order No. G-2; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by

(i) Charging for a service unless such service is expressly requested by the buyer and unless specifically authorized to do so by this order;

(ii) Charging a price higher than the schedule price for a service;

(iii) Making a charge higher than the schedule charge authorized for the extension of credit;

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him; or

(v) Using any other device by which a higher than maximum price is obtained directly or indirectly.

(d) *Price schedule.* (1) Below and a part of this paragraph is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds, and quantities of solid fuels.

MAXIMUM PRICE SCHEDULE

Description of fuel	Maximum price per ton of 2,000 pounds	
	Hand loading mines	Machine loading mines
I. High volatile bituminous coal produced at underground mines in District No. 10 (Illinois):		
(A) Southern sub-district (price groups 1, 2, and 8): (1) Lump; egg, all single-screened lump coals and all double-screened egg coals; bottom size larger than 2" (size groups 1, 2, and 3)		\$10.30
(B) Belleville and central sub-districts (price groups 10, 12, 13 and 16 through 23):		
(1) Lump; Egg, all single-screened lump coals and all double-screened egg coals, bottom size larger than 2" (size groups 1, 2, and 3)	\$9.16	8.66
(2) Lump; Egg; Stove, all single-screened lump coals, bottom size 2" or less; all double-screened egg and stove coals, top size larger than 1 1/2" and bottom size larger than 3/8" but not exceeding 2" (size groups 4, 5, 6, and 8)	8.91	8.46

II. Low volatile bituminous coal produced in District 14 (Arkansas and Eastern Oklahoma): (Production and size group descriptions by number will be found under (D) and (E) following the table of maximum prices):

TABLE OF MAXIMUM PRICES PER NET TON

Production group numbers	Size group numbers and sizes					
	4, 5 Lump	6, 7, 8 Grate, furnace, egg	9, 10 Small egg, stove	11 Nut	12, 13 Range, chestnut	14, 15, 16 Nut run, slack, screenings
(A) <i>Machine cut coal</i>						
1A.....		\$14.96	\$15.46	\$15.46	\$13.96	
2A, 3A 1.....	\$14.65	14.95		13.22	11.66	\$9.66
2A, 3A 2.....	13.71	13.71				
4A, 5A, 6A, 7A, 8A, 9A.....	14.07	14.07		12.66		9.91

¹ Except that produced at the Stewart Smokeless "Mine No. 2" and "Soupbone" Mines, Indexes 104 and 628 respectively, which is priced in Exception Item 2 in the foregoing table of prices.

² Produced at the Stewart Smokeless Mine No. 2 and Soupbone Mines, Index Nos. 104 and 628 respectively.

³ Washed.

Production group numbers	3, 3A	6, 7, 8	14, 15, 16
	Lump	Grate, furnace, egg	Nut run, slack, screenings
(B) <i>Solid shot coal</i>			
2B, 3B.....	\$13.36	\$13.36	
4B, 5B, 6B, 7B, 8B, 9B.....	13.41	13.41	\$9.91

Production group numbers	3, 3A	6, 7, 8	9, 10	11	12, 13	14, 15, 16
	Lump	Grate, furnace, egg	Small egg, stove	Nut	Range, chestnut	Nut run, slack, screenings
(C) <i>Strip mined coal</i>						
1.....		\$13.86	\$14.06	\$14.06	\$12.91	
2, 3.....	\$12.16	12.16				
4, 5, 6, 7, 8, 9.....	12.33	12.33		11.65		\$8.70

(D) Production Group descriptions by number applicable to coals produced in District No. 14:

Production group:	Description
1.....	All mines in Pope County and the Spadra Field of Johnson County, Arkansas.
2.....	All mines in the Denning-Coal Hill and Altus Fields of Johnson and Franklin Counties, Arkansas.
3.....	All mines in the Paris Basin of Logan and Franklin Counties, Arkansas.
4.....	All mines in the Charleston Field of Franklin County, Arkansas.
5.....	All mines in Sebastian County, Arkansas.
6.....	All mines in the Panama Field of LeFlore County, Oklahoma.
7.....	All mines in the Bokeshe-Milton and McCurtain Fields of Haskell and LeFlore Counties, Oklahoma.
8.....	All mines in the Poteau-Wister Field in LeFlore County, Oklahoma.
9.....	All mines in the Howe-Heavener Field of LeFlore County, Oklahoma and all mines in the Bates Field in Scott County, Arkansas.

(E) Size Group descriptions by number applicable to coals produced in District 14:

Size group No.	Description
3, 3A.....	Lump: All single-screened lump coals produced by the solid shot or strip methods of mining.
4, 5.....	Lump: All single-screened lump coals produced by the machine-cutting method of mining.
6, 7, 8.....	Grate; Furnace; Egg: All double-screened coals top size larger than 4" All double-screened coals top size larger than 3" but not exceeding 4" and bottom size larger than 2"
9, 10.....	Small Egg; Stove: All double-screened coals top size larger than 2 1/2" but not exceeding 4" and bottom size not exceeding 2". All double-screened coals top size not exceeding 2 1/2" and bottom size larger than 1 1/2"
11.....	Nut, all double-screened coals top size larger than 1 1/4" but not exceeding 2 1/4" and bottom size larger than 3/8" but not exceeding 1 1/2"
12, 13.....	Range; Chestnut, all double-screened coals top size larger than 1 1/2" but not exceeding 2 1/4" and bottom size not exceeding 3/8". All double-screened coals top size not exceeding 1 1/4" and bottom size larger than 3/8"
14, 15, 16.....	Nut Run; Slack, all single-screened slack coals top size not exceeding 2 1/4" x 0

III. High volatile bituminous coal from District No. 15 (Missouri, Kansas, and Oklahoma): (Production group and size group descriptions by number will be found under (B) and (C) following the table of maximum prices):

(A) TABLE OF MAXIMUM PRICES PER NET TON

Sizes and size group numbers	From the production groups shown below—									
	Produced at underground mines					Produced at strip mines				
	1	2 and 3	4 and 5	7	10	1	2 and 3	7	9	11
Lump; egg 1, 2, 3.....	\$9.71	\$9.06	{ \$9.32 19.89 }	\$13.46	\$11.46	\$8.42	\$7.77	\$12.17	\$11.42	{ \$9.42 9.77 }
Nut 5, 6, 7.....	8.96	8.61	-----	-----	-----	7.92	7.32	-----	-----	-----
Household stoker, 11.....	7.61	-----	-----	-----	8.76	6.97	6.77	-----	-----	7.87
Screenings 13, 14.....	7.56	-----	-----	-----	-----	6.32	6.07	-----	-----	-----

¹ Produced only by the Elmira Coal Co., Index No. 48.
² Produced only by Leavell Coal Co., Index No. 1595.

(B) Production group descriptions by number applicable to coals produced in District 15:

Production group:	Description
1.....	All mines in Cherokee, Crawford, Bourbon and Labette Counties, Kansas; and Barton, Jasper, Dade, Cedar and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri.
2.....	All mines in Lyon County, Kansas; Bates, Henry, St. Clair, and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada, Missouri.
3.....	All mines in Macon and Randolph Counties, Missouri.
4.....	All mines in Ray, Clay, Caldwell, Daviess, Clinton, and Carroll Counties, Missouri.
6.....	All mines in Lafayette and Saline Counties, Missouri.
7.....	All genuine McAlester Seam coal from mines in Latimer and Pittsburg Counties, Oklahoma.
9.....	All mines in Coal County, Oklahoma.
10.....	All mines in McIntosh and Okmulgee Counties, Oklahoma.
11.....	All mines in Craig, Roger, Tulsa, and Wagoner Counties, Oklahoma, and that part of Muskogee County, Oklahoma, lying north of a line drawn straight east and west across Muskogee County along the southern limits of the town of Porum, Oklahoma.

(C) Size group descriptions by number applicable to coals produced in District 15:

Size group:	Description
1, 2, 3.....	Lump; egg; All single-screened lump coal. All double-screened egg coal top size larger than 3" and bottom size larger than 1 1/4".
5.....	Fancy nut: Double-screened coals with a top size larger than 2" but not exceeding 3", bottom size larger than 1 1/4".
6.....	Standard nut: Double-screened coals with a top size larger than 2" but not exceeding 3", bottom size 1 1/4" and smaller.
7.....	No. 2 nut: Double-screened coals with a top size larger than 1 1/4" but not exceeding 3".
11.....	Special stoker: Double-screened coals with a top size 1 1/4" and smaller, bottom size larger than 1/4" but not exceeding 3/8".
13.....	Washed screenings: All washed screenings top size not exceeding 1 1/4" x 0.
14.....	Raw screenings: Larger than 1/4" x 0 but not exceeding 1 1/4" x 0.

IV. Briquettes—manufactured from District 14 coal:

(A) "Acme", "Dixie" and "Standard" (the latter a product of 70% production group 1 and 30% of other than production group 1 coal).....	\$13.70
(B) "Atoz" briquettes.....	13.25
(C) Above briquettes, sacked (25 pounds):	
(1) "Acme", "Dixie" and "Standard" briquettes.....	15.70
(2) "Atoz" briquettes.....	15.25
(3) F. o. b. yard—per sack.....	.24

Maximum price per ton of 2,000 pounds

(2) **Yard sales.** (i) Maximum prices for yard sales of fuel sold in quantities of one ton or more shall be the applicable maximum price established under paragraph (d) (1) less the following discounts:

	Per net ton
For sales to resellers.....	\$1.19
For sales to purchasers other than resellers:	
Railroad carlots.....	1.19
Less than railroad carlots.....	1.00

(ii) Maximum prices for yard sales by the basket or sack in quantities of less than one ton shall be:

	Cents per hundredweight
High volatile fuel.....	54
Low volatile fuel.....	72

The buyer may be required to furnish the basket or sack. If the buyer does not possess a basket or sack, the dealer may require a deposit charge equivalent to the replacement cost when such basket or sack is furnished by the dealer.

(iii) "Yard sales" for the purposes of this order mean sales in which the buyer takes delivery at the dealer's yard or railroad siding.

(3) The prices set forth in the foregoing schedule are on a per net ton cash

basis (2000 pounds to the ton). Schedule prices are subject to the discounts and extra charges set forth below.

(i) "Cash payment" means payment on or before delivery. Where cash payment is not made, the dealer may make a charge for the extension of credit in the amounts set forth below. The amount charged for the extension of credit shall be stated separately on the seller's invoice.

(a) When payment in full is made by the purchaser within 60 days after delivery and billing, regardless of whether the purchaser's obligation is carried on the dealer's books or sold to, assigned to, or discounted with a third person, the amount charged for extension of credit shall not exceed 25¢ per ton, except that, in the case that delivery is made by a dealer located in the area lying east of the eastern city limits of Kansas City, Missouri, and north of U. S. Highway 40, which area includes Independence, Sugar Creek, Maywood, Fairmont, Englewood and Fairland Heights, the amount charged for extension of credit may not exceed 5% of the maximum cash price.

(b) When payment in full is not made by the purchaser within 60 days after delivery and billing, 15¢ per ton may

be added to the amounts permitted in subparagraph (a) for the extension of credits.

(ii) The prices set forth in the foregoing schedule are for untreated coal. The dealer may charge an amount not to exceed 10¢ per ton in addition to the scheduled prices when the coal is thoroughly and adequately treated, chemically or with oil (see also paragraph (k) of this order).

(iii) On steam deliveries, as defined below, the dealer shall apply a discount of not less than 50¢ to the per net ton cash price of all high volatile bituminous coals from District 16, Production Groups 1, 2 and 3, except stoker. "Steam deliveries" refer to all deliveries to store buildings where one or more storerooms are heated by a central plant, apartments, hotels, schools, churches, lodge buildings, greenhouses, cleaning plants, garages, office buildings, industrial buildings, and duplexes using a central heating plant. (This is the meaning of the term in the Greater Kansas City area as defined in an agreement between the retail coal dealers of Greater Kansas City and the Ice and Coal Handlers Local Union No. 953 affiliated with the American Federation of Labor.)

(4) On delivered sales involving quantities of less than one ton, the dealer may add an amount not to exceed 25¢ to the fractional per net ton cash price set out in the foregoing schedule for each such delivery.

(e) **Service charges.** (1) Below and as a part of this paragraph (e) is a schedule that sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (d). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the service.

(i) An amount not to exceed 50¢ per ton may be charged for the service of "pull back" or "trimming." This is the service of arranging the fuel in the buyer's bin and is necessary only when the bin is being filled to, or near to, capacity. This service charge may be applied only to the tonnage actually moved in the trimming process and not to the entire amount put into the consumer's bin.

(ii) "Carry in" is the service of carrying in solid fuel from the curb or point nearest and most accessible to the buyer's bin or storage space to the buyer's fuel bin window; it does not include the carrying of the fuel up or down stairs. No dealer subject to this order shall charge more than \$1.00 per ton for the service of carrying in solid fuel. When additional carrying in is involved no dealer shall charge more for such service than he charged during December 1941.

(iii) A storage service charge not to exceed 75¢ per ton may be charged by the dealer and added to the per net ton cash price when a buyer, who has purchased solid fuel, leaves it or stores it in the dealer's yard; *Provided*, That no charge for storage may be made unless the dealer received a written statement from the customer (which the dealer shall preserve for not less than two years) requesting such storage, the coal which is the subject of the charge is ear-

marked as that customer's coal and is stored separate and apart from all other coal owned by the dealer, or by other customers of the dealer prior to the beginning of the usual heating season and the customer pays for all coal so stored upon its being placed in storage (except that when the same kind of coal is properly stored for the account of two or more customers, the coal so stored or earmarked may be mingled in one pile with a proper record kept of the respective amounts belonging to each customer).

(f) *Transportation tax: Missouri and Kansas State sales tax*—(1) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set out by this order provided the dealer states it separately from the price of the fuel and lists it separately on any sales slip or receipt given to the buyer. This tax need not be stated separately on sales to the United States or any agency thereof. (See § 1340.255 (a), of Revised Maximum Price Regulation No. 122.) No part of this tax may be collected in addition to maximum prices on sales of $\frac{1}{4}$ ton or lesser quantities.

(2) *The Missouri and Kansas States sales tax.* The seller may add to the prices listed in the schedule in section (d) the sales tax required to be collected by the laws of the States of Missouri and Kansas. This tax shall be separately stated in the dealer's invoice, sales slip or receipt.

(g) *Addition of increase in supplier's prices prohibited.* (1) The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Power to amend or revoke.* (1) The Price Administrator or the Regional Administrator of Region V may amend, revoke, or rescind this order, or any provisions thereof, at any time.

(i) *Petitions for amendments.* (1) Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(j) *License.* (1) Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(k) *Sales slips and receipts; records.* (1) Every person selling solid fuels subject to this order shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels gov-

erned by this order, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as the Emergency Price Control Act of 1942, as amended shall remain in effect, showing the following information: the name and address of the seller and the purchaser, the kind, size and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges, credit charges, and taxes which must be deducted from or which may be added to the established maximum prices; *Provided*, That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated; *And further provided*, That the provisions of this paragraph shall not apply to sales of solid fuels in less than quarter ton lots unless requested by the purchaser.

(l) *Posting of maximum prices.* (1) Each dealer subject to this order shall post all of the maximum prices set by it for all types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuels.

(m) *Enforcement.* (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suit for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Kansas City, Missouri District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political sub-divisions or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuels except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but if this is unfeasible, because of the absence of a regular driveway free from all foreign matter which might damage trucks and tires, then direct delivery means discharging the solid fuel from the seller's truck directly at the street curb or at the point near-

est and most accessible to the buyer's bin or storage space.

(5) "Production group", "price group" and their plurals, refer to the production groups and/or price groups within each producing district as established by the former Bituminous Coal Division of the Department of the Interior and incorporated and/or modified in Maximum Price Regulation No. 120 by the Office of Price Administration.

(6) "District No." refers to the geographical bituminous coal producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight, August 23, 1943.

(7) "High volatile bituminous coal" means coal produced in the high volatile sections of the producing districts specified herein.

(8) "Low volatile bituminous coal" means coal produced in the low volatile sections of the producing districts specified in this order.

(9) "Solid fuel" or "solid fuels" means all solid fuel except wood and wood products, including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous and cannel coal; lignite; all coke, including low temperature coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and pea coal used for foundry facings.

(10) "Egg, stove, nut, etc. sizes" of Bituminous Coal refer to the sizes of such coal prepared at the mine in accordance with the applicable minimum price schedules promulgated by the Bituminous Coal Division of the United States Department of the Interior, and in effect (or established) as of midnight, August 23, 1943, or as since modified in maximum price schedules issued under Maximum Price Regulation No. 120 by the Office of Price Administration.

(11) "Deep mine" or "underground mine" means a mine from which the coal is taken only from underground seams from which the overburden is not removed, and does not include a mine from which coal is taken by the stripping method.

(12) "Strip mine" means a mine producing coal by the stripping method and taking its entire production from the ground after removing all overburden.

(13) "Machine-cut coal" is coal produced from an underground mine which is cut mechanically by the use of a "Cutting Machine" before the coal is dislodged for loading either by hand or by mechanical means.

(14) "Solid-shot coal" is coal produced from an underground mine which is shot from the solid and is not cut mechanically by the use of a "cutting machine" before the coal is dislodged for loading.

(15) "Arkansas anthracite" is coal whose analysis and non-coking characteristics are similar to Anthracite produced in the Pennsylvania Field.

(16) A "hand-loading mine" is an underground mine in which coal is loaded entirely by hand and without the aid of any mechanical means, such as loading machines or conveyors, inside the mine.

(17) A "machine-loading mine" is an underground mine loading 25% or more of the coal inside by mechanical means (such as loading machines or conveyors inside the mine), as provided in § 1340.210 (a) (19) of Maximum Price Regulation No. 120.

(18) Except as otherwise specifically provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein.

(o) *Effect of this order on Revised Maximum Price Regulation No. 122.* (1) To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

(2) The price increases granted under the provisions of §§ 1340.254 (e), 1340.257 (a) and 1340.254 (g) of Revised Maximum Price Regulation No. 122 are included in the foregoing schedule of prices and shall not be added thereto by any dealer subject to this revised order.

(3) The provisions of Regional Supplementary Orders Nos. 1, 2, 3, 4, 5, 6, 7 and 9 issued under Revised Maximum Price Regulation No. 122, insofar as they affect the provisions of this Revised Order No. G-2, are hereby superseded.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Order No. G-2 shall become effective the 8th day of November 1946.

Issued at Dallas, Texas, this 29th day of October 1946.

W. A. ORTH,
Regional Administrator.

Opinion Accompanying Revised Order No. G-2 Under Revised Maximum Price Regulation No. 122

On January 18, 1945 the Regional Administrator of Region V issued Order No. G-2 under Revised Maximum Price Regulation No. 122 establishing maximum prices for certain solid fuels sold in the cities of Kansas City, Missouri, Kansas City, Kansas and parts of the counties adjacent to these cities. Since the issuance of General Order No. G-2 it has been necessary for the Regional Administrator to issue eleven amendments thereto and to issue several regional supplementary orders under Revised Maximum Price Regulation No. 122 in order to incorporate necessary and proper changes in the prices of solid fuel covered by said order.

Revised Order No. G-2 incorporates the provisions of Order No. G-2 as amended by Amendments Nos. 1 through 11 and by Supplementary Orders Nos. 1, 2, 3, 4, 5, 6, 7 and 9. In addition all price increases granted to date under the provisions of §§ 1340.254 (e), 1340.257 (a) and 1340.254 (g) of Revised Maximum Price Regulation No. 122 are reflected in the maximum prices established by this revised order as well as price increases granted individual suppliers which have had the effect of increasing the cost of particular fuels to dealers located in the area covered by this order.

Paragraph (d) (1) V covering sales of Petroleum Coke has been deleted since such fuel was exempt from price control by the Price Extension Act of 1946. Paragraph (d) (1) IV previously priced only those Briquettes produced by the Standard Briquette Company of Kansas City. Other Briquettes are now being sold in this area and at the request of the industry, dollars and cents prices for all Briquettes now reaching this area are established under this paragraph, and the f. o. b. yard sacked price has been increased from 20¢ to 24¢ per sack.

Paragraphs formerly numbered (d) (3) and (d) (5) have been deleted and descriptions of size group members previously contained in (d) (5) have been incorporated in the schedule contained in paragraph (d) (1). Paragraph No. (d) (2) has been renumbered (d) (3) and a new paragraph (d) (2) has been added which establishes maximum prices for sales to resellers and for yard sales. Yard sales formerly covered by paragraphs previously numbered (d) (2) (iii) and (d) (3) are now incorporated in this paragraph. Sales to resellers and yard sales in railroad carlots have not heretofore been specifically provided for in this order. It has been determined that various sellers are making these types of sales and this order spells out the specific prices that may be charged for such sales.

Paragraph (d) (3) (i) covering charges which may be added for the extension of credit has been amended to allow the seller to add an additional charge of 15¢ per ton when payment is not made within 60 days. Previously no provisions were made for extra charges for long term credit of over 60 days. An investigation shows that during the base period charges (over and above that allowed for 60 day credit) were charged for credit extensions of longer than 60 days and that 15¢ per ton represents the average extra charge so made.

Paragraph (n) has been amended by clarifying the definitions set forth in Item (11) of the meaning of sizes of bituminous coal to conform with the definitions set forth in Maximum Price Regulation No. 120; by renumbering Item (17) as Item (18); and by adding a new Item (17) defining a "Machine Loading Mine."

The Regional Administrator has determined that the new prices and provisions established by this order, as well as the price changes made, are generally fair and equitable; that they have been determined in accordance with the applicable provisions of Revised Maximum Price Regulation No. 122; and that all price increases required by law have been granted in this order. The Regional Administrator further finds that by issuing Revised Order No. G-2, which incorporates all changes made by previous amendments, applicable supplementary orders and Revised Maximum Price Regulation No. 122, the maximum prices for sales of any solid fuel covered by this order will be more readily obtainable by both sellers and purchasers; that it will materially simplify and aid in the interpretation of the provisions of this order; and that it will effectuate the purposes

of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-20583; Filed, Nov. 22, 1946; 8:54 a. m.]

[Buffalo Adopting Order 41 Under Basic Order 1 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN ROCHESTER, N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Buffalo District Office; *It is hereby ordered:*

1. Adopting Order No. 41 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is hereby amended by striking out Schedule A annexed to said order and inserting in place thereof Revised Schedule A hereto annexed, and made a part of this amendment and of said adopting order.

2. Adopting Order No. 41 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by striking out section 7 of said order and inserting in place thereof the following:

SEC. 7. Records and sales slips. (a) The provisions of section (e) of Basic Order No. 1 as amended covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein; and also on any sale of \$25 or more each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size or quantity of the commodity, and thus determine the maximum price fixed by Revised Schedule A of this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Revised Schedule A of this order in accordance with the incomplete description.

3. Adopting Order No. 41 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by adding a new section 3a as follows:

SEC. 3a. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers

(including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased

for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your suppliers maximum price.

4. Except as hereby amended, Adopting Order No. 41 under Basic Order No. 1 as amended, under General Order No. 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective August 30, 1946.

Issued this 26th day of August 1946.

THOMAS J. REESE,
District Director.

REVISED SCHEDULE A

Maximum prices for certain building and construction materials in the Rochester area consisting of the County of Monroe in the State of New York, on sales by all persons to ultimate users or to purchasers for resale on an installed basis.

Items	Maximum prices to purchasers for resale on an installed basis (this includes contractors)		Maximum delivered prices to ultimate users (this includes consumers)
	Delivered prices	Yard prices	
1. Plaster, hard wall.....	\$16.40 ton less 100 bags..... \$15.90 ton 100 bags and over.	\$15.90 ton.....	\$0.57 bag 100-lb.
2. Plaster, gauging.....	\$1.62 (bag).....	\$1.62 bag.....	\$1.62 bag.
3. Plaster, moulding.....	\$1.62 (bag).....	\$1.62 bag.....	\$1.62 bag.
4. Keene's cement.....	\$2.37 (bag).....	\$2.37 bag.....	\$2.37 bag.
5. Gypsum lath 3/8".....	\$23.00 per M ft.....	\$23.00 M ft.....	\$0.75 bundle, 132 sq. ft.
6. Finishing lime.....	\$21.00 ton.....	\$19.00 ton.....	\$0.60 bag, 50-lb.
7. Metal lath, 2.75-lb., flat rib painted.....	\$0.29 yd.....	\$0.29 yd.....	\$0.29 yd.
8. Metal lath 3.4-lb., galvanized.....	\$0.35 sq. yd.....	\$0.35 sq. yd.....	\$0.35 sq. yd.
9. Metal lath 3.4-lb., painted diamond mesh.....	\$0.33 sq. yd.....	\$0.33 sq. yd.....	\$0.33 sq. yd.
10. Metal lath, 2.5-lb., painted diamond mesh.....	\$0.26 sq. yd.....	\$0.26 sq. yd.....	\$0.26 sq. yd.
11. Waterproof cement (gray).....	\$4.00 bbl.....	\$3.80 bbl.....	\$1.00 (94-lb.).
12. Mason's hydrated lime.....	\$18.00 ton.....	\$18.00 ton.....	\$0.50 (50-lb. bag).
13. Masonry mortar (paper sacks).....	\$2.80 bbl.....	\$2.70 bbl.....	\$0.70 bag 94-lb.
14. Portland cement, standard.....	\$3.20 bbl.....	\$3.00 bbl.....	\$0.80 bag 94-lb.
15. Metal lath corncob bead, expanded type.....	\$0.055 per ft.....	\$0.055 per ft.....	\$0.055 per ft.
16. Gypsum block partitions, 3" hollow.....	\$0.09 sq. ft.....	\$0.09 sq. ft.....	\$0.09 sq. ft.
17. Gypsum block partitions, 4" hollow.....	\$0.095 sq. ft.....	\$0.095 sq. ft.....	\$0.095 sq. ft.
18. Clay drain tile—3".....	\$0.075 ft.....	\$0.075 ft.....	\$0.075 ft.
19. Clay drain tile—4".....	\$0.09 ft.....	\$0.09 ft.....	\$0.09 ft.
20. Clay drain tile—6".....	\$0.175 per ft.....	\$0.175 per ft.....	\$0.175 per ft.
21. Concrete block, 8 x 8 x 16 sand.....	\$0.15 each.....	\$0.15 each.....	\$0.15 each.
22. Concrete block, 8 x 8 x 16 cinder.....	\$0.15 each.....	\$0.15 each.....	\$0.15 each.
23. Flue lining, 9 x 9.....	\$0.75 each 2 ft length.....	\$0.75 each 2 ft length.....	\$0.75 each, 2 ft. length.
24. Flue lining, 9 x 13.....	\$1.12 each 2 ft. length.....	\$1.12 each 2 ft. length.....	\$1.12 each 2 ft. length.
25. Flue lining 13 x 13.....	\$1.36 each 2 ft length.....	\$1.36 each 2 ft length.....	\$1.36 each 2 ft. length.
26. Gypsum wallboard, 3/8".....	\$40.00 per M ft.....	\$40.00 per M ft.....	\$40.00 per M ft.
27. Gypsum wallboard, 1/2".....	\$42.00 per M ft.....	\$42.00 per M ft.....	\$42.00 per M ft.
28. Vitrified clay sewer pipe, No. 1SS-4".....	\$0.20 per ft.....	\$0.20 per ft.....	\$0.20 per ft.
29. Vitrified clay sewer pipe, No. 1SS-6".....	\$0.295 per ft.....	\$0.295 per ft.....	\$0.295 per ft.
30. Fiber insulation board, 1/2" lath and board.....	\$47.50 per M ft.....	\$47.50 per M ft.....	\$47.50 per M ft.
31. Thermal insulation batts (paper backed), full thick.....	\$58.00 M sq. ft.....	\$58.00 M sq. ft.....	\$58.00 M sq. ft.
32. Thermal insulation batts (paper backed), 2" thick.....	\$42.00 per M sq. ft.....	\$42.00 per M sq. ft.....	\$42.00 per M sq. ft.
33. Thermal insulation loose.....	\$1.30 (bag 35-40 lb.).....	\$1.30 (bag 35-40 lb.).....	\$1.30 (bag 35-40 lb.).

Date: June 30, 1946.

Opinion Accompanying Amendment No. 1 to Adopting Order 41 Under Basic Order 1 as Amended, Under General Order No. 68 as Amended

On May 7, 1946, Adopting Order No. 41 under Basic Order No. 1 as amended under General Order No. 68 as amended, was issued by the Buffalo District Office effective May 13, 1946. This order stated maximum prices for certain "hard mason materials" in the area covered by said order, more fully described in said order.

It now appears that manufacturers' increases have been granted on some of the items covered by Schedule A annexed to said order, and that an adjustment of the prices fixed by said order is necessary in order to comply with the

provisions of section 2 (t) of the Emergency Price Control Act of 1942 as amended. The accompanying amendment adjusts the prices in question by substituting Revised Schedule A for Schedule A of the original order. The amendment also excludes fire brick and fire clay as these items have been suspended from price control by Amendment 27 to Supplementary Order 129.

The order is also amended by the accompanying amendment by insertion of a provision in reference to fixing maximum prices for insufficiently described items which is affirmatively found to be necessary in order to prevent evasion of the order.

The order is also amended by the accompanying amendment by insertion of

a provision in reference to adjustments due to increases in suppliers prices. It is the intention of the Office of Price Administration to specify the amounts by which resellers' maximum prices may be increased as part of any future action which increases manufacturers' maximum prices on a nation-wide or area-wide basis. The specified increase will be allowed to all resellers of the commodity in question, including resellers under area orders. Thus, there will be a temporary break-through of the area order until such time as the area order is amended to reflect the permitted increase, at which time resellers will again be subject to the area order price and the increase factors will no longer be applicable to them.

[F. R. Doc. 46-20505; Filed, Nov. 18, 1946; 8:47 a. m.]

[Buffalo Adopting Order 50 Under Basic Order 1 Under Gen. Order 68]

BUILDING AND CONSTRUCTION MATERIALS IN BUFFALO, N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order No. 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated to all District Directors in Region II, it is hereby ordered:

SECTION 1. What this order covers. This adopting order under Basic Order No. 1 as amended, under General Order 68 as amended, covers sales by all persons to ultimate users or to purchasers for resale on an installed basis, of certain building materials listed in Schedule A hereto annexed and generally known as "Hard mason materials". All provisions of Basic Order No. 1 as amended, under General Order 68 as amended, are adopted in this order and are just as much a part of this order as if specifically set forth herein. If Basic Order No. 1 as amended is further amended in any respect, the provisions of said order, as amended, shall likewise, without further action, become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1 as amended under General Order 68 as amended, and should be familiar with the provisions of said order.

SEC. 2. Territory covered by this order. The geographical area covered by this order is the area consisting of the Counties of Alleghany, Cattaraugus, Chautauqua, Genesee, Livingston, Niagara, Orleans and Wyoming, all in the State of New York.

SEC. 3. Maximum prices. The maximum prices for the building materials covered by this order are set forth in Schedule A hereto annexed and made a part of this order. The prices fixed in Schedule A cover all sales in the territory covered by this order, regardless of the location of the place of business of the seller.

(a) *Adjustment to reflect increase in supplier's price*—(1) *Applicability*. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(2) *Maximum price*. You may increase the price listed in this order by the amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your suppliers maximum price.

SEC. 4. Discount, allowances, and terms of sale. All customary allowances, discounts and differentials must be preserved. The maximum prices set forth in Schedule A are delivered prices unless otherwise stated in such Schedule A.

SEC. 5. Relationship of this order to Basic Order No. 1 as amended, under General Order 68 as amended, and to General Maximum Price Regulation, and other maximum price regulations. As previously stated, all provisions of Basic Order No. 1 as amended, are adopted by this order. The maximum prices fixed by this order supersede any maximum price or pricing method previously established by the General Maximum Price Regulation, or by any other applicable regulation or order. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulations, or of any other applicable regulation or order shall remain applicable to sales covered by this order.

SEC. 6. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each place of business within the area covered by this order.

SEC. 7. Records and sales slips—(a) *Required information*. The provisions of section (e) of Basic Order No. 1 as amended, covering sales slips and records are adopted in and applicable to this order, as if specifically set forth herein, and also on any sale of \$25 or more, each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) *Maximum prices for insufficiently described items*. Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not con-

tain a sufficiently complete description to identify the exact nature, type, size, or quantity of the commodity, and thus determine the maximum price fixed by Schedule A of this order the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Schedule A of this order in accordance with the incomplete description.

SEC. 8. Revocation or amendment. This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective August 30, 1946.

THOMAS J. REESE,
District Director.

SCHEDULE A—MAXIMUM PRICES FOR CERTAIN BUILDING & CONSTRUCTION MATERIALS IN THE COUNTIES OF ALLEGHANY, CATTARAUGUS, CHAUTAUQUA, GENESEE, LIVINGSTON, NIAGARA, ORLEANS, AND WYOMING IN THE STATE OF NEW YORK, ON SALES BY ALL PERSONS TO ULTIMATE USERS OR TO PURCHASERS FOR RESALE ON AN INSTALLED BASIS

[Maximum delivered prices to Purchasers for Resale on an installed basis (this includes Contractors) and to ultimate users (this includes consumers)]

Item	Price
1. Plaster, hardwall, neat, ton	\$19.40
2. Plaster, hardwall, neat, 100 lb. bag	1.02
3. Plaster, hardwall, sanded, ton	16.00
4. Plaster, hardwall, sanded, 100 lb. bag	.85
5. Plaster, gauging, ton	33.65
6. Plaster, gauging, 100 lb. bag	2.12
7. Plaster, moulding, ton	33.65
8. Plaster, moulding, 100 lb. bag	2.12
9. Plaster, bonding, ton	18.40
10. Plaster, bonding, 100 lb. bag	1.97
11. Keene's cement, ton	52.40
12. Keene's cement, 100 lb. bag	2.70
13. Keene's cement, 50 lb. bag	1.35
14. Finishing lime, ton	22.00
15. Finishing lime, 50 lb. bag	.65
16. Gypsum lath, per M sq. ft.	24.00
17. Metal lath, 2.2 lb., painted diamond mesh, sq. yd.	.30
18. Metal lath, 2.2 lb., galvanized, sq. yd.	.30
19. Metal lath, 2.5 lb., painted diamond mesh, sq. yd.	.334
20. Metal lath, 2.5 lb., galvanized, sq. yd.	.34
21. Metal lath, 3.4 lb., painted diamond mesh, sq. yd.	.357
22. Metal lath, 3.4 lb., galvanized, sq. yd.	.38
23. Metal lath, 3.4 lb., 3/8" high rib, painted, sq. yd.	.37
24. Metal lath, corner bead expanded type, lin. ft.	.052
25. Portland cement (standard paper bags), bbl	8.20
26. Portland cement (standard paper bags), 100 lb. bag	.80
27. Masonry mortar (paper sacks), bbl	2.75
28. Masonry mortar (paper sacks), 100 lb. bag	.70
29. Mason's hydrated lime, ton	18.00
30. Mason's hydrated lime, 50 lb. bag	.50
31. Waterproof cement (gray), bbl	8.80
32. Waterproof cement (gray), 94 lb. bag	.95
33. Clay drain tile 3", lin. ft.	.061
34. Clay drain tile 4", lin. ft.	.080
35. Clay drain tile 6", lin. ft.	.152
36. Vitrified clay sewer pipe No. ISS-4", lin. ft.	.215
37. Vitrified clay sewer pipe No. ISS-6", lin. ft.	.265
38. Flue lining 9 x 9, lin. ft.	.434

Item	Price
39. Flue lining 9 x 13, lin. ft.	\$0.633
40. Flue lining 13 x 13, lin. ft.	.834
41. Gypsum wallboard—3/8", M sq. ft.	40.00
42. Gypsum wallboard—3/8", sq. ft.	.045
43. Gypsum wallboard sheathing—1/2", M sq. ft.	41.50
44. Gypsum wallboard sheathing—1/2", sq. ft.	.045
45. Asphalt roofing—90 lb. mineral surface, roll	2.93
46. Asphalt or tarred felt—15 lb., roll	2.81
47. Asphalt or tarred felt—30 lb., roll	2.81
48. Asphalt shingles 210 lb (3 in 1) thickbutt, sq.	6.39
49. Asphalt shingles 165 lb. 2 tab. hexagon, sq.	5.50
50. Fiber insulation board 1/2" st'd. lath and board, M sq. ft.	50.00
51. Fibre insulation board 1/2" st'd. lath and board, sq. ft.	.05
52. Fibre insulation board 3/2" asphalt sheathing, M sq. ft.	64.00
53. Fibre insulation board 3/2" asphalt sheathing, sq. ft.	.004
54. Asbestos cement siding 12 x 24 x 27" st'd. colors, sq.	9.04
55. St'd. density synthetic fibre board 3/4" (4 x 8), M sq. ft.	45.00
56. Hard density synthetic fibre board 1/8" tempered (st'd. size), M sq. ft.	86.00
57. Hard density synthetic fibre board 1/8" tempered (st'd. size), ft.	.086
58. Thermal insulation blankets (paper backed), medium, per M sq. ft.	49.00
59. Thermal insulation blankets (paper backed) thick, per M sq. ft.	65.00
60. Thermal insulation batts (paper backed), 2" thick, per M sq. ft.	49.00
61. Thermal insulation batts (paper backed), full-thick, per M sq. ft.	65.00
62. Thermal insulation, loose in bags (plain), 40 lb. bag	1.25
63. Thermal insulation, loose in bags (nodulated), 40-lb. bag	1.50

The above prices are delivered prices within a radius of ten miles from the seller's nearest place of business. All customary discounts, allowances and differentials shall be preserved. Base period delivery charges outside the above free delivery zone may be continued.

Date: June 30, 1946.

Opinion Accompanying Adopting Order No. 50 Under Basic Order No. 1, as Amended, Under General Order No. 68, as Amended

Pursuant to the provisions of General Order No. 68 as amended, Regional Administrators and District Directors authorized to do so, may issue and put into effect orders establishing maximum prices applicable to particular communities or defined areas for sales by all persons to ultimate users or to purchasers for resale on an installed basis of commodities under the jurisdiction of the Building Materials Price Branch. In accordance with this authority, Basic Order No. 1 as amended, under General Order 68 as amended was issued by the Regional Administrator of Region II setting forth the general provisions common to future area orders known as adopting orders. All District Directors in Region II have been duly authorized by the Regional Administrator to issue such adopting orders.

The prices fixed by the accompanying order are a translation into dollars and

SECOND REVISED SCHEDULE A

Maximum prices for certain building and construction materials in the Buffalo area consisting of the County of Erie, State of New York, on sales by all persons to ultimate users or to purchasers for resale on an installed basis.

Item	Maximum delivered prices to purchasers for resale on an installed basis (this includes contractors)	Maximum yard prices on sales to purchasers for resale on an installed basis (this includes contractors)	Maximum delivered prices to ultimate users (this includes consumers) ¹
1. Plaster, hard wall—neat.....	\$18.90 (ton) less 100 bags..... \$17.90 (ton) 100 bags or over.	\$17.90 (ton).....	\$0.95 (100-lb.)
2. Plaster, sanded.....	\$14.40 (ton) less than 100 bags.... \$13.40 (ton) 100 bags or over.	\$13.40 (ton).....	\$0.75 (100-lb.)
3. Plaster, gauging.....	\$27.40 (ton) 100 bags or over..... \$1.97 (bag 100-lb.) less than 100 bags.	\$1.92 (100-lb.)..... \$1.92 (100-lb.).....	\$1.97 (100-lb.) \$1.97 (100-lb.)
4. Plaster, moulding.....	\$27.40 (ton) 100 bags and over..... \$1.97 (bag 100-lb.) less than 100 bags	\$1.92 (100-lb.).....	\$1.97 (100-lb.)
5. Keene's cement.....	\$38.00 (ton) 100 bags or over..... \$2.50 (100-lb. bag) less than 100 bags	\$2.50 (100-lb.).....	\$2.50 (100-lb.)
6. Finishing lime.....	\$20.16 ton (over 2½ ton)..... \$0.615 (50-lb. bag).	\$0.59 (50-lb. bag).....	\$0.615 (50-lb. bag)
7. Gypsum lath ¾".....	\$23.25 (M sq. ft.).....	\$23.25 (M sq. ft.).....	\$0.78 (bundle). \$0.32 (sq. ft.)
8. Metal lath, 2.5-lb.....	\$0.255 (sq. yd.).....	\$0.255 (sq. yd.).....	\$0.255 (sq. yd.)
9. Metal lath, 3.4-lb.....	\$0.305 (sq. yd.).....	\$0.305 (sq. yd.).....	\$0.305 (sq. yd.)
10. Metal lath corner bead, standard type.	\$0.045 (sq. yd.).....	\$0.045 (sq. yd.).....	\$0.045 (sq. yd.)
11. Metal lath corner bead, expanded type.	\$0.065 (sq. yd.).....	\$0.065 (sq. yd.).....	\$0.065 (sq. yd.)
12. Portland cement, standard paper bags.	\$3.06 bbl. (less than 100 bags)..... \$2.91 bbl. (100 bags and over).	\$2.91 bbl.....	\$0.765 (94-lb. bag)
13. Masonry mortar.....	\$2.76 bbl. (less than 100 bags)..... \$2.61 bbl. (100 bags or over).	\$2.61 bbl.....	\$0.69 (65-70-lb. bag)
14. Mason's hydrated lime.....	\$16.52 ton (100 bags and over)..... \$0.54 (50-lb. bag) less than 100 bags.	\$0.515 (50-lb. bag).....	\$0.56 (50-lb. bag)
15. Waterproof cement (gray).....	\$3.86 bbl. (less than 100 bags)..... \$3.71 bbl. (100 bags and over)	\$3.71 bbl.....	\$0.965 (94-lb. bag) \$0.965 (94-lb. bag)
16. Hi-Early cement.....	\$3.86 bbl. (less than 100 bags)..... \$3.71 bbl. (100 bags or more).	\$3.71 bbl.....	\$0.965 (94-lb. bag)
17. Gypsum block partitions, 3" hollow.	\$7.45 (100 sq. ft.).....	\$7.13 (100 sq. ft.).....	\$7.45 (100 sq. ft.)
18. Gypsum block partition, 4" hollow.	\$8.52 (100 sq. ft.).....	\$8.07 (100 sq. ft.).....	\$8.52 (100 sq. ft.)
19. Clay drain tile, 3".....	\$57.08 (per M ft.)..... \$46.72 (per M) over 1 M..... \$0.05 (ft.) less than 1 M ft.	\$46.72 (per M)..... \$0.05 (ft.).....	\$0.06 (per ft.)
20. Clay drain tile, 4".....	\$64.45 (per M ft.) less than 1 M..... \$0.07 (per ft.).....	\$53.78 (M)..... \$0.06 (per ft.).....	\$0.07 (per ft.)
21. Clay drain tile, 6".....	\$53.78 (per M ft.) over 1 M ft. \$134.11 (per M ft.)..... \$0.135 (per ft.)..... \$118.00 (per M ft.) over 1 M ft.	\$118.00 (per M)..... \$0.12 (per ft.).....	\$0.135 (per ft.)
22. Vitriified clay sewer pipe, 4".....	\$0.195 (ft.).....	\$0.19 (ft.).....	\$0.195 (ft.)
23. Vitriified clay sewer pipe, 6".....	\$0.295 (ft.).....	\$0.285 (ft.).....	\$0.295 (ft.)
24. Vitriified wall coping, 8" or 9" - 2 pitch.	\$0.26 (ft.).....	\$0.255 (ft.).....	\$0.26 (ft.)
25. Vitriified wall coping, 12" or 13" - 2-pitch.	\$0.395 (ft.).....	\$0.38 (ft.).....	\$0.395 (ft.)
26. Flue lining, 8½ x 8½.....	\$0.395 (ft.).....	\$0.38 (ft.).....	\$0.395 (ft.)
27. Flue lining, 8½ x 13.....	\$0.59 (ft.).....	\$0.58 (ft.).....	\$0.59 (ft.)
28. Flue lining, 13 x 13.....	\$0.74 (ft.).....	\$0.72 (ft.).....	\$0.74 (ft.)
29. Asphalt roofing, 90 lb. mineral surface.	\$2.65 (roll).....	\$2.65 (roll).....	\$2.65 (roll)
30. Gypsum wallboard, ¾".....	\$36.00 (M sq. ft.).....	\$36.00 (M sq. ft.).....	\$0.04 (sq. ft.)
31. Fiber insulation board, ¾" standard lath and board.	\$51.06 (M sq. ft.).....	\$51.06 (M sq. ft.).....	\$51.06 (M sq. ft.)
32. Thermal insulation batts, 2" thick.	\$45.00 (M sq. ft.).....	\$42.50 (M sq. ft.).....	\$45.00 (M sq. ft.)
33. Thermal insulation batts, paper backed full thick.	\$55.00 (M sq. ft.).....	\$55.00 (M sq. ft.).....	\$55.00 (M sq. ft.)
34. Fiber insulation board, 2½" asphalt sheathing.	\$71.50 (M sq. ft.).....	\$71.50 (M sq. ft.).....	\$71.50 (M sq. ft.)
35. Thermal insulation loose in bags (plain).	\$1.30 (35-40-lb.).....	\$1.30 (35-40-lb.).....	\$1.30 (35-40-lb.)

¹ On sales of \$10 and under a delivery charge of 50¢ may be added to these prices.

Date: August 29, 1946.

Opinion Accompanying Amendment No. 1 to Adopting Order 34 Under Basic Order 1 Under General Order 68 as Amended

On August 26, 1946, Adopting Order 34 Under Basic Order No. 1 as amended, under General Order 68 as amended, was issued by this office effective August 30, 1946. This order stated maximum prices for certain hard mason materials in the area covered by said order more fully described in said order. The prices fixed in Revised Schedule A annexed to and made a part of said order, took into consideration all manufacturers increases which occurred prior to June 30, 1946, in accordance with section 2 (t) of the Emergency Price Control Act of 1942 as amended.

It now appears that additional manufacturers increases have been granted on some of the items covered by Revised

Schedule A since June 30, 1946, and the accompanying amendment accordingly substitutes Second Revised Schedule A for Revised Schedule A, so as to give effect to the manufacturers increases in accordance with the provisions of section 2 (t). This amendment does not supersede Supplementary Order 179 relating to increased freight on certain commodities.

[F. R. Doc. 46-20492; Filed, Nov. 18, 1946; 8:52 a. m.]

[Kansas City Order 7 Under General Order 68, Amdt. 5]

BUILDING MATERIALS IN NORTHERN MISSOURI

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order

cents of existing maximum prices of the commodities covered and do not exceed the general level of prices as fixed by the regulations which would otherwise be applicable, and so far as they affect resellers are in complete compliance with the provisions of section 2 (t) of the Emergency Price Control Act of 1942 as amended. The provisions of the accompanying order and their effect upon business practices, cost practices, and methods in the industry affected, have been carefully considered, and no provision which might have the effect of requiring a change in such methods or practices has been included, except to the extent that such change is necessary to prevent circumvention or evasion of the accompanying order.

The order also has a provision in reference to adjustment due to increases in suppliers prices. It is the intention of the Office of Price Administration to specify the amounts by which resellers' maximum prices may be increased as part of any future action which increases manufacturers maximum prices on a nation-wide or area-wide basis. The specified increase will be allowed to all resellers of the commodity in question, including resellers under area orders. Thus, there will be a temporary breakthrough of the area order until such time as the area order is amended to reflect the permitted increase, at which time resellers will again be subject to the Area Order and the increase factors will no longer be applicable to them.

[F. R. Doc. 46-20499; Filed, Nov. 18, 1946; 8:50 a. m.]

[Buffalo Adopting Order 34 Under Basic Order 1 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN BUFFALO, N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Buffalo District Office, It is hereby ordered:

1. Adopting Order 34 under Basic Order No. 1 as amended, under General Order 68 as amended is hereby amended by striking out Revised Schedule A annexed to and made a part of said order and inserting in place thereof Second Revised Schedule A hereto annexed and made a part of this amendment and of said adopting order.

2. Except as hereby amended, Adopting Order 34 under Basic Order No. 1 as amended under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 1st day of October 1946.

T. J. REESE,
District Director.

No. 68; *It is hereby ordered*, That Order No. 7 under General Order No. 68 be and it is hereby amended in the following respects.

The prices heretofore established for the following named items in Appendix A of said original Order No. 7, including any and all amendments thereto, are hereby deleted and the following prices for said items are substituted in lieu thereof:

(October 20, 1946)

Item	When sold in quantities of—	Selling unit	F. o. b. yard, store, or plant or delivered in free delivery zone
Hollow clay building tile, 6" x 8" x 12"	Any.....	Per M.....	\$116.80
Common brick.....	do.....	Per M.....	32.65
Clay drain tile, 4".....	do.....	Linear foot.....	.078
Clay drain tile, 6".....	do.....	do.....	.118
Vitrified clay sewer pipe, 4".....	do.....	do.....	.21
Vitrified clay sewer pipe, 10".....	do.....	do.....	.594
Siding—Rigid asbestos shingles, standard white.....	do.....	Per square.....	9.25
Siding—Rigid asbestos shingles, standard gray.....	do.....	do.....	9.15
Asphalt roll roofing, smooth surface, 1st grade, 65-lb.....	do.....	Per roll.....	2.70
Asphalt roll roofing, box and staggered edge, 105-lb.....	do.....	do.....	3.46
Asphalt and tarred felts, 432 sq. ft.—15-lb., 216 sq. ft.—30-lb.....	do.....	do.....	2.81
Wall board, U psom.....	do.....	M square foot.....	44.33
Wall board, Atlas.....	do.....	do.....	41.25
Wall board, utility.....	do.....	do.....	40.00

All other provisions of said original Order No. 7 and/or amendments thereto which are not specifically amended hereby shall remain in full force and effect:

Issued and effective this 31st day of October 1946.

J. G. CALLAWAY,
District Director.

Opinion Accompanying Amendment 5 to Order No. 7 Under General Order No. 68

In compliance with the Emergency Price Control Act of 1942, as amended, and pursuant to General Order No. 68, Amendment No. 5 to Order No. 7 under General Order No. 68 is issued.

This amendment authorizes an increase in Clay Building Tile, Common Brick and Clay Drain Tile in order to pass through the adjusted increase in prices granted by the Regional Office of the Office of Price Administration to one of the major suppliers in this area.

This amendment further makes several price corrections of other items of building materials, the prices of which were originally misquoted in Order No. 7 and/or amendments thereto.

It is the opinion of the District Director that the amendment is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and it does so effectuate those purposes.

[F. R. Doc. 46-20436; Filed, Nov. 15, 1946; 8:49 a. m.]

[Syracuse Adopting Order 47 Under Basic Order 1 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN JEFFERSON, LEWIS, ST. LAWRENCE, OSWEGO AND HERKIMER COUNTIES, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Syracuse District Office; *It is hereby ordered*:

1. Adopting Order No. 47 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, is hereby further amended by substituting for the schedule attached to said order as amended, the annexed schedule known as Schedule of August 29, 1946, which is made a part of said order. The schedule attached to this amendment and to said order, supersedes all previous schedules.

2. Except as hereby amended, Adopting Order No. 47 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 29th day of August 1946.

GEORGE C. MOORE,
District Director.

SCHEDULE

Maximum prices for certain building and construction materials for the Counties of Jefferson, Lewis, St. Lawrence and Oswego and the Town of Webb in Herkimer County, all in the State of New York.

[Maximum delivered prices to purchasers for resale on an installed basis (this includes contractors) and to ultimate users (this includes consumers)]

Item	Price
1. Plaster hardwall (neat), bag 100 lb.....	\$1.12
2. Plaster hardwall (sanded), bag 100 lb.....	1.02
3. Plaster gauging, bag 100 lb.....	2.25
4. Keene's cement, bag 100 lb.....	2.75
5. Finishing lime, bag 50 lb.....	.73
6. Gypsum lath 3/8", M sq. ft.....	28.00
7. Portland cement std. paper bags, bag 94 lb.....	.815
8. Masonry mortar, bag 70 lb.....	.815
9. Mason's hydrated lime, bag 50 lb.....	.67
10. Clay drain tile 3", lin. ft.....	.08
11. Clay drain tile 4", lin. ft.....	.105
12. Clay drain tile 6", lin. ft.....	.205
13. Vitrified clay sewer pipe No. 1SS 4", 2 ft. lengths.....	.46
14. Vitrified clay sewer pipe No. 1SS 6", 2 ft. lengths.....	.67
15. Flue lining 9 x 9, 2 ft. lengths.....	.915
16. Flue lining 9 x 13, 2 ft. lengths.....	1.38
17. Gypsum wallboard 3/8", M sq. ft.....	40.00
18. Asphalt roofing 90 lbs. mineral surface, roll 108 sq. ft.....	2.82
19. Asphalt or tarred felt, 15 lb., roll 216 sq. ft.....	2.84
20. Asphalt or tarred felt, 30 lb., roll 216 sq. ft.....	2.84
21. Asphalt shingles 210 lb. thickbutt (3 in 1), sq.....	6.94
22. Asphalt shingles 165 lb. 2 tab. hexagon, sq.....	5.35
23. Fibre insulation board 1/2" standard lath and board, M sq. ft.....	53.75

Item

24. Fibre insulation board, 2 1/2 asphalt sheathing, M sq. ft.....	\$84.50
25. Hard density synthetic fibre board 1/8" tempered (standard sizes), M sq. ft.....	90.00
26. Thermal insulation-blankets (paper-backed) medium, M sq. ft.....	50.00
27. Thermal insulation-blankets (paper-backed) thick, M sq. ft.....	65.00
28. Thermal insulation-batts (paper-backed) 2" thick, M sq. ft.....	45.00
29. Thermal insulation-batts (paper-backed) full thick, M sq. ft.....	65.00
30. Thermal insulation plain-loose in bags, bag 35 lb.....	1.20
31. Thermal insulation nodulated-loose in bags, bag 40 lb.....	1.40

Date: August 29, 1946.

Opinion Accompanying Amendment No. 1 to Adopting Order No. 47 as Amended, Under Basic Order No. 1 as Amended, Under General Order No. 68, as Amended

The accompanying amendment gives effect to manufacturer's increases that have been granted on the items for which maximum prices are fixed by this order, up to the date of the schedule attached to this amendment, so as to comply with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended. The schedule attached to this amendment and made a part of the order supersedes all previous schedules. This amendment does not, however, supersede Supplementary Order 179 relating to increased freight on certain commodities.

[F. R. Doc. 46-20508; Filed, Nov. 18, 1946; 8:47 a. m.]

[Syracuse Adopting Order 54 Under Basic Order 1 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN SULLIVAN COUNTY, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director Syracuse District Office; *It is hereby ordered*:

1. Adopting Order No. 54, as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, is hereby further amended by substituting for the schedule attached to said order as amended, the annexed schedule known as Schedule of August 29, 1946, which is made a part of said order. The schedule attached to this amendment and to said order, supersedes all previous schedules.

2. Except as hereby amended, Adopting Order No. 54 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 29th day of August 1946.

GEORGE G. MOORE,
District Director.

SCHEDULE

Recommended maximum prices for certain hard building and construction materials for the County of Sullivan in the State of New York.

[Delivered maximum prices to purchasers for re-sale on an installed basis (this includes contractors) and to ultimate users (this includes consumers)]

Items	Price
1. Plaster, hardwall (neat), bag 100 lb.	\$1.00
2. Plaster, hardwall (sanded), bag 100 lb.	.85
3. Plaster, gauging, bag 100 lb.	2.00
4. Keene's cement, bag 100 lb.	2.00
5. Finishing lime, bag 50 lb.	.728
6. Gypsum lath, 3/8", per M.	27.50
7. Portland cement, bag 94 lb.	.765
8. Masonry mortar, bag 70 lb.	.715
9. Masons hydrated lime, bag 50 lb.	.672
10. Clay drain tile, 3", lin. ft.	.085
11. Clay drain tile, 4", lin. ft.	.105
12. Flue lining, 9 x 9, lin. ft.	.405
13. Flue lining, 9 x 13, lin. ft.	.595
14. Flue lining, 13 x 13, lin. ft.	.785
15. Vitrified clay sewer pipe, No. 1SS 4", lin. ft.	.225
16. Vitrified clay sewer pipe, No. 1SS 6", lin. ft.	.325
17. Gypsum wallboard—3/8", M sq. ft.	42.00
18. Asphalt roofing, 90 lb. mineral surface, roll.	2.815
19. Asphalt tarred felt, 30 lb. roll.	2.825
20. Asphalt tarred felt, 15 lb., roll.	2.825
21. Asphalt shingles, 210 lb. (3 in 1) thickbutt, sq.	6.91
22. Asphalt shingles, 165 lb.—2 tab. hexagon, sq.	5.39
23. Fiber insulation board, 1/2" standard lath and board, M sq. ft.	53.75
24. Fiber insulation board 3/4", M sq. ft.	79.30
25. Hard density synthetic fiber board 3/16" (4 x 8), M sq. ft.	80.00
26. Hard density synthetic fiber board, 1/8", tempered (standard size), M sq. ft.	105.00
27. Thermal insulation blankets (medium), M sq. ft.	51.85
28. Thermal insulation blankets (thick), M sq. ft.	61.00
29. Thermal insulation batts (2" thick), M sq. ft.	50.00
30. Thermal insulation batts (full thick), M sq. ft.	64.00
31. Thermal insulation loose, in bags (nodulated), bag 40 lb.	1.50
32. Thermal insulation loose in bags (plain), bag 40 lb.	1.25

Date: August 29, 1946.

Opinion Accompanying Amendment No. 1 to Adopting Order No. 54 as Amended, Under Basic Order No. 1 as Amended, Under General Order No. 68, as Amended

The accompanying amendment gives effect to manufacturer's increases that have been granted on the items for which maximum prices are fixed by this order, up to the date of the schedule attached to this amendment, so as to comply with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended. The schedule attached to this amendment and made a part of the order supersedes all previous schedules. This amendment does not, however, supersede Supplementary Order 179 relating to increased freight on certain commodities.

[F. R. Doc. 46-20501; Filed, Nov. 18, 1946; 8:48 a. m.]

[Syracuse Adopting Order 49 Under Basic Order 1 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN SYRACUSE, N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Syracuse District Office, *It is hereby ordered:*

1. Adopting Order No. 49 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, is hereby further amended by substituting for the schedule attached to said order as amended, the annexed schedule known as Schedule of August 29, 1946, which is made a part of said order. The schedule attached to this amendment and to said order, supersedes all previous schedules.

2. Except as hereby amended, Adopting Order No. 49 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 29th day of August 1946.

GEORGE G. MOORE,
District Director.

SCHEDULE

Maximum prices for certain building and construction materials in the area consisting of Madison County; that part of Oneida County not covered by Adopting Order No. 9, and Herkimer County excluding the town of Webb, all in the State of New York, on sales by all persons to ultimate users or to purchasers for resale on an installed basis.

[Maximum delivered prices to purchasers for resale on an installed basis (this includes contractors) and to ultimate users (this includes consumers)]

Item	Price
1. Plaster, hard wall, neat, bag 100 lb.	\$1.12
2. Plaster, hard wall, neat, bag 50 lb.	.60
3. Plaster, hard wall, sanded, bag 100 lb.	.95
4. Plaster, gauging, bag 100 lb.	2.12
5. Keene's cement, bag 100 lb.	2.22
6. Finishing lime, sack 50 lb.	.73
7. Gypsum lath 3/8", per M sq. ft.	28.00
8. Metal lath 3.4 lb., painted diamond mesh, sq. yd.	.36
9. Metal lath 2.5 lb., painted diamond mesh, sq. yd.	.30
10. Portland cement standard (paper bags), sack 94 lb.	.815
11. Masonry mortar (paper bags) bags 70 lb.	.815
12. Mason's hydrated lime, sack 50 lb.	.615
13. Clay drain tile—3", 1 ft. length.	.075
14. Clay drain tile—4", 1 ft. length.	.09
15. Clay drain tile—6", 1 ft. length.	.175
16. Vitrified clay sewer pipe, No. 1SS 4", 2 ft. length.	.435
17. Vitrified clay sewer pipe, No. 1SS 6", 2 ft. length.	.64
18. Flue lining 9 x 9, 2 ft. length.	.815
19. Flue lining 9 x 13, 2 ft. length.	1.22
20. Flue lining 13 x 13, 2 ft. length.	1.57

Item

21. Gypsum wallboard 3/8", M sq. ft.	\$40.00
22. Gypsum sheathing 1/2", M sq. ft.	40.00
23. Asphalt roofing, 90-lb. mineral surface, 108 sq. ft.	2.82
24. Asphalt or tarred felt, 15 lb., 432 sq. ft.	2.86
25. Asphalt or tarred felt, 30 lb., 216 sq. ft.	2.86
26. Asphalt shingles, 210 lb. (3 in 1) thickbutt, square.	6.42
27. Asphalt shingles, 165 lb. 2 tab Hexagon, square.	4.82
28. Fiber insulation board, 1/2" standard lath and board, M sq. ft.	53.75
29. Fiber insulation board, 3/4" asphalt sheathing, M sq. ft.	84.50
30. Asbestos cement siding, 12 x 24" or 27", brilliant colors, square.	8.91
31. Standard density synthetic fiber board, 3/16" (4 x 8), M sq. ft.	75.00
32. Hard density synthetic fiber board, 1/8" tempered standard size, M sq. ft.	92.25
33. Thermal insulation blankets (paper back), thick, M sq. ft.	65.00
34. Thermal insulation batts (paper backed), 2" thick, M sq. ft.	45.00
35. Thermal insulation batts (paper backed), full thick, M sq. ft.	65.00
36. Thermal insulation plain, loose in bags, bag 35 lb.	1.20
37. Thermal insulation nodulated, loose in bags, bag 40 lb.	1.45

Discounts: 2 percent cash discount for payment before 10th of next succeeding month.

Date: August 29, 1946.

Opinion Accompanying Amendment No. 1 to Adopting Order No. 49 as Amended, Under Basic Order No. 1 as Amended, Under General Order No. 68, as Amended

The accompanying amendment gives effect to manufacturer's increases that have been granted on the items for which maximum prices are fixed by this order, up to the date of the schedule attached to this amendment, so as to comply with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended. The schedule attached to this amendment and made a part of the order supersedes all previous schedules. This amendment does not, however, supersede Supplementary Order 179 relating to increased freight on certain commodities.

[F. R. Doc. 46-20503; Filed, Nov. 18, 1946; 8:48 a. m.]

[Syracuse Adopting Order 44 Under Basic Order 1 Under Gen. Order 68, Amdt. 2]

BUILDING AND CONSTRUCTION MATERIALS IN WAYNE, ONTARIO, SENECA, CAYUGA AND ONONDAGA COUNTIES, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Syracuse District Office; *It is hereby ordered:*

1. Adopting Order No. 44 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, is hereby further amended by substituting for the schedule attached to said order as amended, the annexed schedule known as Schedule of August 29, 1946, which is made a part of said order. The schedule attached to this amendment and to said order, supersedes all previous schedules.

2. Except as hereby amended, Adopting Order No. 44 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 29th day of August 1946.

GEORGE G. MOORE,
District Director.

SCHEDULE

Maximum prices for certain building and construction materials in the area consisting of the Counties of Wayne, Ontario, Seneca, and Cayuga, and that part of Onondaga County not covered by Adopting Order No. 3 under Basic Order No. 1, all in the State of New York, on sales by all persons to ultimate users or to purchasers for resale on an installed basis.

Item and Unit	Delivered price	Yard price
1. Plaster, hardwall sanded, 100 lb. bag	\$0.87	-----
2. Plaster, hardwall neat, 100 lb. bag	1.12	-----
3. Plaster, gauging, 100 lb. bag	2.12	-----
4. Keene's cement, 100 lb. bag	2.37	-----
5. Finishing lime, 50 lb. bag	.67	-----
6. Gypsum lath 3/8", M sq. ft.	26.00	-----
7. Metal lath 3/4 lb. painted diamond mesh, sq. yd	.36	-----
8. Portland cement std. (paper bags), 94 lb. bag	.815	\$0.765
9. Masonry mortar, 70 lb. bag	.765	.715
10. Mason's hydrated lime, 50 lb. bag	.615	-----
11. Clay drain tile 3", per lin. ft.	.067	-----
12. Clay drain tile 4", per lin. ft.	.085	-----
13. Clay drain tile 6", per lin. ft.	.17	-----
14. Vitrified clay sewer pipe 4", per 2 ft. length	.455	-----
15. Vitrified clay sewer pipe 6", per 2 ft. length	.70	-----
16. Flue lining 9" x 9", per 2 ft. length	.93	-----
17. Flue lining 9" x 13", per 2 ft. length	1.38	-----
18. Gypsum wallboard 3/8", M sq. ft.	40.00	-----
19. Asphalt roofing 90 lb. mineral surface roll, 108 sq. ft.	2.81	-----
20. Asphalt or tarred felt 15 lb., roll (432 sq. ft.)	2.78	-----
21. Asphalt or tarred felt 30 lb., roll (216 sq. ft.)	2.78	-----
22. Asphalt shingles 3" thick butt 210 lb., sq.	6.55	-----
23. Asphalt shingles 2 tab, hexagon 165 lb., sq.	5.24	-----
24. Fibre insulation board 1/2" std. lath	53.75	-----
25. Fibre insulation board 2 1/2" asphalt sheathing, M sq. ft.	80.795	-----
26. Hard density synthetic fibre board tempered std., M sq. ft.	90.00	-----
27. Thermal insulation blankets (paper backed) medium, M sq. ft.	45.00	-----
28. Thermal insulation blankets (paper backed) thick, M sq. ft.	65.00	-----
29. Thermal insulation batts (paper backed) 2" thick, M sq. ft.	45.00	-----
30. Thermal insulation batts (paper backed) full thick, M sq. ft.	65.00	-----
31. Thermal insulation loose (modulated), 40 lb. bag	1.40	-----

Maximum delivered prices fixed by this order apply to all delivered sales where the commodities exceed the value of \$50. On sales of less than \$50 a delivery charge not exceeding \$2.00 may be made.

Date: August 29, 1946.

Opinion Accompanying Amendment No. 2 to Adopting Order No. 44 Under Basic Order No. 1 as Amended, Under General Order 68 as Amended

The accompanying amendment gives effect to manufacturer's increases that have been granted on the items for

which maximum prices are fixed by this order, up to the date of the schedule attached to this amendment, so as to comply with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended. The schedule attached to this amendment and made a part of the order supersedes all previous schedules. This amendment does not, however, supersede Supplementary Order 179 relating to increased freight on certain commodities.

[F. R. Doc. 46-20507; Filed, Nov. 18, 1946; 8:47 a. m.]

[Region III Order G-64 Under MPR 592, Amdt. 1]

NORTHERN CONCRETE PRODUCTS CO.
ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, *It is ordered*, That Order No. G-64 under section 16 of Maximum Price Regulation No. 592, be and hereby is, amended in the following respects.

Paragraph (b) is amended to read as follows:

(b) *Manufacturer's adjusted maximum prices.* The adjusted maximum prices for sales by the manufacturer of cement brick, sand and gravel produced by it shall be as follows:

Type of sale	Adjusted maximum prices		
	Cement brick per M	Sand per yard	Gravel per yard
F. o. b. yard to dealer	\$19.00		
F. o. b. yard at retail	21.00	\$0.86	\$0.35
Delivered to dealer	22.00		
Delivered at retail	24.00	2.00	1.72

This Amendment No. 1 to Order No. G-64 shall become effective November 8, 1946.

Issued: November 8, 1946.

A. D. RUEGSEGGER,
Acting Regional Administrator.

Opinion Accompanying Amendment No. 1 to Order No. G-64 Under Section 16 of Maximum Price Regulation No. 592

The accompanying amendment to Order No. G-64 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of the maximum prices of cement brick, sand and gravel produced by the Northern Concrete Products Company of Petoskey, Michigan, therein referred to as the manufacturer.

Examination of additional data indicates that the manufacturer, although in a favorable profit position with respect to concrete block operations, is not realizing total costs plus a reasonable margin of profit in the production of cement brick, sand and gravel and that the adjusted maximum prices granted in the said order are not adequate.

Inasmuch as it is considered that the manufacturer is not in hardship with respect to concrete block operations, no

adjustment of that commodity was granted in the accompanying amendment. It is considered that the adjustment granted in the accompanying amendment to Order No. G-64, while constituting the minimum required, is sufficient to enable the manufacturer to maintain a continued supply of the subject commodities.

The price increases established in the accompanying amendment are considered generally fair and equitable in accordance with the provisions of Maximum Price Regulation No. 592 and consistent with the provisions of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-20740; Filed, Nov. 22, 1946; 8:53 a. m.]

FEDERAL TRADE COMMISSION.

[Docket 5350]

GAY TIME FROCK CO. AND GIL SPORTWEAR Co.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of November A. D. 1946.

In the matter of Gay Time Frock Company, a Pennsylvania corporation; Gay Time Frock Company, an Illinois corporation; Leo Simon, Adolph Rosen, Benjamin F. Rosner, and Harold A. Fein, individually and as officers and directors of the aforesaid corporations; Herman Seldin and Nathan Lieberman, individuals doing business as Gil Sportwear Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence in this proceeding begin on Monday, December 9, 1946, at ten o'clock in the forenoon of that day (eastern standard time), in Room 505, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-20832; Filed, Nov. 25, 1946; 8:48 a. m.]