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The President

Regulations

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EXECUTIVE ORDER 9782

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE UTAH IDAHO CENTRAL RAILROAD CORPORATION AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between The Utah Idaho Central Railroad Corporation, a carrier, and certain of its employees represented by the International Association of Machinists, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the states of Utah and Idaho, to a degree such as to deprive that portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The Board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by The Utah Idaho Central Railroad Corporation or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 23, 1946.

[P. R. Doc. 46-17277; Filed, Sept. 23, 1946; 11:11 a. m.]

TITLE 7—AGRICULTURE

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

PART 904—MILK IN THE GREATER BOSTON, MASSACHUSETTS MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 904.1 *Findings and determinations—*
(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates

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FEDERAL REGISTER

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¹ See Part 8508 of Chapter XXIV of this title.

the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed in the Greater Boston, Massachusetts, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of milk which

is produced for sale in said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who during February 1946 determined to be a representative period, were engaged in the production of milk for sale in the said marketing area.

§ 904.2 *Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order as amended, is hereby further amended as follows:

1. In § 904.6 (a) (1) delete the words "except that for the months of May and June 1946 the price shall be increased by 25 cents over the price otherwise applicable;" and substitute the words "except that from the effective date hereof through February 1947 the price shall not be less than \$5.21 per hundred-weight:"

2. Revise the table in § 904.6 (a) (1) (iv) to read:

Value computed pursuant to (iii) of this subparagraph (cents)	Class I price (dollars per cwt.)	
	April through June	July through March
Under 25.....	\$1.69	\$2.13
25 or over, but under 30.....	1.91	2.35
30 or over, but under 35.....	2.13	2.57
35 or over, but under 40.....	2.35	2.79
40 or over, but under 45.....	2.57	3.01
45 or over, but under 50.....	2.79	3.23
50 or over, but under 55.....	3.01	3.45
55 or over, but under 60.....	3.23	3.67
60 or over, but under 65.....	3.45	3.89
65 or over, but under 70.....	3.67	4.11
70 or over, but under 75.....	3.89	4.33
75 or over, but under 80.....	4.11	4.55
80 or over, but under 85.....	4.33	4.77
85 or over, but under 90.....	4.55	4.99
90 or over, but under 95.....	4.77	5.21
95 or over, but under 100.....	4.99	5.43
100 or over, but under 105.....	5.21	5.65

If the value computed pursuant to (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

3. In the table contained in § 904.6 (c) increase the figures in Column B by the following amounts: City plant, one cent; zones 41-50 to 101-110, inclusive, one-half cent; and zones 301-310 to 391 and over, one-half cent.

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

Issued at Washington, D. C. this 13th day of September 1946, to be effective on and after the 21st day of September 1946.

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

Approved: September 19, 1946.

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

[F. R. Doc. 46-17084; Filed, Sept. 23, 1946; 8:51 a. m.]

PART 904—MILK IN THE GREATER BOSTON, MASSACHUSETTS MARKETING AREA

ORDER TERMINATING SUSPENSION ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and of the order, as amended, regulating the handling of milk in the Boston, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby determined that the suspension order of May 31, 1946 (11 F. R. 5992), relating to the suspension of certain provisions of § 904.6 (a) (1) of the order, does not tend to effectuate the declared policy of the act with respect to milk received by a handler from producers or cooperative associations of producers.

It is further found and determined that it will be impracticable, unnecessary, and contrary to the public interest to provide notice of, and public procedure on, the proposed issuance hereof because this action is necessary to effectuate fully certain amendments to the order which are to become effective September 21, 1946. For the same reason the effective date hereof must be the same as the effective date of such amendments.

It is therefore ordered, That the suspension order of May 31, 1946 (11 F. R. 5992), relating to the suspension of certain provisions of § 904.6 (a) (1) of the order, be, and it hereby is, terminated, effective as of 12:01 a. m., e. d. s. t., September 21, 1946.

Issued at Washington, D. C., this 13th day of September 1946.

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

[F. R. Doc. 46-17087; Filed, Sept. 23, 1946; 8:56 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 934.1 *Findings and determinations—*

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Cum. Supp. 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to

the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Lowell-Lawrence marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Lowell-Lawrence marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who during February 1946, determined to be a representative period, were engaged in the production of milk for sale in the said marketing area.

§ 934.2 *Order relative to handling.* It is, therefore, ordered on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 934.6 (a) (1) delete the words "except that for the months of May and June 1946 the price shall be increased by

25 cents over the price otherwise applicable" and substitute the words "except that from the effective date hereof through February 1947 the price shall not be less than \$5.70 per hundred-weight;"

2. Revise the table in § 934.6 (a) (1) (iv) to read:

Value computed pursuant to (iii) of this subparagraph (cents)	Class I price (dollars per hundred-weight)	
	April through June	July through March
Under 25.....	\$2.13	\$2.57
25 or over, but under 30.....	2.35	2.79
30 or over, but under 35.....	2.57	3.01
35 or over, but under 40.....	2.79	3.23
40 or over, but under 45.....	3.01	3.45
45 or over, but under 50.....	3.23	3.67
50 or over, but under 55.....	3.45	3.89
55 or over, but under 60.....	3.67	4.11
60 or over, but under 65.....	3.89	4.33
65 or over, but under 70.....	4.11	4.55
70 or over, but under 75.....	4.33	4.77
75 or over, but under 80.....	4.55	4.99
80 or over, but under 85.....	4.77	5.21
85 or over, but under 90.....	4.99	5.43
90 or over, but under 95.....	5.21	5.65
95 or over, but under 100.....	5.43	5.87
100 or over, but under 105.....	5.65	6.09

If the value computed pursuant to (iii) of this subparagraph is 105 cents or more, the price shall be increased at the same rate as would result from an extension of this table.

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

Issued at Washington, D. C., this 13th day of September 1946, to be effective on and after the 21st day of September 1946.

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

Approved: September 19, 1946.

JOHN R. STEELMAN,
Director, Office of War Mobilization and Reconversion.

[F. R. Doc. 46-17085; Filed, Sept. 23, 1946; 8:56 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER TERMINATING SUSPENSION ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby determined that the suspension order of May 31, 1946 (11 F. R. 5992), relating to the suspension of certain provisions of § 934.6 (a) (1) of the order, does not tend to effectuate the declared policy of the act with respect to milk received by a handler from producers or cooperative associations of producers.

It is further found and determined that it will be impracticable, unnecessary, and contrary to the public interest to provide notice of, and public procedure on, the proposed issuance hereof because this action is necessary to effectuate fully certain amendments to the order which

are to become effective September 21, 1946. For the same reason its effective date hereof must be the same as the effective date of such amendments.

It is therefore ordered. That the suspension order of May 31, 1946 (11 F. R. 5992), relating to the suspension of certain provisions of § 934.6 (a) (1) of the order, be, and it hereby is, terminated, effective as of 12:01 a. m., e. d. s. t., September 21, 1946.

Issued at Washington, D. C., this 13th day of September 1946.

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

[F. D. Doc. 46, 17086; Filed, Sept. 23, 1946; 8:56 a. m.]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 947.0 *Findings and determinations—*
(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are

hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed in the Fall River, Massachusetts, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Fall River, Massachusetts, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of milk which is produced for sale in said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who during March 1946, determined to be a representative period, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order as amended, is hereby further amended as follows:

1. Add to § 947.2 (b) the following subparagraph:

(5) Make rules and regulations to effectuate the terms and provisions hereof.

2. Revise § 947.4 (a) to read:

(a) *Class I price.* Each handler shall pay producers or associations of producers for their milk containing 3.7 percent butterfat, during each delivery period in the manner set forth in § 947.9, not less than the prices set forth in (4) of this paragraph except that for each delivery period prior to March 1947 the price shall be not less than \$5.96: *Provided,* That for milk delivered to a handler from producers' farms at a receiving plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation, in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M4 (including revisions and supplements thereof), for the distance from the railroad shipping point for such receiving plant to the handler's railroad delivery point for the marketing area.

(1) Compute the average of the quotations per pound of U. S. Grade A or U. S. 92-score butter at wholesale in the

New York market, as reported daily by the United States Department of Agriculture for the 30 days ending on the 24th day of the immediately preceding month.

(2) Using the midpoint of any range as one quotation, compute the average of all hot roller process dry skim milk (nonfat dry milk solids) quotations per pound for "other brands, animal feed, carlots, bags, or barrels", and for "other brands, human consumption, carlots, bags, or barrels", published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current"; subtract 4 cents; and multiply the remainder by 1.8.

(3) Add the values determined pursuant to (1) and (2).

(4) The Class I price per hundredweight shall be as shown in the following table:

Value computed pursuant to (iii) of this subparagraph (cents)	Class I price (dollars per hundredweight)	
	April through June	July through March
Under 25.....	\$2.44	\$2.88
25 or over, but under 30.....	2.66	3.10
30 or over, but under 35.....	2.88	3.32
35 or over, but under 40.....	3.10	3.54
40 or over, but under 45.....	3.32	3.76
45 or over, but under 50.....	3.54	3.98
50 or over, but under 55.....	3.76	4.20
55 or over, but under 60.....	3.98	4.42
60 or over, but under 65.....	4.20	4.64
65 or over, but under 70.....	4.42	4.86
70 or over, but under 75.....	4.64	5.08
75 or over, but under 80.....	4.86	5.30
80 or over, but under 85.....	5.08	5.52
85 or over, but under 90.....	5.30	5.74
90 or over, but under 95.....	5.52	5.96
95 or over, but under 100.....	5.74	6.18
100 or over, but under 105.....	5.96	6.40

If the value computed pursuant to (3) of this subparagraph is 105 cents or more, the price shall be increased at the same rate as would result from an extension of this table.

3. Revise § 947.4 (b) (1) to read:

(1) Except as provided in (2) of this paragraph each handler shall pay producers or associations of producers for their milk in the manner set forth in § 947.9 not less than the price per hundredweight, for milk containing 3.7 percent butterfat calculated for each delivery period by the market administrator as follows:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents;

(ii) Add any plus amount which results from the following computation: Using the midpoint in any range as one quotation, compute the average quotation per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the delivery period by the United States Department of Agriculture for New York City. Multiply each such average quotation by the applicable percentage indicated for the de-

livery period in the following table and combine the results, subtract 4 cents, and multiply the remainder by 7.5.

Delivery period	Percent	
	Human food products	Animal feed products
January.....	100	0
February.....	100	0
March.....	50	50
April.....	50	50
May.....	25	75
June.....	25	75
July.....	50	50
August.....	75	25
September.....	75	25
October.....	100	0
November.....	100	0
December.....	100	0

4. Revise § 947.7 (b) (3) to read:

(3) For the purpose of this section, Class II milk shall be allocated among sources described and listed in paragraph (a) of this section, in the order of the subdivisions of this subparagraph, as follows:

(i) Actual plant shrinkage classified as Class II milk shall be allocated pro rata among sources (1), (2) (ii), and (3).

(ii) Remaining Class II milk shall be first allocated to source (2) (ii).

(iii) Remaining Class II milk shall be first allocated pro rata to sources (1) and (3) in an amount which including shrinkage allocated to sources (1) and (3) will not exceed 5 percent of milk from sources (1) and (3); remaining Class II milk shall be allocated pro rata to sources (1), (2), (4), and (6), with the exception of milk from source (6) (i) received completely processed and packaged for distribution to consumers, which is disposed of as Class I. Any Class II milk still remaining unallocated shall be considered to be from source (3).

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

Issued at Washington, D. C., this 13th day of September 1946, to be effective on and after the 21st day of September 1946.

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

Approved: September 19, 1946.

JOHN R. STEELMAN,
Director, Office of War Mobilization and Reconversion.

[F. R. Doc. 46-17088; Filed, Sept. 23, 1946; 8:56 a. m.]

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

[WFO 146, Termination]

PART 1415—IMPORTED FOODS

GREEN COFFEE

War Food Order No. 146 (11 F. R. 3785) is hereby terminated as of 12:01 a. m., e. s. t., September 21, 1946.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 146 prior to the effective time hereof, all provisions of said order in effect prior to

the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087)

Issued this 17th day of September 1946.

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

[F. R. Doc. 46-17090; Filed, Sept. 23, 1946; 8:57 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY CUSTODIAN AND DELEGATIONS OF FINAL AUTHORITY

CENTRAL AND FIELD ORGANIZATION

Subparagraph (8) of § 500.1 (b), 11 F. R. 177A-625, is hereby amended to read as follows:

§ 500.1 *Central and field organization.* * * *

(b) *Divisions.* * * *

(8) *Office of the General Counsel.*

The General Counsel is the legal adviser to the Custodian, determining, and advising the public with respect to, the legal policy of the Agency. He passes upon legal documents and regulations, analyzes legislation and prepares legislative proposals, analyzes litigation and cooperates with the Department of Justice in its disposition, and recommends action with respect to claims, advising as to their allowance or developing the record so that the Agency may make an informed judgment as to their disposition. He supervises liquidation of banking, insurance, and other financial institutions under the control of the Alien Property Custodian.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; E. O. 9142, 7 F. R. 2985, E. O. 9193, 7 F. R. 5205)

Executed at Washington, D. C., this 18th day of September 1946.

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

[F. R. Doc. 46-17079; Filed, Sept. 23, 1946; 9:04 a. m.]

PART 503—SUBSTANTIVE RULES

PROHIBITION OF TRANSACTIONS, AND APPOINTMENT OF AGENTS AND DELEGATES

Paragraph (b) of § 503.5 (General Order No. 31, as amended), 11 F. R. 9989 is hereby amended to read as follows:

§ 503.5 *Prohibition of transactions, and appointment of agents and delegates.* * * *

(b) The Chief of the Division of Business Management and Control, the Chief of the Property Division, the Chief of the Division of Investigation, the Chief of the Division of Patent Administration, the Chief of the Division of Real Estate and

Liquidation, the Manager of the Territorial and Insular Offices of the Office of Alien Property Custodian, the Manager of the New York Office of the Office of Alien Property Custodian, the Secretary, and the General Counsel of the Office of Alien Property Custodian, are hereby appointed and delegated, severally, as agents and delegates of the Alien Property Custodian to make and to revoke, on behalf of the Alien Property Custodian, authorizations of transactions with respect to any property or business enterprise subject to the authority and power conferred upon the Alien Property Custodian; and with respect to any such specific property or business enterprise subject to such authority and power, to appoint and designate supervisors for such specific property or business enterprise who shall have authority to make and to revoke on behalf of the Alien Property Custodian authorizations of transactions.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; E. O. 9142, 7 F. R. 2985, E. O. 9193, 7 F. R. 5205)

Executed at Washington, D. C. this 18th day of September 1946.

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

[F. R. Doc. 46-17080; Filed, Sept. 23, 1946; 9:04 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Function and Procedures

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

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946 (Public Law 404—79th Congress), the following amendments and additions to the regulations contained in Subtitle A, Code of Federal Regulations are hereby prescribed:

SUBPART B—OFFICE OF THE UNDER SECRETARY OF WAR

In § 2.31 paragraph (i) is added as follows:

§ 2.31 *General matters.* * * *

(i) *Inspection of opinions.* The opinions of the Board are available for public inspection in the Office of the Recorder, The Pentagon, Washington 25, D. C.

SUBPART D—ADMINISTRATIVE AND TECHNICAL SERVICES

a. In § 2.62 paragraphs (a), (f), (q), (s) and (u) are amended to read as follows:

§ 2.62 *Duties of The Adjutant General.* The Adjutant General is charged with: (a) Recording, authenticating, and communicating to the various headquarters, organizations, and individuals in the military service of the United States such administrative orders, instructions, and regulations as may be directed by the Secretary of War or the Chief of Staff.

(f) Administering the Reserve Officers' Training Corps, including the detail, transfer, and relief of personnel on duty therewith and general control of supplies therefor, and such similar duties in connection with the administration of the Women's Army Corps as may be prescribed by the Secretary of War.

(q) Administration and supervision of such activities concerning the initial procurement and assignment, in peace and war, of all personnel of the Women's Army Corps and of the Army of the United States as are not assigned to the Commanding General, Army Ground Forces or Army Air Forces.

(s) Transfer of personnel between the following: War Department General Staff, Army Air Forces and Army Ground Forces.

(u) Separations from the service of officers, warrant officers, enlisted men, and personnel of the Women's Army Corps.

b. In § 2.63 the last portion of paragraph (a) is amended to read as follows:

§ 2.63 *Personnel Bureau.* (a) * * * the Enlisted Reserve Corps, and all other military forces called to active Federal service in peace or war, including the Women's Army Corps, with the proviso that the Commanding Generals, Army Ground Forces and Army Air Forces, will be charged with such of the above described duties within their respective jurisdictions as may be prescribed by the Secretary of War.

c. Amend § 2.64 (b) (2) to read as follows:

§ 2.64 *Records, permanent.* * * *
(b) * * *

(2) Records of the Regular Army, Regular Army Reserve, the National Guard when in the service of the United States, the National Guard of the United States, the Officers' Reserve Corps, the Organized Reserves, the Enlisted Reserve Corps and the Women's Army Corps; and the records of all personnel assigned thereto.

d. In § 2.132 (d) (3) amend the first portion of the sentence and in paragraph (e) amend the reference appearing at the end of the first sentence as follows:

§ 2.132 *The Signal Corps.* * * *
(d) * * *

(3) *Photographic Section, Signal Corps.* * * *
(e) * * * paragraph (d). * * *

SUBPART E—ARMY AIR FORCES

Section 2.172 is revoked as follows:

§ 2.172 *Air Installations Division.*
[Revoked]
(60 Stat. 238)

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

[F. R. Doc. 46-17140; Filed, Sept. 23, 1946; 9:05 a. m.]

Chapter VII—Personnel

PART 709—PRESCRIBED SERVICE UNIFORM
INFANTRYMAN AND BADGES

In Federal Register Document 46-15905, appearing at page 9791 of the issue for Friday, September 6, 1946, § 709.55c should be added as follows:

§ 709.55c *Medical badge.* A badge of oxidized silver consisting of a stretcher placed horizontally behind a caduceus with a cross of the Geneva Convention at the junction of the wings and inclosed by an elliptical wreath 1 inch in height and 1½ inches in length. (R. S. 1296; 10 U. S. C. 1391) [AR 600-70, 6 Aug 1946]

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

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing
AuthorityPART 611—LOW RENT HOUSING AND SLUM
CLEARANCE PROGRAM: POLICYDETERMINATION OF NET ANNUAL INCOME FOR
FAMILIES OF SERVICEMEN AND FAMILIES
WITH VETERAN MEMBERS ATTENDING EDU-
CATIONAL INSTITUTIONS

SEPTEMBER 17, 1946.

Policy governing the administration of the low-rent housing and slum clearance program authorized under the U. S. Housing Act of 1937, as amended, in addition to those policy matters covered in the FPFA Requirements, as set forth in § 610.1 of this chapter and in addition to matters covered in specific contracts between the FPFA and the local housing authorities. Included in this program are projects developed by the Public Works Administration and transferred to the U. S. Housing Authority under the aforementioned Act.

Section 611.3 (11 F. R. 177A-910) is amended to read as follows:

§ 611.3 *Determination of net annual income for families of servicemen and families with veteran members attending educational institutions—(a) Determination of net family income and family status of servicemen—(1) When serviceman is living with his family.* All of the income received by the serviceman, including his base pay, all extra pay, subsistence and rental allowance, if any, and that portion of the family dependency allowance contributed by the Government, is included with income received by all family members from all sources. Deductions will be allowed in accordance with § 610.1-403 of this chapter.

(2) *When serviceman is absent from home.* A family head e. g., a husband, will be considered as a member of the family temporarily absent from home. An adult son or daughter, not a family head prior to service in the armed forces, will be considered as having severed ties with the family. Other questions of

relationship to the family will be determined on an individual basis. When a serviceman is considered not a family member, only such portion of his income as is contributed regularly to the family will be included in the aggregate family income, with no deductions allowed. When a serviceman is considered a family member, his entire income (including extra pay for sea, overseas duty, submarine or field duty, longevity and other special but regular additions to pay for honor and merit awards plus full allowance for subsistence and rental, if any), that portion of the family dependency allowance contributed by the Government, and income to the family from all other sources will be included in computing the aggregate income of the family. In respect to such income, deductions specified in § 610.1-403 of this chapter will be allowed, plus the following deductions for special occupational expenses of the serviceman incurred by reason of his living away from home: Such deduction may not be more than (i) the first \$50 of base pay or so much thereof as remains after the serviceman's mandatory contribution to the family dependency allowance, plus (ii) 25% of his base pay over \$50 per month. For officers who have no deductions from their pay for family allowance but who have extra living expenses the deductions will be \$50 per month plus 25% of base pay over \$50 per month.

(b) *Determination of net income of families with veteran members attending educational institutions.* The entire income of a veteran (1) living with the family, or (2) not living with the family but who is head of the family, will be included in aggregate family income. In the case of a veteran son or daughter, away from home while attending school, and not the head of the family, only such income as he or she actually contributes to the family will be included in aggregate family income. In any case where the veteran's relationship is other than family head, son or daughter, the local management will make an appropriate determination based on the facts in the particular circumstance. The amount of \$65 per month (the subsistence allowance payable to a veteran without dependents under the "GI Bill of Rights" as amended, 58 Stat. 284; 38 U. S. C. 693-697) will be deducted from aggregate income to determine net income in the case of a family head who is absent from home while attending an educational institution and who is receiving a subsistence allowance. No deductions will be allowed for the support of a veteran who is living with his family while attending school or who is attending school at his own expense. Other deductions, as set forth in § 610.1-403 of this chapter, will be allowed.

(c) *Cases involving exceptional circumstances.* In exceptional cases deviations from the policies stated in paragraphs (a) and (b) of this section will be allowed where the tenant shows to the satisfaction of the local management that extraordinary expenses of the serviceman or veteran justify additional allowances.

PART 631—WAR HOUSING PROGRAM: POLICY
DISPOSITION OF FEDERALLY OWNED WAR
HOUSING PROJECTS

SEPTEMBER 17, 1946.

Section 631.4 (11 F. R. 177A-913) paragraphs (a) (1), (b) (1), (c) (3), (c) (4), (c) (7) and (d), are amended to read as follows:

§ 631.4 *Disposition of federally owned war Housing Projects.* The FPFA is responsible for the disposition of war housing projects, or parts thereof, upon their termination by the Administrator of the National Housing Agency.

(a) *Definitions.* (1) "Government agency" means any executive department, board, bureau, commission, or other agency in the Executive Branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States. (This includes the Reconstruction Finance Corporation, successor to Smaller War Plants Corporation, in connection with sales to veterans and owner-operators of small businesses.)

(b) *Local consultations—(1) Responsibility for local consultations.* Without awaiting termination of projects, the FPFA Regional Director will initiate consultations with representatives of the local governments in those localities where war housing projects exist. The purpose of such consultations is to provide the local community with an opportunity to study disposition problems, reach agreements within the community, and make recommendations concerning disposition within the framework of disposition policies.

(c) *Disposition of temporary projects not used for Veterans' Emergency Housing.*

(3) *Sale or transfer of temporary dwelling structures to Government agencies, State and local governments, and non-profit institutions.* The following conditions will apply in the sale or transfer of terminated temporary dwelling structures which are not sold for demolition as provided in subparagraph (1) of this paragraph.

(1) *Federal agencies.* (a) Dwelling structures may be transferred to a Government agency for its use on or off the present project site: *Provided,* That where the use is to be on-site, the transferee Government agency will carry out the provisions of the Lanham Act and NHA regulations concerning the removal of temporary housing. Any sale to the Reconstruction Finance Corporation for sale to veterans for owner-operated small businesses will require removal by demolition. Nothing in this paragraph shall be interpreted as forbidding transfers to the Army or Navy pursuant to section 4 of the Lanham Act.

(b) Provisions of this section apply to projects on owned, leased, or temporary use sites. If the structures are on other than owned sites and are to remain on such sites, any transfer will be subject to any conditions underlying the lease or use of the site.

(ii) *State and local governments and non-profit institutions.* Temporary dwelling structures may be sold to state or local governments or non-profit institutions for any use off the present site. They must be demolished as defined in paragraph (c) (1) above, unless they are to be removed for non-residential use.

(4) *Priorities.* In the disposition of temporary war housing projects, the following order of preference will govern:

- (i) Government agencies;
- (ii) State and local government; and
- (iii) Non-profit institutions. The priorities set forth herein will be effective only if the priority holder purchases the project for its own use and not for resale, and purchases at the market value as established by the FPFA. They will be effective only if exercised before the first advertisement for competitive bids for demolition is published. No priorities will be recognized in the sale of temporary dwellings for demolition.

(a) *Temporary dwelling structures.* In the case of temporary dwelling structures, the FPFA will use only a public announcement (made not less than 30 days prior to advertisement for bids) and community consultation to bring the availability of temporary dwellings to the attention of priority holders set forth in this subparagraph, and will advertise them for sale by competitive bid only after such measures have brought no expressions of interest from priority holders.

(b) *Non-dwelling buildings sold separately from the dwellings.* In the sale of community, commercial administration or utility buildings on owned land, in addition to the priorities set forth above, veterans shall have next priority for owner-operated small business or commercial purposes. The priority of a veteran hereunder may be exercised in connection with only a single purchase.

If, prior to advertising, there is interest in purchase by priority holders, such buildings will first be offered by published advertisement to priority holders at the current market value as established by FPFA, and if no priority holder accepts the offer within 30 days of advertisement the buildings will then be advertised for competitive bids in the open market for a period of 30 days. Priority holders may bid, but will have no priority. If no acceptable offer is received from competitive bidding, sales through negotiation, auction, or other means should be made. If there is no known interest by priority holders in advance of advertising, the buildings should be advertised for sale to both priority and non-priority holders for a 30-day period.

Where non-dwelling structures are on leased land, any which are not transferred to the landowner in connection with settlements shall be sold as provided above.

(c) *Priorities on portable shelter structures.* Portable shelter structures may be sold under priorities set forth above in this paragraph, unless it is determined that substantially the entire group of portable shelter structures are salable as individual units. In the latter case individual consumers shall have

fourth priority, with veterans and servicemen, or their families having preference as among consumers.

(7) *Trailers.* Trailers for dwelling purposes no longer needed in the public housing program will be declared surplus to the appropriate disposal agency designated by the War Assets Administration for disposal pursuant to the Surplus Property Act of 1944. Surplus community facilities trailers will not be declared to the WAA but will be disposed of by FPFA.

(d) *Disposition of permanent federally owned war housing projects—(1) General policy.* Terminated permanent projects (excluding demountable projects sold to meet veterans' needs) will be sold by FPFA for private residential purposes unless sold to a local housing authority under authorization of Congress.

(2) *Occupancy, rent, and sale restrictions.* In disposing of permanent projects (excluding demountable projects sold for veterans' use) or parts thereof to be used for residential purposes, all purchasers, their successors, or assigns will be required to agree that until December 31, 1947, or the date of termination of rent control under Federal regulation (whichever date is the later);

(i) They will not evict the present occupant of any unit except for causes recognized by courts of law as justifying an eviction because of breach of contract of tenancy;

(ii) They will not raise the rent of any tenant occupying the project at the time of sale above the scheduled rent in existence at the date of sale; except that (a) scheduled rents may be adjusted upward to conform to any change in the Federal Rent Control regulations which would permit residential rents to be adjusted upward, and (b) prior to December 31, 1947, the rent of any tenant who is paying an adjusted rent less than the scheduled rent because of distressed circumstances may be increased upward at any time in accordance with any increased ability to pay but not to exceed the scheduled rent, and provided that such increase is approved by FPFA.

(iii) Resale prices of units originally sold to individual owner occupants will be subject to FPFA approval.

(iv) Prior to December 31, 1947, first preference on resale, rental, or sub-lease of individual units will be given to veterans, servicemen, or their families. Such preference will not be deemed to be complied with if the unit is sold or rented within 30 days of the unit's availability to other than a veteran, serviceman, or his family who is available and qualified.

(3) *Sales to occupants, prospective occupants, or private investors.* The plan of sale for private residential properties will be based on the following:

(i) *Occupants or prospective occupants.* Preference will be given to actual occupants and prospective occupants—that is, those who are actually using or will themselves use the premises for residential purposes. Actual occupants will have priority over prospective occupants. As among prospective occupants, veterans, servicemen, or their families will have priority over non-veterans. Occupants and prospective occupants include

individuals or mutual ownership corporations whose membership is comprised of occupants or prospective occupants. These preferences are subject to the following conditions:

(a) In case of sales to individuals, the project must be suitable for individual ownership; it should be found that substantially all the dwellings in the project can be disposed of in this manner within a reasonable time; and it should be determined that a substantial majority of present occupants are willing to purchase.

(b) No sale will be made to a mutual ownership corporation unless there is a financially sound plan of purchase and its membership meets FPFA requirements.

(c) In case a sale is possible either to individuals or to a mutual ownership corporation, preference may be given to the plan which is in the best financial interest of the Government, taking into account the probability of ultimate collection of principal and the possibility of houses remaining unsold.

(ii) *Private investors.* In the event it is not possible or feasible to dispose of a project to occupants and prospective occupants, projects or portions thereof may be sold to private investors. Projects which are suitable for disposition in separate portions will be offered for sale in such portions as well as in their entirety. Sales will be consummated which will result in the disposition of the project at the best price and under the best terms available to the Government.

(iii) *Sales prices.* (a) In case of sales to occupants or prospective occupants, including mutual ownership corporations, sales prices will be established by FPFA in an amount equal to the fair market value as established by competent appraisal in order that advantage will not be taken of scarcity in the market to obtain inflated prices. Prices so established will be publicly announced and thereafter sales consummated with purchasers at such prices.

(b) In case of sales to private investors, properties will be advertised requesting the submission of sealed bids within a ninety-day period from the date of the first advertisement. Bids will be opened publicly at the expiration of the ninety-day period. The highest eligible bid will be accepted, subject to the right of the Government to reject all bids if none is satisfactory, and subject to the right of the Commissioner to accept a lower offer if he determines such action to be in the public interest.

(4) *Sales to local housing authorities.* Consideration will be given to sale of a permanent housing project to a local housing authority only if the governing body of the community and the local housing authority in whose jurisdiction such a project is located determine, by appropriate resolution or other act, that it is in the best interest of the community for such a housing project or a part thereof to be conveyed to the local housing authority to fulfill its legitimate needs for public low-rent housing. If FPFA concurs in the determination of the local governing body and the local housing authority as to the need for such project or part thereof to provide low-

rent housing in the community, recommendations will be made that the Administrator submit to Congress the requested authorization to sell such housing projects to the local housing authority, pursuant to a plan of sale which will enable the project to be utilized for the sole purpose of providing decent, safe and sanitary low-rent housing for families of low income whom private enterprise cannot adequately serve. The plan to be submitted to Congress for achieving such purpose will be the following, unless the local housing authority proposes an alternative plan which will accomplish this purpose and be acceptable to the FPFA:

(i) *Terms and conditions of sale.* Any such project will be conveyed to a local housing authority in consideration of any agreement by the local housing authority (a) to pay as the purchase price all net income to FPFA over a fixed period of years, which fixed period of years shall be determined on the basis of the estimated useful life of the project for decent, safe and sanitary low-rent housing purposes; (b) to utilize the project during the aforesaid fixed period of years for the sole purpose of providing decent, safe and sanitary low-rent housing; and (c) not to dispose of the project throughout the aforesaid fixed period of years. In addition and as a local contribution the property and assets of the local housing authority must be exempt from state and local taxation; however, local authorities may be permitted to make payment in lieu of taxes from available project revenues to the same extent as permitted under FPFA policy with respect to the PWA Housing Division Projects.

(5) *Disposition of demountable dwelling structures.* (i) When located on Federally-owned land and sold for on-site use, demountable dwelling structures will be disposed of as permanent projects as outlined in preceding paragraphs. The community may recommend the removal of demountable family dwellings if there is no physical need for such structures in the community or if not appropriate to the sites on which they are located. Community recommendations for the removal of demountable family dwellings will be given every consideration by the FPFA, consistent with broad Federal policy and the protection of the Federal interest. It is recognized that there may be some misunderstanding concerning the retention of demountable family dwellings in some communities. The FPFA will carefully examine any commitments as to removal either formal or implied, and will faithfully carry out any obligations.

(ii) When sold for off-site use, appropriate terminated demountables will be sold to meet veterans' needs in the following order of preference: (a) public bodies or their representatives; (b) individual veterans and their families and families of servicemen; and (c) builders, contractors, and others who will sell or rent the houses to veterans and their families and to families of servicemen. Sales contracts shall require that purchasers, successors, and assigns must agree that until December 31, 1947, they will give first preference to veterans,

servicemen, or their families, among qualified tenants or purchasers, in the rental of dwellings or their sale for owner occupancy, as the case may be. Resales by public bodies or their representatives, or individual veterans and their families and families of servicemen must be at prices approved by the FPFA.

(54 Stat. 676, 872, 1125, as amended, 55 Stat. 14, 197, 810, 57 Stat. 537)

PART 640—VETERANS' EMERGENCY HOUSING PROGRAM: PROCEDURES
ADMINISTRATION OF PROJECTS

SEPTEMBER 17, 1946.

Procedures governing the administration of the veterans' emergency housing program authorized under Public Laws 87, 292, 269, 336, and 697 (79th Congress).

Section 640.1 (11 F. R. 177A-915) is amended to read as follows:

§ 640.1 *Administration of projects.* The Veterans' Emergency Housing Program is designed to provide housing for distressed families of servicemen and veterans and for single veterans attending non-profit educational institutions, through the use of existing facilities either in their present location or by moving and relocating them. This program is administered through contracts with local bodies, i. e., non-profit educational institutions, state or political subdivisions thereof, local public agencies, or non-profit organizations. These projects may be developed with or without the aid of Federal funds, the properties of the government not otherwise needed for its own use being available for transfer to or use by the local bodies in carrying out the program. The initiation of a project may be undertaken by application to the regional director in the area in which the contemplated project is to be located. The projects are managed and operated by the local bodies, and applications for tenancy in the projects should be filed with these bodies.

PART 641—VETERANS' EMERGENCY HOUSING PROGRAM: POLICY

STANDARDS FOR SELECTION OF TENANTS

SEPTEMBER 17, 1946.

Section 641.2, paragraph (b), is amended to read as follows:

§ 641.2 *Standards for selection of tenants* * * *

(b) *Eligibility for admission*—(1) *Family dwellings.* Admission shall be limited strictly to the following:

- (i) Distressed families of veterans.
- (ii) Distressed families of servicemen.
- (iii) Families of non-veteran faculty and other staff members, not in excess of 5 percent of the units furnished under the contract, operated by an educational institution, or 5 percent of the units occupied by student veterans in projects operated by other local bodies: *Provided, however,* That housing of non-veteran faculty or other staff members in excess of this limitation may be allowed for temporary periods where the educational institution or other local body submits evidence that if not allowed it would be

necessary to turn away student veterans for whom all other facilities, including housing, are available or are to be available; prior FPFA approval must be obtained in every case of admissions in excess of the 5 percent limitation.

(2) *Dormitories.* Admission shall be limited strictly to the following:

(i) Single veterans attending educational institutions.

(ii) Single non-veteran faculty and other staff members but not in excess of 5 percent of the project units: *Provided, however,* That this limitation may be exceeded under the circumstances set forth in subparagraph (1) (iii) of this paragraph but only with prior FPFA approval.

[SEAL]

PHILIP M. GLICK,
Acting Commissioner.

[F. R. Doc. 46-17036; Filed, Sept. 23, 1946; 9:03 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and 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 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 4, as Amended Sept. 23, 1946]

PRODUCTION RESTRICTION ON CAST IRON SOIL PIPE AND FITTINGS

There is a shortage in the supply of cast iron soil pipe and fittings for defense for private account and for export. Cast iron soil pipe and fittings are suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 4700.17 *Veterans' Housing Program Order 4*—(a) *Definition.* For the purposes of this order, "producer" means any person who makes cast iron soil pipe and fittings for sale.

(b) *Restriction on production of large sizes*—(1) *Restriction.* Beginning September 1, 1946, the tonnage of cast iron soil pipe and fittings which a producer makes during any month in sizes of 5 inches or larger must not exceed 7% of the total tonnage of cast iron soil pipe and fittings he made in all sizes during the preceding month.

(2) *Temporary extensions.* On application, a temporary extension of the effective date of the restriction of paragraph (b) (1) above will be authorized by the CPA, in writing, for any pro-

ducer if (1) more than 7% of his August 1946 production of cast iron soil pipe and fittings was in sizes of 5 inches or larger, and (2) he shows that a reduction during September 1946 to conform with paragraph (b) (1) will materially affect him as the result of either of the following conditions:

(i) Inability to fully and efficiently use his skilled labor for production of cast iron soil pipe and fittings; or

(ii) Inability to produce a total tonnage of cast iron soil pipe and fittings substantially equal to the total tonnage produced in August 1946, because equipment for small sizes is either insufficient or unavailable.

Such extension may be authorized on the basis of an application letter from the producer, stating which of the above two conditions will result, and explaining in detail why that condition will materially affect him.

A producer who gets a time extension authorized under this paragraph (b) (2) must not, during the period of the extension, produce sizes 5" and over in any greater monthly quantity than he produced during August 1946.

(c) *Communications and appeals.* Communications regarding this order, and any appeals from its provisions, should be addressed to the Civilian Production Administration, Building Materials Division, Washington 25, D. C., Ref: VHP-4. Appeals should be made by letter in triplicate, referring to the particular provision appealed from and stating fully the ground of the appeal.

(d) *Violations.* A 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, will 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.

Issued this 23d day of September 1946.

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

[F. R. Doc. 46-17291; Filed, Sept. 23, 1946;
11:36 a. m.]

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[2d Rev. MPR 183, Amdt. 24 (§ 1418.1)]

RAW CANE SUGAR IN PUERTO RICO

A statement of the considerations involved in the issuance of this amend-

¹ 10 F. R. 7635, 8933, 9223, 9227, 10224, 10976, 11666, 11811, 12555, 12744, 12745, 12961, 13230, 14247, 15173; 11 F. R. 608, 799, 1101, 1406.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 4.26 is hereby revoked and a new section 4.26 is added to read as follows:

SEC. 426 *Raw cane sugar*—(a) *Additions to applicable maximum prices for sales of raw cane sugar*—(1) *Sales by producers who own no raw cane sugars on September 17, 1946.* Any producer who owns no raw cane sugars at 11:59 p. m., September 17, 1946, may on and after September 18, 1946, add 1.825 cents per pound to the applicable maximum prices of raw cane sugar of 96 degrees polarization established for him by the General Maximum Price Regulation.

(2) *Sales by producers who own raw cane sugars on September 17, 1946.* Any producer who owns raw cane sugars at 11:59 p. m., September 17, 1946, may on and after September 18, 1946, add 1.825 cents per pound to the applicable maximum prices of raw cane sugar of 96 degrees polarization established for him by the General Maximum Price Regulation, upon the condition that he complies with the pertinent requirements of paragraphs (c) and (d) below.

(b) *Refined granulated cane sugar.* (1) Subject to the provisions of subparagraphs (2) and (3) below, maximum prices for refined granulated cane sugar shall be as follows:

All brands packaged in—	At refiners level ¹ (per 100 pounds)	At wholesale (per 100 pounds)	At retail (per unit)
100-lb. container.....	\$7.30	\$7.50	\$0.09
25-lb. container.....	7.40	7.60	2.05
10-lb. container.....	7.45	7.65	.88
5-lb. container.....	7.55	7.75	.44
2-lb. container.....	7.55	7.75	.18
1-lb. container.....	7.75	7.95	.09

¹ Prices include transportation to buyer's place of business.

² Deduct 5 cents if packaged in paper bags.

³ Per pound in bulk (2 for \$0.17).

NOTE: The maximum prices specified above shall be reduced by any discounts customarily allowed for cash or prompt payment.

(2) *Sales by refiners owning cane sugars on September 17, 1946.* Any refiner who owns any cane sugars at 11:59 p. m., September 17, 1946, may sell refined granulated cane sugar at the maximum prices set forth in subparagraph (1) above, upon the condition that he complies with the requirements of paragraphs (c) and (d) below.

(3) *Special rules affecting sales by wholesalers and retailers.* (i) At the close of business on September 17, 1946, you must determine the number of pounds of each item of sugar that you own for resale at that time. You must make and keep a record of that inventory at your place of business. After that date you must continue to sell each item of sugar at no more than the ceiling price you had in effect on September 17, 1946, until you have sold an amount equal to your September 17, 1946, inventory of the item. When you have sold that amount, you may charge the prices set forth in paragraph (b) (1).

(ii) On purchases of sugar made by you on and after September 18, 1946, your supplier will notify you whether he is charging you his ceiling price in effect

on September 17. If you receive such notification, you must continue to sell such sugar at no more than the ceiling price you had in effect on September 17, 1946.

(c) *Filing of affidavit.* Each person (other than a wholesaler or retailer) owning cane sugars at 11:59 p. m., September 17, 1946, shall not later than October 10, 1946, send by registered mail addressed to Commodity Credit Corporation, 150 Broadway, New York 7, New York, an affidavit setting out the following amounts of sugar owned by him at 11:59 p. m., September 17, 1946:

(1) The total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into raw cane sugar) adjusted to a 96 degree polarization basis.

(2) The total number of pounds of refined, turbinado and washed sugar.

(3) The total number of pounds of raw sugar (converted to a refined basis) in process of refinement.

If any part of a refiner's inventory consists of sugars acquired from a mill other than a mill owned or controlled by him, the refiner must specify how much of the amounts of sugar described in subparagraphs (1), (2) and (3) consists of such outside sugar.

(d) *Payment to Commodity Credit Corporation.* Any person (other than a wholesaler or retailer) owning cane sugars at 11:59 p. m., September 17, 1946, who elects to sell at the increased maximum prices on September 18, 1946, shall make a statement to that effect in the affidavit described in paragraph (c) and shall make payment by check or money order payable in New York funds to the Commodity Credit Corporation in an amount computed as follows:

(1) The total number of pounds of refined, turbinado and washed cane sugar, plus the total number of pounds of cane sugar (converted to a refined basis) in process of refinement, plus the total number of pounds of cane sugar (converted to a turbinado basis) in process of conversion to turbinado, multiplied by 1.47 cents per pound; plus

(2) The total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into raw cane sugar) adjusted to a 96 degree polarization basis, multiplied by 1.37 cents per pound.

Payment may be made at the time of filing the affidavit or monthly payments shall be made within 60 days following the close of the calendar month for the amount of such sugar sold during such month, until the full amount due has been paid. The maximum price in event of failure to make such payment or payments, shall be the maximum price in effect prior to September 18, 1946.

(e) *Election to sell inventory at lower price.* Any person owning cane sugars at 11:59 p. m. September 17, 1946, may, in lieu of making payment to Commodity Credit Corporation, described in paragraph (d) above, elect to sell or otherwise dispose of the entire amount of his inventory at or below his maximum prices in effect on September 17, 1946. Such person shall state in the affidavit described in paragraph (c) that he elects to sell his inventory at the lower price. At such time he has sold an amount

equal to his September 17 inventory, he shall file by registered mail with the Commodity Credit Corporation a final affidavit stating that he has fully complied with the requirements of this paragraph (e).

After mailing the final affidavit in proper form such person may sell at the maximum prices set out in paragraphs (a) and (b).

(f) *Modification to wholesalers and retailers when election is made to sell inventory at lower price.* (1) Any refiner or processor who elects to sell his inventory at or below his maximum prices in effect on September 17, 1946, shall, at the time of, or prior to the first delivery to each wholesaler or retailer, notify them in writing to the effect that the prices charged are the refiner's maximum prices in effect September 17, 1946.

(2) Any wholesaler who receives the notification described in paragraph (1) shall, at the time of, or prior to the first delivery to each retailer, notify the retailer in writing to the effect that the prices charged are the wholesaler's maximum prices in effect on September 17, 1946.

This amendment shall become effective as of 12:01 a. m., September 18, 1946.

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

Issued this 24th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 24 TO SECOND REVISED MAXIMUM PRICE REGULATION 183

The accompanying amendment to Second Revised Maximum Price Regulation 183 increases the maximum prices of raw cane sugar 1.37 cents per pound and of refined sugar 1½ to 2 cents per pound. This action coincides with the action increasing sugar prices in continental United States. The reasons for the mainland action are fully discussed in the statement of considerations accompanying amendment 3 to MPR 16 and amendment 4 to MPR 60, and since they establish the basis of the accompanying action, the pertinent parts of that statement are incorporated herein by reference.

In giving effect to the accompanying action, section 4.26 is revoked and a new section 4.26 is added. From all available evidence, producers and distributors have disposed of their February 9, 1946, inventories, thereby removing the necessity for retaining the original recapture provisions. Thus, in revoking section 4.26, the 0.455 of a cent per pound increase granted to producers of raw cane sugar in February 1946 is maintained, so that the amount of the increase which producers may add to their GMPR prices set forth in section 4.26 (a) (1) and (2) now reads 1.825 cents per pound instead of 0.445 of a cent per pound.

The increased prices established at the wholesale and retail levels are calculated to reflect the average percentage markup as was in effect on March 31, 1946, in

accordance with the Emergency Price Control Act of 1942 as amended by the Price Control Extension Act of 1946. The reporting and recapture provisions, as well as the requirement that wholesalers and retailers may not charge the increased prices until they have disposed of their September 17 inventories at or below the ceilings in effect on September 17, are the same as those contained in amendment 19 to 2d Revised Maximum Price Regulation 183, and have been included for the same reasons as set forth in the statement of considerations for that amendment, the applicable portions of which are incorporated herein by reference.

In the opinion of the Price Administrator, the action taken by this amendment is generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46-17233; Filed, Sept. 24, 1946; 10:05 a. m.]

[Rev. SO 119, Amdt. 16]

PART 1305—ADMINISTRATION

INDIVIDUAL ADJUSTMENTS FOR RECONVERTING MANUFACTURERS

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

Revised Supplementary Order 119 is amended in the following respects:

1. Section 3 is amended by striking the last sentence thereof and adding the following new paragraphs at the end thereof:

If, however, you have manufactured the product for which you seek an adjustment for a period of three calendar months during which your unit rate of production was at least 90 percent as great as your average unit rate of production during the year 1941, you are no longer eligible for an adjustment under this order. (In such a case you are entitled to seek and receive an adjustment permitted by the terms of any regulation or order allowing an adjustment in the maximum price of the product.)

You must, therefore, supply with your application for adjustment under this order a statement of your unit rate of production of the product in the last three months preceding the filing of your application, and correspondingly, for the year 1941.

2. Section 6 is amended by adding the following new paragraphs at the end thereof:

If the adjustment provided by this order should exceed your actual total cost to make and sell the product at a rate of production substantially less than your 1941 rate of production as indicated by recent operating experience, the amount of your adjustment under this order will be reduced so that your maximum price will not exceed your actual total cost to make and sell.

Accordingly, a profit and loss statement for the department or division of

your company making the product for the quarterly period immediately preceding the filing of your application must accompany the application.

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

This amendment shall become effective on the 23d day of September 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 16 REVISED SUPPLEMENTARY ORDER 119

The present amendment changes Revised Supplementary Order No. 119 in two respects.

First it provides that a manufacturer who has achieved a unit rate of production over a three month period which is equal to 90 percent or more of his unit rate of production for that product in 1941, is no longer eligible to seek relief under the order. The order formerly provided that once that production rate had been achieved, the manufacturer was eligible to receive relief under other adjustment provisions. It did not bar him from continuing to apply for relief under the terms of Revised Supplementary Order 119. As a result many manufacturers were receiving adjustments under Revised Supplementary Order 119 long after normal operating experience made it possible to evaluate their need for relief on the basis of current experience under the criteria of other adjustment provisions. This, of course, is in conflict with the underlying reason for the existence of the reconversion pricing formula, namely, that current operating experience at normal volume being unavailable, it was necessary to construct a new test of the appropriate maximum price based on 1941 costs extended to cover certain increases in cost since that time. For this reason applicants under Revised Supplementary Order 119 are no longer eligible for an adjustment in the maximum price of a product once the appropriate volume rate has been reached. They still, however, will be free to receive any adjustment allowed under other adjustment provisions based on normal costs.

The second change effected by the accompanying amendment places a limit on the amount of adjustment which an applicant may receive. This change is a corollary of the first change. Thus, even though current operating data based on a rate of production substantially less than normal shows that operation at that rate is profitable it should not be ignored. Likewise when such data shows that the need for adjustment is less than that provided by the formula, the adjustment should be so modified. Accordingly adjustment under Revised Supplementary Order 119 will not bring the maximum price for the product above total current cost to make and sell.

[F. R. Doc. 46-17279; Filed, Sept. 23, 1946; 11:33 a. m.]

PART 1305—ADMINISTRATION

[SO 132, Amdt. 55]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

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

Supplementary Order No. 132 is amended in the following respects:

1. Section 1 (a) (7) is amended by the addition of the following items in alphabetical order:

- Casein (inedible) for industrial purposes.
- Milk sugar (lactose) for industrial purposes.

This amendment shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 55 TO SUPPLEMENTARY ORDER NO. 132

The accompanying Amendment to Supplementary Order No. 132 exempts from price control casein (inedible) and milk sugar (lactose) used for industrial purposes. This action is taken pursuant to Section 1A (f) of the Price Control Extension Act of 1946. In the absence of control on all other milk products, and since milk is the basic ingredient used in the manufacture of casein and milk sugar for industrial purposes, it is the opinion of the Administrator that the continuation of price control on this relatively small part of milk products is not administratively feasible.

[F. R. Doc. 46-17280; Filed, Sept. 23, 1946; 11:33 a. m.]

[RMPR 289, Amdt. 56]

PART 1351—FOOD AND FOOD PRODUCTS
DAIRY PRODUCTS

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

Section 23 of Revised Maximum Price Regulation 289 is amended in the following respects:

1. Table A of section 23 (b) is amended to read as follows:

TABLE A

Quantity	Cents per pound	
	Acid	Rennet
10,000 lbs. or more.....	40	41½
2,000 lbs. or over but less than 10,000 lbs.	40½	41¾
Less than 2,000 lbs.....	40¾	42½

2. Table B of section 23 (c) is amended to read as follows:

TABLE B

Type of casein	Cents per pound
Wet curd acid-casein, dry basis.....	34
Wet curd rennet-casein, dry basis.....	35½
Dry acid-casein.....	37
Dry rennet-casein.....	38½

3. The last sentence of section 23 (c) (3) is amended to read as follows: "Thus the maximum price for ground dry acid-casein shall be 37½ cents per pound and for ground dry rennet-casein it shall be 39 cents per pound."

This amendment shall become effective September 23, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 56 TO REVISED MAXIMUM PRICE REGULATION NO. 289

The accompanying Amendment increases the maximum price of industrial casein (inedible) by 7 cents per pound. This action is designed primarily to encourage domestic production of this product.

The domestic production of casein (inedible) in the 1935-1939 period averaged 85 percent of our annual usage, while in the year 1945 civilian production decreased to 20 percent of our annual needs. The decrease in domestic production of industrial casein was occasioned by the price relationship which existed between skim milk powder and industrial casein during the wartime period. To encourage the production of skim milk powder for human consumption during the wartime period, such products were priced so that manufacturers of skim milk powder could afford to pay more for skim milk than processors of industrial casein. The need of the Federal government for these skim food products has decreased considerably since the end of the war and the need for industrial casein has greatly increased. It has been deemed expedient, therefore, to increase the price of industrial casein to grant a slight advantage pricewise to the producers of this product. This action will accomplish this purpose to the extent of approximately 10 cents per 100 pounds of skim milk. The present adjustment should preserve the stability in the industry and is necessary under Title III of Executive Order No. 9599 to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy.

All the provisions of this Amendment and their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected, have been carefully considered. No provision which might have the effect of requiring a change in such practices or methods, means or aids to distribution established in the industry or industries affected, have been included in the Amendment unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the

Amendment or of the Act. To the extent that the provisions of this Amendment compel, or may operate to compel, changes in business practices, cost practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this Amendment or of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17281; Filed, Sept. 23, 1946; 11:34 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 164]

WESTERN SOFTWOOD SHINGLES

Revised Maximum Price Regulation 164 is redesignated 2d Revised Maximum Price Regulation No. 164 and is revised and amended as set forth below.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register. The standards and specifications used in this regulation were, prior to such use, in general use by the Western softwood shingle industry.

Sec.

1. Sales at higher than maximum prices prohibited.
2. Products and transactions covered.
3. Definitions.
4. Maximum prices.
5. Delivered sales.
6. Items not specifically priced.
7. Invoicing.
8. Records and reports.
9. Prohibited practices.
10. Enforcement.
11. Licensing.
12. Petitions for adjustment or amendment.
13. Adjustable pricing.
14. Distributors' direct-mill sales.
15. Canadian shingle products.
16. Maximum export prices.

AUTHORITY: § 1381.1 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9599, 10 F. R. 10155; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691; Pub. Law 548, 79th Cong.

SECTION 1. Sales at higher than maximum prices prohibited. (a) On and after September 23, 1946, regardless of any contract or other obligation, no person shall sell, deliver, buy or receive in the course of trade or business, any Western softwood shingle product, at prices higher than the maximum prices set forth in this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) Prices lower than the maximum prices may, of course, be charged, demanded, paid or offered.

SEC. 2. Products, transactions and persons covered. The maximum prices in this regulation apply to all sales of Western softwood shingle products which include all wooden shingles, hand split shakes, and all products produced from shingles other than waste resulting from further refining or processing of shingles of the species covered by RMPR 402, RMPR 94, RMPR 290, MPR 253 and 2d RMPR 26, produced in the United States, or produced in Canada and im-

ported into the United States, whether or not they are specifically priced in this regulation, with the following exceptions:

Surplus shingles as defined in and covered by Maximum Price Regulation 603.

Sales covered by 2d Revised Maximum Price Regulation 215.

Any person who makes the kind of sale or purchase described in this section, for himself or others, is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group, their legal successors and representatives, the United States or any government or any of their political subdivisions or any agency of any of the foregoing.

Sec. 3. Definitions. When used in this regulation the terms:

(a) "Square" means (unless otherwise designated in this regulation) that number of Western softwood shingles necessary to cover 100 square feet when applied so as to expose not more than 5 inches of a 16-inch shingle, not more than 5½ inches of an 18-inch shingle, and not more than 7½ inches of a 24-inch shingle, and is commonly known as a "four-bundle", or "roofing square."

(b) "Mill" means a manufacturing operation which produces shingles or shakes directly from logs or bolts, by sawing or other methods.

(c) "Processor" means one whose operation consists of or includes the processing through remanufacture or by color and/or preservative treatment of any item which before and after such processing is subject to this regulation.

(d) "Jobber" means: (1) Any seller at wholesale and/or retail other than a "mill", and other than a "distribution yard" as defined in 2d RMPR 215, who continuously since March, 1942, has maintained a stock of Western softwood shingles and has been engaged in selling less-than-carload quantities of Western softwood shingles from stock to distribution yards, other retail outlets or consumers and (2) who has no financial interest in any shingle mill or in any operation further processing shingles nor in whose operation as a jobber any shingle manufacturer or processor of shingles has a financial interest.

Any person who does not qualify as a jobber under this definition may apply to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., for authority to sell as a jobber, and may be so authorized upon submission of proof (1) that his operation is, or will be, responsive to an actual need in his community for this type of operation; and (2) that he has not since March, 1942, acquired a financial interest in any shingle mill or shingle processing operation and that no shingle mill or shingle processing operation has a financial interest in his business as a jobber which interest was acquired after March, 1942, and that his jobber's operation is entirely independent of any operation which manufacturers or processes shingles.

(e) "Direct-mill sale" means any sale covered by this regulation except a jobber's sale out of his yard stock.

Sec. 4. Maximum prices—(a) Maximum prices for direct-mill sales. The basic maximum prices set forth in this paragraph apply under the following rules:

(1) All prices stated are per square (or other designated unit of measurement) of shingles f. o. b. car or f. o. b. truck at producing mill, except as otherwise provided in tables 4 and 5.

(2) All prices apply irrespective of quantity, whether green or dry, and whether in mixed or straight load shipments unless otherwise specified.

(3) Redwood shingles shall be graded in accordance with paragraph 167, Standard Specifications for Grades of California Redwood Lumber as revised May, 1940.

(4) All No. 1 grade Western softwood shingles (except redwood) shall be graded in accordance with U. S. Department of Commerce Commercial Standards C. S. 31-38; No. 2 and No. 3 in accordance with Standards and Grading Rules of the Red Cedar Shingle Bureau, as revised June 1, 1939.

(5) Western softwood handsplit shakes, double split or resawn, shall be graded as follows: All shakes strictly clear, no sap, rot or other defects. Random widths, averaging three shakes to 20". None narrower than 4", or wider than 12" except on special orders. All "Taper-Split" or "Double-Hand-Split" shakes 100% vertical grain, up to 4% off-grade allowed. Butts need not be at right angles to sides and sides may vary slightly from parallel. Variation in thickness is permissible in the individual shake and between one shake and another in the same bundle within the specified limitations for each pack. Color of wood is not a defect. Packed in regulation shingle frames 20" wide.

Courses to contain 18½" of wood if green or 18" of wood if kiln dried. Band irons double nailed at each end.

(6) The maximum prices for stained red cedar shingles and machine processed shakes apply only to the processors' brands listed at the end of this rule which were in general use and were accepted by the trade as standard brands in the period March 1940 to March 1942, and when each bundle is distinctly labelled with the processor's name and brand and when stained by use of the same, or substantially the same, materials and methods which were used by the processor during the aforementioned period. These prices are f. o. b. the processor's staining plant for plants located in the "Western softwood shingle producing area"; for staining plants located outside such producing area, an addition may be made for inbound freight computed by use of the estimated weights for the unstained product and the carload rate from Seattle, Washington.

Processor	Brand
American Stained Shingle Co.	"American."
Colonial Cedar Co.	"Stayon."
Creo-Dipt Co.	"Creo-Dipt."
Hunting Merritt Shingle Co., Ltd.	"DriHome."
Robert McNair Shingle Co., Inc.	"Robert McNair."
Pacific Timber Co.	"Bear Brand."
Perma-Products Co.	"Perma-Stain."
Preservative Paint Co.	"Never-Fade."
West Coast Stained Shingle Co.	"Olympic" (formerly "Creo-Dipt").
Weyerhaeuser Sales Co.	"Kolorite."

TABLE 1—STANDARD NATURAL SHINGLES
MAXIMUM PRICES PER SQUARE F. O. B. CAR OR F. O. B. TRUCK MILL

Length and thickness	Grade				
	No. 1	No. 2	No. 3	Nos. 3 and 4, 50% No. 3	No. 4
16" 5/2 (XXXX):					
Random	\$5.60	\$4.50	\$3.35	\$2.85	\$2.60
5 inches	6.35	5.25	4.10		
6 inches	6.45	5.35	4.20		
18" 5/2 1/4 (Perfections):					
Random	6.00	4.65	3.50		
5 inches or 6 inches	6.75	5.45	4.25		
18" 5/2 (Eurekas): Random	5.80	4.55	3.40		
24" 1/2 (Royals): Random	7.10	5.00	3.55		

¹ Price applies only when No. 4 are graded in accordance with the rule adopted by the Red Cedar Shingle Bureau published in bulletin dated December 20, 1944.

TABLE 2—MACHINE PROCESSED SHAKES; PRODUCED BY A MANUFACTURER OF SHINGLES

5/2 1/4-18" No. 1 (shingle grade) per square (2 bundles 14/14 courses) 14" exposure	\$3.75
5/2-16" No. 1 (shingle grade) per square (2 bundles 17/17 courses) 12" exposure	4.00
5/2 1/4-16" No. 1 (shingle grade) per square (2 bundles 17/17 courses) 12" exposure	4.10

TABLE 3—HIP AND RIDGE UNITS

6 1/2-7" or 8" widths-per bundle of 40 units 16" No. 1 grade (4 1/2 bundles per square)	\$1.45
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TABLE 4—HAND SPLIT SHAKES F. O. B. CAR OR TRUCK AT PLACE OF MANUFACTURE OR AT ORIGINAL POINT OF CONCENTRATION FOR RESALE

Length and thickness	Pack and exposure (per square)	Per bundle	Linear inches width per bundle	Price per 100 linear inches in width
18"-3 1/2" average	Taper or double-hand split:			
	4 bundles, 12/12 courses, 8 1/2" exposure	\$1.70	444	\$0.39
25"-3 1/2" average	4 bundles, 10/10 courses, 10" exposure	2.04	370	.55
31"-3 1/2" average	5 bundles, 8/8 courses, 10" exposure	2.44	296	.82
	Hand split and resawn:			
18"-3 1/2" to 3 3/4"	4 bundles, 12/12 courses, 8 1/2" exposure	1.95	444	.44
25"-3 1/2" to 3 3/4"	4 bundles, 10/10 courses, 10" exposure	2.04	370	.55
28"-3 1/2" to 3 3/4"	4 bundles, 10/10 courses, 10" exposure	2.11	370	.57
28"-3 1/2" to 3 3/4"	5 bundles, 8/8 courses, 10" exposure	2.11	296	.72
32"-3 1/2" to 3 3/4"	6 bundles, 6/7 courses, 10" exposure	2.51	240	1.04
	Straight hand split barn shakes:			
18"-3 1/2" average	18 courses, 18" average exposure ¹	1.16	333	.35
25"-3 1/2" average	18 courses, 21" average exposure ¹	1.66	333	.50

¹ For the purpose of this regulation and 2d RMPR 215, a square of barn shakes shall be computed as 3 bundles of 18 courses of 18" shakes and 2 bundles of 18 courses of 25" shakes. A square of hip and ridge units is computed as 4 1/2 bundles of 40 units.

TABLE 5.—MAXIMUM PRICES FOR STAINED RED CEDAR SHINGLES AND MACHINE PROCESSED SHAKES F. O. B. PROCESSOR'S STAINING PLANT, FOR PLANTS LOCATED IN THE "WESTERN SOFTWOOD SHINGLE" PRODUCING AREA (SEE RULE 6)

STAINED SHINGLES NO. 1 GRADE, RANDOM WIDTHS, BUNDLE DIPPED, BUNDLE PACKED

Length and thickness	Exposure	Price per square of designated exposure		
		Brown	Red and black	Green and grey
5/2-16" XXXXX	5"	\$3.65	\$8.75	\$9.25
5/2-18" Eureka	5 1/2"	8.85	8.95	9.45
5/2 1/4-18" Perfections	5 1/2"	9.05	9.15	9.65
4/2-24" Royals	7 1/2"	10.15	10.25	10.75

No. 2 shingle grade, packed in straight bundles of No. 2, deduct the difference in price of the No. 1 and No. 2 grades of the corresponding item unstained.

STAINED SHINGLES NO. 1 GRADE, RANDOM WIDTHS, INDIVIDUALLY DIPPED, CARTON PACKED OR PAPER WRAPPED WITH METAL OR GUMMED PAPER STRAP

Length and thickness	Exposure	Price per square of designated exposure			
		Brown	Black and red	Green	Grey, pastel white primer
5/2-16" XXXXX	5"	\$9.55	\$9.70	\$10.25	\$10.45
5/2-18" Eureka	5 1/2"	9.75	9.90	10.45	10.65
5/2 1/4-18" Perfections	5 1/2"	9.95	10.10	10.65	10.85
4/2-24" Royals	7 1/2"	11.05	11.20	11.75	11.95

STAINED MACHINE PROCESSED SHAKES MADE FROM NO. 1 RED CEDAR SHINGLE GRADE—RANDOM WIDTH, SQUARE-BUTTED AND PARALLELED EDGES—CARTON PACKED

Length and thickness	Exposure and pack	All colors—price per square of exposure designated
5/2 1/4-16"	12" exposure—2 bundle square 17/17 pack	\$6.85
5/2-16"	12" exposure—2 bundle square 17/17 pack	6.75
5/2 1/4-18"	14" exposure—2 bundle square 14/14 pack	6.15

(b) *Maximum prices for jobbers' sales.* (1) The jobber's maximum price f. o. b. his yard on less-than-carload sales of Western softwood shingles to other jobbers, distribution yards or other distributors for resale is (i) the price set out in tables 1 to 5 inclusive, or approved specifically under this regulation, plus (ii) transportation additions figured on the Seattle, Washington, carload railroad freight rate to jobber's yard, at estimated weights given in, or approved under, this regulation, plus (iii) a mark-up of 10 percent on the total of (i) and (ii). (2) The jobber's maximum prices on less-than-carload sales f. o. b. his yard to consumers are the prices established in 2d Revised Maximum Price Regulation 215 for retail type sales by distribution yards of shingles for the zone in which the jobber is located. (3) The jobber's maximum prices f. o. b. his yard on sales out of stock in carload quantities are the maximum prices shown in tables 1 to 5 inclusive, plus 5%, and plus an addition for inbound transportation computed in accordance with section 5. (c) *Processor's LCL sales.* The processor's maximum prices f. o. b. his plant on less-than-carload sales of items processed by him except when such sales are part of a carload of natural shingles, lumber or other forest products, are the prices established in section 4 (a) or by order under this regulation, plus 10 percent.

(d) *Direct-mill retail sales.* On direct-mill retail sales of unprocessed

shingles only, a mark-up of 15 percent over the prices set out in paragraph (a) is permitted if, but only if, the buyer, at the time of loading-out at the mill, furnished the seller a written statement that:

- (1) His total purchases from all mills during the calendar month, including the present purchase, do not exceed 35 squares, and
 - (2) The purchase is not for resale, and
 - (3) The shingles are required for a structure owned or rented by the purchaser, and located within 50 miles of the mill;
- and whose statement the mill has no reason to disbelieve.

The seller must keep such statement accessible for examination by any accredited representative of the Office of Price Administration, for the duration of the Emergency Price Control Act of 1942, as amended.

Unless the seller complies with these requirements he may not charge or receive more than the prices set out in paragraph (a) even though the sale may be a "direct-mill retail sale."

Sec. 5. Delivered sales. The maximum prices for delivered sales are the maximum prices established in section 4 plus a transportation addition computed as follows:

(a) *Rail shipments.* Use estimated weights in paragraph (b) of this section and carload rate from actual shipping point to destination, *Provided*, That:

(1) For natural redwood or other Western softwood shingle products produced in California and delivered to des-

tinations in California: If there is a published railroad freight rate per M'BM for redwood lumber from Eureka, California to destination, the freight rate per square shall be computed as 1/12 of such freight rate per M'BM, otherwise, the transportation addition per square shall be computed by using the Seattle, Washington carload rate and estimated weights in paragraph (b).

(2) For carload sales of stained shingles or shakes the transportation addition shall in all cases be computed on the Seattle, Washington rate and be added to the maximum f. o. b. staining plant producing area prices. See rule 6 in section 4.

(3) For LCL sales of stained shingles or shakes the transportation addition shall be computed by using the LCL freight rate from the staining plant, wherever located.

(4) When a truck haul precedes rail shipment, as when a mill located away from a railroad hauls shingles by truck to the railroad, no addition may be made for the truck haul. However, in the following two cases a mill may apply for permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne shipments, and has been forced to ship by rail because of a lack of water carrier facilities;

(ii) Where a mill's rail connections have been abandoned since December 7, 1941;

In these two cases a mill situated at a point not served by a railroad may make application to the Portland, Oregon, Office of Price Administration, for permission to charge the cost of trucking from mill to nearest rail loading point.

(b) *Tables of estimated weights.*

ESTIMATED WEIGHTS

NATURAL SHINGLES

	Weight per square of designated exposure—Dry or green (pounds)
16"-5/2, 5" exposure	144
18"-5/2, 5 1/2" exposure	144
18"-5/2 1/4, 5 1/4" exposure	158
24"-4/2, 7 1/2" exposure	192

HAND SPLIT SHAKES

Pack	Weight per bundle of designated linear inches in width	
	Pounds	Inches
18"-3/4"	45	444
25"-1/2"	50	370
31"-3/4"	70	295
18"-3/8" to 3/4" (resawn)	50	444
25"-3/8" to 3/8" (resawn)	50	370
25"-1/2" to 3/4" (resawn)	55	370
25"-3/4" to 1 1/4" (resawn)	60	296
32"-3/4" to 1 1/4" (resawn)	62	240
18"-3/8" average (barn)	40	333
25"-3/8" average (barn)	45	333

HIP AND RIDGE UNITS

	Weight per unit (pounds)
Per bundle of 40 units, dry	15
Per bundle of 40 units, green	20

STAINED SHINGLES CARTON OR BUNDLE BACK

Weight per square of designated exposure (pounds)

5/2-16" per square of 8" exposure.....	152
5/2-18" per square of 8 1/2" exposure.....	152
5/2 1/4-18" per square of 8 1/2" exposure.....	168
4/2-24" per square of 7 1/2" exposure.....	200

MACHINE PROCESSED SHAKES NATURAL OR STAINED

5/2 1/4-18" per square of 14" exposure.....	60
5/2 1/4-16" per square of 12" exposure.....	65
5/2-16" per square of 12" exposure.....	60

(c) *Private truck (including any truck owned or controlled by the seller).* For distances up to and including six miles, compute on a flat basis of six cents per square from mill loading point to point where truck is unloaded.

For distances greater than six miles, up to and including 40 miles, compute at one cent per mile per square from mill loading point to point where truck is unloaded.

For distances over 40 miles the maximum addition is the charge for the first 40 miles plus 1/4¢ per square per mile for the distance over 40 miles, but in no case may this total charge exceed the lowest common carrier freight charge based on carload or truck load rate.

No charge shall be made for the return trip in any case.

(d) *Common or contract carrier other than rail.* Where transportation is by common or contract carrier other than rail, the only rule is that actual costs of transportation paid by the seller may be added.

SEC. 6. *Items not specifically priced.*

(a) If a seller wishes to sell an item or grade or size which is not specifically priced in the price tables, or wishes to make an addition for specifications, services, or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C. for a maximum price. He must provide the following information:

- (1) The requested price;
- (2) A complete description of the item, practice or service for which approval is requested;
- (3) The price differential between it and the most comparable item in the price tables, between October 1, 1941, and June 1, 1942, from the seller's own records, or if that is impossible, from the experience of the trade. If the established price differential which can be used for comparison existed, a detailed analysis of the calculation of the price should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but final payment may not be made or accepted until the price has been approved.

SEC. 7. *Invoicing*—(a) *Basic price.* An invoice must be submitted in every sale and contain a sufficiently complete description of the commodity to show whether the price is proper. Any working, specification, or extra which affects the price must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Charges for transportation.* In all delivered sales, the invoice must show the:

- (1) Point of origin of shipment;
- (2) Destination;
- (3) Rail rate, if estimated weights are used, otherwise the actual amount added for transportation.

(c) *Delivery and related charges.* Any separate charges which the seller is permitted to make for truck delivery after rail haul, or for trucking to railhead, must be separately shown on the invoice.

(d) *Direct-mill retail sales.* If the price exceeds the basic mill price because of a "direct-mill retail sale" mark-up authorized in this regulation, the invoice must show the amount of the mark-up separately labeled "direct-mill retail sale."

SEC. 8. *Records and reports.* Every person who, in the course of trade or business during any calendar month sells, delivers, buys or receives \$1,000 worth, or more, of Western softwood shingles, where the shipment originates at the mill, shall keep for inspection by the Office of Price Administration for the duration of the Emergency Price Control Act of 1942, as amended, a complete and accurate record of every such purchase, sale, or delivery, showing the date thereof, the name and address of the other party to the transaction, the price paid or received, and the quantity of each kind or grade of Western softwood shingles involved in the sale or delivery.

SEC. 9. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents prices is as much a violation of this regulation as an outright overceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in October 1941. This includes decreasing credit periods or making greater charges for extension of credit.

(2) Grading as a special grade shingles which can be graded as a standard grade; or wrongly or falsely grading or invoicing or grading by any standard other than recognized in this regulation.

(3) Making additions for special specifications, services, or other extras which are not specifically permitted.

(4) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis or vice versa.

(5) Failing to invoice properly and in accordance with the requirements of this regulation.

(6) Unnecessarily routing shingles through distribution yard or jobbers' outlets.

(7) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(8) Making the buyer take something he does not want in order to get what he does want; for example, making a buyer who orders No. 1 take other grades.

(9) Sale or delivery by a shingle mill, or agreement to sell or deliver, natural shingles or shakes to a person in consideration of, or in return for, the delivery of stained or further processed shingles or shakes, or to accomplish the same result by any other trading device, the effect of which will result in additional consideration of any type over and above the payment of the maximum price.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating shingles, or for any related service such as "expediting") which does not involve actual physical handling if the commission plus the purchase price results in a total payment by the buyer of shingles which is higher than the maximum price of the shingles. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of shingles. This prohibition has no application to cases covered by section 14 or to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as shingle procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the shingles in connection with which the service is rendered.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 11. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of

1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 14. Additions to mill ceiling prices on direct-mill sales by direct-mill distributors and by distribution yards—(a) Mark-up on wholesale type direct-mill sale. Subject to the exceptions and limitations set forth in paragraph (f), direct-mill distributors and distribution yards may on a wholesale type direct-mill sale add 5 percent to the mill maximum price established in or approved under this regulation. The addition may be evened out to the nearest 5 cents per square, or the addition may be added as one lump sum to the total amount of the bill based on the mill maximum prices.

(b) *Mark-up on a commission type direct-mill sale.* Subject to the exceptions and limitations set forth in paragraph (f), the maximum price for Western softwood shingles purchased and sold under this regulation on a commission type direct-mill sale, is 3 percent higher than the mill maximum price. The mill maximum price including the commission, may be evened out to the nearest 5 cents per square, or the addition may be added as one lump sum to the total amount of the bill based on the mill maximum prices. The mill must pay to the commission man at least the amount added as a mark-up so that the mill's realization shall not exceed the mill maximum prices.

(c) *Pyramiding prohibited.* The price additions permitted in this section may not be added more than once to the mill maximum price in the regulation regardless of the number of persons participating in the transaction.

(d) *Application for and granting of registration as a direct-mill distributor.* All persons desiring to operate as direct-mill distributors must apply to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., for, and receive, a registration number before charging or receiving the addition provided in paragraphs (a) and (b) of this section. (Distribution yards need not apply.) The application shall contain either a statement showing all connections which the applicant has with any mill, concentration yard, or other lumber producer, which may have any bearing on the question of "control relationship" as described in paragraph (f) (5) of this section, or a statement showing that he has no connection with any mill, concentration yard, or other lumber producer, which has any bearing on the question of "control relationship" as described in paragraph (f) (5) of this section. Anyone previously registered as a direct-mill distributor under Supplementary Order 150 may continue to act under such regulation without reapplying.

(e) *Definition of terms—(1) Direct-mill sales.* A direct-mill sale is one

which originates at a mill, or concentration yard, and in which the shingles go direct to a consumer or distribution yard without becoming a part of the stock of any intervening purchaser.

(2) *Direct-mill distributor.* A direct-mill distributor is a wholesaler or commission man who is registered as such by the Lumber Branch of the Office of Price Administration, Washington, D. C., and receives his registration number.

(3) *Distribution yard.* A distribution yard is a wholesale or retail lumber yard as defined in 2nd Revised Maximum Price Regulation 215.

(4) *Wholesale type direct-mill sale.* A wholesale type direct-mill sale is a direct-mill sale in which the seller buys shingles from a mill, wholesaler or concentration yard, and sells the shingles to the buyer in the same form.

(5) *Commission-type sale.* A commission-type sale is a direct-mill sale through a commission man. For the purposes of this section, a commission man is a distribution yard or a person who represents, and customarily sells shingles in carload quantities for two or more mills or concentration yards which are independent of each other, receives his compensation from the mills in the form of commission based on the amount of the shingles sold, and operates independently of both buyer and seller.

(f) *Exceptions and limitations.* The mark-ups permitted in this section may not be made in the following cases:

(1) On any sale of shingles under this regulation for which the invoice from the mill or concentration yard does not contain the statement "This mill has no control relationship with (name of distributor) as defined in Revised Supplementary Order 150".

(2) On any sale of less than carload quantities when shipped by rail, except that a sale for resale purposes in less than carload quantities when shipped in a pool carload may carry the mark-up.

(3) On any sale of less than 50 squares when shipped by truck or water.

(4) On any sale which carries an addition for a direct-mill retail type sale.

(5) On any sale of shingles which originates at a mill or concentration yard with which the direct-mill distributor has a "control relationship". A "control relationship" includes any of the following:

(i) *Profit sharing arrangement, direct or indirect, which was established on or after July 1, 1943.* This means a financial interest by a direct-mill distributor in the profits, return or realization of a mill or concentration yard, or by a mill or concentration yard in the profits, return or realization of a direct-mill distributor, and includes common ownership or control of a mill and direct-mill distributor by a third person. It also includes any arrangement whereby a distributor or producer shares in the profits of the other, whether such arrangement is oral or written, direct or indirect. Where a mill, concentration yard or direct-mill distributor is a corporation, stock ownership of more than 10 percent of the total issued outstanding stock by a direct-mill distributor in the mill or concentration yard, or vice versa, constitutes a "control relationship".

(ii) *Family relationship.* A family relationship exists if any member of the family of the owner or part owner to the extent of more than 10 percent of a mill or concentration yard, has any interest in a direct-mill distributor, or vice versa, and such interest was acquired on or after July 1, 1943. Member of a family means any person related to an individual or his spouse by blood or marriage within the third degree.

(g) *Invoicing requirements on distributor's direct-mill wholesale type sale.* The invoice on any distributor's direct-mill wholesale type sale must be plainly marked "wholesaler's direct-mill sale" and must show the name and registration number of the direct-mill distributor. The invoice must also bear the following endorsement: "The shingles covered by this invoice did not originate at a mill or concentration yard with which we have a control relationship."

(h) *Invoicing requirements on direct-mill commission type sale.* The invoice on any direct-mill commission type sale must be plainly marked "commission man's direct-mill sale" and must show the name and registration number of the direct-mill distributor. The invoice must also bear the following endorsement: "We do not have a control relationship with (name of the distributor)".

(i) *Maximum price when endorsement on invoice is false.* If a mill or concentration yard makes a statement on an invoice that it has no control relationship with the direct-mill distributor, and such statement is false, the maximum prices at which the shingles covered by such invoice may be sold by it is 5 percent less than the mill maximum price.

(j) *Suspension of licenses.* Any person making a sale under this regulation is subject to the provisions of Licensing Order No. 1. A violation of any provision of this regulation is a violation of the seller's license. Violations of the license or of this regulation may result in suspension of the license in accordance with the provisions of the Emergency Price Control Act of 1942, as amended.

(k) Any provision in this regulation which prohibits the charging, receiving, or paying a commission for the service of procuring shingles shall not be deemed to prohibit the payment and receipt of the commission man's and wholesaler's mark-ups permitted by this section.

SEC. 15. Canadian shingle products. The maximum prices for shingle products produced in Canada and imported into or resold in the United States are the maximum f. o. b. car or truck prices set forth in section 4, or approved under section 6, plus the transportation additions in section 5. *Provided,* That such transportation additions may not be greater than if the shipment had originated at Seattle, Washington.

SEC. 16. Maximum export prices. The maximum price at which a person may export any commodity to which this regulation is applicable shall be determined in accordance with the provisions of the Maximum Export Price Regulation, as revised, issued by the Office of Price Administration.

This regulation shall become effective September 23, 1946.

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

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF 2D REVISED MAXIMUM PRICE REGULATION 164

This revision is issued to grant a price increase on Western softwood shingles averaging approximately \$0.45 per square, or about 10 percent of average sales realization, and to reorganize the text of the regulation by incorporating and integrating the changes made since the issuance of the first revision.

The Civilian Production Administration has surveyed the available supply of Western softwood shingles and estimated its anticipated production. That agency has certified to this Office that in the light of the needs of the housing program a critical shortage of Western softwood shingles exists. It has urged that the Administrator take such discretionary price action within the standards of the stabilization program as he deems will bring about the maximum production of Western softwood shingles. Such action has been accomplished by the inclusion of a \$0.12 per square discretionary price increase in the above total increase of \$0.45 per square. This increase will result in a price that will cover the costs of production of 90 percent of the industry. This action is taken under the authority expressed in Executive Order 9599 instructing the Administrator to make those price modifications which would expand production and aid in the orderly transition of the national economy from war to peace.

Price action is taken at this time primarily for two reasons: (1) The necessary cost data upon which price action may be based were only recently submitted by the industry and (2) log prices were increased \$3.00 per thousand feet by the issuance on August 8, 1946, of amendment 25 to Revised Maximum Price Regulation 161, West Coast Logs. The shingle industry is almost entirely dependent on purchased logs for its log supply, and the data submitted show clearly that the industry could not absorb this cost increase. The data were not submitted soon enough to permit this revision to be issued simultaneously with the amendment to the log regulation. But the increased log costs have been considered in determining the amount of the shingle price increase.

DATA FOR PRICE ACTION

Financial and operating data for the last half of 1945 have been submitted by 28 shingle mills. These mills produced over 800 thousand squares of shingles, or about 60 percent of the production of the industry, during the period covered and constitute a representative sample of the industry.

The data submitted by these mills required adjustment to give effect to the changes that have occurred and will occur in 1946. These adjustments were as follows:

(a) Wage increases of \$0.15 per hour granted in January, 1946, and approved by the National Wage Stabilization Board.

(b) Log cost increases resulting from amendments 22, 23, and 25 to Revised Maximum Price Regulation 161, West Coast Logs.

(c) Increased costs of other materials and supplies.

(d) Shingle price increases granted by amendments 1, 3, and 4 to Revised Maximum Price Regulation 164, Western Softwood Shingles.

(e) Increased labor efficiency.

(f) Reduced unit overhead costs resulting from an increased volume of production over the volume in the period of the study.

Analysis of the data indicated that a price increase of \$0.33 per square is the minimum required to make prices generally fair and equitable under the standards of the Emergency Price Control Act of 1942, as amended. (Since generally shingles do not fall within the definition of lumber, section 2 (v) of that act, requiring that the costs of production of 90 percent of softwood lumber be covered, does not apply.) A further increase of \$0.12 per square is required to cover the production costs of 90 percent of the industry, and that increase is granted by this action on a discretionary basis.

APPLICATION OF THE PRICE INCREASE

The specific changes in shingle prices are as follows:

	per square
No. 1 shingles.....	\$0.60
No. 2 shingles.....	.35
No. 3 shingles.....	.25
Nos. 3 and 4 shingles (50% No. 3).....	.20
No. 4 shingles.....	.20

The shingle price increases are made on a graduated basis rather than "across the board" upon the recommendation of the industry. Previous increases have been of the same dollar-and-cent amount for all grades. While this has maintained the same dollar-and-cent differentials between grades, it has meant that the percentage differentials have become smaller. The present increases are designed to provide more appropriate percentage differentials between grades. The above increases, weighted by the reported production for different grades thus far this year, provide an average increase of approximately 10 percent or \$0.45 per square. The prices of machine processed shakes, hip and ridge units, and hand split shakes (except for barn shakes which are not used for residential construction) are granted price increases of 10 percent.

CHANGES IN THE TEXT

Since the issuance of the first revision of Maximum Price Regulation 164, the coverage of the regulation has been extended to include a number of products formerly priced by letter order under the special pricing provisions of section 6. Supplementary Order 150 providing for wholesalers' mark-ups and applicable to Western softwood shingles has also been issued since that time. In incorporating

these changes into the regulation, a number of changes in organization have been made. Other changes have been made in certain provisions to express more clearly the original intent or to facilitate enforcement and compliance. For example, section 4 (d) relating to direct mill retail sales now specifies that such sales must be for construction within 50 miles of the mill. This addition has been made to give further assurance that sales made under section 4 (d) are bona fide retail sales. A few minor provisions that are no longer necessary have been deleted.

All provisions of this revision and their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids or methods established in the industry affected, have been included in the revision unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation or of the Act. To the extent that the provisions of this revision compel or may operate to compel changes in business practices, cost practices, or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this regulation or of the Emergency Price Control Act of 1942, as amended.

All the provisions of this revision have been discussed with the Red Cedar Shingle Industry Advisory Committee.

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

[F. R. Doc. 46-17282; Filed, Sept. 23, 1946; 11:34 a. m.]

Chapter XXIV—Department of State

[FLC Reg. 8, Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

All regulations and orders heretofore issued under Part 8308 entitled "Foreign Disposal" have been redesignated "Disposal of Surplus Property Located in Foreign Areas" and will be issued hereafter under Part 8508 as Foreign Liquidation Commissioner Regulation 8. Surplus Property Administration Regulation 8, Order 6, July 18, 1946 entitled "Importation of Surplus Glycerine" (11 F. R. 7938) is hereby revised and amended as herein set forth as Foreign Liquidation Commissioner Regulation 8, Order 6.

The Director of War Mobilization and Reconversion has informed the Secretary of State that certain materials which have been declared to the Foreign Liquidation Commissioner as surplus property located in foreign areas are in

critically short supply and urgently needed for reconversion in the United States, and has requested the Secretary of State to take such action as may be necessary and appropriate to permit the importation of such materials into the United States for use by American industry. Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765), Executive Order No. 9689, issued January 31, 1946 and Public Law 584, 79th Congress, 2d Session.

It is hereby ordered, That § 8508.15 of this part shall not apply to prevent the importation of surplus property specified in Schedule A attached hereto as the same now stands or may hereafter be amended or supplemented to include additional materials designated by the Director of the Office of War Mobilization and Reconversion as necessary for reconversion in the United States.

This order shall become effective September 18, 1946.

[SEAL]

W. L. CLAYTON,
Acting Secretary of State.

SCHEDULE A

737 long tons, more or less, of glycerine, dynamite grade, located in Australia.

The approximate quantities of materials listed below, now located in Canada:

1,362 tons of aluminum scrap consisting of extrusions, castings, forging, and other component parts of aircraft in process of manufacture.

621 tons of aluminum sheet, bar and tubing.

100 tons of high grade alloy steel sheet bar and tubing.

20 tons of phosphor bronze and manganese bronze bar and tubing and copper and monel sheets.

The items of telephonic equipment listed below, now located in Belgium:

Lead covered telephone cable.

Wire, line, messenger and drop.

Outside plant communication equipment.

Pole line hardware.

Miscellaneous telephone apparatus.

All C-47, C-54 and C-45 aircraft, together with their component parts, which have not been the subject of disposition as surplus to a foreign government or to private interests domiciled outside the United States, its territories and possessions.

[F. R. Doc. 46-17083; Filed, Sept. 23, 1946; 9:06 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 28—REGULATIONS RELATING TO TRESPASSING ON NAVAL VESSELS

Pursuant to the authority vested in the Secretary of the Navy by the act of July 9, 1943, ch. 212, 57 Stat. 391, the following regulations relating to trespassing on naval vessels are prescribed:

Sec.

28.1 Trespassing.

28.2 Penalty.

28.3 Effective date.

AUTHORITY: §§ 28.1 to 28.3, inclusive, issued under 57 Stat. 391; 50 U. S. C. 1311.

§ 28.1 *Trespassing.* No person shall, unless duly authorized by proper author-

ity, enter or remain in or upon any vessel or other water-borne craft of the Navy which has been determined, as provided in Navy Regulations, to be in an inactive status.

§ 28.2 *Penalty.* Wilful violation of the regulations in this part or of any order issued thereunder is a misdemeanor punishable by a fine not to exceed \$5,000, or imprisonment for not more than one year, or both, under the act of July 9, 1943, ch. 212.

§ 28.3 *Effective date.* The regulations in this part are effective on publication in the FEDERAL REGISTER.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 46-17157; Filed, Sept. 23, 1946; 9:04 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 234, Amdt. 2]

PART 95—CAR SERVICE

REDUCTION OF FREE TIME ON LESS-THAN-CARLOAD FREIGHT AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of September A. D. 1946.

Upon further consideration of the provisions of Service Order No. 234 (9 F. R. 11653), as amended (11 F. R. 8452), and good cause appearing therefor:

It is ordered, That Service Order No. 234, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) This order, as amended, shall expire at 11:59 p. m., January 20, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this amendment shall become effective at 12:01 a. m. September 20, 1946; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-17071; Filed, Sept. 23, 1946; 8:49 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 2005]

ARIZONA AIRWAYS, INC., AND TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Arizona Airways, Inc., et al., and Transcontinental & Western Air, Inc., for approval (a) of an agreement dated July 11, 1945, between said applicants and (b) of the acquisition by Arizona Airways, Inc., from Transcontinental & Western Air, Inc., of route No. 38, under sections 408 (b) and 401 (i) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said Act that oral argument in the above-entitled proceeding heretofore assigned to be heard September 30, 1946, at 10 a. m. (eastern standard time) in Room 5042 Commerce Building, Washington, D. C., before the Board has been indefinitely postponed.

Dated Washington, D. C., September 18, 1946.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-17033; Filed, Sept. 23, 1946; 8:58 a. m.]

[Docket No. 2324]

ROYAL DUTCH AIR LINES (KLM)

NOTICE OF INDEFINITE POSTPONEMENT OF HEARING

In the matter of the application of Royal Dutch Air Lines (KLM) for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that the hearing in the above-entitled proceeding, heretofore assigned to be held on September 26, 1946, is indefinitely postponed.

Dated at Washington, D. C., September 18, 1946.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-17034; Filed, Sept. 23, 1946; 8:58 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-773]

MANUFACTURERS LIGHT AND HEAT CO. AND NATURAL GAS CO. OF WEST VIRGINIA

NOTICE OF APPLICATION

SEPTEMBER 16, 1946.

Notice is hereby given that on September 3, 1946, a joint application was filed

with the Federal Power Commission by The Manufacturers Light and Heat Company, a Pennsylvania corporation (hereinafter referred to as Manufacturers) and by its associate company, Natural Gas Company of West Virginia, a West Virginia corporation (hereinafter referred to as Natural Gas Company), both of which are authorized to do business in the Commonwealth of Pennsylvania and the States of Ohio and West Virginia, and have their principal office in Pittsburgh, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Manufacturers to purchase from Natural Gas Company certain facilities heretofore used by Natural Gas Company to be installed and operated at a new location by Manufacturers, and for authority to construct and operate certain gas transmission pipelines, all subject to the jurisdiction of the Federal Power Commission, and all more particularly described hereafter. Natural Gas Company seeks permission to sell and to abandon, pursuant to section 7 of the Natural Gas Act, as amended, the facilities to be purchased by Manufacturers, and further, Natural Gas Company seeks a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize it to construct and operate certain facilities, all subject to the jurisdiction of the Federal Power Commission, and all more particularly described hereafter.

The facilities which Manufacturers seeks to purchase from Natural Gas Company, and which Natural Gas Company seeks to sell to Manufacturers, consist of three 325 horsepower gas engine driven compressors with pipe, valves and fittings, compressor station building and crane. The said facilities are at present located at Natural Gas Company's Heard Compressor Station, West Finley Township, Washington County, Pennsylvania, and it is these facilities which Natural Gas Company seeks permission to abandon and sell to Manufacturers; Natural Gas Company further seeks permission to abandon by retirement to stock of the existing cooling and other auxiliary equipment and auxiliary buildings at its said Heard Compressor Station. Manufacturers seeks authority to install and operate the said three 325 horsepower gas engine driven compressors with pipe, valve and fittings, compressor station building and crane, along with cooling equipment, at Manufacturers' Hundred Compressor Station, Church District, Wetzel County, West Virginia.

Manufacturers further seeks authority to construct and operate 4.2 miles of 12 $\frac{3}{4}$ -inch OD gas transmission pipeline from Manufacturers' said Hundred Compressor Station to a point of connection with the United Fuel Gas Company's 16-inch pipeline east of said Hundred Compressor Station in Church District, Wetzel County, West Virginia; and 1.2 miles of 8-inch pipeline from an existing point of connection with the Carnegie Natural Gas Company, (Carnegie), on the Hunt Farm, Church District, Wetzel County, West Virginia, to the said Hundred Compressor Station.

Natural Gas Company further seeks authority to install and operate three 90 horsepower portable-type gas engine driven compressors with 25' x 40' structure at its Heard Compressor Station, West Finley Township, Washington County, Pennsylvania.

Both applicants seek authority to install and operate a gas measuring station and structure at the Majorsville Compressor Station, West Finley Township, Washington County, Pennsylvania, and, in addition, Natural Gas Company seeks authorization to install at said station connecting lines consisting of 1,200 feet of 6-inch pipeline.

Applicants recite that the 975 additional horsepower to be installed at Manufacturers existing Hundred Compressor Station will enable Manufacturers to handle an additional 3,000,000 Mcf of gas annually, 13,286 Mcf on a maximum day and 3,871 Mcf on a minimum day, which additional gas is to be purchased from Hope Natural Gas Company (Hope). Applicants state that the 4.2 miles of 12 $\frac{3}{4}$ inch OD pipeline which Manufacturers propose to install from its Hundred Compressor Station in an eastwardly direction to connect with the proposed 16-inch line of United Fuel Gas Company (United) will enable Manufacturers to pump at Hundred the 3,000,000 Mcf of gas Hope delivers at Littleton into United's new 16-inch line. It is recited that the 1.2 miles of 8-inch pipeline extending from Hundred Compressor Station to the point of connection with Carnegie's facilities must be installed to enable Manufacturers to receive 5,000 Mcf of natural gas presently being delivered to Manufacturers on a maximum day by Carnegie by a presently existing 12-inch line which it is intended will hereafter be used to deliver the additional Hope Gas.

The application further recites that the sale by Natural Gas Company of the three 325 horsepower compressors with pipe, valves and fittings, the main compressor building and crane, now situated at its Heard Compressor Station, will permit that company to realize net savings in compressor station expense of \$23,063 per year. In recent years the supply of gas at this location has not required a station of that size, and the company does not see any potential economic use for the equipment in this station in the future, and seeks to replace it with more suitably sized equipment. The installation and operation by Natural Gas Company of three 90 horsepower compressors at Heard Compressor Station, as proposed in the instant application, is to replace the present equipment upon the sale thereof to manufacturers. It is proposed to use Manufacturers' Majorsville Compressor Station to pump Natural Gas Company's gas in the Heard Storage Field. Applicants recite that the construction and operation of the measuring station and structure at the Majorsville Compressor Station by both applicants is in accordance with the usual practice where natural gas is both delivered and received between companies. Furthermore, it is stated that it will be necessary for Natural Gas Company to construct and operate 600 feet of 6-inch

pipeline together with 600 feet of 6-inch pipeline for return, as applied for in the instant application, in order to deliver natural gas from the Heard Storage field to the Majorsville Compressor Station and return. If, however, gas is delivered by Natural Gas Company for pumping at the Majorsville Station, then it would be handled in the same manner as any other gas delivered to Manufacturers by Natural Gas Company, and the gas when redelivered to Natural Gas Company would be delivered under the same terms and conditions as any other gas delivered by Manufacturers to Natural Gas Company, the rate in both cases being 39¢ per Mcf.

Applicants propose by means of the construction and operation of the facilities described in said application to enable Manufacturers to insure more adequate and continuous service to existing customers, and, for a reasonable period in the future, to provide for normal growth of the company and its associate companies of the Pittsburgh group of the Columbia Gas & Electric Corporation system. Furthermore, it will enable Manufacturers to rest some portion of its own producing gas wells. Applicants further propose, by means of said sale and installations, to enable Natural Gas Company to dispose of equipment now operating uneconomically at a low load factor and to replace said facilities with smaller size equipment sufficient to handle available supplies of natural gas, thus effecting savings in annual expenses.

Applicants estimate the overall cost of all the proposed projects will be \$348,931, of which Manufacturers' cost will be \$316,193. The sale by Natural Gas Company to Manufacturers of the three 325 horsepower compressors with pipe, valves and fittings, the main compressor building and crane, will be at original cost thereof less observed depreciation on each of the items, at an estimated net price of \$37,522. Natural Gas Company estimates that the salvage value of the other equipment it seeks to abandon will be \$7,196, less cost of dismantling of \$1,812, or a total net salvage of \$42,906, which amount will be sufficient to cover the \$30,926 estimated cost of the construction proposed by Natural Gas Company. Manufacturers state that a verbal agreement has been made for the financing of its capital costs by borrowing the same from Columbia Gas & Electric Corporation, and that said commitment will be reduced to writing and filed as a Supplement to said application when it is received. Applicants state that they anticipate having the construction done by non-affiliated contractors and by their own employees.

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of the Manufacturers Light and Heat Company and Natural Gas Company of West Virginia should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of this publication, a petition or protest in accordance with the Commission's rules of practice and procedure.

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

[F. R. Doc. 46-17035; Filed, Sept. 23, 1946;
8:59 a. m.]

[Docket No. G-740]

NORTHERN UTILITIES CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 13, 1946.

Upon consideration of the application filed on July 2, 1946, and the amendment thereto filed on August 5, 1946, by Northern Utilities Company (Applicant) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

(a) Approximately 20.21 miles of 10-inch I. D. loop pipe line to loop Applicant's main transmission pipe line running in a westerly direction from the Muskrat Gas Field take-off.

(b) Approximately 2.4 miles of 4-inch I. D. pipe line starting in the Beaver Creek Field in the SE $\frac{1}{4}$ of section 23, Township 33 North, Range 96 West, of the 6th P. M. and running in a general northeast direction to a point of junction with the Sand Draw-Riverton line in the NE $\frac{1}{4}$ of section 36, Township 34 North, Range 96 West, of the 6th P. M., all in Fremont County, Wyoming.

(c) Approximately 9 miles of 8-inch pipe line commencing at a point of connection on Applicant's present system in the "Big Sand Draw Gas Field" and running thence in a northwesterly direction to a point of connection with field lines located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 14, Township 33 North, Range 96 West, of the 6th P. M., all in Fremont County, Wyoming.

The Commission orders that:

(A) A public hearing be held commencing on September 23, 1946, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented in the above-entitled proceeding: Provided, however, That if no protest or petition to intervene has been filed or allowed prior to the date hereinbefore fixed for hearing, or if a protest or petition to intervene, in the judgment of the Commission, raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested State commissions may participate as provided in the Commission's rules of practice and procedure.

By the Commission.

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

[F. R. Doc. 46-17070; Filed, Sept. 23, 1946;
8:49 a. m.]

[Docket Nos. G-634, G-755]

PANHANDLE EASTERN PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS AND
FIXING DATE OF HEARING

SEPTEMBER 17, 1946.

Upon consideration of the following applications filed by Panhandle Eastern Pipe Line Company (Applicant), for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended:

(a) Application filed November 16, 1945, Docket No. G-684, for authority to install a meter and regulator at a point on Applicant's 4-inch transmission pipe line in the southeast corner of section 25, Township 48, Range 33 West, on Kemper Road, Jackson County, Missouri, for natural gas service by Interstate Gas Company of Lee's Summit, Missouri, to a real-estate development project known as "Bannister Acres," located in Jackson County, Missouri, contiguous to Kansas City, Missouri.

(b) Application filed July 15, 1946, Docket No. G-755, for authority to install a meter and regulator at a point on Applicant's 6-inch lateral pipeline in the southeast quarter of section 27, Township 48 North, Range 33 West, Jackson County, Missouri, for natural gas service by Interstate Gas Company of Lee's Summit, Missouri, to a real estate development project known as "King's Rose Hill Subdivision," located in Jackson County, Missouri, contiguous to Kansas City, Missouri.

It appears to the Commission that:

Good cause exists for consolidating the above matters for purposes of hearing.

The Commission orders that:

(A) The proceedings in Docket Nos. G-684 and G-755 be and they are hereby consolidated for the purposes of hearing.

(B) A public hearing be held commencing on October 2, 1946, at 10:00 a. m. (est), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., respecting the matters involved and the issues presented in these proceedings: Provided, however, That if no protest or petition to intervene has been filed or allowed prior to the date hereinbefore fixed for hearing, or if a protest or petition to intervene, in the judgment of the Commission, raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(C) Interested State commissions may participate in this hearing in accordance with the Commission's rules of practice and procedure.

By the Commission.

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

[F. R. Doc. 46-17069; Filed, Sept. 23, 1946;
8:49 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5445]

EXCELLEX CO. AND FRIZZELL ADVERTISING
AGENCY, INC.

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 17th day of September A. D. 1946.

In the matter of Arthur E. Weisberg, an individual trading as Excellex Company, and Frizzell Advertising Agency, Inc., a corporation.

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 Frank Hier, 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 Thursday, September 26, 1946, at ten thirty o'clock in the forenoon of that day (Central Standard Time), in Room 307, United States Court House, Minneapolis, Minnesota.

Upon the completion of the taking of testimony and the receipt of evidence in support of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. 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. 46-17607; Filed, Sept. 23, 1946;
9:03 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 422, 1st Amended Gen. Permit 1]

UNLOADING OF BOXCARS BY RAILROADS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F.R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to cars held at Atlantic, Gulf or Pacific Ports which arrived at said ports after 12:01 a. m., August 24, 1946.

This permit shall expire 11:59 p. m., September 30, 1946.

The waybill shall show reference to this general permit.

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

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

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

[F. R. Doc. 46-17073; Filed, Sept. 23, 1946; 8:49 a. m.]

[S. O. 611, Corrected]

UNLOADING OF SAND AND GRAVEL AT HARRISBURG, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September A. D. 1946.

It appearing, that 9 cars, containing sand and gravel, at Harrisburg, Pennsylvania, on the Reading Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Sand and gravel at Harrisburg, Pa., be unloaded.* The Reading Company, its agents or employees, shall unload immediately the following cars now on hand at Harrisburg, Pennsylvania, consigned to John McConnell and Company:

Initial & No.	Contents
RDG 73452	Sand.
RDG 73557	Do.
PRR 170985	Do.
RDG 86089	Gravel.
RDG 65329	Do.
RDG 67433	Do.
RDG 86231	Do.
RDG 76111	Do.
RDG 88213	Do.

(b) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be

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

By the Commission, Division 3.

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-17072; Filed, Sept. 23, 1946; 8:49 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 7387]

WILLIAM ADOLPHUS ROSS

In re: Trust under the will of William Adolphus Ross, deceased: File No. D-66-765; E. T. sec. 4624.

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 Margaret Campbell von Hessen and her issue, names unknown, and each of them in and to the trust created under the Will of William Adolphus Ross, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and last known address

Margaret Campbell von Hessen and her issue, names unknown, Germany.

That such property is in the process of administration by Chase National Bank of the City of New York as Trustee of the Trust Under the Will of William Adolphus Ross, deceased, acting under the judicial supervision of the Surrogate's Court, Richmond 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 or the proceeds thereof in whole or

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. 46-17081; Filed, Sept. 23, 1946; 9:03 p. m.]

[Vesting Order 7482]

LEONARD BAUER

In re: Stock owned by Leonard Bauer, Marta Bauer and Emilie Hampp. F-28-25644-D-1, F-28-25736-D-1, F-28-25737-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 Leonard Bauer, Marta Bauer and Emilie Hampp, whose last known addresses are Sulzbacher Str. 35, Backnang, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Six (6) shares of \$100 par value common capital stock of General Engineering and Manufacturing Company, 1523 South Tenth Street, St. Louis, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by the certificates listed below, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Leonard Bauer.....	113	3
Marta Bauer.....	115	1½
Emilie Hampp.....	114	1½

together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of \$100 par value common capital stock of General Engineering and Manufacturing Company, 1523 South Tenth Street, St. Louis, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by the certificates, which are presently in the custody of said General Engineering and Manufacturing Company, listed in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name, 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 nationals of a designated enemy country;

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

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

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

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

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

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

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

EXHIBIT A

Registered owner	Certificate No.	Number of shares
Leonard Bauer.....	223	1 1/2
	250	1 1/2
	305	2
Marta Bauer.....	225	3/4
	262	3/4
	307	1
Emilie Hampf.....	224	3/4
	261	3/4
	306	1

[F. R. Doc. 46-17082; Filed, Sept. 23, 1946; 9:04 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1352]

TEXAS POWER & LIGHT CO., AND TEXAS PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 17th day of September A. D. 1946.

Notice is hereby given that a joint declaration and application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Texas Power & Light Company ("Texas Power"), an electric utility company, and Texas Public Utilities Corporation ("Texas Public"), a non-utility company, both subsidiaries of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company.

Notice is further given that any interested person may not later than September 27, 1946 at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration as filed or as amended may be permitted to become effective pursuant to Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Texas Public proposes to contribute to Texas Power approximately 85 miles of rural distribution lines located in Parker County outside of the corporate limits of the City of Weatherford, Texas. The property consists principally of a 7.2 kv, single phase, rural distribution system. In addition to the properties above described, Texas Power proposes to acquire from Texas Public a small tract of land at Clarksville, Texas, on which is located a sub-station and engine room of Texas Power. In the declaration it is stated that the estimated depreciated original cost of such property is approximately \$126,109. In the application-declaration it is stated that Texas Public has been pursuing a program of divestment of its water and electric properties in order that its sole remaining assets may be ice properties.

Texas Power proposes to contribute to Texas Public the tracts of land, and the buildings thereon, which it owns at Clarksville, Crockett and Mineral Wells, Texas, upon which ice properties of Texas Public are located. The applicants-declarants state that the estimated depreciated original cost of the property proposed to be conveyed by Texas Power to Texas Public is approximately \$28,104.

Texas Public is a wholly-owned subsidiary of American. All of the common stock of Texas Power is owned by Texas Utilities Company, which is, in turn, a wholly-owned subsidiary of American. The net capital contribution of approximately \$98,005 to Texas Power by Texas Public has been specifically consented to by American.

The companies have designated sections 9 (a) (1) and 12 (f) of the act and

Rules U-43 and U-45 thereunder as applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-17074; Filed, Sept. 23, 1946; 9:03 a. m.]

[File No. 812-448]

FIRST YORK CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of September A. D. 1946.

In the matter of First York Corporation, Commercial Controls Corporation and International Business Machines Corporation. File No. 812-448.

Notice is hereby given that First York Corporation ("York"), Commercial Controls Corporation ("Commercial"), and International Business Machines Corporation ("IBM"), have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17 (a) of said act a proposed transaction in which IBM is to sell to Commercial all of the outstanding stock of Justowriter Corporation ("Justowriter"), consisting of 21,192 shares of \$2 cumulative preferred stock, at \$50 per share, and 10,000 shares of common stock, at 10¢ per share, for an aggregate consideration of \$1,060,000. Commercial proposes to pay for the Justowriter stock by issuing 11,465 shares of its preferred stock, having a voluntary and involuntary liquidating preference of \$50 per share, to IBM and to pay the balance of the purchase price, amounting to \$487,350, in cash. York, a registered investment company, controls Commercial. York and IBM are affiliated persons of Commercial and are affiliated persons of an affiliated person of each other within the meaning of the provisions of the act. All interested persons are referred to said application which is on file in the offices of this Commission for a more detailed statement of the proposed transaction.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 27th day of September, 1946, at 10:00 a. m., eastern daylight saving time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

The staff of the Corporation Finance Division of the Commission upon a preliminary examination of the application deems the following issues, to which attention will be directed at such hearing, to be raised thereby:

(1) Whether the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve over-reaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of York as recited in its registration statement and reports filed under the act; and

(3) Whether the proposed transaction is consistent with the general purposes of the act.

The applicants have informed the Corporation Finance Division of the Commission of their intention to appear at the hearing for the purpose of introducing further evidence in support of the application.

Notice of such hearing is hereby given to the above named applicants, First York Corporation, Commercial Controls Corporation, and International Business Machines Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before September 25, 1946, his application therefor as provided by Rule XVII of the Rules of Practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-17077; Filed, Sept. 23, 1946;
9:02 a. m.]

[File No. 70-1367]

AUBURN WATER CO. AND ALABAMA
POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of September A. D. 1946.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Auburn Water Company ("Auburn") and Alabama Power Company ("Alabama"). Auburn is a subsidiary of Alabama which in turn is a subsidiary of The Commonwealth & Southern Corporation, a registered holding company. Declarants designate sections 12 (c) and 12 (f) of the act and rules U-43 and U-46 of the rules promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 26, 1946, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the Office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Auburn, on July 1, 1946, sold all of its properties, consisting of a water works system in Auburn, Alabama, to the City of Auburn for a cash consideration of \$303,239.39. It now proposes to liquidate and dissolve. All of its assets, estimated at \$339,051.67, will be distributed, subject to estimated liabilities of \$3,291.25, to Alabama, the holder of all of its outstanding capital stock which consists of 10 shares of common stock without par value. These assets, at August 31, 1946, were composed of \$7,758.60 of cash and U. S. Government Securities (7 percent Treasury Certificates due April 1, 1947) which at cost plus accrued interest had a value of \$331,293.07. Alabama will surrender to Auburn for cancellation and retirement all of the latter's capital stock.

The declarants request that the Commission's order be issued herein on or before September 27, 1946 and become effective forthwith so that Auburn may dissolve prior to October 1, 1946 and thereby avoid liability for taxes of approximately \$6000 for the ensuing year.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-17076; Filed, Sept. 23, 1946;
9:03 a. m.]

[File No. 70-1354]

PUBLIC SERVICE CORP. OF NEW JERSEY AND
PUBLIC SERVICE COORDINATED TRANSPORT

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, Pennsylvania, on the 17th day of September 1946.

Public Service Coordinated Transport ("Transport"), a subsidiary company of Public Service Corporation of New Jersey ("Public Service"), a registered holding

company, and Public Service, in turn, a subsidiary of The United Corporation, also a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed sale by Public Service of \$500,000 principal amount of 4% Series, First and Refunding Mortgage Bonds, due 1990, of Transport to the Trustee under the mortgage for these bonds for a cash consideration of \$500,000 plus accrued interest to the date of delivery, the cash to be used by the Trustee for the purchase of the bonds having been deposited with the Trustee by Transport on April 1, 1946, pursuant to the terms of the indenture securing the bonds, as and for a fund for the retirement of Transport's outstanding bonds; Public Service, pursuant to the Plan of Reorganization of Transport dated November 2, 1939, having withheld tender of any bonds until the lapse of five months after the receipt of purchase fund money by the Trustee, and no tenders having been received from the public although the Trustee caused to be published notice requesting tenders; and

Said declaration having been filed on the 16th day of August, 1946, and notice of said 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 a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 12 (c) and 12 (f) and Rules U-42 and U-43 are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective.

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 said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-17075; Filed, Sept. 23, 1946;
9:03 a. m.]

UNITED STATES TARIFF COMMISSION.

[List 199, Application 329]

DIXIE CONTAINER CORP.

PUBLIC NOTICE OF APPLICATION

SEPTEMBER 19, 1946.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of applicant
Test or container boards of a bursting strength above sixty pounds per square inch by the Mullen or the Webb test.	Decrease in duty..	September 18, 1946.	Dixie Container Corp., 7th and Hospital Sts., Richmond, Va.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 46-17145; Filed, Sept. 23, 1946; 8:51 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 592, Amdt. 66 to Order 1]

SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order 1 under MPR 592 is amended in the following respects:

1. Section 7.10a (e) is amended to read as follows:

(e) (1) Any reseller, (including resellers whose maximum prices were established by Area Pricing Orders on March 31, 1946) purchasing calcined gypsum plaster "Bag Goods" for resale in the same form from any manufacturer who has adjusted his maximum prices in accordance with (a), (b), (c) or (d) above may increase his March 31, 1946 maximum prices by an amount not exceeding the percentage increase in cost to him resulting from the increase in maximum prices permitted manufacturers pursuant to (a), (b), (c), and (d) above.

(2) If after September 24, 1946, maximum prices in effect on September 24, 1946, are changed by an Area Pricing Order issued under G. O. 68 or by an amendment to such an order, the maximum prices established by the Area Order shall supersede maximum prices established under (1) above.

2. The notification clause in section 7.10a (f) is amended to read as follows:

Effective August 30, 1946, the OPA has permitted us an additional increase of \$— per ton over and above previous increases permitted us on November 16, 1945 for calcined gypsum "Bag Goods" commonly sold in 80# and 100# sizes, including the several sizes of barrels containing 150# or more per barrel. On your resales of this commodity in the same form, you may increase your maximum prices in effect on March 31, 1946, by an amount not exceeding the actual percentage increase in cost to you resulting from the August 30, 1946 increase in our price to you.

This amendment shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 68 TO ORDER 1 UNDER SECTION 25 OF MAXIMUM PRICE REGULATION NO. 592

The accompanying amendment revises the resellers' pass-through provision of Section 7.10a of Order 1 under Section 25 of MPR 592 which was incorporated into that Order by Amendment 61 to Order 1, effective August 30, 1946. Amendment 61 permitted certain increases in the manufacturers' maximum prices for several types of gypsum plaster "bag goods". Resellers (including resellers whose maximum prices are established by area pricing orders) purchasing any of these commodities for resale in the same form from manufacturers at the adjusted prices were permitted to increase their maximum resale prices by \$0.80 per ton when selling in the area served by the Jacksonville-Savannah plants and \$1.75 per ton when selling in the area served by plants located in the states of Connecticut, Pennsylvania, New Jersey, Maryland and that part of New York east of the Hudson River. These resellers' adjustments were designed to permit resellers to realize their average March 31, 1946 percentage markups.

The Price Administrator has determined, after further investigation of resellers' mark-ups in the areas involved, that the pass-throughs permitted resellers by Amendment 61 to Order 1 were not accurately computed. It has been found that due to the freight equalization system customarily employed by manufacturers, the continuation of which is required under MPR 592, not all resellers will incur the same cost increase resulting from the increase granted the manufacturers. Thus, resellers in the mid-Atlantic area may actually have their acquisition costs for the several types of gypsum plaster "bag goods" increased by amounts ranging from 10 cents per ton to the full \$1.20 per ton permitted the manufacturer. Amendment 61, however, permitted all resellers in the mid-Atlantic area to increase their maximum resale prices by \$1.75 per ton regardless of the actual amount by which their acquisition cost had been increased. Such a pass-through was clearly not within the intent of Amendment 61, and was contrary to the Administrator's policy in such cases. The accompanying amendment therefore revises the resellers' pass-through provision of Amendment 61 so that resellers may add to their maximum prices in effect on March 31, 1946 the actual percentage increase in cost resulting to them from the increase permitted the manufacturer. Thus resellers will continue to realize the same percentage margins as were in effect on March 31, 1946.

After due considerations of the foregoing the Price Administrator finds that this action is appropriate under the circumstances and consistent with the pro-

visions of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17288; Filed, Sept. 23, 1946; 11:35 a. m.]

[MPR 594, Amdt. 5 to Order 23]

PACKARD MOTOR CAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 8 and 9b of Maximum Price Regulation 594: *It is ordered:*

Order 23 under Maximum Price Regulation 594 is amended in the following respects:

1. The schedule in paragraph (a) (2) (i) is amended to read as follows:

Automobile:	Amount
Packard Six.....	\$60
Packard Eight.....	65
Packard DeLuxe Eight.....	67
Packard Super Eight.....	84
Packard Custom Super Eight.....	120
Packard Six Taxicabs.....	25

2. The schedule in paragraph (a) (3) (i) is amended by adding the following items and applicable amounts:

Description	Excise tax on equipment installed	Wholesale price installed to—	
		Zone	Dealer
Taxicab equipment, motor governor.....	\$0.77	\$11.04	\$14.86
Special lettering on roof lamps.....	3.27	50.00	50.00

This amendment shall be effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 5 TO ORDER 23 UNDER MAXIMUM PRICE REGULATION 594

The amendment which this opinion accompanies increases the amount of the wholesale rebate which the Packard Motor Car Company is required to give to zone distributors for each automobile sold by the zone to a qualified dealer. The increase is \$7.00 in the case of the Packard six and \$8.00 for all other models excepting the Taxicab. For the Taxicab, the wholesale rebate remains unchanged.

This action is taken at the request of the Packard Motor Car Company in view of the expansion and development program about to be undertaken by zones. The net result is to reduce slightly the net price received by the Company for its sales. Prices to consumers are not affected by this action.

This amendment also establishes maximum prices for two additional items of optional equipment, a motor governor for taxicabs, and special lettering for roof lamps. The basis upon which prices were authorized for other items of extra or optional equipment in Order 23 and amendments thereto applies equally to the items of extra or optional equipment covered by this amendment.

[F. R. Doc. 46-11290; Filed, Sept. 23, 1946; 11:36 a. m.]

[MPR 60, Order 18]

NATIONAL SUGAR REFINING CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 18 under section 2 (a) (1) (i) (b) of Maximum Price Regulation 60. Direct consumption sugar. National sugar refining company. Docket No. 6034:4—MPR 60—2 (a) (2)—4.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

(a) Maximum prices governing sales by primary distributors of certain new grades and packages of direct consumption sugar. (1) The National Sugar Refining Company and other primary distributors of direct consumption sugar are hereby authorized to add a differential of 40 cents per 100 lbs. net to the maximum basis price in order to determine their maximum price for fine granulated sugar packed 25 lbs. net in multiwall, asphalt lined paper bags, 11" x 25" x 3" gusset.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective September 24, 1946.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F. R. 8419, 9419, 10961, 12305.)

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 18 UNDER SECTION 2 (A) (1) (I) (B) OF MAXIMUM PRICE REGULATION 60

The National Sugar Refining Company, 129 Front Street, New York, New York, a primary distributor of sugar, hereinafter called applicant, has filed an application with this office pursuant to the provisions of Section 2 (a) (1) (i) (b) of Maximum Price Regulation 60 requesting the establishment of a price differential of 40 cents per 100 lbs. net by which it may determine its maximum price for fine granulated sugar sold in new packages consisting of multiwall, asphalt lined, open mouth paper bags, 25 lbs. net. Applicant alleges that it has never sold this item before and, to its knowledge, no other primary distributor has established a price differential for an item identical in grade, net weight, and packaging material.

Applicant has submitted December 1941 and current production and selling cost differences between the most nearly like grade and package (granulated sugar packed in 25 lb. paper bags) and the basis bag (granulated 100 lb. cotton bag) per 100 lbs. He has also submitted current production and selling cost differences between the new package and the basis bag.

On the basis of the submitted figures, the Price Administrator is establishing a differential of 40 cents per hundred pounds net over the maximum basis price, which is proportionately in line with previously existing differentials. Since other primary distributors may wish to establish price differentials for identical items, the accompanying order

establishes the same price differential for them.

Therefore, in accordance with the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599, 9651 and 9697, the Price Administrator is issuing the accompanying order which authorizes applicant and other primary distributors of direct consumption sugar to establish their maximum price for the aforesaid grade and package by the addition of the aforesaid differential to the maximum basis price.

[F. R. Doc. 46-17095; Filed, Sept. 23, 1946; 8:54 a. m.]

[MPR 64, Order 318]

GLOBE AMERICAN CORP.

APPROVAL OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, It is ordered:

(a) This order establishes ceiling prices for sales at retail of the Model 5131-GA and Model M-5131-GA gas ranges manufactured by the Globe American Corporation, Kokomo, Indiana. For sales in each zone by retail dealers to ultimate consumers, the ceiling prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Ceiling prices for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
M-5131-GA.....	\$249.75	\$252.25	\$255.25	\$258.25
5131-GA.....	226.50	229.00	232.00	235.00

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting \$6.00 from the maximum price shown above for his sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the applicable OPA retail maximum prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$6.00 less than the price shown on the label.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

- Zone 1: Indiana.
- Zone 2: New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New

York, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Virginia, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri and the District of Columbia.

Zone 3: Maine, Florida, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana and Texas.

Zone 4: Montana, Idaho, Wyoming, Utah, Colorado, Arizona, New Mexico, Nevada, Washington, Oregon and California.

(d) The ceiling prices established by this order supersede those established for the same ranges by Order 309 under Maximum Price Regulation No. 64.

All the provisions of Maximum Price Regulation No. 64 continue to apply to sales of articles covered by this order, except to the extent that they are modified by this order. The ceiling prices established by this order have been determined in accordance with section 11b of Maximum Price Regulation No. 64 and may not, therefore, be increased under that section.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of September 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 318 UNDER MAXIMUM PRICE REGULATION NO. 64

Section 11b (c) of Maximum Price Regulation No. 64 required manufacturers of stoves subject to preticketing by the manufacturer having retail ceiling prices fixed prior to August 19, 1946, to recompute those ceiling prices so as to insure the return to retailers of a percentage markup over their current invoice cost equal to the average percentage markup which they received on sales of the same or similar stoves on March 31, 1946. To achieve this result the manufacturer was required to determine a markup factor for each stove applicable to his current ceiling price to distributors or, if he did not sell to distributors, to his largest buying class of purchaser by dividing his March 31, 1946 ceiling price to that class by his March 31, 1946 retail ceiling price for his most comparable stove in Zone 1.

The Globe American Corporation, Kokomo, Indiana, hereinafter referred to as the applicant, has established under Maximum Price Regulation No. 64 both its ceiling prices and the resale ceiling prices of the two models of gas ranges it is manufacturing. The resale ceiling prices so established were not fixed until June 29, 1946 and later. Hence the applicant had no models in his line on March 31, 1946 which he could use to determine a markup factor to be applied to his current ceiling prices for sales to his largest buying class of purchaser to enable him to recompute the retail ceiling prices of his ranges in accordance with section 11b (c) of Maximum Price Regulation No. 64. It is, therefore, necessary to issue an order establishing new retail ceiling prices for each stove now in his line under section 11 of Maximum Price Regulation No. 64 which provides that orders may be is-

sued establishing retail ceiling prices whenever a manufacturer's ceiling prices have been determined under the regulation.

The retail ceiling prices established by the accompanying order were determined by dividing the retail ceiling price in Zone 1 which would have been established under Maximum Price Regulation No. 64 for the same stove on March 31, 1946 by the applicant's ceiling price to his largest buying class of purchaser as it would have been set under the same regulation on the same date, and applying the resulting markup factor to the applicant's current ceiling price under Maximum Price Regulation No. 64 to the same class of purchaser. The resulting retail ceiling prices return to retailers a percentage markup equal to the average percentage markup they would have received on March 31, 1946 in connection with sales of the same stove. The retail ceiling prices established are, therefore, in accordance with the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended and in line with the level of ceiling prices fixed under Maximum Price Regulation No. 64.

In order to avoid confusion the accompanying order specifies that the re-

tail ceiling prices it establishes supersede those previously set for sales of the same ranges under Maximum Price Regulation No. 64 or Order 309 issued thereunder. It also requires compliance with the notification, preticketing, terms-of-sale and other general provisions of Maximum Price Regulation No. 64.

[P. R. Doc. 46-17096; Filed, Sept. 23, 1946; 8:54 a. m.]

[MPR 120, Amdt. 7 to Order 1716]

EDWARD TOMAJKO, ET AL.

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.213(d) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1716 under Maximum Price Regulation No. 120 is hereby amended in the following respects:

1. Paragraph (a) is amended by deleting therefrom the following name of the producer, address, mine name and index number, and location and name of the preparation plant, as follows:

Producer and address	Mine name	Mine index No.	Location and name of the preparation plant through which the coals are processed
Edward Tomajko.....	Adamsburg.....	2	Adamsburg Mine Preparation Plant at Adamsburg, Pa. on P. R. R. and B. & O.
Greensburg-Connelville Coal & Coke Co., Union Trust Bldg., Pittsburgh 16, Pa.	Franel.....	73	Franel Mine Preparation Plant at Burgettstown, Pa. on P. R. R.
Irwin Gas Coal Corp., 121 North Main St., Greensburg, Pa.	Irwin No. 4.....	98	Irwin No. 4 Mine Preparation Plant at Slickville, Pa. on P. R. R.
Butler Consolidated Coal Co., Wildwood, Pa.	Kincald.....	115	Kincald Mine Preparation Plant at Kincald, Pa. on W. A. R. R.
Tomajko, Edward, Jr., Adamsburg, Pa.	Little Gem.....	2682	Adamsburg Mine Preparation Plant at Adamsburg, Pa. on P. R. R. and B. & O.
Midway Mining Co., Oakdale, Pa.....	Primrose No. 2....	4210	Midway Mining Co. Plant at Bulger, Pa. on P. R. R.

2. Paragraph (a) is hereby corrected in the following respects:

a. The Mine Index No. of the Detwiler Mine of the Harbough Coal Co. which is stated as being "2354" is corrected to read "2534".

b. The location and name of the preparation plant through which the coals of the Ferris No. 2 Mine, Mine Index No. 4375, are processed, which coals are produced by Ferris Coal, should include the following: "Euclid Preparation Plant, at Euclid, Pa., on the B. & L. E."

Item No. 1 in this amendment shall become effective immediately and Item No. 2 herein shall become effective as of August 21, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 7 TO ORDER NO. 1716 UNDER MAXIMUM PRICE REGULATION NO. 120

Certain of the producers named in Order No. 1716 under Maximum Price Regulation No. 120 have been included within the provisions of Order No. 1734 under Maximum Price Regulation No. 120. In view of such inclusion, the said Order No. 1716 is being amended for the

purpose of deleting therefrom the enumerated producers.

The corrections which are also included within the accompanying Amendment have been made necessary as a result of inadvertence. These corrections shall become effective as of August 21, 1946, the date when the said Order No. 1716 became effective.

[F. R. Doc. 46-17098; Filed, Sept. 23, 1946; 8:52 a. m.]

[MPR 120, Order 1746]

RINALDO DI CENZO ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after

the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

RINALDO DI CENZO, BOX 248, REPUBLIC, PA., DI CENZO NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2257, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT: POINT MARION, PA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.				
	1	2	3	4	5
Price classification.....	F	F	G	H	H
Rail shipment and railroad fuel.....	338	338	328	313	303
Truck shipment.....	373	373	343	338	328

INDUSTRIAL COAL CO., ANMORE, W. VA., GARCIA AND FERNANDEZ MINE, PITTSBURGH SEAM, MINE INDEX NO. 2262, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: CLARKSBURG, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment and railroad fuel.....	338	338	316	313	303
Truck shipment.....	373	373	343	338	328

V. S. VEAZEY, BOX 3, PRATT, W. VA., VEAZEY NO. 2 MINE, NO. 5 BLOCK SEAM, MINE INDEX NO. 2252, BRAXTON COUNTY, W. VA., RAIL SHIPPING POINT: HEATERS, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 2

	D	D	D	D	D
Price classification.....	D	D	D	D	D
Rail shipment and railroad fuel.....	348	343	328	328	323
Truck shipment.....	413	403	363	348	338

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER 1746 UNDER MAXIMUM PRICE REGULATION 120

The order which this opinion accompanies establishes maximum prices and price classifications and assigns mine index numbers to mines in District No. 3 which had not been classified and numbered by the former Bituminous Coal Division. This is done in accordance with § 1340.210 (a) (6) of the regulation which provides for this action.

Under this section, a producer is required to file an application for maximum prices and classifications based upon those of the nearest mine in the same or substantially similar seams. Generally the producer requests the prices and classifications he deems proper.

This application was then submitted to the industry advisory committee for District No. 3. The prices and classifications established are those recommended by the committee and those requested by the applicants, if a request was made, and are fair and equitable.

[F. R. Doc. 46-17100; Filed, Sept. 23, 1946; 8:54 a. m.]

[MPR 120, Order 1744]

ARTHUR HENRY COAL CO. ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 4.

ARTHUR HENRY COAL CO., R. D. No. 1, URICHVILLE, OHIO, HENRY MINE, No. 7 SEAM, Mine INDEX No. 4319, TUSCARAWAS COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENT AND R. R. FUEL, 4-A FOR TRUCK SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: DENNISON AND STILLWATER, OHIO

	Size group Nos.												
	1	2	3	3A	4	5	6	7	8	9	10	11	12
Rail shipment and railroad fuel.....	336	336	321	321	321	321	301	261	251	291	246	.....	307
Truck shipment.....	361	361	361	331	331	291	291	266	256	291	.....	.....	291

JAED MINING CO., c/o BENNER JONES, 11, ATTORNEY, FIRST NATIONAL BANK BUILDING, JACKSON, OHIO, JAED No. 1 MINE, No. 4 SEAM, Mine INDEX 4315, JACKSON COUNTY, OHIO, SUBDISTRICT No. 7 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: JACKSON, OHIO

Rail shipment and railroad fuel.....	356	356	326	326	326	326	296	266	256	266	256	.....	296
Truck shipment.....	386	386	386	346	346	276	276	251	241	276	.....	.....	276

LATROBE CONSTRUCTION CO., FLUSHING, OHIO, LATROBE No. 2 MINE, No. 8 SEAM, Mine INDEX No. 4317, BELMONT COUNTY, OHIO, SUBDISTRICT No. 1 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: LAFFERTY, OHIO

Rail shipment and railroad fuel.....	316	316	296	296	296	296	281	246	236	271	221	.....	281
Truck shipment.....	361	361	361	321	321	291	291	266	256	291	.....	.....	291

J. W. SMITH, SOUTH ZANESVILLE, OHIO, J. W. SMITH MINE, No. 7 SEAM, Mine INDEX No. 4319, MUSKINGUM COUNTY, OHIO, SUBDISTRICT No. 6 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: ZANESVILLE, OHIO

Rail shipment and railroad fuel.....	336	336	306	306	306	306	296	256	256	261	221	.....	261
Truck shipment.....	371	371	371	331	331	276	276	241	241	276	.....	.....	276

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER 1744 UNDER MAXIMUM PRICE REGULATION 120

The order which this opinion accompanies establishes maximum prices and price classifications and assigns mine index numbers to mines in District No. 4 which had not been classified and numbered by the former Bituminous Coal Division. This is done in accordance with § 1340.210 (a) (6) of the regulation which provides for this action.

Under this section, a producer is required to file an application for maximum prices and classifications based upon those of the nearest mine in the same or substantially similar seams.

The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and State. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.215 and all other provisions of Maximum Price Regulation No. 120.

of Revised Maximum Price Regulation 136, *It is Ordered:*

(a) Lasby Brothers, 709 Cottage Avenue, Colton, California, may sell, f. o. b. plant, each Lasby Brothers trailer described in subparagraph (1) below at a price not to exceed \$143.60, plus federal excise tax, state and local taxes on the sale or delivery of the trailer and any cost of transporting it to the purchaser.

(1) *Description.* General purpose, two wheel utility trailer, body dimensions 4' wide x 7' long, all steel welded frame, equipped with 6.00 x 16—4-ply tires and other detailed specifications included in the report filed with this office.

(b) Lasby Brothers is authorized to suggest to resellers a resale price for the trailer described in paragraph (a) (1) consisting of the following:

(1) *Suggested resale list price.* \$179.50.

(2) *Charges.* (i) A charge for transportation, if any, not to exceed the actual rail charge from the factory at Colton, California to the railroad freight receiving station nearest to the place of business of the reseller.

(ii) A charge equal to the charge made by Lasby Brothers to cover federal excise taxes.

(iii) A charge equal to reseller's expenses for payment of state and local taxes on the purchase, sale or delivery of the trailer.

(c) A reseller of Lasby Brothers in any of the territories or possessions of the United States is authorized to sell the trailer described in paragraph (a) at a price not to exceed the price established in paragraph (b) to which it may add a sum equal to the expense incurred or charged to it for payment of territorial and insular taxes, or the purchase, sale or introduction of the trailer; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(d) All requests not granted herein are denied.

(e) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under Section 8 of Revised Maximum Price Regulation 136, due to substantial changes in design, specification or equipment of the trailer, the reseller may add to its price under paragraph (b) the increase in price, plus its customary markup on such as cost increase, but in case of a decrease in the price, the reseller must reduce its price under paragraph (b) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER 678 UNDER REVISED MAXIMUM PRICE REGULATION 136

A report of manufacturer's proposed list price was filed by Lasby Brothers on August 5, 1946 requesting authority to establish a maximum price and suggested

[RMPR 136, Order 678]

LASBY BROS.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 9, 10 and 11 (c)

resale price for a two-wheel general purpose utility trailer.

In the order which this opinion accompanies, a price is approved for the sale of this trailer by Lasby Brothers, Colton, California, the manufacturer. This approval is in accordance with sections 9 and 10 of Revised Maximum Price Regulation 136.

Revised Maximum Price Regulation 136 established as maximum prices for resellers, the manufacturer's suggested resale prices in effect on March 31, 1942, where the reseller had no list or established price in effect on that date. Moreover, when, on the base date, the reseller did not have a published list or established price, or the manufacturer did not have suggested resale prices, the Office of Price Administration may approve manufacturer's suggested resale prices which must be used by resellers in determining maximum prices. These resale prices must be in line with the level of prices permitted by this Regulation.

In the present instance, resellers did not have any list or established prices in effect on the base date. Neither did the manufacturer have any suggested resale prices in effect on that date, although it was customary for manufacturers of comparable vehicles to have suggested resale prices. In accordance with section 11 (c), therefore, the Administrator approves, in the order which this opinion accompanies, a manufacturer's suggested resale price. This resale price is in line with the level of prices permitted by the regulation.

The reseller shall determine his maximum price in accordance with section 11 (c) by using the manufacturer's suggested resale price approved in this order.

[F. R. Doc. 46-17097; Filed, Sept. 23, 1946; 8:51 a. m.]

[RMPR 143, Order 44]

UNITED STATES RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Revised Maximum Price Regulation 143, *It is ordered:*

(a) The maximum retail prices for the following wheelbarrow casings and tubes manufactured by the United States Rubber Company, Gillette Tire Division, New York, New York, shall be:

Size	Ply	Maximum retail tire price, each	Maximum retail tube price, each
4.00-8.....	2	\$4.72	\$1.65
4.00-8.....	4	5.43	1.65

(b) The maximum wholesale prices for sales of the tubes described in paragraph (a) above, when sold by the Gillette Division of the United States Rubber Company, New York, New York, shall be determined by applying the appropriate discounts determined under section 3 (b) (2) of RMPR 143 to the maximum retail prices of the tubes as established under paragraph (a) above.

The maximum wholesale prices for sales of the casings described in paragraph (a) above, when sold by the Gillette Division of the United States Rubber Company, New York, New York, shall be determined by applying the appropriate discounts determined under section 3 (b) (2) of RMPR 143 to the discount base for such tire listed below and adding to the price so computed the amount of the wholesale increase specified for such tire below:

Size	Ply	Discount base	Wholesale increase
4.00-8.....	2	\$4.60	\$0.29
4.00-8.....	4	5.30	.34

(c) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to retail sales of commodities covered by this order. All provisions of RMPR 143 not inconsistent with this order shall apply to wholesale sales of commodities covered by this order.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 44 UNDER REVISED MAXIMUM PRICE REGULATION 143

The United States Rubber Company, Gillette Tire Division, New York, New York, has applied for approval of maximum retail prices on two sizes of wheelbarrow tires and tubes. Since these items are not listed in Appendix III to Revised Maximum Price Regulation 143

for the purpose of determination of wholesale prices when sold by the manufacturer or brand owner, it is necessary to establish such wholesale prices by authorization under section 7 of that regulation. In connection with the establishment of a wholesale price, a maximum retail price may also be established under the provisions of that section since these tires and tubes are not priced at retail under the provisions of Revised Maximum Price Regulation 528 nor were they listed in any price list of the manufacturer as of February 1, 1944. This order, therefore, also establishes maximum retail prices for sales of these tires and tubes by any person.

The maximum prices fixed by this order bear the normal relationship to the maximum prices fixed by the regulation for other sizes of this type of tires and tubes and such maximum prices are consistent with the level of maximum prices otherwise fixed by RMPR 143 for wholesale sales and RMPR 528 for retail sales.

[F. R. Doc. 46-17101; Filed, Sept. 23, 1946; 8:55 a. m.]

[MPR 143, Order 45]

GOODYEAR TIRE & RUBBER CO. INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Revised Maximum Price Regulation 143, *It is ordered:*

(a) The maximum retail prices for the following sizes of Stop Start truck tires manufactured by The Goodyear Tire & Rubber Company, Inc., Akron, Ohio, shall be:

Size	Replaces size	Ply rating	Cotton			Rayon		
			Discount base	Wholesale inc.	Maximum retail price	Discount base	Wholesale inc.	Maximum retail price
SSA 10	6.00-16.....	6	\$23.10	\$1.48	\$23.68	\$24.25	\$1.55	\$24.86
SS 11	5.25-17, 5.50-17.....	6	22.05	1.41	22.60	23.15	1.48	23.73
SSA 13	6.50-16.....	6	26.60	1.70	27.27	27.95	1.79	28.65
SSA 15	7.00-16.....	6	31.80	2.04	32.60	33.40	2.14	34.24
SS 17	6.00-20, 6.50-20(0).....	8	36.30	2.32	37.21	38.20	2.44	39.16
SSA 18	7.50-16.....	8	43.85	2.81	44.95	46.05	2.95	47.20
SS 19	6.50-20, 7.00-20.....	8	47.55	3.04	48.74	49.95	3.20	51.20
SS 22	7.00-20, 7.50-20(8).....	10	61.80	3.96	63.35	64.90	4.15	66.52
SS 28	7.50-20, 8.25-20.....	10	70.95	4.54	72.72	74.50	4.77	76.36
SS 34	8.25-20(12), 9.00-20.....	10	84.70	5.42	86.82	88.95	5.69	91.17
SS 40	9.00-20, 9.75-20, 10.00-20.....	12	107.35	6.87	110.03	112.70	7.21	115.52
SS 42	9.75-22, 10.00-22.....	12	113.10	7.24	115.93	118.75	7.60	121.72
SS 48	10.50-20, 11.00-20.....	12	126.25	8.08	129.41	132.55	8.48	135.96
SS 50	10.50-22, 11.00-22.....	12	133.55	8.55	136.89	140.25	8.98	143.76

(b) The maximum wholesale prices for the sales of the tires described in paragraph (a) above when sold by The Goodyear Tire & Rubber Company, Inc., Akron, Ohio, shall be determined by applying the appropriate discount determined under section 3 (b) (2) of RMPR 143 to the discount base for such tire listed in paragraph (a) above and adding to the price so computed the amount of the wholesale increase specified for such tire in paragraph (a) above.

(c) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to

retail sales of the commodities covered by this order. All provisions of RMPR 143 not inconsistent with this order shall apply to wholesale sales of commodities covered by this order.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 45 UNDER REVISED MAXIMUM PRICE REGULATION 143

The Goodyear Tire & Rubber Company, Inc., Akron, Ohio, has applied for approval of maximum retail prices for a number of sizes of Stop Start truck tires in both cotton and rayon construction. Since these items are not listed in Appendix III to Revised Maximum Price Regulation 143 for the purpose of determination of wholesale prices when sold by the manufacturer or brand owner, it is necessary to establish such wholesale prices by authorization under section 7 of that regulation. In connection with the establishment of a wholesale price, a maximum retail price may also be established under the provisions of that section since these tires and tubes are not priced at retail under the provisions of Revised Maximum Price Regulation 528 nor were they listed in any price list of the manufacturer as of February 1, 1944. This order, therefore, also establishes maximum retail prices for sales of these tires by any person.

The maximum prices fixed by this order bear the normal relationship to the maximum prices fixed by the regulations for other sizes of this type of tires and such maximum prices are consistent with the level of maximum prices otherwise fixed by RMPR 143 for wholesale sales and RMPR 528 for retail sales.

[F. R. Doc. 46-17102; Filed, Sept. 23, 1946; 8:55 a. m.]

[MPR 188, Amdt. 1 to Order 5091]

HART-CARTER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 5091 under Maximum Price Regulation No. 188, be amended in the following respects:

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

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

FOR SALES OF 2.5 HORSE POWER 4 CYCLE OUTBOARD MOTOR

Maximum Selling Prices for Sporting Model

By any seller to Wholesalers (Stocking Jobs), \$6,180 each.

By manufacturer to Dealers (Retailers), \$74.59 each.

By Wholesalers (Stocking Jobbers) to Dealers (Retailers) located in:

- Zone 1, \$74.59 plus \$1.56 freight.
- Zone 2, \$74.59 plus \$1.91 freight.
- Zone 3, \$74.59 plus \$1.26 freight.
- Zone 4, \$74.59 plus \$1.91 freight.
- Zone 5, \$74.59 plus \$2.16 freight.
- Zone 6, \$74.59 plus \$1.16 freight.
- Zone 7, \$74.59 plus \$1.66 freight.
- Zone 8, \$74.59 plus \$1.91 freight.
- Zone 9, \$74.59 plus \$3.26 freight.

By any seller to Consumers located in:

- Zone 1, \$106.55 plus \$2.50 freight.
- Zone 2, \$106.55 plus \$3.25 freight.
- Zone 3, \$106.55 plus \$2.00 freight.
- Zone 4, \$106.55 plus \$2.75 freight.
- Zone 5, \$106.55 plus \$3.25 freight.
- Zone 6, \$106.55 plus \$1.75 freight.
- Zone 7, \$106.55 plus \$2.75 freight.
- Zone 8, \$106.55 plus \$3.25 freight.
- Zone 9, \$106.55 plus \$4.75 freight.

2. Paragraph (a) (2) is amended to read as follows:

(2) Maximum prices to consumers are net delivered prices. Maximum prices on sales by the manufacturer to wholesalers are f. o. b. factory and are net; and on sales by the manufacturer to dealers are f. o. b. factory and subject to a cash discount of 2 percent for payment in 10, net 30 days. Maximum prices on sales by wholesalers to dealers are f. o. b. wholesalers' warehouse or city and are subject to a cash discount of 2 percent for payment within 10 days, net 30 days, but the cash discount is not to be applied to freight charges.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective on the 24th day of September 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 5091 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

Order No. 5091 under § 1499.158 of Maximum Price Regulation No. 188 established maximum prices for certain sales of a Sporting Model 2.5 Horse Power Outboard Motor manufactured by the Lauson Division of Hart-Carter Company, 1610 Michigan Street, New Holstein, Wisconsin.

Applicant now requests the establishment of a maximum price for sales by it of the said motor to a new class of purchasers, namely retailers, which was not included in the original order. The application has been considered under the provisions of § 1499.158 of Maximum Price Regulation No. 188.

Applicant's prices were established originally under § 1499.158 of Maximum Price Regulation No. 188 because its application showed that it could not use any of the other pricing methods of Maximum Price Regulation No. 188 as it had not previously manufactured an article the maximum price of which could be used as a basis for pricing the new articles contained in the application. Maximum prices were set in accordance with the Regulation in line with the level of maximum prices established by the Regulation, and were arrived at by comparing the new articles as to specifications, construction and design with comparable articles for which maximum prices have been properly established under the Regulation. The prices established by Order No. 5091 are in line with the maximum prices for sales of those comparable articles to the specified classes of purchasers by competitive sellers and are, therefore, in line with the level of maximum prices established by the Regulation.

The maximum prices established by this amendment for sales to retailers reflect the differentials from properly established maximum prices to other classes of purchasers customarily in effect on sales to this class of purchaser. The prices established by this amendment for sales to retailers are, therefore, in line with the level of maximum prices

established by Maximum Price Regulation No. 188.

Paragraph (a) (4) of Order No. 5091 provides that "If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales and no sales or deliveries may be made until maximum prices have been established by the Office of Price Administration."

The only other change made by this amendment is that the maximum prices for sales by wholesalers to dealers and by any seller to consumers are listed separately from freight charges. This has been done at the request of the manufacturer who wishes to sell on the basis of list prices less discounts, and also so that any adjustment which the manufacturer may be eligible for will be on the maximum prices exclusive of freight charges. Since these charges have previously been included in the maximum prices, this change is a change in form only, and will not substantially affect the said prices.

[F. R. Doc. 46-17103; Filed, Sept. 23, 1946; 8:55 a. m.]

[MPR 188, Order 5193]

SONATA ELECTRONIC CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Section 1499.158 of Maximum Price Regulation No. 188, *It is ordered*:

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Sonata Electronic Corp., 624 South Michigan Avenue, Chicago, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Model No.	Brand name	Description
HW 101----	Sonata..	Acoustic portable phone, hand wound motor, manual leatherette covered wood cabinet 13" x 17" x 8".

Ceiling price to—		
Distributor	Dealer	Customer
\$8.22	\$10.28	\$17.95

Ceiling price to the consumer includes the Federal excise tax. Terms are 2%, 10 days, net 30 days, f. o. b. factory.

These maximum prices are for the articles described in the manufacturer's application dated August 1, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$17.95
Do not detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 24th day of September 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 5193
UNDER SECTION 1499.158 OF MAXIMUM
PRICE REGULATION NO. 188

The applicant, Sonata Electronic Corporation, Chicago, Illinois, applied for price approval for its new model Sonata acoustic portable hand wound phonograph on August 1, 1946.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The

Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17104; Filed, Sept. 23, 1946;
8:56 a. m.]

[MPR 478, Order 205]

UNITY LEATHER AND TEXTILE CO.
AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation 478, it is ordered:

(a) *What this order does.* This order establishes the maximum prices for sales in rolls of imitation leather produced by Unity Leather and Textile Company, 114 South Street, Boston 11, Massachusetts, to manufacturers.

(b) *Maximum prices.* The maximum prices for all sales and resales of the following sizes of imitation leather in rolls to manufacturers, produced by Unity Leather and Textile Company, 114 South Street, Boston 11, Massachusetts, shall be:

Maximum Prices for Sales to Manufacturers

Commodity	Per linear yard
Fabricated Leather, 48" leather fiber and pulp base, finished to simulate leather, 5 spread coats of pyroxylin coating, 4 oz. dry weight per linear yard, embossed:	
1 iron (or 1 oz.)	\$0.808
1½ iron (or 1½ oz.)	1.118
2 iron (or 2 oz.)	1.429

(c) *Terms.* All prices shall be subject to all discounts, allowances, and trade practices of the seller in effect during March 1942.

(d) *Relation to MPR 478.* All provisions of Maximum Price Regulation 478 not inconsistent with this order shall apply to commodities sold under this order.

(e) *Notification.* With or prior to the first delivery of any of the commodities priced by this order to any reseller, the seller shall furnish such reseller a written notice setting forth the maximum prices for sales to manufacturers as set forth in paragraph (b).

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 205
UNDER MAXIMUM PRICE REGULATION 478

The Unity Leather and Textile Company, 114 South Street, Boston 11, Massachusetts, applied on July 31, 1946, for maximum prices for sales of imitation leather in rolls. It appears that the company purchases the base material com-

posed of leather fiber and pulp base and has it coated to produce imitation leather. It further appears that this company is unable to use section 9a of Maximum Price Regulation 478 as that section applies only to sales by converters who sell to cutters, supply jobbers, and retailers. The maximum prices for sales by a converter to any other class of purchaser must be established under section 10 of Maximum Price Regulation 478.

Unity Leather and Textile Company, a converter, proposes to sell this commodity to manufacturers and to wholesalers who will resell to manufacturers. During March 1942, and for several years prior thereto, converters of coated fabrics generally sold direct to manufacturers. It is not the usual practice for a converter to sell to a wholesaler who resells to manufacturers. In the few instances of such resales to manufacturers, the converter's sales price to such wholesalers was lower than his sales price to the manufacturer, permitting resale by the wholesaler to the manufacturer at the same prices at which the converter would have sold directly to the manufacturer. This order, therefore, establishes maximum prices for sales by all sellers of this commodity which are the same as the maximum prices for sales directly to manufacturers by the Unity Leather and Textile Company.

It is desirable that the applicant be required to notify the wholesaler to whom he sells of the maximum prices which apply to sales to manufacturers. This is the most practical way of informing the wholesalers of the price at which he must sell. If such notice is not given, many wholesalers may price these coated fabrics under section 9 of the regulation, which may result in different and higher maximum prices for sales of the same commodity.

The maximum prices proposed by the applicant have been compared with the maximum prices established by other converters under Maximum Price Regulation 478. The Administrator finds that the proposed maximum prices are consistent with the level of maximum prices generally established by the regulation.

In the judgment of the Price Administrator, the maximum prices established by this order are consistent with the level of maximum prices otherwise established by Maximum Price Regulation 478, are fair and equitable and effectuate the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9326.

[F. R. Doc. 46-17105; Filed, Sept. 23, 1946;
8:57 a. m.]

[MPR 591, Order 826]

ELECTRIC HOUSEHOLD UTILITIES CORP.
AUTHORIZATION OF MAXIMUM PRICES.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, it is ordered:

(a) The maximum net prices for sales by any person to consumers of the following combination steel undersink cabinet, dishwasher and clothes-washer

manufactured by Hurley Machine Division of Electric Household Utilities Corporation of Chicago, Illinois and as described in its application dated September 5, 1946 shall be:

	Zone 1	Zone 2	Zone 3
Model 250C Clothes washer, sink combination.....	\$800.00	\$312.00	\$318.00
Model 250D Dishwasher, sink combination.....	320.00	332.00	338.00
Model 250CD Clothes washer, dishwasher sink combination.....	354.50	368.00	375.25

(b) On sales to dealers and contractors by any person the maximum net prices shall be:

	Zone 1	Zone 2	Zone 3
Model 250C Clothes washer, sink combination.....	\$195.00	\$203.00	\$207.00
Model 250D Dishwasher, sink combination.....	208.00	216.00	220.00
Model 250CD Clothes washer, dishwasher sink combination.....	227.70	236.70	240.00

(c) On sales to distributors by any person the maximum net prices f. o. b. point of shipment shall be:

Model 250C Clothes washer, sink combination.....	\$161.72
Model 250D Dishwasher, sink combination.....	172.80
Model 250CD Clothes washer, dishwasher, sink combination.....	188.97

(d) The maximum price for the servicing for one year of any commodity for which a maximum price has been established in this order, by a distributor or servicing dealer shall be \$5.00. This service charge is not chargeable to the consumer.

(e) For the purposes of this order zones 1, 2, and 3 comprise the following states:

Zone 1: Minnesota, Iowa, Missouri, Wisconsin, Illinois, Tennessee, Michigan, Indiana, Kentucky, Ohio, Pennsylvania, West Virginia, Virginia, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, South Dakota, Nebraska, Kansas, New York, Delaware, and the District of Columbia.

Zone 2: Louisiana, Oklahoma, Mississippi, Arkansas, Alabama, Georgia, North Carolina, South Carolina, and North Dakota.

Zone 3: New Mexico, Arizona, California, Oregon, Nevada, Utah, Colorado, Wyoming, Washington, Montana, Idaho, Texas, and Florida.

(f) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and one year warranty, at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(g) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(h) Each seller covered by this order, except on sales to a consumer shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of

the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(i) Harley Machine Division of Electric Household Utilities Corporation shall stencil or tag in a conspicuous place on each item covered by this order, substantially the following:

OPA Maximum Retail Price Uninstalled
\$-----

(j) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 826 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION 591

The accompanying Order No. 826 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for combination steel undersink cabinet, dishwasher and clotheswasher.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under sections 7 or 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices must be approved pursuant to the provisions of section 9 of Maximum Price Regulation No. 591.

In its application the company submitted its proposed prices for the commodities covered by this order. An analysis of the information submitted indicated that the prices requested are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591.

In order to avoid any confusion on the part of resellers as to their maximum prices and for the purposes of protecting consumers, the accompanying order establishes dollars and cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on the part of resellers who do not have access to this order, the order provides that the manufacturer shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices.

All provisions of the accompanying order and their effect upon business practices, or cost practices or methods or means or aids to distribution in the industry or industries affected, have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, or methods established in the industry or

industries affected, have been included in the order unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the order or of the act. To the extent that the provisions of this order compel or may operate to compel changes in business practices, cost practices, or methods or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this order or of the Emergency Price Control Act of 1942, as amended.

The Price Administrator has determined, on the basis of the foregoing that the maximum prices established by the order are generally fair and equitable, and are in conformity with the Emergency Price Control Act of 1942, as amended, and Executive Orders of the President.

[F. R. Doc. 46-17106; Filed, Sept. 23, 1946; 8:57 a. m.]

[MPR 592, Order 149]

SUPERIOR BRICK CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 149 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories, the Superior Brick Company, Docket No. 6122-592.16-335.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, It is ordered:

(a) The maximum net prices for sales by the Superior Brick Company, Washington, Pennsylvania, of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$2.00 per M. for standard size brick equivalents or by an amount not in excess of \$0.80 per ton for structural hollow tile.

(b) If the Superior Brick Company, Washington, Pa., had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this Order produced by the Superior Brick Company, Washington, Pennsylvania, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting to him from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 149 UNDER SECTION 16 OF MAXIMUM PRICE REGULATION 592

The Superior Brick Company, Washington, Pennsylvania, has applied for an adjustment in its maximum selling prices for brick and structural clay tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under Section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under Section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in Section 16, and which are in conformance with Office policy. The adjustments granted in the accompanying Order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17107; Filed, Sept. 23, 1946; 8:58 a. m.]

[MPR 592, Order 150]

OWENSBORO CLAY PRODUCTS CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 150 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. The Owensboro Clay Prod-

ucts Company. Docket No. 6122-592.16-426.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the Owensboro Clay Products Company, Owensboro, Ky., of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$2.25 per M for standard size brick equivalents or by an amount not in excess of \$0.90 per ton for structural hollow tile.

(b) If the Owensboro Clay Products Company, Owensboro, Ky., had an established differential in price during the month of March 1942 for non-standard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this Order produced by the Owensboro Clay Products Company, Owensboro, Kentucky, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 150 UNDER SECTION 16 OF MAXIMUM PRICE REGULATION 592

The Owensboro Clay Products Company, Owensboro, Kentucky, has applied for an adjustment in its maximum selling prices for brick and structural tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has not the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications,

applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying Order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17108; Filed, Sept. 23, 1946; 8:58 a. m.]

[MPR 592, Order 151]

KASTEN BROS. BRICK CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 151 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Kasten Brothers Brick Company. Docket No. 6122-592.16-425.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the Kasten Brothers Brick Company, Jackson, Mo., of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$2.00 per M for standard size brick equivalents or by an amount not in excess of \$0.80 per ton for structural hollow tile.

(b) If the Kasten Brothers Brick Company, Jackson, Mo., had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Kasten Brothers Brick Company, Jackson, Mo., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted

the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 151
UNDER SECTION 16 OF MAXIMUM PRICE
REGULATION 592

The Kasten Brothers Brick Company, Jackson, Missouri has applied for an adjustment in its maximum selling prices for brick and structural tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with Office policy. The adjustment granted in the accompanying Order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying Order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17109; Filed, Sept. 23, 1946;
8:58 a. m.]

No. 106—5

[MPR 592, Order 152]

CONTINENTAL CLAY PRODUCTS CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 152 Under Section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Continental Clay Products Company. Docket No. 6122-592.16-422.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the Continental Clay Products Company of brick and structural clay tile produced at its Martinsburg, West Virginia, plant to its various classes of purchasers may be increased by an amount not in excess of \$2.00 per M for standard size brick equivalent or by an amount not in excess of \$0.80 per ton for structural hollow tile.

(b) If the Continental Clay Products Company had an established differential in price during the month of March 1942 for non-standard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Continental Clay Products Co., at its Martinsburg, W. Virginia, plant for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 152
UNDER SECTION 16 OF MAXIMUM PRICE
REGULATION 592

The Continental Clay Products Company, has applied for an adjustment in its maximum selling prices for brick and structural hollow tile produced at its Martinsburg, W. Va., plant. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that that applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various ad-

justments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17110; Filed, Sept. 23, 1946;
8:59 a. m.]

[MPR 592, Order 153]

COLONIAL CLAY PRODUCTS CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 153 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Colonial Clay Products Company. Docket No. 6122-592.16-428.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the Colonial Clay Products Company, New Brighton, Pa., of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$1.50 per M for standard size brick equivalents or by an amount not in excess of \$0.60 per ton for structural hollow tile.

(b) If the Colonial Clay Products Company, New Brighton, Pa., had had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced

by the Colonial Clay Products Company, New Brighton, Pa., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 153
UNDER SECTION 16 OF MAXIMUM PRICE
REGULATION 592

The Colonial Clay Products Company, New Brighton, Pennsylvania, has applied for an adjustment in its maximum selling prices for brick and structural clay tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with Office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order does not, however, permit resellers to increase

their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17111; Filed, Sept. 23, 1946;
8:59 a. m.]

[Rev. SO 119, Amdt. 1 to Order 212]

MARTIN STEEL PRODUCTS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 1 to Order No. 212 under Revised Supplementary Order No. 119, Docket No. 6123-119-194, Martin Steel Products Corporation, Mansfield, Ohio.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order No. 119, *It is ordered:*

That Order No. 212 under Revised Supplementary Order No. 119 be amended as follows:

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

(a) (1) The above manufacturer shall determine his maximum prices for his line of prefabricated metal farm buildings by increasing by 25 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

2. Paragraph (b) is amended to read as follows:

(b) "Resellers" maximum prices. All resellers of the commodities covered by this order may add to their presently established maximum prices the percentage increase in cost to them resulting from the increase granted the manufacturer by this order.

3. Paragraph (c) is amended to read as follows:

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this amendment is put into effect:

Order No. 212 is amended by Amendment No. 1 to authorize a 25 percent increase in October 1, 1941 net price for sales of prefabricated metal farm buildings manufactured by this company.

Resellers, (but not manufacturers who purchase these items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost to them resulting from the increase granted the manufacturer by Order No. 212, as amended.

This amendment shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 1
TO ORDER NO. 212 UNDER REVISED SUPPLEMENTARY ORDER NO. 119

Order No. 212 authorizes the Martin Steel Products Corporation of Mansfield, Ohio, to compute maximum prices for its line of prefabricated metal farm buildings by adding 19.5 percent to its Oc-

tober 1, 1941 prices to each class of purchaser.

The accompanying Amendment to Order No. 212 authorizes the computation of maximum prices for these products by adding 25 percent to the company's October 1, 1941 prices.

The company submitted additional data, accompanied by Wage Stabilization authorization, showing that a general wage increase has been granted since the issuance of Order No. 212.

Accordingly, Order No. 212 is amended to take this increased wage cost into account, the resulting price increase being 25 percent over October 1, 1941 prices of these products.

Resellers are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus resellers will continue to realize the same percentage margin over acquisition cost that they realized previous to the issuance of the accompanying Order.

Controls over the maximum prices of some of these products may have been, or may be suspended in the future by Supplementary Order No. 129. In that event, the provisions of this order, as amended, with respect to those items are also suspended during the period of price control suspension, subject to reinstatement if the former price controls are restored.

After due consideration of the foregoing, the Price Administrator finds that this action is consistent with the Emergency Price Control Act of 1942, as amended and the Executive Orders of the President.

[F. R. Doc. 46-17091; Filed, Sept. 23, 1946;
8:52 a. m.]

[Rev. SO 119, Rev. Order 299]

EDISON GENERAL ELECTRIC APPLIANCE CO.

AUTHORIZATION OF MAXIMUM PRICES

Revised Order No. 299 under Revised Supplementary Order No. 119. Specified mechanical building equipment. Authorization of maximum prices for sales of galvanized and monel electric water heaters manufactured by the Edison General Electric Appliance Company, Inc. of 5600 West Taylor Street, Chicago, Illinois. Docket No. 6123-119-190.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Revised Supplementary Order No. 119, *It is ordered:* That Order No. 299 under Revised Supplementary Order No. 119 be revised to read as follows:

(a) The maximum net delivered prices, excluding federal excise taxes, for sales to consumers by any person of the following electric water heaters, galvanized and monel, supplied with standard or non-standard wattage, manufactured by the Edison General Electric Appliance Company, Inc. of Chicago, Illinois and distributed by the General Electric Company of Bridgeport, Connecticut and the Edison General Electric Appliance Company, Inc., shall be:

Edison General Electric Appliance Co., Inc., Model Nos.	General Electric Co. Model Nos.	For heaters supplied with standard wattage	For heaters supplied with non-standard wattage
201WG144	G101A—10 gallon electric water heater	\$65.84	\$65.75
101WG336	G309A—30 gallon electric water heater	96.69	96.56
561WG340	G301B—30 gallon electric water heater	77.41	77.31
502WG342	G302A—30 gallon electric water heater	99.32	99.19
501WG442	G401A—40 gallon electric water heater	101.74	101.60
502WG442	G402A—40 gallon electric water heater	107.70	107.55
501WG542	G521A—52 gallon electric water heater	110.11	109.97
502WG542	G522A—52 gallon electric water heater	115.83	115.67
501WG842	G861A—86 gallon electric water heater	148.11	147.92
502WG842	G862A—86 gallon electric water heater	156.21	156.00
501WM342	M30-1A5—30 gallon monel electric water heater	139.98	139.77
502WM342	M30-2A5—30 gallon monel electric water heater	148.07	147.86
501WM442	M40-1A5—40 gallon monel electric water heater	159.12	158.89
502WM442	M40-2A5—40 gallon monel electric water heater	167.21	166.97
501WM542	M50-1A5—52 gallon monel electric water heater	187.74	187.47
502WM542	M50-2A5—52 gallon monel electric water heater	197.03	196.74
401WM842	M86-1A5—86 gallon monel electric water heater	305.19	304.75
402WM842	M86-2A5—86 gallon monel electric water heater	319.25	318.79

(b) The maximum net prices, excluding federal excise taxes, for sales to "servicing" dealers by any person of the fol-

lowing electric water heaters supplied with standard or non-standard wattage, shall be:

Edison General Electric Appliance Co., Inc., Model Nos.	General Electric Co. Model Nos.	On Shipments of—			
		1 to 4 heaters, inclusive, supplied with standard wattage	5 or more heaters supplied with standard wattage	1 to 4 heaters, inclusive, supplied with non-standard wattage	5 or more heaters supplied with non-standard wattage
201WG144	G101A	\$43.89	\$39.50	\$43.89	\$39.41
101WG336	G309A	64.46	58.01	64.33	57.88
561WG340	G301B	51.61	46.45	51.51	46.35
502WG342	G302A	66.21	59.59	66.08	59.46
501WG442	G401A	67.83	61.04	67.69	60.90
502WG442	G402A	71.80	64.62	71.65	64.47
501WG542	G521A	73.41	66.07	73.27	65.93
502WG542	G522A	77.22	69.50	77.06	69.34
501WG842	G861A	98.74	88.87	98.55	88.08
502WG842	G862A	104.14	93.73	103.98	93.52
501WM342	M30-1A5	93.32	83.99	93.11	83.78
502WM342	M30-2A5	98.71	88.84	98.50	88.63
501WM442	M40-1A5	106.08	95.47	105.85	95.24
502WM442	M40-2A5	111.47	100.83	111.23	100.09
501WM542	M50-1A5	125.16	112.64	124.89	112.37
502WM542	M50-2A5	131.35	118.22	131.06	117.93
401WM842	M86-1A5	203.46	183.11	203.02	182.67
402WM842	M86-2A5	212.83	191.55	212.37	191.09

(c) The maximum net prices set forth in (b) above are f. o. b. point of shipment. When, however, the shipment is made directly by the Edison General Electric Appliance Company, Inc., or the General Electric Company to the dealer, the maximum net prices set forth in (b) above are f. o. b. dealer's city.

(d) The maximum net delivered prices, excluding federal excise taxes, for sales to distributors in carload quantities by any person of the following electric water heaters supplied with standard wattage, shall be:

Edison General Electric Appliance Company, Inc. Model Nos.	General Electric Company Model Nos.	Prices
201WG144	G101A	32.98
101WG336	G309A	48.30
561WG340	G301B	38.70
502WG342	G302A	49.68
501WG442	G401A	50.92
502WG442	G402A	53.82
501WG542	G521A	55.00
502WG542	G522A	57.91
501WG842	G861A	74.00
502WG842	G862A	78.05
501WM342	M30-1A5	70.03
502WM342	M30-2A5	74.08
501WM442	M40-1A5	79.50
502WM442	M40-2A5	83.56
501WM542	M50-1A5	93.87
502WM542	M50-2A5	98.49
401WM842	M86-1A5	152.65
402WM842	M86-2A5	159.53

(e) The maximum net delivered prices, excluding federal excise taxes, for sales to distributors in carload quantities by any person of the following water heaters supplied with non-standard wattage, shall be:

General Electric Co. Model Nos.	Prices	General Electric Co. Model Nos.	Prices
G-101A	\$33.90	M30-1A5	\$72.06
G-309A	49.60	M30-2A5	76.24
G-301B	39.71	M40-1A5	81.80
G-302A	51.01	M40-2A5	85.97
G-401A	52.27	M50-1A5	96.58
G-402A	55.26	M50-2A5	101.34
G-521A	56.46	M86-1A5	157.09
G-522A	59.45	M86-2A5	164.23
G-861A	75.94		
G-862A	80.11		

(f) The maximum net delivered prices, excluding federal excise taxes, for sales to distributors in less than carload quantities by any person of the water heaters covered by this order shall be the published price list covering groups (d) and (e) above plus 3 percent.

(g) The maximum prices for sales of the commodities covered by this order on an installed basis shall be determined in accordance with the provisions of Revised Maximum Price Regulation No. 251.

(h) The General Electric Company of Bridgeport, Connecticut and the Edi-

son General Electric Appliance Company, Inc. of Chicago, Illinois are authorized to increase by 14.8 percent their maximum selling prices on accessories of and repair parts for the water heaters listed above over the October 1, 1941 prices in effect to each class of purchaser.

(i) Resellers of the accessories and repair parts referred to in (h) above (but not manufacturers who purchase such item for use in the manufacture of other products) may add to their presently established maximum prices the percentage increase in cost to them resulting from the increase granted the General Electric Company and the Edison General Electric Appliance Company, Inc. by this order.

(j) Each seller, except on sales to consumers, shall notify in writing each of his purchasers at or before the time of the first invoice after the effective date of this order of the maximum prices established by this order for sales to such purchasers, as well as the purchaser's, except dealers, maximum prices upon resale.

(k) The Edison General Electric Appliance Company, Inc. and the General Electric Company shall attach to each of the electric water heaters covered by this order a tag containing the following:

(l) The model number of the electric water heater. The Office of Price Administration retail maximum price including federal excise tax. A statement that the maximum price shown includes the federal excise tax actually paid, delivery and one year warranty.

(m) This order as revised supersedes Order No. 148 and 326 under Section 13 of Maximum Price Regulation No. 591 in their entirety.

(n) This order as revised may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING REVISED ORDER NO. 299 UNDER REVISED SUPPLEMENTARY ORDER NO. 119

Order No. 299 under Revised Supplementary Order No. 199, effective July 29, 1946, itemized a series of maximum prices to distributors, dealers and retailers for specified water heaters manufactured by the Edison General Electric Appliance Company, Inc. of Chicago, Illinois and distributed by the Edison General Electric Appliance Company and the General Electric Company of Bridgeport, Connecticut.

On request of the applicant Order No. 299 was effected embodying the dollars-and-cents pass through, rather than a percentage pass through, in the interest of expeditious action since the itemized prices involved a lengthy calculation. It was decided that a revision of the order would be made at a convenient date in the future.

Accordingly, the accompanying revision of Order No. 299 makes this change and itemizes a series of maximum prices

with resellers prices based on the percentage increase in acquisition cost to them resulting from the 14.8 percent adjustment granted the manufacturer. Thus, resellers will realize the same percentage margin over acquisition cost that they realized previous to the issuance of Order No. 299.

The manufacturer requested that accessories and repair parts be authorized the same percentage increase over October 1, 1941 prices that is authorized for the water heaters. These items were included in the data on which the adjustment was calculated, but were not specified in Order No. 299. Therefore, accessories and repair parts for the heaters specified in this order are incorporated into the order by this revision.

After due consideration of the foregoing, the Price Administrator finds that this action is consistent with the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46-17092; Filed, Sept. 23, 1946; 8:53 a. m.]

[Rev. SO 119, Rev. Order 309]

PHOENIX TRIMMING CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 309 under Revised Supplementary Order No. 119 is redesignated Revised Order No. 309 under Revised Supplementary Order No. 119, and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Phoenix Trimming Company, 2000 North Racine Avenue, Chicago 14, Illinois, may compute its adjusted ceiling prices for all articles of cotton rugs which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by no more than 30.6 percent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) Except as modified by this order, all sales and deliveries of the articles covered by this order shall be subject to the provisions of Order No. 5169 under Maximum Price Regulation No. 188.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 24th day of September 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING REVISED ORDER NO. 309 UNDER REVISED SUPPLEMENTARY ORDER NO. 119

The accompanying order revises Order No. 309 under Revised Supplementary Order No. 119 which was issued to Phoenix Trimming Company, 2000 North Racine Avenue, Chicago 14, Illinois. It grants to the said company an increase of 30.6 percent over its October 1941 prices for sales by it of cotton rugs which it manufactures, instead of 25 per cent as Order No. 309 provided for.

The reasons for the issuance of this order are the same as those contained in the opinion accompanying the issuance of Order No. 309 under Revised Supplementary Order No. 119 and the reasons contained in that opinion are incorporated herein by reference. An examination of the application upon which Order No. 309 was based reveals that following the methods and procedures contained in Revised Supplementary Order No. 119, the amount of the increase that should originally have been granted to applicant is 30.6 percent instead of 25 percent, and this revised order accordingly substitutes the latter for the former.

The order is revised instead of amended because since the issuance of the original order, Order No. 5169 under Maximum Price Regulation No. 188 has been issued. That order provides a method for the establishment of maximum prices by resellers of the articles covered by this order. The revised order, therefore, eliminates the provisions of the original order relating to resellers, and states that all sales of the articles covered by this order are subject to the provisions of Order No. 5169, except as that order is modified herein.

[F. R. Doc. 46-17093; Filed, Sept. 23, 1946; 8:53 a. m.]

[SO 133, Rev. Order 56]

DURO METAL PRODUCTS CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 56 under Supplementary Order No. 133 is redesignated Revised Order No. 56, and is hereby revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Supplementary Order No. 148, it is ordered:

(a) *Manufacturer's maximum prices.* The Duro Metal Products Company, 2649-59 North Kildare Avenue, Chicago, Illinois, may increase by no more than 15.8 per cent its current maximum prices (exclusive of any permitted increase or

adjustment) for sales of hand tools which it manufactures.

(b) *Maximum prices of purchasers for resale—(1) Wholesalers' maximum prices.* A purchaser for resale at wholesale of any of the articles covered by this order shall determine his maximum resale prices for such articles in accordance with the provisions of Order No. 5105 under Maximum Price Regulation No. 188.

(2) *Retailers' maximum prices.* A purchaser for resale at retail of any of the articles covered by this order shall determine his maximum resale prices for such articles in accordance with the provisions of Maximum Price Regulation No. 614.

(c) The provisions of Supplementary Order No. 153 shall not apply to any of the articles covered by this order.

This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 24th day of September 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING REVISED ORDER NO. 56 UNDER SUPPLEMENTARY ORDER NO. 133

The accompanying order revises Order No. 56 under Supplementary Order No. 133 which authorized an increase of no more than 8.3 per cent of its then current maximum prices for sales by Duro Metal Products Company, 2649-59 North Kildare Avenue, Chicago, Illinois, of certain hand tools which it manufactures. It authorizes an increase of no more than 15.8 per cent in current maximum prices (exclusive of any permitted increase or adjustment).

The reasons for the issuance of this order are the same as those contained in the opinion accompanying Order No. 56, and are, therefore, incorporated herein by reference. A further increase is necessary, and is being granted by this revised order because the manufacturer has experienced cost increases since the issuance of Order No. 56, which results in its still being in a loss position.

The order is revised instead of simply being amended by the substitution of one percentage figure for the other because since the issuance of Order No. 56, Order No. 5105 under Maximum Price Regulation No. 188 has been issued covering resales by purchasers for resale at wholesale and Maximum Price Regulation No. 614 has been issued covering resales by purchasers for resale at retail. The revised order, therefore, provides that purchasers for resale shall follow the provisions of the applicable one of the above, instead of the provisions concerning them in Order No. 56.

Since neither Order No. 5105, nor Maximum Price Regulation No. 614 require any absorption at distributive levels of the increase granted manufacturers that was not required at such levels on March 31, 1946, and since this revised order provides that sellers at these levels are governed by the applicable order or regulation, this revised order is in con-

formity with section 2 (t) of The Emergency Price Control Act of 1942, as amended, which provides: "In establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

[F. R. Doc. 46-17094; Filed, Sept. 23, 1946; 8:53 a. m.]

[RMPR 136, Amdt. 1 to Order 676]

**CONSTRUCTION AND ROAD MAINTENANCE
MACHINERY AND EQUIPMENT**

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

Order No. 676 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. Delete subdivision (2) of paragraph (d) and substitute therefor the following:

(2) If the manufacturer's base prices were approved by the OPA as "in-line" prices under section 9 (c) of Revised Maximum Price Regulation 136 subsequent to April 10, 1946, and prior to September 17, 1946, the maximum prices shall be the prices so approved, increased by 3.2%.

2. Delete subdivision (3) of paragraph (d) and substitute therefor the following:

(3) If the manufacturer's base prices were approved by the Office of Price Administration as "in-line" prices under section 9 (c) of Revised Maximum Price Regulation 136 subsequent to September 28, 1945 and prior to April 10, 1946, the maximum prices shall be the prices so approved, increased by 8.1%.

This amended order shall become effective September 23, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

**OPINION ACCOMPANYING AMENDMENT 1 TO
ORDER 676 UNDER REVISED MAXIMUM PRICE
REGULATION 136**

Order No. 676 under Revised Maximum Price Regulation 136, issued and effective September 17, 1946, authorized a 13.5% increase over base date sales prices for construction and road maintenance machinery and equipment. Since there were two previous increases for construction and road maintenance machinery and equipment, it was necessary to make separate provisions in the order authorizing lesser increases for products which were priced on an "in-line" basis at any time after the date of the first increase. The aim was, of course, to put all manufacturers at the same level insofar as increases are concerned. Subdivision (3) of paragraph (d) authorized manufacturers whose prices were "in-lined" after September 28, 1945, (the effective date

of Amendment 13 to Revised Maximum Price Regulation 136 authorizing the initial increase of 5%) and prior to April 10, 1946 (the effective date of Amendment 33 to Revised Maximum Price Regulation 136 authorizing the second increase of 5%) an increase of 8.5% over their "in-lined" prices. This figure is in error and is properly changed to 8.1%. Subdivision (2) of paragraph (d) authorized manufacturers whose prices were "in-lined" after April 10, 1946, and prior to September 17, 1945 (the effective date of Order No. 676) an increase of 3.5% over their "in-lined" prices. This figure is also in error and is properly changed to 3.2%. The substituted figures will accord to producers whose products have been priced on an "in-line" basis the same resultant increases as producers whose products have been priced on some other basis.

[F. R. Doc. 46-17283; Filed, Sept. 23, 1946; 11:34 a. m.]

[MPR 188, Order 6 to Order 14]

CLOCKS AND WATCHES

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order covers all sales by purchasers for resale of automobile clocks unless such clocks are sold as part of the original equipment in connection with the sale of automobiles. "Automobile clocks" for the purpose of this order means all clocks designed for use on or with, motor vehicles.

(b) Purchasers for resale of automobile clocks shall determine their maximum prices for resales of automobile clocks in accordance with the methods and procedures set forth in Maximum Price Regulation No. 452 or Maximum Price Regulation No. 453, whichever is applicable, for resellers of new automotive equipment.

(c) To the prices so determined, resellers of automobile clocks may add 17 percent in the case of spring-wound clocks; and 15 percent in the case of electric clocks.

This order shall become effective on the 28th day of September 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

**OPINION ACCOMPANYING ORDER NO. 6 UNDER
SECTION 14 OF ORDER NO. 14 UNDER SEC-
TION 1499.159E OF MAXIMUM PRICE REG-
ULATION NO. 188**

The accompanying order provides that purchasers for resale of automobile clocks shall determine their maximum prices for resales of such clocks in the same manner as is provided in Maximum Price Regulation Nos. 452 and 453 for resellers of automotive equipment. This order does not apply to automobile clocks when sold as original equipment

in connection with the sale of an automobile as such sales are governed by the provisions of Maximum Price Regulation No. 594.

Order No. 14 provides specific markups over manufacturers' prices for sales of household clocks. The markups set forth in Order No. 14 are based on average markups on household clocks, which are sold mostly through retail stores and mail order houses carrying a general line of merchandise, whereas automobile clocks, when used as replacement parts, are sold by automobile manufacturers and automotive equipment dealers. It was therefore considered necessary to make other provision in accordance with the authority of the order for sales of automobile clocks which are traditionally sold through distributive channels that do not handle household clocks.

The accompanying order preserves the historical distributive pattern that pertains to the sales of these clocks, instead of requiring that they be priced in accordance with household clocks.

[F. R. Doc. 46-17284; Filed, Sept. 23, 1946; 11:34 a. m.]

[RMPR 289, Revocation of Order 2]

DAIRY PRODUCTS

INDUSTRIAL CASEIN

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, and 9599, and in accordance with section 16 of Revised Maximum Price Regulation No. 289, *It is hereby ordered,*

That Order No. 2 issued under section 16 of Revised Maximum Price Regulation 289 is revoked.

This order shall become effective September 23, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER OF REVOCATION OF ORDER NO. 2 UNDER SECTION 16 OF REVISED MAXIMUM PRICE REGULATION NO. 289

Amendment No. 56 to Revised Maximum Price Regulation 289, which is being issued simultaneously with this Order, makes certain adjustments in the ceiling prices of industrial casein (inedible). There is no longer any necessity for an adjustable pricing order in reference to industrial casein and Order No. 2 is, therefore, being revoked.

[F. R. Doc. 46-17285; Filed, Sept. 23, 1946; 11:35 a. m.]

[MPR 580, Amdt. 4 to Order 8]

AMERICAN GIRL SHOE CO.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, amendment 4 to Order 8. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-785.

For the reasons set forth in the opinion issued simultaneously herewith, Order 8 issued under section 13 of Maximum Price Regulation 580 on application of American Girl Shoe Company, 210 Lincoln Street, Boston 11, Massachusetts, is amended in the following respect:

1. Paragraph (a) is amended to increase the uniform retail ceiling price established by the order for women's kid and goat skin shoes. The new cost-retail price line is as follows:

WOMEN'S SHOES

Wholesaler's unadjusted selling price	Retail ceiling price
\$3.95	\$6.75

This amendment shall become effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 4 TO ORDER NO. 8 UNDER MAXIMUM PRICE REGULATION NO. 580

The accompanying amendment to Order No. 8 issued to American Girl Shoe Company, 210 Lincoln Street, Boston 11, Massachusetts, under Section 13 of Maximum Price Regulation 580, increases the retail ceiling prices of women's shoes for which the manufacturer has received a price increase under Supplementary Order 162 and for which the applicant, as a wholesaler, has accordingly, recalculated its ceiling prices pursuant to Amendment 48 to Supplementary Regulation 14E.

[F. R. Doc. 46-17286; Filed, Sept. 23, 1946; 11:35 a. m.]

[MPR 594, Amdt. 8 to Order 12]

HUDSON MOTOR CAR Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 and 9b of Maximum Price Regulation 594, *It is ordered:*

Order 12 under Maximum Price Regulation 594 is amended in the following respects:

1. The narrative preceding subparagraph (1) of paragraph (a) is amended by adding the following: "The 4% discount shall not apply to any automobiles shipped or delivered from the factory prior to August 12, 1946. The 3.5% discount shall apply to 1946 model automobiles shipped or delivered from the factory prior to August 12, 1946."

2. Paragraph (a) (2) (i) is amended by adding the following tire options and applicable prices:

Description	Company net price to distributor	Distributor net price to dealer	List price
4-16 x 6.50 4 ply tires including large hub caps over 4-15 x 6.50 tires models 52 & 54.....	\$2.27	\$2.43	\$6.24
4-16 x 6.50 6 ply tires including large hub caps over 4-15 x 6.50 tires models 52 & 54.....	15.12	16.20	21.60

3. Paragraph (c) (2) is amended by adding the following at the end of the schedule:

These base amounts shall not apply to automobiles shipped or delivered from the factory prior to August 12, 1946. The list prices or base amounts (as the case may be) to be used in computing volume discounts and wholesale discounts on such automobiles shipped or delivered from the factory prior to August 12, 1946, shall be the list prices in paragraph (a) or the base amount in paragraph (c) whichever are applicable in Order No. 12 in effect at time of shipment of the automobile from the factory.

This amendment shall be effective September 24, 1946.

Issued this 23d day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 8 TO ORDER 12 UNDER MAXIMUM PRICE REGULATION 594

The amendment which the opinion accompanies authorizes maximum prices for two items of extra or optional equipment. These items are 16 x 6.50 4 ply and 6 ply tires instead of 15 x 6.50 4 ply tires. The maximum prices are consistent with the maximum prices authorized for other items of Hudson extra or optional equipment. The amendment also changes the wholesale discount and volume discount provisions by specifying that these provisions in amendment 7 to Order 12 are not retroactive.

[F. R. Doc. 46-17289; Filed, Sept. 23, 1946; 11:36 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following order under Revised General Order 51 was filed with the Division of the Federal Register on September 6, 1946.

Region V

Little Rock Order 19-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Arkansas and in Bowie County, Texas. Filed 10:54 a. m.

Copy of this order may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-17115; Filed, Sept. 23, 1946; 8:50 a. m.]

[Miami Order G-4 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN MIAMI, FLA., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-4 under General Order 68 is amended in the following respects:

1. Table 1 of Revised Order G-4 is amended by changing the maximum prices for the items set forth below to read as follows:

Item and Quantity	Price
Gypsum hard wall plaster, 100 lb. bag-	\$1.34
Finishing plaster, 100 lb. bag-----	1.79

2. A new footnote is added at the end of Table 1 of Revised Order G-4 to read as follows:

When standard cement brick are sold f. o. b. seller's yard deduct \$2.00 per thousand.

This amendment shall become effective September 10, 1946.

Issued this 9th day of September 1946.

BERNARD C. GOODWIN,
District Director.

OPINION ACCOMPANYING AMENDMENT 1 TO REVISED ORDERS G-3, G-4, G-5, G-6, G-7, G-8, G-9 AND G-16 UNDER GENERAL ORDER 68

The amendments accompanying this opinion are issued to reflect the increased ceiling prices for Gypsum Hard Wall Plaster and Finishing Plaster permitted under Amendment 61 to Order 1 under MPR 592.

In addition, these amendments correct various typographical errors appearing in the several orders.

[F. R. Doc. 46-17044; Filed Sept. 23, 1946; 8:50 a. m.]

[Miami Rev. Order G-5 Under Gen. Order 63, Amdt. 1]

HARD BUILDING MATERIALS IN MIAMI, FLA., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-5 under General Order 68 is amended in the following respects:

1. Table 1 of Revised Order G-5 is amended by changing the maximum prices for the items set forth below to read as follows:

Item and Quantity	Price
Gypsum hard wall plaster, 100 lb. bag-	\$1.44
Finishing plaster, 100 lb. bag-----	2.59

2. A new footnote is added at the end of Table 1 of Revised Order G-6 to read as follows:

When standard cement brick are sold f. o. b. seller's yard deduct \$2.00 per thousand.

This amendment shall become effective September 10, 1946.

Issued this 9th day of September, 1946.

BERNARD C. GOODWIN,
District Director.

OPINION ACCOMPANYING AMENDMENT 1 TO REVISED ORDERS G-3, G-4, G-5, G-6, G-7, G-8, G-9, AND G-16 UNDER GENERAL ORDER 68

The amendments accompanying this opinion are issued to reflect the increased ceiling prices for Gypsum Hard Wall Plaster and Finishing Plaster permitted under Amendment 61 to Order 1 under MPR 592.

In addition, these amendments correct various typographical errors appearing in the several orders.

[F. R. Doc. 46-17045; Filed, Sept. 23, 1946; 8:50 a. m.]

[Atlanta Order G-1 Under Gen. Order 68, Amdt. 3]

HARD BUILDING MATERIALS, FULTON, COBB, AND DE KALB COUNTIES, GA., AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Atlanta, Georgia, District Office, Region IV, of the Office of Price Administration, by General Order No. 68, issued by the Administrator of the Office of Price Administration in Region IV, Delegation Order 93, issued November 5, 1945, this amendment is hereby issued.

1. Section 1 is amended to read as follows:

SECTION 1. What this order covers. This order covers all "retail sales" by any seller of the commodities specified in Table I when sold to a purchaser whose place of business or receiving point for purpose of delivery is located in Fulton, Cobb, De Kalb, Rockdale, Henry, Clayton, Fayette, and Spalding Counties, Georgia. This order does not apply to sales made to any person who customarily resells more than 10% of his purchases of the commodities specified herein through "retail sales".

2. That sentence in section 7 which now reads in part as follows: "For any sale of \$50.00 or more each seller, regardless of previous custom, must keep records showing at least the following * * *" shall be amended by changing the foregoing wording to read: "For any sale of \$10.00 or more each seller, regardless of previous custom, must keep records showing at least the following * * *"

3. A new section designated as "Section 9" is added as follows:

"**SEC. 9. (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 No. 68, may increase their prices for the commodities in question.

(b) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You may do this, however, only if the effective date of the action increasing your supplier's maximum price is later than the date on the price list contained in Table I of this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase previously granted you by the amendment or order increasing your supplier's price. For the purposes of this section a provision is being added to Table I stating the date through which such table reflects all increases in your supplier's maximum price.

4. Table I is amended by changing the maximum prices of the items listed below from the prices now appearing in Table I to the prices listed below for such items:

TABLE I

	Maximum price
Section 6. Lime, hydrated (construction):	
1 to 3 sacks (50 lb. sack) per sack	\$0.80
1 barrel (4 sacks) and more per barrel	1.95
Section 7. Cement Portland (other than white):	
Per sack, 1 to 3 sacks, in paper	1.05
Per sack, 1 to 3 sacks, in paper at warehouse	.95
Per barrel, in paper (4 sacks)	3.25
8 lb. package, each	.30
158 bbls. in paper:	
F. o. b. job—per barrel	2.95
F. o. b. car—per barrel	2.80
158 bbls. in cloth:	
F. o. b. job—per barrel	3.20
F. o. b. car—per barrel	3.05
Sack allowance, cloth, when returned to mill by customer in good condition according to mill count and inspection, 10¢ each	
Section 8. Cement, hydraulic (Magnaolia or Vesuvius):	
Per sack, 1 to 3 sacks	.85
Per barrel (4 sacks) and more	2.95
210 bbls. in paper:	
F. o. b. job—per barrel	2.60
F. o. b. car—per barrel	2.50
210 bbls. in cloth:	
F. o. b. job—per barrel	2.85
F. o. b. car—per barrel	2.75
Mixed cars, with Portland Cement, add 15¢ per barrel	
Section 12. Lime, finishing:	
1 to 4 sacks (50 lb. sack) per sack	1.00
1 barrel (4 sacks) to 250 barrels per barrel	2.90
Section 13. Roll roofing, asphalt:	
90 lb. mineral surface, without fixtures, per roll (100 sq. ft.)	2.65
With fixtures, per roll (100 sq. ft.)	2.75
Section 14. Strip shingles, asphalt:	
3 in 1, 12" 210 lb. per sq. (100 sq. ft.)	5.90
1 1/2 heavy, 167 lb. per sq. (100 sq. ft.)	4.75
Section 15. Roll brick siding:	
Per square (100 sq. ft.)	3.95
Section 16. Asbestos siding:	
12" x 24" White, per sq. (100 sq. ft.)	8.40
12" x 24" Colored, per sq. (100 sq. ft.)	7.45
Section 18. Insulation cotton: flame proof:	
Vapor sealed backing, standard weights & lengths 1" per thousand sq. ft.	36.35
1 1/2" per thousand sq. ft.	46.85
2" per thousand sq. ft.	56.55
2 1/2" per thousand sq. ft.	65.95
3" per thousand sq. ft.	74.85
Section 19. Wall board, fibered and pulp 3/16" (except upon board):	
Less than bundle lots, per thousand sq. ft.	42.60
Full bundle prices established under GMPR.	
Section 21. Insulation board:	
1/2" up to 7,000 sq. ft. per thousand sq. ft.	53.75
7,000 to 28,000 sq. ft. per thousand sq. ft.	51.60
28,000 to 56,000 sq. ft. per thousand sq. ft.	49.45
Carload	48.40

5. The following sentence is added at the beginning of Table I: "The maximum prices provided herein reflect all increases in your supplier's maximum prices on any of the listed items through August 24, 1946, and you may not increase the prices listed in this table to reflect any increase in your supplier's maximum price which occurred prior to this date."

This amendment reflects the increases in maximum prices permitted by Supplementary Order No. 172 (Modification of Resellers' Maximum Prices Established Under General Order No. 68, Certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This amendment shall become effective as of August 24, 1946.

Issued: August 22, 1946.

THOMAS C. DICKSON,
Acting District Director.

OPINION ACCOMPANYING AMENDMENT 3 TO ORDERS G-1 AND G-2, AS AMENDED, UNDER GENERAL ORDER NO. 68

The above described amendments are issued for the following purposes:

(1) To provide that the order applies on sales to any purchaser whose place of business or point of delivery is located within the described territory rather than applying only to sales made by sellers whose places of business are located within the described territory. This change is made in order to obtain a uniformity of prices within the area covered by the order and the change is made after findings were made that the prices charged in the area by outside sellers are the same as or approximately the same as prices charged by sellers located inside the area.

(2) To change the requirements pertaining to the keeping of records so that on sales of \$10.00 or more the record keeping provisions apply rather than only on sales of \$50.00 or more. This was found necessary so that the records would be kept on smaller sales which in many instances formed parts of larger sales but were made by means of consecutive deliveries.

(3) To change maximum prices in order to reflect increases in suppliers' maximum prices which have occurred since the issuance of the regulation and to provide margins as required under the Price Control Extension Act of 1946.

(4) To insert a provision whereby sellers may automatically increase their maximum prices above the prices provided in the price list contained in the table to compensate for increases in their suppliers' maximum prices which are not reflected in the prices contained in such table. The date on which the table was amended to take care of all previous price increases is inserted in the table by means of this amendment, and it is clearly provided in the amendment that the trade may not set forth in the table because of any increase of maximum prices of suppliers previous to that date. This date will be changed from time to time as the prices therein are changed by appropriate amendment to reflect increases in the suppliers' maximum prices.

(5) To advise the trade that this amendment reflects the increases provided under Supplementary Order No. 172 and, therefore, the resellers may not increase their prices under that supplementary order above the prices provided in this table.

Except for the changes as above noted, necessitated by the enactment of the Price Control Extension Act of 1946, maximum prices provided herein were calculated in the manner described in the opinion accompanying the issuance of these orders.

Meetings were held with members of the industry and of the industry committee affected by this amendment and consideration was given to the advice obtained from the industry in this connection.

For the above reasons, it is the opinion of the Director that this amendment will comply with the applicable requirements of the law and will establish fair and equitable prices and otherwise effectuate the purposes of the applicable laws, regulations, and orders.

[F. R. Doc. 46-17049; Filed, Sept. 23, 1946; 8:59 a. m.]

[Birmingham Order G-5 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN DOTHAN, ALA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham District Office, Region IV, of the Office of Price Administration by General Order No. 68 and Regional Delegation Order No. 93, Order G-5 under General Order No. 68 is amended in the following respects:

1. Maximum prices set forth in Table I are amended to read as set forth in the attached revised Table I, which is incorporated into and made a part of the order.

2. This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers' Maximum Prices established under General Order 68 for certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

3. A new Section 4-A is added to read as follows:

SEC. 4-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 the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this

order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This Amendment No. 2 to Order G-5 under General Order 68 shall become effective September 12, 1946.

Issued this the 10th day of September 1946.

SAM J. WATKINS,
District Director.

REVISED TABLE I

Commodity and unit	Maximum price
Cement:	
Portland, 94 lb. paper bag-----	\$0.82
Keene's, 100 lb. paper bag-----	2.50
Masonry, 70 lb. paper bag-----	.72
Lime:	
Hydrated, 50 lb. bag-----	.56
Finishing, 50 lb. bag-----	.84
Plaster:	
Gypsum wallhard, 100 lb. bag-----	1.37
3/8" gypsum wallboard, 1,000 sq. ft.	43.00
3/16" pulp wallboard (excel. upsom), 1,000 sq. ft.-----	42.60
1/2" gyplap sheathing, 1,000 sq. ft.	40.00
1/2" insulation board, 1,000 sq. ft.	48.40
Insulation tile board 16" x 32", 1,000 sq. ft.-----	58.60
1/8" standard presdwood (cut pieces), sq. ft.-----	.09
1/8" standard presdwood, 1,000 sq. ft.-----	80.00
1/8" tempered presdwood, 1,000 sq. ft.-----	85.00
1/8" tempered presdwood (cut pieces), sq. ft.-----	.095
Asphalt roll roofing:	
105-lb. mineral surface (stag edge), roll-----	3.09
90-lb. mineral surface, roll-----	2.95
65-lb. smooth surface, roll-----	2.50
55-lb. smooth surface, roll-----	2.14
45-lb. smooth surface, roll-----	1.87
35-lb. smooth surface, roll-----	1.39
15- or 30-lb. asphalt felt, roll-----	2.84
Asphalt shingles:	
253-lb. individual, sq-----	7.34
210-lb. strip (12" thickbutt), sq--	6.43
167-lb. hex strip (11 1/2"), sq-----	5.24
Asphalt roll brick siding, roll-----	3.93
Asbestos cement siding 12"x24"--white, sq-----	8.03
Asbestos cement shingles—16"x16":	
Green, sq-----	10.35
Except green, sq-----	9.85
Mineral insulation—full thick batts, 1,000 sq ft-----	70.00
Sewer pipe:	
4" V. C. sewer pipe, linear ft-----	.228
6" V. C. sewer pipe, linear ft-----	.34
Terra-cotta products:	
8 1/2" x 8 1/2" T. C. flue lining, linear ft-----	.54
8 1/2" x 13" T. C. flue lining, linear ft.	.79
13" x 13" T. C. flue lining, linear ft.	1.04
8 1/2" x 17" T. C. flue lining, linear ft.	1.10
13" x 17" T. C. flue lining, linear ft.	1.45
6" x 6" T. C. thimbles, each-----	.56
6" x 12" T. C. thimbles, each-----	.85
6" x 9" T. C. thimbles, each-----	.68

DELIVERY: Unless otherwise indicated the above prices include delivery to all classes of customers to whom free delivery was made in March, 1942. To all classes of customers to whom free delivery was not made in March, 1942, and thereafter an additional charge for delivery may be made: *Provided*, That such charge does not exceed that made for the same type of delivery during March, 1942, and such charge is separately stated on the invoice, bill of sale or other billing.

TERMS: Terms are net cash except that customary discounts and/or differentials granted to particular classes of purchasers in March, 1942 shall be continued.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER G-5 UNDER GENERAL ORDER 68

The accompanying Amendment No. 2 to Order No. G-5 under General Order No. 68, which establishes area wide prices for retail sales of hard building materials in the Dothan, Alabama Trading Area is issued for the purpose of revising the maximum prices set forth in Table I to reflect recent increases in the retailer's cost of those items and to restore to the retailer profit margins in effect on March 31, 1946 in keeping with the provisions of the Price Control Extension Act of 1946.

The amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers' Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

The amendment also adds an additional section, designated Section 4-A, which provides a method of adjustment to reflect increase in supplier's maximum prices in accordance with the conditions set forth in this new section.

[F. R. Doc. 46-17051; Filed, Sept. 23, 1946; 9:00 a. m.]

[Birmingham Order G-6 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN GADSDEN, ALA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham District Office, Region IV, of the Office of Price Administration by General Order No. 68 and Regional Delegation Order No. 93, Order G-6 under General Order No. 68 is amended in the following respects:

1. Maximum prices set forth in Table I are amended to read as set forth in the attached Revised Table I, which is incorporated into and made a part of this order.

2. This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers' Maximum prices established under General Order 68 for certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

3. A new section 4-A is added to read as follows:

SEC. 4-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 order 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 the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This Amendment No. 2 to Order G-6 under General Order 68 shall become effective September 9, 1946.

Issued this the 5th day of September 1946.

SAM J. WATKINS,
District Director.

REVISED TABLE I

Commodity and unit	Maximum price
Cement:	
Portland, 94 lb. paper bag-----	\$0.82
White, 94 lb. paper bag-----	2.27
Keene's, 100 lb. paper bag-----	2.37
Masonry, 70 lb. paper bag-----	.72
Lime:	
Hydrated, 50 lb. bag-----	.56
Finishing, 50 lb. bag-----	.84
Plaster:	
Gypsum wallhard, 100 lb. bag-----	1.22
Gauging or moulding, 100 lb. bag--	1.62
3/8" gypsum lath, 1,000 sq. ft-----	29.25
3/8" gypsum wallboard, 1,000 sq. ft--	40.00
1/2" gypsum wallboard, 1,000 sq. ft--	45.00
Asphalt roll roofing:	
90 lb. mineral surface, roll-----	2.82
55 lb. smooth surface, roll-----	2.03
45 lb. smooth surface, roll-----	1.76
Roofing asphalt, ton-----	35.00
15 or 30 lb. asphalt felt, roll-----	2.61
Asphalt shingles:	
210 lb. strip (12" thickbutt), sq----	5.90
138 lb. individual recover, sq-----	4.81
Asphalt roll brick siding, roll-----	4.02
3/4 lb. deadening felt, roll-----	2.50
20 lb. building paper, roll-----	1.00
Asbestos cement siding—12" x 24" white, sq-----	8.40
Sand:	
Sand, cubic yard-----	4.50
Terra cotta products:	
8 1/2" x 8 1/2" T. C. flue lining, lin. ft--	.48
8 1/2" x 13" T. C. flue lining, lin. ft---	.71
13" x 13" T. C. flue lining, lin. ft---	.86

DELIVERY: Unless otherwise indicated the above prices include delivery to all classes of customers to whom free delivery was made in March, 1942. To all classes of customers to whom free delivery was not made in March, 1942 and thereafter an additional charge for delivery may be made: *Provided*, That such charge does not exceed that made for the same type of delivery during March, 1942, and such charge is separately stated on the invoice, bill of sale or other billing.

TERMS: Terms are net cash except that customary discounts and/or differentials granted to particular classes of purchasers in March, 1942 shall be continued.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER G-6 UNDER GENERAL ORDER 68

The accompanying Amendment No. 2 to Order No. G-6 under General Order No. 68, which establishes area wide prices for retail sales of hard building materials in the Gadsden, Alabama, Trading Area

is issued for the purpose of revising the maximum prices set forth in Table I to reflect recent increases in the retailer's cost of those items and to restore to the retailer profit margins in effect on March 31, 1946 in keeping with the provisions of the Price Control Extension Act of 1946.

The amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

The amendment also adds an additional section, designated Section 4-A, which provides a method of adjustment to reflect increase in supplier's maximum prices in accordance with the conditions set forth in this new section.

[F. R. Doc. 46-17050; Filed, Sept. 23, 1946; 9:02 a. m.]

[Miami Rev. Order G-14 Under Gen. Order 68]

HARD BUILDING MATERIALS IN MIAMI, FLA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in Hernando, Pasco, Pinellas, Sarasota and Manatee Counties, Florida.

SEC. 2. Definition of retail sales. For the purposes of this order, a retail sale means a sale to an ultimate user, or to a purchaser for resale on an installed basis.

SEC. 3. Description of items covered by this order. This order covers the commodities set forth in the annexed price table.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall apply to sales covered by this order. This order reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this order supersedes that supplementary order, and the maximum prices established by this order cannot be increased under that supplementary order.

SEC. 5. Maximum prices. The maximum prices for the building materials covered by this order are set forth in

Table 1 which is annexed to and made a part of 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 of his places of business in Hernando, Pasco, Pinellas, Sarasota and Manatee Counties in a manner plainly visible to all purchasers.

SEC. 7. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer, such seller regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least 6 months after delivery a duplicate copy of each slip delivered by him pursuant to this section. Each such seller shall also keep at least such records of each sale as he customarily kept. For any sale of \$50.00 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.

SEC. 8. Adjustment to reflect increase in suppliers 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 the 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. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

Issued this 22d day of August 1946.

BERNARD C. GOODWIN,
District Director.

TABLE 1

READY MIXED CONCRETE

The maximum prices for sales of ready-mixed concrete delivered to a job site within a five mile radius of the seller's plant shall

be as follows:¹ \$12.90 per cubic yard of five bag mix.

An additional 15¢ per cubic yard per mile may be charged for deliveries beyond a five mile radius of the seller's plant.

An additional \$.84 per bag of cement per cubic yard may be charged for ready mixed concrete containing more than 5 bags of cement per cubic yard and 84¢ per bag of cement per cubic yard must be deducted for ready-mixed concrete containing less than 5 bags of cement per cubic yard.

An additional \$1.50 per cubic yard may be charged for sales of less than two cubic yards.

An additional \$2.00 per cubic yard may be added for installing the concrete in place with a chute.

An additional \$1.00 per cubic yard may be added for concrete treated with a waterproofing additive.

An amount computed at the rate of \$4.00 per hour may be added on deliveries requiring a waiting time of more than twenty (20) minutes.

OPINION ACCOMPANYING REVISED ORDERS G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15 AND ORDER G-16

Under General Order No. 68, as amended, the Price Administrator may, and each Regional Administrator of the Office of Price Administration and any District Director who may be authorized by the appropriate Regional Administrator is authorized to issue and put into effect orders establishing maximum prices, applicable to a particular community or defined area, for sales of commodities under the jurisdiction of the Building Materials and Construction Price Branch by all persons to ultimate users or to purchasers for resale on an installed basis.

This authority has been delegated to the Director of the Miami District Office by the Regional Administrator of Region IV, by Regional Delegation Order No. 93, as amended.

Acting pursuant to said General Order 68, as amended, and to Regional Delegation Order No. 93, the District Director of the Miami District Office has heretofore issued orders numbered G-13 through G-15. These orders established ceiling prices for the listed hard building materials and covered most of the area comprising the Miami District.

General Order 68 provides the following standards to be applied to orders issued under that general order: (1) Maximum prices shall be set forth in dollars-and-cents unless this shall clearly appear impractical or inappropriate; and (2) maximum prices thus set forth shall not exceed the general level of prices as fixed by the regulation which would otherwise be applicable.

In accordance with the first of the above described standards, prices established in the above mentioned orders are specific dollars-and-cents prices applicable to sales in various quantities.

In determining the appropriate prices for inclusion in the orders the Director of the Miami District Office surveyed the prices charged by the principal suppliers in the stated areas. Prices charged currently and in March 1942, for each item in each quantity bracket as well as discount terms, delivery practices and other conditions of sale were obtained. The

¹All prices are subject to the customary quantity and trade differentials in effect during March 1942.

prices obtained were first studied in order to ascertain that amount of differentiation as to types of sellers, types of purchasers and quantity of sales that should be recognized in the orders to prevent substantial hardship and to avoid marked increases and which could be based on definite and recognizable objective characteristics apparent at the time of the sale. The data for each selected grouping was next set forth in an array and where possible a quasi-modal price based on prices weighted on the over-all sales volumes of the sellers studied and covering 60-65% of the volume of sales was chosen as the ceiling prices for the particular commodity. In those cases where the modal price was not appropriate or where it was impossible of ascertainment a bulkline price covering 60-65% of the sales was selected. By the use of these statistical methods it was apparent that in general the prices established did not exceed the level of prices as fixed by the regulation which otherwise would have been applicable nor was any substantial reduction made in the current legal maximum prices of any important group of sellers.

Aside from correcting certain minor errors found in the orders numbered G-3 through G-15, the issuance of the Revised Orders accompanying this opinion is intended to accomplish two objectives. In the first place the minor revisions in the areas covered under the revised orders numbered G-3 through G-15 together with the issuance of Order G-16, complete the coverage of the entire area comprising the Miami District. Thus, dollars-and-cents ceiling prices for the listed hard building materials are now established for the entire area commonly known as South Florida or Peninsular Florida. In the second place the issuance of the accompanying orders is intended to, and apparently does, remove the absorption of certain costs heretofore required of dealers and arising because of increased manufacturer's ceilings subsequent to March 31, 1946. Further, in accordance with the provisions of Section 2 (t) of the Emergency Price Control Act of 1942, as amended, the revised orders now make specific provisions regarding increased costs accruing to the affected sellers.

This action has been discussed with members of the trade at informal meetings with representative dealers and all suggestions and recommendations offered by the trade have been considered and have been incorporated into this order to the extent that these suggestions were consistent with the provisions of General Order No. 68 and the Emergency Price Control Act of 1942, as amended.

All provisions of these orders and their effect upon business practices, cost practices, or methods or means or aids to distribution in the industry have been carefully considered by the District Director of the Miami District Office. No provisions which might have the effect of requiring a change in such practices, methods, means or aids established in the industry have been included in the new regulations unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regula-

tion or of the Emergency Price Control Act of 1942, as amended. To the extent that provisions of the orders compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry, such provisions have been found necessary to prevent circumvention or evasion of the regulation or act.

[F. R. Doc. 46-17052; Filed, Sept. 23, 1946; 8:59 a. m.]

[Miami Rev. Order G-3 Under General Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN MIAMI, FLA., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-3 under General Order 68 is amended in the following respects:

1. Table 1 of Revised Order G-3 is amended by changing the maximum prices for the items set forth below to read as follows:

Item and quantity	Price
Gypsum hard wall plaster, 100-lb. bag	\$1.09
Finishing plaster, 100-lb. bag	1.69

2. A new footnote is added at the end of Table 1 of Revised Order G-3 to read as follows:

When standard concrete brick are sold f. o. b. seller's yard deduct \$2.00 per thousand.

This amendment shall become effective September 10, 1946.

Issued this 9th day of September 1946.

BERNARD C. GOODWIN,
District Director.

OPINION ACCOMPANYING AMENDMENT 1 TO REVISED ORDERS G-3, G-4, G-5, G-6, G-7, G-8, G-9 AND G-16 UNDER GENERAL ORDER 68

The amendments accompanying this opinion are issued to reflect the increased ceiling prices for Gypsum Hard Wall Plaster and Finishing Plaster permitted under Amendment 61 to Order 1 under MPR 592.

In addition, these amendments correct various typographical errors appearing in the several orders.

[F. R. Doc. 46-17043; Filed, Sept. 23, 1946; 8:50 a. m.]

[Nashville Order G-3 Under Gen. Order 68, Amdt. 2]

HARDWARE BUILDING MATERIALS IN CHATTANOOGA, TENN., TRADE AREA

For the reasons set forth in the accompanying opinion under the authority vested in the District Director of the Nashville, Tennessee, District Office, Region IV, of the Office of Price Administration and by Delegation Order No. 93, issued November 5, 1945, by the Regional Administrator, Region IV, it is hereby ordered:

That Order No. G-3 under General Order No. 68 is amended in the following respects:

Appendix A, as amended, to Area Pricing Order No. G-3, as amended August 15, 1946, is further amended by having

Group 3 of the aforementioned Appendix A, which is headed Sand amended to read as follows:

Sand	
Tennessee River:	Ton
Concrete Sand, LCL, yard.....	\$2.75
Concrete Sand, C/L, f. o. b. siding--	1.95
Durden Sand, LCL, yard.....	3.50
Durden Sand, C/L, f. o. b. siding----	2.45
Monteagle Sand, LCL, yard.....	4.00
Monteagle Sand, C/L, f. o. b. siding--	2.90
S. Georgia Sand, LCL, yard.....	4.50
S. Georgia Sand, C/L, f. o. b. siding--	3.35

And Group 4 of Appendix A, headed Plaster and Plaster Products, is amended in the following respect:

Plaster and Plaster Products

Gypsum Wall Plaster (Not less than car-load lots at the yard), \$20.50 per ton.

This Amendment to Order No. G-3 under General Order No. 68 shall become effective September 5, 1946.

Issued this 11th day of September 1946.

CARSON VAUGHAN,
District Director.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER G-3 UNDER GENERAL ORDER NO. 68

Pursuant to the authority and provisions set out in General Order No. 68, this amendment to Order G-3 is issued for the "Chattanooga, Tennessee, Trade Area."

In view of the fact that an incorrect quotation had been given for the items listed in the accompanying amendment, in Appendix A to Order No. G-3 under General Order No. 68, it was necessary to issue the accompanying Amendment setting out the correct prices for the items heretofore incorrectly stated.

The prices established in Amendment No. 2 to Order G-3 under General Order No. 68 are generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

[F. R. Doc. 46-17055; Filed, Sept. 23, 1946; 8:53 a. m.]

[Miami Rev. Order G-3 Under Gen. Order 68] HARD BUILDING MATERIALS IN MIAMI, FLA.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the counties of Dade and Broward, in the State of Florida.

SEC. 2. Definition of retail sales. For the purposes of this order, a retail sale means a sale to an ultimate user, or to a purchaser for resale on an installed basis.

SEC. 3. Description of items covered by this order. This order covers the commodities set forth in the annexed price table.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other

regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall apply to sales covered by this order. This order reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this order supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

SEC. 5. Maximum prices. The maximum prices for the building materials covered by this order are set forth in Table 1 which is annexed to and made a part of 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 of his places of business in Dade and Broward Counties in a manner plainly visible to all purchasers.

SEC. 7. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer, such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least 6 months after delivery a duplicate copy of each sale slip delivered by him pursuant to this section. Each such seller shall also keep at least such records of each sale as he customarily kept. For any sale of \$50.00 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.

SEC. 8. Adjustment to reflect increase in suppliers 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 the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

SEC. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

Issued this 22d day of August 1946.
BERNARD C. GOODWIN,
District Director.

TABLE 1

Item and quantity	Price ¹
Portland cement, 94-lb. bag.....	\$0.85
Keene's cement, 100-lb. bag.....	2.65
Mortar mix, 70-lb. bag.....	.78
Common red brick, 1,000.....	36.00
Standard concrete brick, 1,000....	16.50
Hydrated lime, 50-lb. bag.....	.60
Finishing lime, 50-lb. bag.....	.75
Gypsum hard wall plaster, 100-lb. bag.....	1.05
Finishing plaster, 100-lb. bag.....	1.65
3/8" gypsum rock lath, 1,000 sq. ft..	25.40
3/8" gypsum wall board, 1,000 sq. ft..	45.15
Std. presdwood 4' x 12' x 1/2", 1,000 sq. ft.....	70.25
Std. presdwood 4' x 12' x 3/16", 1,000 sq. ft.....	90.35
Std. presdwood 4' x 12' x 1/4", 1,000 sq. ft.....	115.45
Tempered presdwood 4' x 12' x 1/2", 1,000 sq. ft.....	90.25
Tempered presdwood 4' x 12' x 3/16", 1,000 sq. ft.....	115.35
Tempered presdwood 4' x 12' x 1/4", 1,000 sq. ft.....	135.45
16 x 16 asb. hex shingles, square ² ..	11.55
16 x 16 asb. dutch lap shingles, square.....	12.20
12 x 24 asb. siding, square.....	9.45
210 pound 12" asphalt strip shingles square.....	7.95
90 pound roll mineral roofing, roll..	2.70
15 pound and 30 pound asphalt felt, roll.....	2.60
Roofers asphalt, 100 lb.....	2.30
Grade A concrete blocks: A. S. T. M. C 90-44:	
8 x 8 x 16 regular, each.....	.16
8 x 12 x 16 regular, each.....	.24 1/2
4 x 8 x 16 regular, each.....	.10 1/4
8 x 8 x 16 (corner and jamb), each.....	.16
8 x 12 x 16 (corner and jamb), each.....	.24 1/2
8 x 8 x 8 (sgle corner and half jamb), each.....	.10 1/4
8 x 4 x 16 partition, each.....	.10 1/4
8 x 3 x 16 partition, each.....	.10 1/4
Grade B concrete blocks: A. S. T. M. C 90-44:	
8 x 8 x 16 regular, each.....	.15
8 x 12 x 16 regular, each.....	.23
4 x 8 x 16 regular, each.....	.09 3/4
8 x 8 x 16 (corner and jamb), each.....	.15
8 x 12 x 16 (corner and jamb), each.....	.23
8 x 8 x 8 (sgle. corner and half jamb), each.....	.09 3/4
8 x 4 x 16 partition, each.....	.09 3/4
8 x 3 x 16 partition, each.....	.09 3/4
Concrete rock (minus 1 1/2" plus 1/4"), cubic yard.....	2.00
Pea rock (minus 3/8" plus #4), cubic yard.....	2.35
Rice rock or chats (minus 3/8" plus #4), cubic yard.....	2.75
Rock screenings (minus 3/8"), cubic yard.....	1.75
Mason sand (minus 1/8"), cubic yard.....	1.75
Pit rock grade #1, cubic yard....	1.65
Pit rock grade #2, cubic yard.....	1.55

¹ All prices listed below include free delivery to the job site within the area covered by this order. All prices are subject to a 2 percent cash discount, and customary quantity and other trade differentials in effect during March 1942.

² A square is defined as a quantity of asphalt or tarred roofing products sufficient

to cover 100 sq. ft. of surface when applied in the customary trade manner.

² If concrete blocks are sold f. o. b. seller's yard, the prices listed shall be reduced \$0.025 for the 8 x 12 x 16 block, \$0.02 for the 8 x 8 x 16 block, and \$0.01 for all other sizes listed.

⁴ These prices include delivery within the seller's March 1942 delivery zone.

OPINION ACCOMPANYING REVISED ORDERS G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, AND ORDER NO. G-16

Under General Order No. 68, as amended, the Price Administrator may, and each Regional Administrator of the Office of Price Administration and any District Director who may be authorized by the appropriate Regional Administrator is authorized to issue and put into effect orders establishing maximum prices, applicable to a particular community or defined area, for sales of commodities under the jurisdiction of the Building Materials and Construction Price Branch by all persons to ultimate users or to purchasers for resale on an installed basis.

This authority has been delegated to the Director of the Miami District Office by the Regional Administrator of Region IV, by Regional Delegation Order No. 93, as amended.

Acting pursuant to said General Order 68, as amended, and to Regional Delegation Order No. 93, the District Director of the Miami District Office has heretofore issued orders numbered G-13 through G-15. These orders established ceiling prices for the listed hard building materials and covered most of the area comprising the Miami District.

General Order 68 provides the following standards to be applied to orders issued under that general order: (1) Maximum prices shall be set forth in dollars-and-cents unless this shall clearly appear impractical or inappropriate; and (2) maximum prices thus set forth shall not exceed the general level of prices as fixed by the regulation which would otherwise be applicable.

In accordance with the first of the above described standards, prices established in the above mentioned orders are specific dollars-and-cents prices applicable to sales in various quantities.

In determining the appropriate prices for inclusion in the orders the Director of the Miami District Office surveyed the prices charged by the principal suppliers in the stated areas. Prices charged currently and in March 1942, for each item in each quantity bracket as well as discount terms, delivery practices and other conditions of sale were obtained. The prices obtained were first studied in order to ascertain that amount of differentiation as to types of sellers, types of purchasers and quantity of sales that should be recognized in the orders to prevent substantial hardship and to avoid marked increases and which could be based on definite and recognizable objective characteristics apparent at the time of the sale. The data for each selected grouping was next set forth in an array and where possible a quasi-modal price based on prices weighted on the over-all sales volumes of the sellers studied and covering 60-65%

of the volume of sales was chosen as the ceiling prices for the particular commodity. In those cases where the modal price was not appropriate or where it was impossible of ascertainment a bulk-line price covering 60-65% of the sales was selected. By the use of these statistical methods it was apparent that in general the prices established did not exceed the level of prices as fixed by the regulation which otherwise would have been applicable nor was any substantial reduction made in the current legal maximum prices of any important group of sellers.

Aside from correcting certain minor errors found in the orders numbered G-3 through G-15, the issuance of the revised orders accompanying this opinion is intended to accomplish two objectives. In the first place the minor revisions in the areas covered under the revised orders numbered G-3 through G-15 together with the issuance of Order G-16, complete the coverage of the entire area comprising the Miami District. Thus, dollars-and-cents ceiling prices for the listed hard building materials are now established for the entire area commonly known as South Florida or Peninsular Florida. In the second place the issuance of the accompanying orders is intended to, and apparently does, remove the absorption of certain costs heretofore required of dealers and arising because of increased manufacturer's ceilings subsequent to March 31, 1946. Further, in accordance with the provisions of Section 2 (t) of the Emergency Price Control Act of 1942, as amended, the revised orders now make specific provisions regarding increased costs accruing to the affected sellers.

This action has been discussed with members of the trade at informal meetings with representative dealers and all suggestions and recommendations offered by the trade have been considered and have been incorporated into this order to the extent that these suggestions were consistent with the provisions of General Order No. 68 and the Emergency Price Control Act of 1942, as amended.

All provisions of these orders and their effect upon business practices, cost practices, or methods or means or aids to distribution in the industry have been carefully considered by the District Director of the Miami District Office. No provisions which might have the effect of requiring a change in such practices, methods, means or aids established in the industry have been included in the new regulations unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation or of the Emergency Price Control Act of 1942, as amended. To the extent that provisions of the orders compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry, such provisions have been found necessary to prevent circumvention or evasion of the regulation or act.

[F. R. Doc. 46-17059; Filed, Sept. 23, 1946; 8:54 a. m.]

[New Orleans 2d Rev. Order 1 Under Gen. Order 68]

BUILDING MATERIALS IN ORLEANS, JEFFERSON, AND ST. BERNARD PARISHES, LA.

Revised Order No. 1 under General Order No. 68 is redesignated as Second Revised Order No. 1 under General Order No. 68 and is revised to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68 and Regional Order of Delegation No. 126, it is hereby ordered:

SECTION I. What this order does. This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A of this order when such sales are made in Orleans, Jefferson, and St. Bernard Parishes, Louisiana.

SEC. II. Definition of retail sales. The term retail sale as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

SEC. III. Maximum prices. Maximum prices for commodities subject to this order are those set forth in Appendix A, which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. The relation of this order to other regulations. The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities covered by this order.

SEC. V. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. Invoices and notification. Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in free delivery zone, or delivered outside free delivery zone.
6. If delivery is made outside the seller's free delivery zone, the amount of any delivery charges made stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.
8. A separate statement of any amount added for the extension of credit.

Sec. VII. Adjustment to reflect increase in suppliers 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 the amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your supplier's 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. VIII. What this order prohibits. Regardless of any contract or obligation no person shall:

(1) Sell, or in the course of trade or business buy, building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by:

(i) Making a charge for delivery of building material items delivered within the free delivery zone hereinafter defined;

(ii) Making a charge for delivery outside the free delivery zone in excess of that permitted by this order;

(iii) Making a charge higher than this order authorizes for the extension of credit;

(iv) Failure to give the discounts required by this order for prompt payment;

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

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

SEC. IX. Enforcement. (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suits 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 New Orleans District Office of the Office of Price Administration.

SEC. X. Building materials not covered by this order. There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable Maximum Price Regulation. The items, specifications and prices for quantity differentials not specifically priced in this order shall remain subject to the General Maximum

Price Regulation (except when such sales are made by manufacturers and are subject to other Maximum Price Regulations). Sellers who are in doubt as to the regulation applicable to such building materials should consult the New Orleans District Office of the Office of Price Administration.

SEC. XI. The discounts, the free delivery zone and the charges for delivery outside the free zone and additions for the extension of credit and sales taxes are specified and defined in Appendix A of this order.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 548, 79th Cong.; E. O. 9250, 7 F. R. 7871; and E. O. 9328, 8 F. R. 4681)

Issued at New Orleans, Louisiana, this 21st day of August 1946.

A. L. STOSSELL, Jr.,
Acting District Director.

APPENDIX A

Maximum prices for sales of certain building materials when such sales are made in Orleans, Jefferson, and St. Bernard Parishes, Louisiana, when sold to ultimate users or to building contractors who will resell the same on an installed basis.

The following are maximum prices, before any discounts are applied for the commodities, units and types of sales specified. Required discounts are defined following this schedule.

Categories and items and selling unit	Maximum prices for all sales delivered in free delivery zone
Plaster. Price includes 15¢ deposit per bag, if in cloth bags:	
Hardwall ((20) 100 lb. paper bags), ton	\$25.95
Gauging, ton	31.85
Mouling and finish ((20) 100 lb. paper bags), ton	31.85
Keene's cement ((20) 100 lb. paper bags), ton	41.30
Lime:	
Finishing, 50 lb. bag	.92
Common lump, 180 lb. bbl. or drum	3.92
Mason's hydrated ((4) 50 lb., paper bags), 200 lb. bbl.	2.52
Metal lath:	
2.2 lb. painted diamond mesh, sq. yd.	.24
2.5 lb. painted diamond mesh, sq. yd.	.286
3.0 lb. painted diamond mesh, sq. yd.	.27
3.4 lb. painted diamond mesh, sq. yd.	.341
3.0 lb. 3/8" painted rib lath, sq. yd.	.34
3.4 lb. 3/8" painted rib lath, sq. yd.	.406
4.0 lb. 3/8" painted rib lath, sq. yd.	.448
2.2 lb. diamond mesh copper bearing, sq. yd.	.25
2.5 lb. diamond mesh copper bearing, sq. yd.	.297
3.0 lb. diamond mesh copper bearing, sq. yd.	.28
3.4 lb. diamond mesh copper bearing, sq. yd.	.364
3.0 lb. 3/8" copper bearing rib, sq. yd.	.35
3.4 lb. 3/8" copper bearing rib, sq. yd.	.429

Categories and items and selling unit	Maximum prices for all sales delivered in free delivery zone
Metal lath—Continued.	
4.0 lb. 3/8" copper bearing rib, sq. yd.	\$0.471
2.2 lb. galvanized diamond mesh, sq. yd.	.27
2.5 lb. galvanized diamond mesh, sq. yd.	.319
3.4 lb. galvanized diamond mesh, sq. yd.	.411
3.4 lb. 3/8" galvanized rib lath, sq. yd.	.464
3.0 lb. 1/8" painted rib lath, sq. yd.	.33
3.4 lb. 1/8" painted rib lath, sq. yd.	.406
3.0 lb. 1/8" copper bearing rib, sq. yd.	.35
3.4 lb. 1/8" copper bearing rib, sq. yd.	.417
Cement, Price includes 10¢ deposit per bag, if in cloth bags:	
Portland cement ((4) 94 lb. paper bags), 376 lb. bbl.	3.34
Portland cement ((4) 94 lb. cloth bags), 376 lb. bbl.	3.61
Mortar, masonry or lime, 67 lb. bag	.835
Waterproof cement, white, 94 lb. bag	2.91
Magnolia or slag cement ((4) 80 lb. paper bags), 320 lb. bbl.	3.34
Magnolia or slag cement ((4) 80 lb. cloth bags), 320 lb. bbl.	3.61
Incor cement ((4) 94 lb. paper bags), 376 lb. bbl.	4.44
Magnolia Mason's mix ((4) 62 1/2 lb. paper bags), 250 lb. bbl.	3.34
Brick:	
Common brick 1,000	26.53
Hollow building tile:	
2' x 12' x 12' partition, 1,000	131.67
3' x 12' x 12' partition, 1,000	131.67
4' x 12' x 12' partition, 1,000	138.03
6' x 12' x 12' partition, 1,000	188.94
8' x 12' x 12' partition, 1,000	261.14
10' x 12' x 12' partition, 1,000	356.27
12' x 12' x 12' partition, 1,000	428.59
2' x 12' x 12' split furring, 1,000	79.25
8' x 5' x 12' back up 2 or 3 cell, 1,000	138.03
4' x 5' x 12' back up 1 cell, 1,000	79.25
4' x 12' x 12' load bearing, 1,000	185.91
6' x 12' x 12' load bearing, 1,000	260.00
8' x 12' x 12' load bearing, 1,000	280.41
10' x 12' x 12' load bearing, 1,000	411.89
12' x 12' x 12' load bearing, 1,000	485.91
Interlocking tile and fittings, 8' x 6 1/4' x 12', 1,000	138.03
Closure blocks—1/4 price of 1 whole tile; starters and corners—1/4 price of 1 whole tile; bonders—3/4 price of 1 whole tile; 6 1/4 utility blocks—1/2 price of 1 whole tile.	
Wallboard:	
1/2" gypsum wallboard, 1,000 sq. ft.	62.50
3/8" gypsum wallboard, 1,000 sq. ft.	56.25
3/8" plain or perforated gypsum lath, 1,000 sq. ft.	35.17
1/2" gypsum sheathing, 1,000 sq. ft.	50.00
1/2" gypsum sheathing, water repellent, triple seal, 1,000 sq. ft.	59.37
1" gypsum siding, 1,000 sq. ft.	137.50
1" gypsum siding triple seal, 1,000 sq. ft.	143.75
1" gypsum roof sheathing, 1,000 sq. ft.	137.50

Categories and items and selling unit	Maximum prices for all sales delivered in free delivery zone
Wallboard—Continued.	
1" gypsum special roof unit, 1,000 sq. ft.	\$143.75
1½" gypsum roof unit, 1,000 sq. ft.	187.50
2" gypsum roof unit, 1,000 sq. ft.	262.50
1½" gypsum partition panel, 1,000 sq. ft.	200.00
½" insulation board 4' x 7', 8', 9', 10' and 12', 1,000 sq. ft.	63.16
¾" T and G asphalt coated sheathing, 1,000 sq. ft.	97.50
½" Square edge asphalt coated sheathing, 1,000 sq. ft.	61.25
¾" and ½" insulation board 4' x 6', 7', 9', 10' and 12', 1,000 sq. ft.	47.03
½" insulation plaster base 18" x 48", 1,000 sq. ft.	63.16
½" insulation decorative tiles, 12" x 12", 12" x 24", 16" x 16", 1,000 sq. ft.	82.54
½" insulation decorative tiles, 16" x 32", 1,000 sq. ft.	73.22
½" insulation planks (all sizes), 1,000 sq. ft.	82.54
⅝" untempered hard board 4' wide x 2', 3' and 4', 1,000 sq. ft.	62.50
¾" untempered hard board 4' wide x 6', 8', 9', 10' and 12', 1,000 sq. ft.	81.25
⅝" tempered hard board 4' wide x 2', 3' and 4', 1,000 sq. ft.	87.50
¾" tempered hard board 4' wide x 6', 8', 9', 10' and 12', 1,000 sq. ft.	100.00
⅝" untempered hard board 4' wide x 6', 7', 9', 10' and 12', 1,000 sq. ft.	100.00
¾" tempered hard board 4' wide x 6', 7', 8', 9', 10' and 12', 1,000 sq. ft.	118.75
¼" untempered hard board 4' x 12', 1,000 sq. ft.	137.50
¼" tempered hard board 4' x 12', 1,000 sq. ft.	156.25
Roofing:	
Asphalt roofing, 90 lb. mineral surface, roll	2.73
1 ply, 35 lb. per roll, roll	1.27
2 ply, 45 lb. per roll, roll	1.44
3 ply, 55 lb. per roll, roll	1.89
Vitrified clay sewer pipe:	
4" pipe 2' lengths, linear foot	.226
6" pipe 2' lengths, linear foot	.34
8" pipe 3' lengths, linear foot	.566
10" pipe 3' lengths, linear foot	.79
12" pipe 3' lengths, linear foot	1.02
15" pipe 3' lengths, linear foot	2.094
18" pipe 3' lengths, linear foot	2.92
21" pipe 3' lengths, linear foot	3.916
24" pipe 3' lengths, linear foot	5.026
4" T's, Y's, curves and ells, each	1.02
6" T's, Y's, curves and ells, each	1.53
8" T's and Y's 3', each	3.09
8" Curves and ells, each	2.83
10" T's and Y's 3', each	4.335
10" Curves and ells, each	3.95
Masonite:	
Presdwood, 4' x 6', 7', 8', 9', 10', 12', x ½", 1,000 sq. ft.	78.00
Presdwood, 4' x 6', 7', 8', 9', 10', 12' x ¾", 1,000 sq. ft.	96.00
Presdwood, 4' x 12' x ¼", 1,000 sq. ft.	132.00
Tempered presdwood, 4' x 6', 7', 8', 9', 10', 12' x ½", 1,000 sq. ft.	96.00
Tempered presdwood, 4' x 6', 7', 8', 9', 10', 12' x ¾", 1,000 sq. ft.	114.00
Tempered presdwood, 4' x 12' x ¼", 1,000 sq. ft.	150.00

¹ See paragraph (b).

The maximum prices hereinabove established are subject to the following:

(b) *Discounts.* A discount of 7% for cash within 10 days, from date of sale, and 5%

for cash by the 15th of the following month, proximo, from the date of sale, shall be applied to the listed maximum prices of all the items of building materials priced in the above schedule, except those prices which are preceded by a superior numeral 1. On item Asphalt Roofing, 90 lb., Mineral Surface, the only discount to be applied is 2% for cash within 10 days from date of sale. In addition, all customary discounts and allowances, such as contractors' discounts, and discounts for pickup by the customer, must be continued as required by the Maximum Price Regulations which were controlling for these commodities prior to the issuance of this order.

(c) The free delivery zone applicable to all items in the above schedule shall be defined as including all points within a radius of 10 miles from the place from which delivery is made, and all points within the following boundaries:

On the North, Lake Pontchartrain; on the South, Mississippi River; on the West, the shortest line between Lake Pontchartrain and the Mississippi River which will include the corporate limits of Harahan, Louisiana; on the East, the shortest line between Lake Pontchartrain and the Mississippi River which will include the corporate limits of Chalmette, Louisiana. The above described area is generally known and referred to as the trading area of New Orleans, Louisiana.

(d) *Additions for delivery.* (1) When a delivery is made to a point beyond the 10 mile radius, or the boundaries as shown above, an additional charge for the distance between the limit of the free delivery zone and the job site may be made as follows:

(i) Sellers who were in business during March 1942 are permitted to add to the prices established hereinabove for such delivery the same charges they had in effect during March 1942 for each type and quantity of sale made. If no extra charges were made for such delivery during March 1942, none may be added now.

(ii) Sellers who were not in business during March 1942 are permitted to make the same charge for such delivery as their most closely competitive seller, who was in business during March 1942, is permitted under the provisions of this order.

(2) When a delivery requires a crossing of the Mississippi River, the prices established hereinabove may be increased by 10%.

(3) When a delivery is made at purchaser's request before 7:30 a. m. and after 4:30 p. m. (overtime) on any regular business day, or on holidays and days during which seller's establishment is not usually open for business, following additions for such delivery may be made:

(i) Sellers who were in business during March 1942 are permitted to add to the prices established hereinabove for such delivery the same charges they had in effect during March 1942 for each type and quantity of sale made. If no extra charges were made for such delivery during March 1942, none may be added now.

(ii) Sellers who were not in business during March 1942 are permitted to make the same charge for such delivery as their most closely competitive seller, who was in business during March 1942, is permitted under the provisions of this order.

(e) *Additions for the extension of credit.* The following additions to the maximum prices hereinabove established may be made for the extension of credit beyond 60 days:

(1) Sellers who were in business during March 1942 are permitted to add to prices established hereinabove for the extension of credit beyond a period of 60 days the same additions that they had in effect during March 1942 for the same type and quantity of sale. If no extra charges were made for the extension of credit during March 1942, none may be added.

(2) Sellers who were not in business during March 1942 are permitted to make the same charge for the extension of credit which their most closely competitive seller, who was in business during March 1942, is permitted to make under the provisions of this order.

(f) Sellers may add to the prices listed in this Appendix A the sales taxes required to be collected by them under the Laws of the State of Louisiana and City of New Orleans. These taxes shall be separately stated in the dealer's invoices, sales slip or receipt.

OPINION ACCOMPANYING SECOND REVISED ORDER NO. 1 UNDER GENERAL ORDER NO. 68

Pursuant to the authority vested in the District Director of the New Orleans District Office by General Order No. 68 and Order of Delegation No. 126 issued by the Regional Administrator, Region V, the accompanying Second Revised Order No. 1 has been issued establishing maximum prices for retail sales of certain specified building materials. The order establishes maximum prices for all retail sales of such building materials when made in the area comprising Orleans, Jefferson and St. Bernard Parishes, Louisiana.

Under the provisions of General Order No. 68 and Delegation of Authority No. 126 from the Regional Administrator of Region V, the District Director is authorized to issue and put into effect pricing orders for the building materials included in said Second Revised Order No. 1, in accordance with the Emergency Price Control Act of 1942 as amended and consistent with Executive Orders 9250 and 9328, and Public Law 548, 79th Cong.

Section B of General Order No. 68 requires that the District Director in issuing such orders observe the following standards:

(1) Maximum prices shall be stated in dollars-and-cents terms unless this shall clearly appear to be impracticable or inappropriate.

(2) Maximum prices fixed by any such pricing order shall not exceed the general level of prices in the area.

In accordance with this authority, the District Director has issued Second Revised Order No. 1 under General Order No. 68.

Prior to the issuance of this order the maximum prices for the sales of building materials covered thereby were established by the provisions of the General Maximum Price Regulation and other maximum price regulations, which did not establish dollars and cents maximum prices but rather established sellers' maximum prices as the highest prices which they charged during March of 1942 or a specified freeze date.

It has been determined that the freeze date technique of establishing maximum prices has in many instances made it difficult for both seller and buyer of building material items covered by Second Revised Order No. 1 to determine whether the prices charged or paid are in compliance with the applicable maximum price regulations.

It is the finding of the District Director that the issuance of Second Revised

Order No. 1 is in conformity with the present program of the Office of Price Administration to establish dollars and cents prices on building materials, and that a simplified pricing method easily understood and applied by both the buyer and the seller is urgently needed, and is accomplished by the issuance of Second Revised Order No. 1.

The District Director has observed the above-quoted standards set forth in General Order No. 68 in issuing Second Revised Order No. 1. It sets forth specific dollars and cents prices which may be charged for building material items covered. It further establishes maximum prices which are in line with the level of prices which existed in Orleans, Jefferson and St. Bernard Parishes, Louisiana, under the provisions of maximum price regulations applicable prior to the issuance of this order.

The level of prices as expressed in Second Revised Order No. 1 was determined by a survey conducted by the Office of Price Administration of a representative group of sellers affected by the order. The prices set forth in the order reflect the level of prices reported to the O. P. A. by the sellers who were surveyed.

Preliminary to any action being taken by the New Orleans District Office in establishing maximum prices for building materials and before any surveys were made, an advisory group of sellers, who would be affected by said order, were consulted. From this advisory group advice was obtained as to the commodities which should be included in said order and other pertinent information. After the survey was accomplished and results tabulated, a preliminary draft of the maximum prices proposed was submitted to a representative group of the sellers to be affected by the order. Consideration has been given to the recommendations and suggestions made by the industry groups with whom representatives of the District Office consulted prior to issuance of this order.

Insofar as practicable the order recognizes and perpetuates business practices which have been in effect in the area covered by the order.

In order to effectuate the purposes herein expressed, sellers subject to Second Revised Order No. 1 are required to keep certain records and give to the customers sales slips or invoices containing specified information, which requirements are set forth in section VI of the order.

It is, therefore, the finding of the District Director that Second Revised Order No. 1 has been issued in conformity with provisions and requirements of standards set forth in General Order No. 68, and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended and is consistent with Executive Orders 9250 and 9328, and Public Law 548, 79th Cong.

This order will not compel changes in established business practices except as such as in the judgment of the District Director are necessary to prevent evasion of this order.

For the foregoing reasons, the District Director has issued the accompanying Second Revised Order No. 1.

[F. R. Doc. 46-17047; Filed, Sept. 23, 1946; 8: 51 a. m.]

[Little Rock Order 3 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN GARLAND COUNTY, ARK.

Pursuant to the Emergency Price Control Act of 1942, as amended, General Order No. 68, and Delegation of Authority Order No. 126, and in accordance with Order No. 3 issued under General Order No. 68 by the Little Rock District Director of the OPA, and for the reasons set forth in the accompanying opinion, this amendment is issued. The statement of considerations involved in the issuance of this Amendment No. 1 to Order No. 3 under General Order No. 68, has been issued simultaneously herewith and filed with the Division of the Federal Register.

It is ordered, That the title and contents of section VII of Order No. 3, under General Order No. 68, is amended to read as follows:

SEC. VII. *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 prices provides that all resellers, including those subject to area orders, issued under General Order No. 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 the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the section increasing your supplier's maximum price is later than the date stated on the price list contained in this order.

It is also ordered, That Appendix A to Order No. 3, under General Order No. 68, is amended in the following respects:

1. The dollars-and-cents prices for specific items of hard building materials contained in Order No. 3, issued under General Order No. 68, are revised to the extent set forth in Appendix A attached hereto and dated August 23, 1946.

2. The original Appendix A to Order No. 3, under General Order No. 68, is hereby by reference dated August 23, 1946.

3. The hard building material items of fire brick, plastic fire brick, fire clay, and items of screen wire cloth, 18" x 14", both galvanized and black, originally set forth in Appendix A of Order No. 3, under General Order No. 68, are deleted from said appendix.

This amendment No. 1 shall become effective August 23, 1946.

Issued at Little Rock, Arkansas, this 23d day of August 1946.

ROBERT P. HALL,
District Director.

AMENDED APPENDIX A

[Revised maximum prices for retail sales of specified building materials when made in Garland County, Ark.]

Revised maximum prices for sales f. o. b. plant, store, or delivered within free delivery zone

Name of item and selling unit	
Asbestos cement roofing shingles:	
Economy cut, colors other than green, 100 sq. ft.	\$11.50
Economy cut, green, 100 sq. ft.	11.58
Asbestos cement siding:	
12 x 24 or 27", white, plain, 100 sq. ft.	9.45
12 x 24 or 27", white, glazed, 100 sq. ft.	10.24
12 x 24 or 27", colors, 100 sq. ft.	8.93
Asphalt roofing:	
90 lb. mineral surface, roll 1 sq.	2.70
Smooth surface:	
45 lb., roll 1 sq.	1.72
55 lb., roll 1 sq.	2.40
65 lb., roll 1 sq.	2.67
Shingles:	
210 lb. (3 in 1) thickbutt, roll 1 sq.	5.84
167 lb., hexagon, roll 1 sq.	4.82
Asphalt or tarred felt:	
15 lb., roll 4 sq.	2.83
30 lb., roll 2 sq.	2.83
Cap sheet roll 68 lb., roll 2 sq.	2.62
Rolled brick siding, 100 sq. ft.	3.73
Rolled brick soldier course, 100 sq. ft.	3.94
Slaters felt 6 lb., 500 ft. roll	1.555
Brick, face:	
Rough texture, red, 1,000	33.75
Rough texture, buff, 1,000	38.75
Smooth, red, 1,000	33.75
Smooth, gray, 1,000	38.75
Scratch, Acme KR-270, 1,000	33.75
Scratch, Acme KR-290, 1,000	33.75
Cement:	
Portland, std., paper bag, 94-lb. bag.	.915
Portland, quick setting, cloth, 94-lb. bag.	1.065
Clay drain tile:	
40", lin. ft.	.105
6", lin. ft.	.16
Fibre insulation board:	
3/4" std. lath and board, M sq. ft.	47.60
1/2" std. lath and board, M sq. ft.	53.40
3/8" asphalt sheathing, M sq. ft.	78.00
Insulating plank, M sq. ft.	63.90
Lime:	
Finishing, paper bag, 50-lb. sack.	.90
Mason's hydrated:	
40-lb. sack	.56
50-lb. sack	.73
Metal lath and channel:	
Channel, cold rolled:	
3/4", M lin. ft.	31.50
1/2", M lin. ft.	36.50
2.5 painted diamond mesh, sq. yd.	.31
2.5 galvanized, sq. yd.	.34
3.4 painted diamond mesh, sq. yd.	.35
3.4 galvanized, sq. yd.	.39
2.5 copper bearing, sq. yd.	.36
Sewer pipe, vitrified clay:	
4", lin. ft.	.22
6", lin. ft.	.33
8", lin. ft.	.515
10", lin. ft.	.655
12", lin. ft.	.85
15", lin. ft.	1.645
18", lin. ft.	2.285
24", lin. ft.	3.62
Wall coping, vitrified clay:	
9", lin. ft.	.27
13", lin. ft.	.37
Flue lining:	
4 1/2 x 9, lin. ft.	.42
9 x 9, lin. ft.	.52
4 1/2 x 13, lin. ft.	.52
9 x 13, lin. ft.	.53
13 x 13, lin. ft.	.74
9 x 18, lin. ft.	.78
13 x 18, lin. ft.	.85
18 x 18, lin. ft.	1.16

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 3 UNDER GENERAL ORDER NO. 68

Pursuant to the authority vested in the District Director of the Little Rock District Office by General Order No. 68 and Order of Delegation No. 126, issued by the Regional Administrator of Region V, and in accordance with the provisions of Order No. 3, under General Order No. 68, Amendment No. 1 to the above order has been issued.

Order No. 3, under General Order No. 68, was issued by the Little Rock District Director of the OPA on May 27, 1946, and became effective June 1, 1946. This order established dollars-and-cents ceiling prices for various items of hard building materials set forth in Appendix A thereof when sold at retail in the geographical area comprising Garland County, Arkansas.

Subsequent to March 31, 1946, various industry-wide adjustments have been granted manufacturers of hard building materials; and under the provisions of the Emergency Price Control Act as amended, the retail industry is entitled to its March, 1946 mark-up on those items on which the manufacturer has received adjustments. Therefore, in view of increases granted the producer of hard building materials, it has been necessary, under the provisions of the Emergency Price Control Act of 1942 as amended, to amend and revise the retail price list of hard building material items (as of August 23, 1946) to the extent set forth in the accompanying amendment. Such action by the District Director has been found necessary under the act and will remove all inequities now existing in the original order.

Section VII of order No. 3 provides that retailers subject to the order are required to absorb all price increases granted the producer of hard building materials. However, under the provisions of the Emergency Price Control Act, as amended, the retail industry is entitled to its March, 1946 mark-up on items on which the manufacturer has received price increases. Because of this provision of the act as amended, it has been necessary to amend Order No. 3 to conform to the new provisions of the act. It is also for this reason that this amendment is being issued.

Since the issuance of the above order, it has been found that certain items of building materials have been either suspended from price control or covered by other regulations. Therefore, this amendment is also being issued to delete items exempt from control or covered by other regulations.

[F. R. Doc. 46-17061; Filed, Sept. 23, 1946; 8:55 a. m.]

[Little Rock Order 1 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN PULASKI COUNTY, ARK.

Pursuant to the Emergency Price Control Act of 1942, as amended, General Order No. 68, and Delegation of Authority Order No. 126, and in accordance with

Order No. 1, issued under General Order No. 68 by the Little Rock District Director of the OPA, and for the reasons set forth in the accompanying opinion, this amendment is issued. The statement of considerations involved in the issuance of this Amendment No. 1 to Order No. 1, under General Order No. 68, has been issued simultaneously herewith and filed with the Division of the Federal Register.

It is ordered, That Order No. 1, under General Order No. 68, is amended by adding the following section VII after the end of the second sentence of item 7 under section VI:

SEC. VII. 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 prices provides that all resellers, including those subject to area orders, issued under General Order No. 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 the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order.

It is also ordered, That Appendix A to Order No. 1, under General Order No. 68, is amended in the following respects:

(1) The dollars-and-cents prices for specific items of hard building materials contained in Order No. 1, issued under General Order No. 68, are revised to the extent set forth in Appendix A attached hereto and dated August 23, 1946.

(2) The original Appendix A to Order No. 1, under General Order No. 68, is hereby by reference dated August 23, 1946.

(3) The hard building material items of fire brick, plastic fire brick, fire clay, concrete blocks, and screen wire cloth 18 x 14, both galvanized and black, originally set forth in Appendix A of Order No. 1, under General Order 68, are deleted from said appendix.

(4) The hard building material item of masonry mortar, paper sacks, originally set forth in the order as 65# sack, is corrected to read 70# sack.

This amendment No. 1 shall become effective August 23, 1946.

Issued at Little Rock, Arkansas, this 23d day of August 1946.

ROBERT P. HALL,
District Director.

AMENDED APPENDIX A

Revised maximum prices for retail sales of specified building materials when made in Pulaski County, Arkansas

Revised maximum prices for sales f. o. b. plant, store, or delivered within free delivery zone

Name of item and selling unit	
Asbestos-cement roofing shingles:	
Economy cut, green, 100 sq. ft.	\$12.08
Economy cut, other colors, 100 sq. ft.	11.50

Name of item and selling unit	
Asbestos-cement siding:	
12x24 or 27—white-plain, 100 sq. ft.	\$9.45
12x24 or 27—white-glazed, 100 sq. ft.	10.24
12x24 or 27—colors, 100 sq. ft.	8.93
Asphalt roofing and siding:	
90-lb. mineral surface, roll 1 sq.	2.82
Smooth surfaced:	
45-lb., roll 1 sq.	1.83
55-lb., roll 1 sq.	2.36
65-lb., roll 1 sq.	2.62
Capsheet, 68-lb., roll 2 sq.	2.62
Roll brick siding, 100 sq. ft.	4.20
Roll brick: Soldier course, 100 sq. ft.	3.67
Roll brick corners, lin. ft.	.125
210 lb. (3 in 1) thickbutt, 100 sq. ft.	6.42
167 lb. hexagon, 100 sq. ft.	4.82
Asphalt or tarred felt:	
15 lb., roll 4 square	2.89
30 lb., roll 2 square	2.89
Slaters felt 6 lb., 500 ft. roll	1.445
Brick:	
Face brick:	
Rough texture, red, 1,000	33.75
Rough texture, buff, 1,000	38.75
Smooth, red, 1,000	33.75
Smooth, gray, 1,000	38.75
Scratch, Acme KR No. 270, 1,000	33.75
Scratch, Acme KR No. 290, 1,000	33.75
Cement:	
Portland std. (paper bags), 94 lb. bag	.865
Portland quick setting, 94 lb. bag	1.065
Clay drain tile:	
4", lin. ft.	.105
6", lin. ft.	.16
Fibre insulation board:	
3/8" std. lath and board, 1,000 sq. ft.	47.95
1/2" std. lath and board, 1,000 sq. ft.	53.75
25/32" asphalt sheathing, 1,000 sq. ft.	78.00
Insulating plank, 1,000 sq. ft.	69.25
Lime:	
Finishing, 50-lb. sack	.67
Masons' hydrated:	
10-lb. sack	.24
40-lb. sack	.48
50-lb. sack	.56
Metal lath:	
2.5 painted diamond mesh, sq. yd.	.26
2.5 galvanized, sq. yd.	.30
3.4 painted diamond mesh, sq. yd.	.315
3.4 galvanized, sq. yd.	.345
2.5 copper bearing, sq. yd.	.28
3.4 copper bearing, sq. yd.	.325
2.75 flat rib painted, sq. yd.	.285
3.4 3/8" high rib painted, sq. yd.	.335
3.4 3/8" high rib copper, sq. yd.	.345
3.4 3/8" high rib galvanized, sq. yd.	.365
Corner bead, expanded type, 1,000 lin. ft.	44.75
Corner bead, wing type, 1,000 lin. ft.	34.90
Metal channel, cold rolled:	
3/4", 1,000 lin. ft.	26.00
1 1/2", 1,000 lin. ft.	31.00
Vitrified clay sewer pipe:	
4", lin. ft.	.24
6", lin. ft.	.33
8", lin. ft.	.535
10", lin. ft.	.70
12", lin. ft.	.90
15", lin. ft.	1.625
18", lin. ft.	2.285
24", lin. ft.	3.62
Flue lining:	
4 1/2" x 9", lin. ft.	.32
9" x 9", lin. ft.	.37
4 1/2" x 13", lin. ft.	.42
9" x 13", lin. ft.	.53
13" x 13", lin. ft.	.64
9" x 18", lin. ft.	.68
13" x 18", lin. ft.	.85
18" x 18", lin. ft.	1.16

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 1 UNDER GENERAL ORDER NO. 68

Pursuant to the authority vested in the District Director of the Little Rock District Office by General Order No. 68 and Order of Delegation No. 126, issued by the Regional Administrator of Region V, and in accordance with the provisions of Order No. 1, under General Order No. 68, Amendment No. 1 to the above order has been issued.

Order No. 1, under General Order No. 68, was issued by the Little Rock District Director of the OPA on January 15, 1946, and became effective January 18, 1946. This order established dollars-and-cents ceiling prices for various items of hard building materials set forth in Appendix A thereof when sold at retail in the geographical area comprising Pulaski County, Arkansas.

Subsequent to the issuance of the above order and prior to March 31, 1946, manufacturers of hard building material items included in the above order were granted adjustments in their prices under various amendments to the applicable regulations which permitted pass-throughs by retailers unless otherwise provided by the provisions of area hard building material orders. Under the provisions of Order No. 1, retailers of items of hard building materials were required to absorb price increases granted to the producer, and no amendment was ever issued permitting pass-throughs by the retailers.

Also, subsequent to March 31, 1946, various industry-wide adjustments have been granted manufacturers of hard building materials. However, under the provisions of Emergency Price Control Act as amended, the retail industry is entitled to its March, 1946 mark-up on those items on which the manufacturer has received adjustments. Therefore, in view of the above, it has been necessary to amend and revise (as of August 23, 1946) the retail prices of hard building material items to the extent set forth in the accompanying amendment, which will allow retailers affected by the order to pass on to the consumer the above increases. Such action by the District Director has been found necessary under the provisions of the Emergency Price Control Act, as amended, and will remove all inequities now existing under the original order.

Since the Emergency Price Control Act of 1942 as amended provides that the retail industry is entitled to its March, 1946 mark-up on items affected, in which the producer has been granted percentage adjustments, it has necessitated the amendment of Order No. 1 by adding a new section VII, in order to conform with the provisions of the act. It is also for this purpose that Amendment No. 1 to the above order has been issued.

Since the issuance of the above order, it has been found that certain items of building materials have been either suspended from price control or covered by other regulations, and also that items set forth in the order have been inaccurately described because of typographical errors. Therefore, this amendment is

also being issued to delete items exempt from control or covered by other regulations, as well as to correct typographical errors which appeared in the description of items of hard building materials in the original order.

[F. R. Doc. 46-17064; Filed, Sept 23, 1946; 8:57 a. m.]

[Little Rock Order 2 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN CRAWFORD AND SEBASTIAN COUNTIES, ARK.

Pursuant to the Emergency Price Control Act of 1942, as amended, General Order No. 68, and Delegation of Authority Order No. 126, and in accordance with Order No. 2, issued under General Order No. 68 by the Little Rock District Director of the OPA, and for the reasons set forth in the accompanying opinion, this amendment is issued. The statement of considerations involved in the issuance of this Amendment No. 1 to Order No. 2, under General Order No. 68, has been issued simultaneously herewith and filed with the Division of the Federal Register.

It is ordered, That Order No. 2, under General Order No. 68, is amended by adding the following section VII after the end of the second sentence of item 7 under section VI:

SEC. VII 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 prices provides that all resellers, including those subject to area orders, issued under General Order No. 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 the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order.

It is also ordered, That Appendix A to Order No. 2, under General Order No. 68, is amended in the following respects:

(1) The dollars-and-cents prices for specific items of hard building materials contained in Order No. 2, issued under General Order No. 68, are revised to the extent set forth in Appendix A attached hereto and dated August 23, 1946.

(2) The original Appendix A to Order No. 2, under General Order No. 68, is hereby by reference dated August 23, 1946.

(3) The hard building material items of fire brick, plastic fire brick, fire clay, and items of screen wire cloth 18" x 14", both galvanized and black, originally set forth in Appendix A of Order No. 2, under General Order No. 68, are deleted from said appendix.

(4) The hard building material item of masonry mortar, originally set forth in the order as 65# sack, is corrected to read 70# sack.

This Amendment No. 1 shall become effective August 23, 1946.

Issued at Little Rock, Arkansas, this 23d day of August, 1946.

ROBERT P. HALL,
District Director.

AMENDED APPENDIX A

Maximum Prices for retail sales of specified building materials when made in Sebastian and Crawford Counties, Arkansas.

Revised Maximum Prices for Sales F. O. B. Plant, Store or Delivered Within Free Delivery Zone

Name of item and selling unit	
Asbestos-cement roofing shingles:	
Economy cut, colors other than green, 100 sq. ft.	\$11.50
Economy cut, green, 100 sq. ft.	12.08
American method, gray, 100 sq. ft.	18.78
American method, green, 100 sq. ft.	20.10
Asbestos-cement siding:	
12" x 24" or 27" white, plain, 100 sq. ft.	9.45
12" x 24" or 27" white, glazed, 100 sq. ft.	10.23
12" x 24" or 27" gray, 100 sq. ft.	9.19
Asphalt roofing:	
90-lb. mineral surface, roll 1 sq.	2.82
45-lb. smooth surface, roll 1 sq.	1.84
55-lb. smooth surface, roll 1 sq.	2.10
65-lb. smooth surface, roll 1 sq.	2.63
Asphalt shingles and cap sheet:	
210 lb. (3 in 1) thickbutt, 100 sq. ft.	6.03
167 lb. hexagon, 100 sq. ft.	4.82
9" x 12 1/2", 100 sq. ft.	7.75
Cap sheet roll 68 lb., roll 2 sq.	2.62
Asphalt brick shingles:	
Brick siding, 100 sq. ft.	3.67
Brick corners, lin. ft.	.143
Brick soldier course, 100 sq. ft.	3.67
Asphalt felt:	
15 lb. wt. per sq., roll 4 sq.	2.78
30 lb. wt. per sq., roll 2 sq.	2.78
Asphalt or tarred slaters felt: 30 lb. roll 36", 500 sq. ft. roll.	
	1.445
Asphalt coated sheathing: 2 1/2", 1,000 sq. ft.	
	78.00
Brick, face:	
Rough red, 1,000	36.75
Rough buff, 1,000	38.75
Smooth red, 1,000	33.75
Smooth gray, 1,000	38.75
Scratch Acme KR 270, 1,000	33.75
Scratch Acme KR 290, 1,000	33.75
Cement:	
Portland std. (paper), 94-lb. bag	.815
Portland quick setting, 94-lb. bag	1.115
Clay drain tile:	
4", lin. ft.	.085
6", lin. ft.	.13
Clay—vitrified sewer pipe:	
4", lin. ft.	.25
6", lin. ft.	.35
8", lin. ft.	.525
10", lin. ft.	.735
12", lin. ft.	.87
15", lin. ft.	1.645
18", lin. ft.	1.865
24", lin. ft.	3.08
Clay—flue lining:	
4 1/2" x 9", lin. ft.	.28
9" x 9", lin. ft.	.37
4 1/2" x 13", lin. ft.	.39
9" x 13", lin. ft.	.53
13" x 13", lin. ft.	.64
9" x 18", lin. ft.	.69
13" x 18", lin. ft.	.85
18" x 18", lin. ft.	1.16
Fibre insulation board and lath:	
3/8" std. lath and board, 1,000 sq. ft.	39.40
1/2" std. lath and board, 1,000 sq. ft.	48.40
Insulating plank: 1/2" insulating plank, 1,000 sq. ft.	
	63.90

Name of item and selling unit	
Lime:	
Finishing 50 lb. sack.....	\$0.67
Masons hyd. 10 lb. sack.....	.22
Masons hyd. 40 lb., sack.....	.50
Masons hyd. 50 lb., sack.....	.62
Metal channel cold rolled:	
3/4", M lin. ft.....	26.00
1 1/2", M lin. ft.....	31.00
Metal lath:	
2.5 lb. painted diamond mesh, sq. yd.....	.275
2.5 lb. galvanized, sq. yd.....	.30
3.4 lb. painted diamond mesh, sq. yd.....	.30
3.4 lb. galvanized, sq. yd.....	.345
2.5 lb. Copper bearing, sq. yd.....	.29
3.4 lb. Copper bearing, sq. yd.....	.315
2.75 lb. flat rib, painted, sq. yd.....	.285
3.4 lb. 3/8" high rib, painted, sq. yd.....	.335
3.4 lb. 3/8" high rib, copper bearing, sq. yd.....	.345
3.4 lb. 3/8" high rib galvanized, sq. yd.....	.365
Metal corner bead:	
Expanded type, M lin. ft.....	44.75
Wing type, M lin. ft.....	34.90

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 2 UNDER GENERAL ORDER NO. 68

Pursuant to the authority vested in the District Director of the Little Rock District Office by General Order No. 68 and Order of Delegation No. 126, issued by the Regional Administrator of Region V, and in accordance with the provisions of Order No. 2, under General Order No. 68, Amendment No. 1 to the above order has been issued.

Order No. 2, under General Order No. 68, was issued by the Little Rock District Director of the OPA on March 8, 1946, and became effective March 15, 1946. This order established dollars-and-cents ceiling prices for various items of hard building materials set forth in Appendix A thereof when sold at retail in the geographical area comprising Sebastian and Crawford Counties, Arkansas.

Subsequent to the issuance of the above order and prior to March 31, 1946, manufacturers of hard building material items included in the above order were granted adjustments in their prices under various amendments to the applicable regulations which permitted pass-throughs by retailers unless otherwise provided by the provisions of area hard building material orders. Under the provisions of Order No. 2, retailers of items of hard building material were required to absorb price increases granted to the producer, and no amendment was ever issued permitting pass-throughs by the retailers.

Also, subsequent to March 31, 1946, various industry-wide adjustments have been granted manufacturers of hard building materials. However, under the provisions of the Emergency Price Control Act as amended, the retail industry is entitled to its March, 1946 mark-up on those items on which the manufacturer has received adjustments. Therefore, in view of the above, it has been necessary to amend and revise (as of August 23, 1946) the retail prices of hard building material items to the extent set forth in the accompanying amendment, which will allow retailers affected

by the order to pass on to the consumer the above increases. Such action by the District Director has been found necessary under the provisions of the Emergency Price Control Act, as amended, and will remove all inequities now existing under the original order.

Since the Emergency Price Control Act of 1942 as amended provides that the retail industry is entitled to its March, 1946 mark-up on items affected, in which the producer has been granted percentage adjustments, it has necessitated the amendment of Order No. 2 by adding a new section VII, in order to conform with the provisions of the act. It is also for this purpose that Amendment No. 1 to the above order has been issued.

Since the issuance of the above order, it has been found that certain items of building materials have been either suspended from price control or covered by other regulations, and also that items set forth in the order have been inaccurately described because of typographical errors. Therefore, this amendment is also being issued to delete items exempt from control or covered by other regulations, as well as to correct typographical errors which appeared in the description of items of hard building materials in the original order.

[F. R. Doc. 46-17065; Filed, Sept. 23, 1946; 8:57 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register September 13, 1946.

Region I

Augusta Order 3-F, Amendment 66, covering fresh fruits and vegetables in Portland, South Portland and Westbrook. Filed 10:09 a. m.

Augusta Order 5-F, Amendment 64, covering fresh fruits and vegetables in Bangor and Brewer Maine. Filed 10:10 a. m.

Hartford Order 5-F, Amendment 69, covering fresh fruits and vegetables in Waterbury and Watertown. Filed 10:09 a. m.

Hartford Order 6-F, Amendment 69, covering fresh fruits and vegetables in the Hartford area. Filed 10:11 a. m.

Hartford Order 7-F, Amendment 69, covering fresh fruits and vegetables in the New Haven area. Filed 10:09 a. m.

Hartford Order 8-F, Amendment 69, covering fresh fruits and vegetables in the Bridgeport area. Filed 10:08 a. m.

Hartford Order 1-M, Amendment 2, covering bottle beer and ale. Filed 10:12 a. m.

Hartford Order 8, Amendment 7, covering dry groceries for the State of Connecticut. Filed 10:11 a. m.

Region II

District of Columbia Order 7-F, Amendment 4, covering fresh fruits and vegetables in the Washington, D. C. area. Filed 10:08 a. m.

New York Order 17-F, Amendment 4A, covering fresh fruits and vegetables in

the Five Boroughs of New York City. Filed 10:07 a. m.

New York Order 18-F, Amendment 4, covering fresh fruits and vegetables in Nassau and Westchester counties, New York. Filed 10:07 a. m.

New York Order 19-F, Amendment 4, covering fresh fruits and vegetables in certain counties in New York. Filed 10:05 a. m.

New York Order 39, Amendment 1, covering dry groceries in certain areas in New York. Filed 10:06 a. m.

Syracuse Order 8-F, Amendment 4, covering fresh fruits and vegetables in certain counties in New York. Filed 10:06 a. m.

Syracuse Order 9-F, Amendment 4, covering fresh fruits and vegetables in the city of Syracuse, Watertown, and Utica and their Free Delivery Zones, New York. Filed 10:05 a. m.

Syracuse Order 10-F, Amendment 2, covering fresh fruits and vegetables in certain areas in New York. Filed 10:04 a. m.

Region III

Charleston Order 7-F, Amendment 75, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:17 a. m.

Charleston Order 9-F, Amendment 75, covering fresh fruits and vegetables in Cabell county, and the city of Huntington in Wayne county, West Virginia. Filed 10:17 a. m.

Charleston Order 10-F, Amendment 75, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:17 a. m.

Charleston Order 11-F, Amendment 74, covering fresh fruits and vegetables in Berkeley, Jefferson and Morgan counties, West Virginia. Filed 10:16 a. m.

Charleston Order 14-F, Amendment 25, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:16 a. m.

Charleston Order 15-F, Amendment 72, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:16 a. m.

Charleston Order 16-F, Amendment 72, covering fresh fruits and vegetables in Boone, Fayette, Kanawha, Putnam and Raleigh counties, West Virginia. Filed 10:16 a. m.

Charleston Order 17-F, Amendment 71, covering fresh fruit and vegetables in certain counties in West Virginia. Filed 10:15 a. m.

Detroit Order 31, Amendment 6, covering dry groceries in certain counties in Michigan. Filed 10:15 a. m.

Indianapolis Order 15-F, Amendment 77, covering fresh fruits and vegetables in the counties of Wayne, Delaware, and Allen. Filed 10:19 a. m.

Indianapolis Order 16-F, Amendment 77, covering fresh fruits and vegetables in the county of St. Joseph. Filed 10:18 a. m.

Indianapolis Order 17-F, Amendment 77, covering fresh fruits and vegetables in the county of Vanderburgh. Filed 10:18 a. m.

Louisville Order 12-F, Amendment 81, covering fresh fruits and vegetables in Jefferson county, Kentucky, and Clark

and Floyd counties, Indiana. Filed 10:13 a. m.

Louisville Order 17-F, Amendment 47, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:13 a. m.

Louisville Order 18-F, Amendment 41, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:13 a. m.

Louisville Order 19-F, Amendment 41, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:12 a. m.

Louisville Order 28-F, Amendment 21, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:20 a. m.

Louisville Order 31-F, Amendment 11, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:20 a. m.

Louisville Order 32-F, Amendment 11, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:20 a. m.

Louisville Order 33-F, Amendment 11, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:20 a. m.

Region IV

Jacksonville Order 46, Amendment 9, covering dry groceries in certain counties in Florida. Filed 9:21 a. m.

Jacksonville Order 47, Amendment 9, covering dry groceries in the Jacksonville, Florida, area. Filed 9:21 a. m.

Memphis Order 8-F, Amendment 40, covering fresh fruits and vegetables in the city of Memphis and the county of Shelby, Tennessee. Filed 9:18 a. m.

Memphis Orders 10-F and 11-F, covering fresh fruits and vegetables in certain, Amendment 2, counties in Tennessee. Filed 9:17 a. m.

Memphis Orders 31 and 32, Amendment 1, covering dry groceries sold by Groups 1 and 2 and 3 and 4 stores in the Memphis area. Filed 9:23 and 9:22 a. m.

Memphis Order 12-W, covering dry groceries in certain counties in Tennessee. Filed 9:22 a. m.

Nashville Order 13-F, Amendment 17, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 9:21 a. m.

Nashville Order 11-C, Amendments 18, 19, 20, 21, and 22, covering poultry in Davidson county, Tennessee. Filed 10:04, 10:03, 9:23 and 9:16 a. m.

Nashville Order 23, Amendment 3, covering dry groceries in all counties in the Nashville area and part of Washington county, Virginia, in Bristol, Va. Filed 9:15 a. m. and 9:20 a. m.

Nashville Order 8-W, Amendments 3 and 4, covering dry groceries in all counties in the Nashville area and part of Washington county, Virginia, in Bristol, Va. Filed 9:19 a. m.

Richmond Order 8-F, Amendment 42, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:20 a. m.

Region VI

Milwaukee Order 15-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:28 a. m.

Milwaukee Order 16-F, Amendment 15, covering fresh fruits and vegetables in

certain counties in Wisconsin. Filed 10:20 a. m.

Milwaukee Order 17-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:28 a. m.

Omaha Order 15-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Nebraska and the city of Council Bluffs, Iowa. Filed 10:27 a. m.

Omaha Order 16-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 10:27 a. m.

Omaha Order 17-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 10:27 a. m.

Region VII

Denver Order 4-F, Amendment 54, covering fresh fruits and vegetables in the Denver area. Filed 10:27 a. m.

Denver Order 5-F, Amendment 54, covering fresh fruits and vegetables in the Pueblo area. Filed 10:26 a. m.

Denver Order 6-F, Amendment 54, covering fresh fruits and vegetables in the Colorado Springs and Manitou area. Filed 10:26 a. m.

Denver Order 8-F, Amendment 23, covering fresh fruits and vegetables in the Trinidad area. Filed 10:10 a. m.

Denver Order 9-F, Amendment 17, covering fresh fruits and vegetables in the Grand Junction area. Filed 10:10 a. m.

Denver Order 10-F, Amendment 8, covering fresh fruits and vegetables in the Fort Morgan-Sterling-Akron area. Filed 10:10 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-17138; Filed, Sept. 23, 1946;
9:01 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on September 17, 1946.

Region III

Charleston Order 7-F, Amendment 74, covering fresh fruits and vegetables in certain counties in West Virginia except the city of Huntington in Wayne county, West Virginia. Filed 11:19 a. m.

Charleston Order 10-F, Amendment 74, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 11:19 a. m.

Charleston Order 11-F, Amendment 73, covering fresh fruits and vegetables in Berkeley, Jefferson and Morgan counties, West Virginia. Filed 11:20 a. m.

Charleston Order 9-F, Amendment 74, covering fresh fruits and vegetables in Cabell county and the city of Huntington in Wayne county, West Virginia. Filed 11:19 a. m.

Charleston Order 15-F, Amendment 71, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 11:20 a. m.

Charleston Order 16-F, Amendment 71, covering fresh fruits and vegetables in

Boone, Fayette, Kanawha, Putnam and Raleigh counties, West Virginia. Filed 11:20 a. m.

Cleveland Orders 38 and 5-W, Amendment 13, covering dry groceries in certain areas in Ohio. Filed 11:09 and 11:08 a. m.

Region IV

Columbia Order 21, Amendment 11, covering dry groceries in the South Carolina area. Filed 11:06 a. m.

Columbia Order 22, Amendment 10, covering dry groceries in the South Carolina area. Filed 11:06 a. m.

Jacksonville Order 13-F, Amendment 11, covering fresh fruits and vegetables in certain areas in the Jacksonville area. Filed 11:10 a. m.

Jacksonville Order 14-F, Amendments 39 and 40, covering fresh fruits and vegetables in the city of Jacksonville, Florida. Filed 11:10 and 11:09 a. m.

Jacksonville Order 15-F, Amendments 14 and 15, covering fresh fruits and vegetables in the city of Pensacola, Florida. Filed 11:09 and 11:11 a. m.

Jacksonville Order 46, Amendment 7, covering dry groceries in certain counties in Florida. Filed 11:12 a. m.

Jacksonville Order 47, Amendment 7, covering dry groceries in certain counties in Florida. Filed 11:13 a. m.

Jacksonville Order 48, Amendment 7, covering dry groceries in certain counties in Florida. Filed 11:13 a. m.

Miami Order 9, Amendment 7, covering dry groceries in certain counties in Florida. Filed 11:07 a. m.

Miami Order 10, Amendment 7, covering dry groceries in certain counties in Florida. Filed 11:07 a. m.

Nashville Order 13-F, Amendment 16, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 11:14 a. m.

Nashville Order 14-F, Amendments 37, 38 and 39, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 11:10 and 11:16 a. m.

Nashville Order 14-F, Amendments 40, 41, and 42, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 11:15 and 11:14 a. m.

Nashville Order 3-C, Amendment 4, covering poultry in certain counties in Tennessee. Filed 11:18 a. m.

Nashville Order 6-C, Amendment 4, covering poultry in certain counties in Tennessee and Bristol, Virginia. Filed 11:18 a. m.

Nashville Order 6-C, Amendment 5, covering poultry in certain counties in Tennessee and Bristol, Virginia. Filed 11:18 a. m.

Nashville Order 47-O, Amendments 19 and 20, covering eggs in Davidson county, Tennessee. Filed 11:17 a. m.

Nashville Orders 47-O and 48-O, Amendments 21 and 18, covering eggs in Davidson county, Tennessee. Filed 11:16 and 11:22 a. m.

Nashville Order 48-O, Amendment 19, covering eggs in Hamilton, Knox, Roane and Anderson counties, Tennessee. Filed 11:21 a. m.

Richmond Order 8-F, Amendment 41, covering fresh fruits and vegetable in certain areas in Virginia. Filed 11:21 a. m.

Richmond Order 13-F, Amendment 43, covering fresh fruits and vegetables in certain areas in Virginia. Filed 11:21 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-17189; Filed, Sept. 23, 1946;
9:01 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on September 13, 1946.

Region I

Concord Order 9-F, Amendment 69, covering fresh fruits and vegetables in certain counties in New Hampshire. Filed 10:08 a. m.

Region III

Indianapolis Order 14-F, Amendment 77, covering fresh fruits and vegetables in counties of Marion, Vigo and Tippecanoe. Filed 10:19 a. m.

Region IV

Memphis Order 11-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 9:17 a. m.

Region VII

Helena Order 122, Amendment 1, covering dry groceries in certain towns in Montana. Filed 9:51 a. m.

Region VIII

Los Angeles Order 7-F, Amendment 45, covering fresh fruits and vegetables in the Bakersfield area. Filed 9:56 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-17113; Filed, Sept. 23, 1946;
8:51 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on September 17, 1946.

Region IV

Jackson Order 7-F, Amendment 44, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 10:40 a. m.

Jacksonville Order 13-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:40 a. m.

Memphis Order 31, Amendment 2, covering dry groceries in the Memphis area. Filed 10:39 a. m.

Miami Order 5-F, Amendment 45, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:43 a. m.

Nashville Order 47-O, Amendment 16, covering eggs. Filed 10:41 a. m.

Raleigh Orders 23 and 24, Amendment 8, covering dry groceries in the North Carolina area. Filed 10:42 a. m.

Raleigh Orders 25 and 26, Amendment 8, covering dry groceries in the North Carolina area. Filed 10:42 and 10:41 a. m.

Region VI

Springfield Order 24-F, Amendment 22, covering fresh fruits and vegetables in certain counties in Illinois. Filed 10:36 a. m.

Region VII

Albuquerque Order 17-F, Amendment 2, covering fresh fruits and vegetables in certain areas in New Mexico. Filed 10:36 a. m.

Salt Lake City Order 17-F, Amendment 3, covering fresh fruits and vegetables in Salt Lake, Davis and Weber. Filed 10:35 a. m.

Salt Lake City Order 18-F, Amendment 3, covering fresh fruits and vegetables in Cache, Carbon and Emery. Filed 10:35 a. m.

Salt Lake City Order 19-F, Amendment 3, covering fresh fruits and vegetables in Rich and Daggett. Filed 10:35 a. m.

Salt Lake City Orders 38 and 39, Amendments 2 and 1, covering dry groceries. Filed 10:34 and 10:39 a. m.

Salt Lake City Orders 40 and 41, Amendments 2 and 1, covering dry groceries. Filed 10:38 a. m.

Salt Lake City Orders 42 and 43, Amendments 1 and 2, covering dry groceries. Filed 10:37 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-17068; Filed, Sept. 23, 1946;
8:52 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on September 17, 1946.

Region I

Augusta Order 6-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Maine. Filed 10:47 a. m.

Concord Order 13-F, Amendment 1, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:59 a. m.

Concord Order 14-F, Amendment 1, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:59 a. m.

Concord Order 15-F, Amendment 1, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:59 a. m.

Concord Order 17, Amendment 13, covering dry groceries in the State of New Hampshire. Filed 11:00 a. m.

Hartford Order 8, Amendment 8, covering dry groceries. Filed 11:03 a. m.

Hartford Orders 5-F, 6-F, 7-F, 8-F, and 10-F, Amendments 3 and 70, covering fresh fruits and vegetables. Filed 11:01 a. m.

Hartford Order 10-F, Amendment 1, covering fresh fruits and vegetables. Filed 11:01 a. m.

Hartford Order 10-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Connecticut. Filed 10:46 a. m.

New England Order 7-F, Amendment 69, covering fresh fruits and vegetables in the Boston area. Filed 10:47 a. m.

New England Order 8-F, Amendment 65, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:48 a. m.

New England Order 9-F, Amendment 66, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:48 a. m.

New England Order 10-F, Amendment 64, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:58 a. m.

New England Order 11-F, Amendment 65, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:58 a. m.

New England Order 14-F, Amendment 27, covering fresh fruits and vegetables in all cities and towns of Barnstable County, Massachusetts. Filed 10:48 a. m.

Providence Orders 67, 68, and 27 to Order Nos. 3-F and 4-F, covering fresh fruits and vegetables in the Providence, Rhode Island, Metropolitan area except the Providence, Metropolitan area and the town of New Shoreham. Filed 11:02 a. m.

Providence Order 4-F, Amendment 26, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 10:46 a. m.

Region II

District of Columbia Order 17, Amendment 2, covering dry groceries in the Washington, D. C. area. Filed 10:47 a. m.

Region III

Cleveland Order 37, Amendment 13, covering dry groceries in Cuyahoga County, Ohio. Filed 11:05 a. m.

Cleveland Order 38, Amendment 14, covering dry groceries in certain areas in Ohio. Filed 11:04 a. m.

Cleveland Order 39, Amendment 6, covering dry groceries in certain areas in Ohio. Filed 11:05 a. m.

Cleveland Order 40, Amendment 6, covering dry groceries in certain counties in Ohio. Filed 11:04 a. m.

Detroit Order 10-F, Amendments 79 and 80, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 11:03 and 11:02 a. m.

Indianapolis Order 18-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Indiana. Filed 10:45 a. m.

Indianapolis Order 19-F, Amendment 25, covering fresh fruits and vegetables in certain counties in Indiana. Filed 10:44 a. m.

Region IV

Columbia Orders 21 and 22, Amendments 10 and 9, covering dry groceries in the South Carolina area. Filed 10:46 and 10:54 a. m.

Memphis Order 32, covering dry groceries sold by Groups 3 and 4 stores in

certain areas in Tennessee. Filed 10:44 a. m.

Copies of any of these orders may be obtained from the OPA office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-17112; Filed, Sept. 23, 1946; 8:51 a. m.]

[Miami Rev. Order G-6 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN MIAMI, FLA., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-6 under General Order 68 is amended in the following respects:

1. Table 1 of Revised Order G-6 is amended by changing the maximum prices for the items set forth below to read as follows:

Item and Quantity	Price
Hard wall gypsum plaster, 100-lb. bag	\$1.24
Finishing plaster, 100-lb. bag	1.69

2. A new footnote is added at the end of Table 1 of Revised Order G-6 to read as follows:

When standard concrete brick are sold f. o. b. seller's yard deduct \$2.00 per thousand.

This amendment shall become effective September 10, 1946.

Issued this 9th day of September 1946.

BERNARD C. GOODWIN,
District Director.

OPINION ACCOMPANYING AMENDMENT 1 TO REVISED ORDERS G-3, G-4, G-5, G-6, G-7, G-8, G-9 AND G-16 UNDER GENERAL ORDER 68

The amendments accompanying this opinion are issued to reflect the increased ceiling prices for Gypsum Hard Wall Plaster and Finishing Plaster permitted under Amendment 61 to Order 1 under MPR 592.

In addition, these amendments correct various typographical errors appearing in the several orders.

Issued this 9th day of September 1946.

[F. R. Doc. 46-17046; Filed, Sept. 23, 1946; 8:50 a. m.]

[Miami Rev. Order G-16 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN MIAMI, FLA., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-16 under General Order 68 is amended in the following respects:

1. Table 1 of Revised Order G-16 is amended by changing the maximum prices for the items set forth below to read as follows:

Item and Quantity	Price
Gypsum hard wall plaster, 100 lb. bag	\$1.44
Finishing plaster, 100 lb. bag	2.19

2. A new footnote is added at the end of Table 1 of Revised Order G-16 to read as follows:

When standard cement brick are sold f. o. b. seller's yard deduct \$2.00 per thousand.

This amendment shall become effective September 10, 1946.

Issued this 9th day of September 1946.

BERNARD C. GOODWIN,
District Director.

OPINION ACCOMPANYING AMENDMENT 1 TO REVISED ORDERS G-3, G-4, G-5, G-6, G-7, G-8, G-9 AND G-16 UNDER GENERAL ORDER 68

The amendments accompanying this opinion are issued to reflect the increased ceiling prices for Gypsum Hard Wall Plaster and Finishing Plaster permitted under Amendment 61 to Order 1 under MPR 592.

In addition, these amendments correct various typographical errors appearing in the several orders.

[F. R. Doc. 46-17053; Filed, Sept. 23, 1946; 8:53 a. m.]

[Nashville Order G-1 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN NASHVILLE, TENN., AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Nashville, Tennessee, District Office, Region IV, of the Office of Price Administration by General Order No. 68 issued by the Administrator of the Office of Price Administration (in Region IV) and by Delegation Order No. 93 issued November 5, 1945, by the Regional Administrator, Region IV, it is hereby ordered: That Order No. G-1 under General Order No. 68 is amended in the following respect:

1. Section 1 is further amended to read as follows:

SECTION 1. What this order covers. This order covers all retail sales by any seller of the commodity specified in Appendix A delivered to any purchaser located in the Nashville, Tennessee Trade Area.

This amendment to Order G-1 under General Order No. 68 shall become effective September 5, 1946.

Issued this 11th day of September 1946.

CARSON VAUGHAN,
District Director.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER G-1 UNDER GENERAL ORDER 68

Pursuant to the authority and provisions set out in General Order 68, this amendment to Order G-1 is issued for the Nashville Trade Area.

It is desired to have this order cover all retail sales by any seller of the commodity specified in Appendix A, to any purchaser in the Nashville, Tennessee Trade Area. In order to effect this it is necessary to amend section 1 so as to not only restrict the sellers of these commodities to the Nashville, Tennessee

Trade Area, but also restrict purchasers to the Nashville, Tennessee Trade Area.

[F. R. Doc. 46-17056; Filed, Sept. 23, 1946; 8:53 a. m.]

[Nashville Order G-2 Under Gen. Order 68, Amdt. 2]

BUILDING MATERIALS IN KNOXVILLE, TENN. AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Nashville, Tennessee, District Office, Region IV, of the Office of Price Administration by General Order No. 68 issued by the Administrator of the Office of Price Administration (in Region IV) and by Delegation Order No. 93 issued November 5, 1945, by the Regional Administrator, Region IV, it is hereby ordered: That Order No. G-2 under General Order No. 68 is amended in the following respects:

1. Section 1 is further amended to read as follows:

SECTION 1. What this order covers. This order covers all retail sales by any seller of the commodity specified in Appendix A delivered to any purchaser located in the Knoxville, Tennessee Trade Area.

This amendment to Order G-2 under General Order No. 68 shall become effective September 5, 1946.

Issued this 11th day of September 1946.

CARSON VAUGHAN,
District Director.

OPINION ACCOMPANYING AMENDMENT 2 TO ORDER G-2 UNDER GENERAL ORDER 68

Pursuant to the authority and provisions set out in General Order 68, this amendment to Order G-2 is issued for the Knoxville, Tennessee Trade Area.

It is desired to have this order cover all retail sales by any seller of the commodity specified in Appendix A, to any purchaser in the Knoxville, Tennessee Trade Area. In order to effect this it is necessary to amend section 1 so as to not only restrict the sellers of these commodities to the Knoxville, Tennessee Trade Area, but also restrict purchasers to the Knoxville, Tennessee Trade Area.

[F. R. Doc. 46-17057; Filed, Sept. 23, 1946; 8:54 a. m.]

[Nashville Order G-4 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN UPPER EAST TENNESSEE TRADE AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Nashville, Tennessee, District Office, Region IV, of the Office of Price Administration by General Order No. 68 issued by the Administrator of the Office of Price Administration (in Region IV) and

by Delegation Order No. 93 issued November 5, 1945, by the Regional Administrator, Region IV, *It is hereby ordered:* That Order No. G-4 under General Order No. 68 is amended in the following respect:

1. Section 1 is amended to read as follows:

SECTION 1. What this order covers. This order covers all "retail sales" by any seller of the commodity specified in Appendix A delivered to any purchaser located in the "Upper East Tennessee Trade Area."

This amendment to Order G-4 under General Order No. 68 shall become effective September 5, 1946.

Issued this 11th day of September 1946.

CARSON VAUGHAN,
District Director.

**OPINION ACCOMPANYING AMENDMENT NO. 1
TO ORDER G-4 ISSUED UNDER THE AUTHORITY
AND PROVISIONS OF GENERAL ORDER
NO. 68**

Pursuant to the authority and provisions set out in General Order 68, this

amendment to Order G-4 is issued for the Upper East Tennessee Trade Area.

It is desired to have this order cover all "retail sales" by any seller of the commodity specified in Appendix A, to any purchaser in the "Upper East Tennessee Trade Area." In order to effect this it is necessary to amend section 1 so as to not only restrict the sellers of these commodities to the Upper East Tennessee Trade Area, but also restrict purchasers to the Upper East Tennessee Trade Area.

[F. R. Doc. 46-17054; Filed, Sept. 23, 1946;
8:53 a. m.]