The President

PROCLAMATION 2699

AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has adopted and submitted to me the following amendments of the regulations approved by Proclamation No. 2616 of July 27, 1944; as amended, relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936;

AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 750), and Reorganization Plan II, effective July 1, 1939 (63 Stat. 1431), I, J. A. Krug, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

(Continued on p. 5709)

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terlor under existing law, or on any area adjacent to any such refuge where such area is designated as a closed area under the Migratory Bird Treaty Act.

**Waterfowl and Coot**—The open seasons on waterfowl and coot (except wood ducks in Arizona, Colorado, Kansas, Massachusetts, Nevada, North Dakota, Utah, and Wyoming; Canada geese, including Huddichins and eclEmma geese, and white-fronted geese in Illinois, Wisconsin, Michigan, Iowa, Illinois, Indiana, Ohio, Missouri, Kentucky, Tennessee, Arkansas, Louisiana, Mississippi, and Alabama; snow geese in Bearhead, Gallatin, and Madison Counties in Montana, in Idaho, Wyoming, and in State borders on the Atlantic Ocean; Ross' geese; and swans in the several States, Alaska, and Puerto Rico shall be as follows, both dates inclusive:

- **Maine, Michigan, Minnesota, North Dakota, South Dakota, Vermont, and Wisconsin**, October 5 to November 18.
- California, in San Bernardino, Riverside, and Imperial Counties, November 23 to January 6; in remainder of State, October 26 to December 9.
- New York, in Essex and Clinton Counties east of the tracks of the main line of the Delaware and Hudson Railroad and that part of Washington County east of the aforesaid tracks from the Essex County line to the village of Whitehall and north of the branch line tracks of said railroad from the village of Whitehall, New York to Fair Haven, Vermont and all the waters of South Bay are open to take in the open sea from such water in any direction, October 5 to November 18.
- Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, and Virginia, November 23 to January 6.
- Texas, on those portions of Lake Texhoma in Caddo and Grayson Counties, October 26 to December 9; in remainder of State, November 23 to January 6.
- Puerto Rico, December 15 to February 12.
- Alaska, in Fair Districts 1 and 3 as defined in the regulations governing the taking of game in Alaska, adopted May 15, 1944 (9 F.R. 5270) October 1 to November 14; in remainder of Alaska, September 1 to October 15.
- Provided, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to October 25, and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 25, and thereafter from land or water during the open seasons for other waterfowl in these States.

**Cod**, in Lake and McHenry Counties, Illinois, October 1 to October 13 and from October 26 to December 9.

**Ralls and Gallinules (except coot)**—The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

- Alabama, November 20 to January 31.
- Louisiana, September 15 to December 15.
- Maine and Wisconsin, October 5 to November 18.
- Maryland, September 1 to October 31.
- Maine and New York, including Long Island, October 25 to December 9.
- Minnesota, September 16 to November 30.
- Mississippi, October 15 to December 30.
- Puerto Rico, December 15 to February 12.

**Woodcock**—The open seasons on woodcock shall be as follows, both dates inclusive:

- Arkansas and Oklahoma, December 1 to December 15.
- Connecticut, December 10 to October 12.
- Delaware and Maryland, November 15 to November 29.
- Georgia, Louisiana, and Mississippi, December 15 to December 23.
- Indiana and West Virginia, October 16 to October 30.
- Maine, in Aroostook, Penobscot, Piscataquis, Somerset, Franklin, and Oxford Counties, October 1 to October 15; in remainder of State, October 16 to October 30.
- Massachusetts and New Jersey, October 20 to November 3.
- Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 20 to October 30.
- Minnesota, in Ohio, Pennsylvania, and Wisconsin, October 10 to October 24.
- Missouri, November 10 to November 24.
- New Hampshire, in Coos, Carroll, and Grafton Counties, October 1 to October 15; in remainder of State, October 16 to October 30.
- New York, north and east of the tracks of the branch line of the New York Central Railroad from Oswego to Syracuse, the main line of the New York Central Railroad from Syracuse to Albany, and the main line of the Boston & Albany Railroad from Albany to the Massachussetts state line, October 10 to October 24; and west and south of the line above described, October 21 to November 4; and that part of New York known as Long Island, November 1 to November 15; from 12 o'clock noon until sunset on the opening day in each of these zones, and thereafter in all of the aforesaid zones from 7:00 A.M. until sunset.
- Rhode Island, November 1 to November 15.
- Vermont, in Bennington and Windham Counties and these portions of Rutland and Windsor Counties south of U. S. Highway Route 4 from West Haven to
White River Junction, October 16 to October 30, in remainder of State, October 1 to October 15.

Virginia, November 20 to December 4. Mourning, or Turtle, Dove.—The open seasons on mourning, or turtle, dove shall be as follows: inclusive:

Arizona, California, Kansas, Missouri, and Oklahoma, September 1 to October 30.

Alabama and Louisiana, October 1 to October 15, and December 18 to January 31.

Arkansas and Mississippi, September 16 to September 30, and December 18 to January 31.

Colorado, Nevada, and New Mexico, September 1 to October 12.

Delaware and Tennessee, September 16 to November 14.

Florida, in Broward, Dade, and Monroe Counties, October 1 to October 31, in remainder of State, November 20 to January 18.

Georgia, in Muscogee, Taylor, Crawford, Bain, Bulloch, Baldwin, Hancock, Warren, McDuffie, and Columbia Counties and all counties north thereof, September 16 to September 30; in the above described counties and throughout the State, December 15 to January 15.

Idaho and Oregon, September 1 to September 15.

Illinois, September 1 to September 30.

Kentucky, September 1 to October 25.

Maryland, September 1 to October 15.

Minnesota, September 16 to September 30.

North Carolina, September 16 to September 30, and December 2 to January 15.

Pennsylvania, November 1 to November 30.

South Carolina, September 16 to October 15 and December 23 to January 22.

Texas, in Val Verde, Kinney, Uvalde, Medina, Kendall, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties, counties south of the counties described in the preceding paragraph and west thereof, September 1 to October 30; in remainder of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, LaSalle, Jim Hogg, Brooks, Kenedy, Willacy, Val-Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, September 15 and 17 from 4:00 p.m. until sunset, and thereafter, October 20 to December 13, from one-half hour before sunrise to sunset.

Virginia, September 16 to October 31.

White-winged Dove.—The open seasons on white-winged dove shall be as follows: inclusive:

Arizona, September 1 to September 15.

Texas, in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney Dimmit, LaSalle, Jim Hogg, Brooks, Kenedy, Willacy, Val-Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, September 15 and 17 from 4:00 p.m. until sunset.

Band-tailed pigeon.—The open seasons on band-tailed pigeon shall be as follows: both dates inclusive:

Arizona and New Mexico, September 16 to October 15.

California, Oregon, and Washington, September 1 to September 30.

tain Migratory Game Birds", is amended to read as follows:

Ducks (except the American and Red-breasted merganser) —Seven, including in such limit not more than 1 wood duck, and any person may possess not more than 14 ducks including not more than 1 wood duck.

The fourth paragraph of Regulation 5 is amended to read as follows:

Geese and Brant (except Snow Geese in Beaverhead, Madison, and Madison Counties in Montana, in Idaho, in Wyoming, and in States bordering on the Atlantic Ocean; Canada Geese, including Hutchinsons and Canada Geese, and Ross' Geese anywhere), as follows: Two of any kind in any combination, including brant, plus two snow geese or two blue geese singly or in the aggregate, and any person may possess not more than these limits.

The second paragraph of Regulation 6, "Shipment, Transportation, and Possession of Certain Migratory Game Birds", is amended to read as follows:

Not more than the number of such birds permitted by regulation 5 to be taken by one person in 1 day, except American and Red-breasted mergansers, or in 2 days in the case of woodcocks and ducks (except wood ducks) shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken; or from Canada or Mexico into the United States.

The fifth paragraph of regulation 6 is amended to read as follows:

Migratory Game Birds Imported From Countries Other Than Canada and Mexico.—Migratory game birds of a species on which open seasons are prescribed by regulation 4, legally taken in and exported from foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken, in numbers not exceeding those limits permitted by regulation 5 to be taken by one person in 1 day, except American and Red-breasted mergansers, or in 2 days in the case of woodcocks, and ducks (except wood ducks) to any State, Alaska, or Puerto Rico during the open season prescribed by said regulation 4 for such State, Alaska, or Puerto Rico on that species, and to the District of Columbia and any State to which it is lawful to introduce such birds; and may be possessed in such limit not more than these limits.

The fourth paragraph of Regulation 6 is amended to read as follows:

By virtue of the authority vested in me by section 1945 of the Revised Statutes of the United States (23 U.S.C. 1277), it is hereby ordered as follows:

The Tariff of United States Foreign Service Fees, prescribed by section 9–15 (22 CFR Cum. Supp. 165.15) of the Foreign Service Regulations of the United States (Executive Order No. 7968 of September 3, 1938, as amended by Executive Orders No. 8297 of December 4, 1939, No. 8295 of February 11, 1943, No. 8407 of December 17, 1943, No. 8507 of December 20, 1944, and No. 9501 of July 21, 1945) is amended as follows:

(a) Item No. 6 is hereby changing the last sub-item thereof to read: "For a certified copy of executed form for repatriation of native-born American women under the Nationality Act of October 14, 1940 (54 Stat. 1148; 8 U.S.C. 105.15) $1.00.

(b) Item No. 24, first exception thereunder, is hereby revoked.

(c) Item No. 24 is amended by changing the second exception thereunder to read: "Administrating the oath of allegiance under the Nationality Act of October 14, 1940, as amended by the act of April 13, 1942, to a person who lost his citizenship by reason of military service with a country then at war with a country with which the United States was at war during the second World War (Executive Order No. 7968, section 1745 of the Revised Statutes, and section 1745 of the Revised Statutes, No. 90911, No. 1040).

(d) Item No. 24 is further amended by changing the third exception thereunder to read: "For administering the oath of allegiance under the Nationality Act of October 14, 1940, to a native-born American woman who lost her citizenship solely by marriage to an alien and proved the second year as a result of Regulation 5, "Daily Bag and Possession Limits on Cor-
whence marriage is terminated (64 Stat. 116; 8 U.S.C. 717 (b)) ——— No fee."

HARRY S. TRUMAN
THE WHITE HOUSE, August 9, 1946.
[F. R. Doc. 46-13997; Filed, Aug. 12, 1946; 10:17 a. m.]

EXECUTIVE ORDER 9768
EXTENDING THE PROVISIONS OF EXECUTIVE ORDER No. 9177 OF MAY 30, 1942, TO THE SECRETARY OF COMMERCE

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), I hereby extend the provisions of Executive Order No. 9177 of May 30, 1942 (7 F.R. 4195) to the Secretary of Commerce: and, subject to the limitations contained in said order, I hereby authorize the Secretary of Commerce to perform and exercise all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after August 1, 1946.

HARRY S. TRUMAN
THE WHITE HOUSE, August 9, 1946
[F. R. Doc. 46-13998; Filed, Aug. 12, 1946; 10:17 a. m.]

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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL
Chapter I—Civil Service Commission
Part 27—Temporary Civil Service Regulations

APPOINTMENT WITHOUT COMPETITIVE EXAMINATION

Section 27.2 (b) (11 F.R. 1424) is amended to read as follows:

§ 27.2 Classification of the service.

(b) Appointment without competitive examination in rare cases. Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds:

(1) That the duties or compensation of the position are such, or that qualified persons are so rare, that in the interest of good civil service administration the position cannot be filled through open competitive examination;

(2) That the retention in the service of persons who have been serving during World War II in highly specialized scientific, professional, or administrative positions is essential to the programs in which they are engaged.

Any subsequent vacancy in such position shall not be filled without competitive examination except upon express prior approval of the Commission in accordance with this section. A detailed statement of the reasons for a noncompetitive appointment under this section shall be made in the records of the Commission and shall be published in its annual report. Any person hereafter appointed under this section shall be required to perform a competitive status upon completion of at least one year of satisfactory service, if he is not disqualified by any law, Executive order, or Civil Service regulation.

By the United States Civil Service Commission.

[SEAL]

ARTHUR E. FELDMAN, Acting President.

[F. R. Doc. 46-14015; Filed, Aug. 12, 1946; 12:00 m.]

TITLE 7—AGRICULTURE
Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 26—GRAIN STANDARDS

LICENSING AUTHORITY

By virtue of the authority vested in the Secretary of Agriculture by the United States Grain Standards Act, 1916 (7 U.S.C. 71 et seq.) certain amendments to the official grain standards of the United States (7 CFR. Part 26) were promulgated and became effective after the required public notice had been given.

Inasmuch as these amendments have not been published in the Federal Register due to the fact that they were issued before such documents were required to be so published, it has been determined that they shall be published now. Therefore, it is hereby ordered, That the text of Title 7, Part 26, of the Code of Federal Regulations be amended as follows:

1. In § 26.101 Strike out the definition of wheat found in the second paragraph and insert in lieu thereof:

Wheat. Wheat shall be any grain which, before the removal of dockage, consists of 50 percent or more of wheat and not more than 10 percent of other grains for which standards have been established under the provisions of the United States Grain Standards Act, and which, after the removal of dockage, contains not more than 50 percent of broken kernels of grain of any size. The term wheat in these standards shall not include emmer, spelt, einkorn, Polish wheat, and poulard wheat.

2. In § 26.103 add a footnote reference (2) at Grade No. 4 as follows:

Wheat of this class that contains more than 10 percent of broken kernels of grain that will pass through a 20-gage metal sieve with slotted perforations 0.064 inch wide by 3/16 inch long shall not be graded higher than No. 4.

3. In §§ 26.103, 26.110, and 26.112 add a footnote reference (1) at Grade No. 4 as follows:

Wheat of this class that contains more than 10 percent of broken kernels of grain that will pass through a 20-gage metal sieve with slotted perforations 0.064 inch wide by 3/16 inch long shall not be graded higher than No. 4.

4. In § 26.105 add footnote reference (3) at Grade No. 4 as follows:

Wheat of each of these classes that contains more than 10 percent of broken kernels of grain of any size shall not be graded higher than No. 4.

5. In §§ 26.103, 26.105, 26.110, and 26.112 strike out words "or more than 10 percent of cracked kernels" from the specifications for Sample grade in each of the tables of grade requirements.

6. In §§ 26.121, 26.125, 26.129, 26.201, 26.202, 26.305, 26.358, 26.409, 26.504, and 26.553 paragraph (c) of each of these sections is amended to read as follows:

(c) Percentage of moisture. Percentage of moisture shall be that ascertained by the air oven and the method of use thereof as described in Service and Regulatory Announcements No. 147 of the Bureau of Agricultural Economics of the United States Department of Agriculture, or ascertained by any device and method which give equivalent results in the determination of moisture.

7. In § 26.661 amend paragraph (c) to read as follows:

(c) Percentage of moisture. Percentage of moisture shall be that ascertained by the apparatus and the method of use thereof specified in the official grain standards of the United States for the kind of grain which predominates in the mixture.

8. In § 26.121 paragraph (i) is deleted.

9. In § 26.155 strike out the words "(corn and other grains)" under the heading "Damaged kernels.

10. In § 26.155 (b) and (i) strike out the words "and other grains."

11. In § 26.232 under the heading "Foreign material" insert 3 in lieu of 2 for Grade No. 2 and insert 4 in lieu of 3 for Grade No. 3.

12. In § 26.257 strike out the definition and insert in lieu thereof:

"Cereal oats" shall be any oats, whether sized, clipped, or natural, which contain more than 20 percent of oats and/or other matter except "Fine seeds" that will pass through a 20-gage metal sieve with slotted perforation 0.064 inch wide by 3/16 inch long.

13. In § 26.260 strike out definition and insert in lieu thereof:

"Smutty oats" shall be oats which have the kernels covered with smut spores, or which contain smut masses and/or smut balls in excess of 0.2 percent.

14. In § 26.293 add paragraph (1) as follows:

(1) Fine seeds. Fine seeds shall include all matter which can be removed from oats by the use of a metal sieve perforated with equilateral triangular perforations the inscribed circles of which are 0.064 inch in diameter.

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15. In §26.306 strike the definition and insert in lieu thereof:

"Smutty feed oats" shall be feed oats which have the kernels covered with smut spores, or which contain smut masses and/or smut balls in excess of 0.2 percent.

16. In §26.356 strike out the definition and insert in lieu thereof:

"Smutty feed oats" shall be feed oats which have the kernels covered with smut spores, or which contain smut masses and/or smut balls in excess of 0.2 percent.

17. In §26.453 strike out paragraph (b) and insert in lieu thereof:

(b) The name and approximate percentage of each kind of grain, including wild oats, which constitutes 10 percent or more of the mixture, in the order of predominance; and

18. In §26.455 strike out definition and insert in lieu thereof:

"Smutty mixed grain" shall be (a) mixed grain in which wheat or rye predominates, and which contains smut masses and/or smut balls in excess of 0.2 percent.

20. In §26.503 strike out the second paragraph and insert in lieu thereof:

The quantity of dockage shall be calculated in terms of percentage based on the total weight of the flaxseed including the dockage. Dockage shall be stated in terms of whole percent. A fraction of a percent shall be disregarded. The word "Dockage", together with the percentage thereof, shall be added to the grade designation.

21. In §26.553 strike out paragraph (a) and insert in lieu thereof:

Dockage shall be stated in terms of whole percent. A fraction of a percent shall be disregarded. The word "Dockage" together with the percentage thereof, shall be added to the grade designation.

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

[WAR 15-20, Amdt. 1]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

War Food Order No. 15-20 (11 F.R. 7400) is hereby amended by deleting §1401.213 (b) and inserting, in lieu thereof, the following:

(b) Percentage. Each person who is required to sell or dispose of Cheddar cheese produced to the specifications of War Food Order No. 15, as amended, shall set aside (1) in the calendar month of July 1946 a quantity of Cheddar cheese equal to 40 percent of all Cheddar cheese produced by him in that month, and (2) in the calendar month of August 1946 a quantity of Cheddar cheese equal to 6 percent of all Cheddar cheese produced by him in that month.
the matter to the Commissioner of Customs and await instructions with respect to the imposition of such duties. (Sec. 893, 39 Stat. 789; 15 U.S.C. 74) [SEAL] W. R. Jumonj, Commissioner of Customs.

Approved: August 7, 1946.
E. H. Foley, Jr., Acting Secretary of the Treasury.

[F. R. Doc. 46-10953; Filed, Aug. 12, 1945; 11:21 a.m.]

[T. D. 51507]

PART 51—IMPORTATIONS AND EXPORTATIONS SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER 8339, AS AMENDED, AND PROCLAMATION 2497, REGARDING "BLOCKED NATIONALS"

LICENSE REQUIREMENTS

July 30, 1946.

Treasury Decision 50835 (6 F.R. 5972), as amended by Treasury Decision 50935 (6 F.R. 6683); Treasury Decision 50545 (7 F.R. 304) Treasury Decision 50600 (7 F.R. 2777) and Treasury Decision 51245 (10 F.R. 6502) is hereby further amended as follows:

1. Section 51.1 (19 CFR, 1945 Supp. 51.1) is deleted.
2. Section 51.2 (19 CFR, 1945 Supp. 51.2) is renumbered §51.1 and is amended to read:

§51.1 Presentation of license before acceptance of entries for consolidation, etc. Except as otherwise directed, Treasury licenses shall not be required with respect to an entry, withdrawal, or exportation of merchandise notwithstanding General Ruling No. 11,1 as amended, or that the consignee, consignor, or other person having an interest in the merchandise, or in the transaction, is a foreign country designated as such.

PREAMBLES

PART 163—PRODUCTION OF DISTILLED SPIRITS

Section 163.244 is amended to read as follows:

§163.244 Distiller's records. Distillates collected for destruction or for removal for denaturation shall not be included by the distiller in the inventory of unfinished spirits reported on Form 1599 until gauged and destroyed or removed for denaturation, whereupon appropriate entries will be made on such form covering disposition of such distillates. (Secs. 2916, 3176, I.R.C.)

4. Section 163.245 is amended to read as follows:

§163.245 Distiller's records. Distillates collected for destruction or for removal for denaturation shall not be included by the distiller in the inventory of unfinished spirits reported on Form 1599 until gauged and destroyed or removed for denaturation, whereupon appropriate entries will be made on such form covering disposition of such distillates. (Secs. 2916, 3176, I.R.C.)

5. Section 163.251 is amended to read as follows:

§163.251 Supervision of removal. All distilled water when drawn into packages for removal, or when removed by pipe line, must be marked to the storekeeper-gauger and removed under his immediate supervision. The distiller will enter all removals of distilled water on Form 1598, as indicated by the columns and lines provided therein and in accordance with the instructions on the form. (Sec. 3176, I.R.C.)

6. Paragraphs (g) and (h) of §163.254 are amended to read as follows:

(g) Record of removal. The storekeeper-gauger will prepare Form 1520 covering removals of fusel oil. Such removals will be entered on Forms 1592 and 1593 as indicated by the columns and lines and instructions on the form.
(h) Disposition of washer. The water used for washing or purifying the oil in the tanks may be conveyed directly to the still, or it may be run into a tank, or other vessel, or it may be otherwise destroyed on the premises under the supervision of the storekeeper-gauger.

7. Section 163.255 is amended to read as follows:

§163.255 Procedure. Carbon dioxide may be recovered from fermenters and removed from distillery premises, provided it is first thoroughly washed and scrubbed and purified to remove the alcohol therefrom. Where carbon dioxide is recovered, the washer may be installed in a receiving tank and transferred by pipe line to a fermenter or to the beer well. Where the washer is transferred to the fermenter, the transfer must be made prior to the testing of the beer by the storekeeper-gauger at the time of distillation. Where the washer is transferred to the fermenter, the transfer must be made prior to the testing of the beer by the storekeeper-gauger at the time of distillation. Where the washer is transferred to the fermenter, the transfer must be made prior to the testing of the beer by the storekeeper-gauger at the time of distillation.
tent of the washwater. The number of gallons will also be interleaved in Part 1 of Form 1598. If the washwater is not utilized in the manufacture of distilled spirits, it will be run into the sewer or otherwise destroyed on the premises under the supervision of the storekeeper-gauger. Entry of such disposition will not be made on Forms 1592 and 1598. (Sec. 3176, I.R.C.)

SAMPLES OF DISTILLED SPIRITS

8. Section 183.270 is amended to read as follows:
§ 183.270 Office record. The storekeeper-gauger will keep an office record of the samples taken, including the date, number, quantity in wine and proof gallons, and the proof. If the distiller operates an internal revenue bonded warehouse on or contiguous to the distillery premises, the same record may be used for samples taken from the warehouse in accordance with governing regulations. The storekeeper-gauger will also report the total number and the quantity in wine and proof gallons of samples taken at the distillery during the month on Form 1592. (Sec. 3176, I.R.C.)

TAX-PAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM DISTILLERY ROOM

9. Section 183.339 is amended to read as follows:
§ 183.339 Storekeeper-gauger’s records. The storekeeper-gauger will enter all removals of distilled spirits from the distillery on Form 1592, as provided in §§ 183.394 to 183.398, inclusive. (Secs. 2877, 3176, I.R.C.)

10. Section 183.340 is amended to read as follows:
§ 183.340 Distiller’s record. The distiller shall enter on Form 1598 all removals of distilled spirits from the distillery, the headings of the various columns and lines and in accordance with the instructions printed on the form. (Secs. 2841, 2859, 3176, I.R.C.)

LOSSES OF DISTILLED SPIRITS IN DISTILLERY

11. Section 183.349 is amended to read as follows:
§ 183.349 Records. Losses of spirits at the distillery will be reported by the storekeeper-gauger on Form 1598 and by the distiller on Form 1598. Entries shall be made as indicated by the headings of the various columns and lines, and in accordance with the instructions on the form. (Secs. 2841 (a) 2877, 3176, I.R. C.)

12. Section 183.350 is amended to read as follows:
§ 183.350 Supervisor’s account. The district supervisor will make appropriate entry in his account, Form 1514 Supplemental, upon receipt from the Commissioner of notice of the allowance. (Sec. 3176, I.R.C.)

ALTERNATE OPERATION AS INDUSTRIAL ALCOHOL PLANT OR FRUIT DISTILLERY

13. Section 183.381 is amended to read as follows:
§ 183.381 Completion of records. The outgoing distiller will complete his record, Form 1598, and the storekeeper-gauger his record, Form 1592, as to the removal of basic materials from the premises, or the transfer of basic materials and mash and beer in process to the successor, as the case may be, and the removal of all spirits produced by the outgoing distiller. If distillates collected in accordance with §§ 183.225 to 183.255, inclusive, or unfinished spirits are retained on the premises in locked tanks as provided in §§ 183.377 and 183.377a, a notation will be made on Form 1598 under “Special Operations or Conditions,” that such distillates or unfinished spirits are temporarily retained on the premises pending resumption of operations as a registered distillery. The storekeeper-gauger will make a similar notation on his Form 1592 for such distiller. The distiller and storekeeper-gauger will continue and the monthly reports on Forms 1598 and 1592, respectively, during the period such distillates or unfinished spirits are retained on the distillery premises. Where the plant is operated as a registered distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Form 1592, but appropriate notations will be made on the separating lines on each form to show the dates the distillery was operated as a fruit distillery or an industrial alcohol plant and the dates during which it was so operated. (Sec. 2841 (a) 3176, I.R.C.)

CHANGE OF PERSONS INTERESTED IN BUSINESS

14. Section 183.388 is amended to read as follows:
§ 183.388 Records. The outgoing distiller shall enter on his record, Form 1598, all materials and all unfinished spirits outside the cistern room, and the storekeeper-gauger will make a similar notation on Form 1598 and the same Form 1592, as provided in §§ 183.398 and 183.398a, a notation will be made on Form 1598 under “Special Operations or Conditions,” that such distillates or unfinished spirits are temporarily retained on the premises pending resumption of operations as a registered distillery. The storekeeper-gauger will make a similar notation on his Form 1592 for such distiller. The distiller and storekeeper-gauger will continue and the monthly reports on Forms 1598 and 1592, respectively, during the period such distillates or unfinished spirits are retained on the distillery premises. Where the plant is operated as a registered distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Form 1592, but appropriate notations will be made on the separating lines on each form to show the dates the distillery was operated as a fruit distillery or an industrial alcohol plant and the dates during which it was so operated. (Sec. 2841 (a) 3176, I.R.C.)

15. Section 183.390 is amended to read as follows:
§ 183.390 Succession by fiduciary. Where a change in proprietorship is brought about by operation of law, the administrator, executor, trustee, assignee, or other fiduciary may not continue the business the required qualifying documents have been filed and approved. In the case of such change, the fiduciary shall make appropriate notation on Form 1598 of such succession, and the date thereof, and the storekeeper-gauger will make a similar notation on Form 1592. (Sec. 3176, I.R.C.)

STOREKEEPER-GAUGER’S RECORDS AND REPORTS

16. Section 183.395 is hereby revoked. 17. Section 183.396 is amended to read as follows:
§ 183.396 Monthly records. The storekeeper-gauger's monthly report on Form 1592 will be filed as a permanent record in the Government office, in bound files, and in monthly sequence. It will be kept available for inspection by visiting internal revenue officers. (Sec. 3176, I.R.C.)

DISTILLER’S RECORDS AND REPORTS

18. Section 183.402 is amended to read as follows:
§ 183.402 Record of removal of bulb spirits, Form 1598. Every proprietor of a registered distillery shall keep a daily record on Form 1598 of all bulb distilled spirits shipped from the distillery, including impure distillates removed from the distillery premises for denaturation. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. (Secs. 2859, 3176, I.R.C.)

19. Section 183.404 is amended to read as follows:
§ 183.404 Time of making entries. Daily entries shall be made on Record 52 and Form 52E, as indicated by the headings of the various columns and lines, in accordance with the instructions printed on the form, not later than the close of business of the day on which the transactions occur: Provided, That where the proprietor of a tax-paid plant keeps a separate record, such as invoices, of the removals of distilled spirits, showing the removal data required to be entered on Record 52 or Form 52E, daily entries of removals of spirits from the premises may be made on the respective record not later than the close of business of the following business day, provided the respective record is approved by the district supervisor. (Secs. 2857, 3176, I.R.C.)

20. Section 183.406 is amended to read as follows:
§ 183.406 Reports. Except as otherwise provided herein, the proprietor shall file, daily, full and complete transcripts of Record 52 and Form 52E (Parts 1 and 2) and Form 52A, 52B, and 52E (Parts 1 and 2) with the district supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: Provided, That in any case in which the district supervisor shall direct, the transcripts shall be so filed with the investigator in charge instead of with the district supervisor. The transcripts shall bear the certification signed by the person or officer authorized to execute Form 338 or 52E.

I hereby certify that these transcripts, consisting of _pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the district supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, the transcripts shall be on Form 52D and Form 52E in accordance with the provisions of § 183.406. Monthly summary reports on Form 338 (where Record 53 is kept) and Form 52E (Part 3) shall be prepared in duplicate, one copy of each being retained on file and the original forwarded to the district supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Record 52 and Form 52E shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer. (Secs. 2857, 2859, 3175, I.R.C.)

21. Section 183.407 is amended to read as follows:

§ 183.407 Forms to be provided by users. Record 52 and Forms 52A, 52B, 52E, and 52D shall be provided by users at their own expense but must in the form prescribed by the Commissioner: Provided, That with the approval of the Commissioner they may be modified to adapt their use to tabulating or other mechanical equipment: Provided further That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the flyleaf of the book, instead of on the individual form. (Sec. 3179, I.R.C.)

DISTRICT SUPERVISOR'S ACCOUNT OF REGISTERED DISTILLERY

22. Section 183.408 is amended to read as follows:

§ 183.408 Form 1514—Supplemental. Each district supervisor will render a monthly account on Form 1514—Supplemental of operations at registered distilleries for each State within his supervisory district. The required data will be obtained from Forms 1502. Entries shall be made as indicated by the headings of the various columns and lines, and in accordance with the instructions on the form. Form 1514—Supplemental will be prepared in duplicate and one copy thereof, with one copy of each Form 1502 pertaining thereto, will be forwarded to the Commissioner not later than the last day of the month succeeding that for which rendered. The remaining copy will be retained by the district supervisor. (Sec. 3176, I.R.C.)

VOLUNTARY DESTRACTION OF SPIRITS

23. Section 183.452 is amended to read as follows:

§ 183.452 Destruction. Spirits authorized to be destroyed will be caused by the storekeeper-gauger to be recorded on Forms 1520, 1521, and 1522. In such event, the spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into the sewer or other suitable means. The storekeeper-gauger shall then certify to such destruction on Form 1520, return one copy of the form to the district supervisor and forward one copy of the form to the district supervisor. He will report such destruction on Form 1520 in the manner prescribed by the form. (Secs. 3191, 3170, 3176, I.R.C.)

24. These regulations shall take effect November 1, 1946.

JOSEPH D. NOVICK, JR.,
Commissioner of Internal Revenue.

Approved: August 6, 1946.

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

[Part 105—WAREHOUSE OF DISTILLED SPIRITS

DISCUSSION AND AMENDMENTS

1. Pursuant to the provisions of sections 2857, 2859, 2904, 2910, 2915, 3170, 3176, and 3953, Internal Revenue Code (U.S.C., title 26, sections 2857, 2859, 2904, 2910, 2915, 3170, 3176, and 3953), and Regulations, 185.369, 185.377, and 185.474, of Regulations 10, are hereby amended to read as follows:

STORAGE OF DISTILLED SPIRITS IN WAREHOUSE

Expiration of 5-Year Period

§ 185.184 Examination of records. During June and December of each year the storekeeper-gauger will examine Forms 1521 to determine whether the 5-year period of storage in bond on any spirits still in the warehouse will expire during the ensuing 6-month period. Where the examination of Forms 1521 shows that there are such spirits still in that warehouse, the storekeeper-gauger shall enter the date of the original entry for deposit thereof from Form 1520 or Form 1519 if the spirits are in packages or other bulk containers, or from Form 1520 if the spirits are in cases, and will determine the date of the expiration of the 5-year bonded period of all such spirits. The storekeeper-gauger will make a list of all such packages or cases, showing the date of the expiration of the bonded period of storage of each. Where spirits of different dates of production in the same distilling season are mingled at the time of bottling, the bonded period of storage for such spirits will begin to run from the date of the original entry for deposit of the oldest spirits so mingled.

WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

§ 185.370 Proprietor's record and report. Form 52C. The proprietor of every internal revenue bonded warehouse shall enter all spirits removed from the warehouse on Form 52C, "Monthly Record and Report of Internal Revenue Bonded Warehouse," as provided in §§ 185.474 to 185.479, Inclusive. (Sec. 2839, I.R.C.)

EXPECTATION OF DISTILLED SPIRITS FREE OF TAX

§ 185.365 Records.—(a) Report of packages removed for bottling. The storekeeper-gauger shall record the removal of the spirits from the bonded warehouse for bottling in bond for export on his monthly return, Form 1513, and the bottling of the spirits on Form 1515 and Form 1516, in accordance with the regulations governing the bottling of distilled spirits in bond. When the spirits are not returned to the bonded warehouse, they will be reported to the storage portion of the bonded warehouse. These spirits need not be maintained in a separate room or building, but shall be kept separate and apart from all other distilled spirits stored in the bonded warehouse. The storekeeper-gauger shall report the quantity so deposited on Form 1516.

(b) Report of cases filled and repositioned. After the distilled spirits have been bottled and the cases returned to the storage portion of the bonded warehouse, the storekeeper-gauger will execute his report of cases filled and repositioned in the bonded warehouse on Forms 1520, 1521, and 1522, together with Form 1515 covering the removal of the packages, which will be forwarded to the district supervisor. The storekeeper-gauger will return Form 1515 with Form 1522, if the spirits repositioned in bond for export shall be disposed of as provided in the regulations governing the bottling of distilled spirits in bond, and appropriate notifications made on Forms 1520 and 1515, and also on Form 1516 if the remnants are returned to the storage portion of the warehouse. (Secs. 2904, 2910, 2915, I.R.C.)

§ 185.369 Records. When the spirits have been removed from the storage portion of the warehouse, the storekeeper-gauger shall make appropriate entries on Form 1513, and the proprietor on Form 52C. (Sec. 2904, I.R.C.)

§ 185.377 Records. The removal of the spirits from the bonded warehouse for export shall be reported on the storekeeper-gauger's monthly return, Form 1522. The deposit of the spirits in the warehouse shall be reported on the storekeeper-gauger's monthly return, Form 1513, and the district supervisor's monthly return, Form 1514. (Secs. 2877, 2915, 3170, 3953, I.R.C.)
Record and reports of proprietor.

§ 188.474. Record of removals from warehouse. Every proprietor of an internal revenue bonded warehouse shall keep a daily record on Form 52C, "Monthly Record and Report of Internal Revenue Bonded Warehouse," of (a) all bottled-in-bond distilled spirits removed from the storage portion of the warehouse; (b) all bottled-in-bond distilled spirits removed for exportation from the bottling-in-bond department without being returned to the storage portion of the bonded warehouse; and (c) all tax-paid bottled-in-bond distilled spirits removed from the bottling-in-bond department. Entries will be made as indicated by the headings of the columns and lines and in accordance with the instructions on the form. (Secs. 2857, 2859, I.R.C.)

2. These regulations shall take effect November 1, 1946.

[Seal] JOSEPH D. NUNAN, Jr., Commissioner of Internal Revenue.

Approved: August 8, 1946.

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

[F. R. Doc. 46-39313; Filed, Aug. 9, 1946; 11:59 a.m.]

[T. D. 5528]

PART 188—BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of sections 2853, 2854, 2856, 2859, and 3176, Internal Revenue Code (U.S.C., title 26, sections 2853, 2854, 2856, 2859, and 3176), Regulations 6, "Bottling of Distilled Spirits in Bond" (26 CFR, Part 188) are amended as follows:

CONSTRUCTION

2. Section 188.10 is amended to read as follows:

§ 188.10 Export storage. Where spirits are bottled in bond for temporary storage pending withdrawal for exportation, the cases need not be maintained in a separate room or building but shall be kept separate and apart from other distilled spirits stored in the warehouse, in conformity with the provisions of Regulations 10 (26 CFR, Part 185)

TRANSFER OF SPIRITS TO BOTTLING-IN-BOND DEPARTMENT

3. Paragraph (a) of § 188.48 is amended to read as follows:

(a) Removal of bottled spirits. Upon completion of bottling, the filled bottles with labels and strip stamps properly affixed must be placed in cases marked in accordance with § 188.77 to 188.91, inclusive, and the filled cases then sealed, after which cases cases must be immediately removed from the bottling-in-bond department without being returned to the storage portion of the bonded warehouse if bottled for direct exportation. If the spirits are bottled for temporary storage before exportation, the bottles are immediately removed to the storage portion of the warehouse pending withdrawal for exportation. (Secs. 2905, 2910, I.R.C.)

DUMPING, REDUCING, AND BOTTLING

4. Section 188.65 is amended to read as follows:

§ 188.65 Remnant cases of domestic spirits. Where there is less than a case of bottled spirits remaining from a lot of spirits bottled, the remnants will be disposed of as heretofore provided, not as to fruit brandy, or original entry as to distilled spirits, under the same name, at the same distillery during the same year and season as bottled-in-bond spirits for domestic purposes. Otherwise, the remnants case will be removed from the storage portion of the bonded warehouse to the storage portion of the bonded warehouse if bottled for direct exportation, or for domestic purposes. Otherwise, the remnants case will be removed from the storage portion of the bonded warehouse if bottled for direct or other cases from the bottling-in-bond department to the storage portion of the bonded warehouse if bottled for direct or other purposes. Otherwise, the remnants case will be removed from the storage portion of the bonded warehouse if bottled for direct or other purposes.

5. Section 188.66 is amended to read as follows:

§ 188.66 Remnants of low-proof spirits. Remnants of spirits resulting from overflow in filling bottles, and spirits which have deteriorated in proof by evaporation or repackaging of filters, may be returned, under the immediate supervision of the storekeeper-gauger, to the dumping-reducing, dumping-reducing tank, or by the same or another lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and season as bottled-in-bond spirits for domestic purposes. Otherwise, the remnants case will be removed from the storage portion of the bonded warehouse to the storage portion of the bonded warehouse if bottled for direct or other purposes.

6. Section 188.67 is amended to read as follows:

§ 188.67 Remnants of distilled spirits bottled in bond for export. Where there is less than a case of bottled spirits remaining from a lot of spirits bottled in bond for export, the remnants will be placed in a case which must be marked and branded as required by these regulations for marking cases of spirits bottled in bond for export, except as to the date of withdrawal and the names of the ports. If the next lot of spirits dumped for bottling in bond for export, or for domestic purposes, is of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season, the remnants case may be held in the bottling-in-bond department without being returned, under the immediate supervision of the storekeeper-gauger, to the dumping-reducing, dumping-reducing tank, or by the same or another lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season as bottled-in-bond spirits for domestic purposes. Otherwise, the remnants case will be removed from the storage portion of the bonded warehouse to the storage portion of the bonded warehouse if bottled for direct or other purposes.

(a) Remnants of distilled spirits bottled in bond for export. Where there is less than a case of bottled spirits remaining from a lot of spirits bottled in bond for export, the remnants will be placed in a case which must be marked and branded as required by these regulations for marking cases of spirits bottled in bond for export, except as to the date of withdrawal and the names of the ports. If the next lot of spirits dumped for bottling in bond for export, or for domestic purposes, is of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season, the remnants case may be held in the bottling-in-bond department without being returned, under the immediate supervision of the storekeeper-gauger, to the dumping-reducing, dumping-reducing tank, or by the same or another lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season as bottled-in-bond spirits for domestic purposes. Otherwise, the remnants case will be removed from the storage portion of the bonded warehouse to the storage portion of the bonded warehouse if bottled for direct or other purposes.

(b) Labels, stamps, marks, and brands. The bottles must be properly labeled. When export remnants of a complete case of spirits bottled in bond for domestic consumption, the export stamp strips must be replaced by the domestic bottled-in-bond stamps. When export remnants of export stamps on the bottles must be replaced by red strip stamps, purchased pursuant to Form 488, unless the spirits are 100 degrees proof and have remained in wooden containers as required by these regulations for at least four years from the date of original entry as to fruit brandy, or original entry as to distilled spirits, upon entry, may be stamped with domestic bottled-in-bond stamps. The removal of the export stamps and the affixing of the red strip stamps or the domestic bottled-in-bond stamps, as the case may be, will be under the immediate supervision of the storekeeper-gauger. Remnant cases must be marked and branded as required by the regulations governing the disposition of taxpaid spirits (Regulations 11 (26 CFR, Part 185)) or these regulations governing the domestic bonded warehouse for domestic purposes, as the case may be. Records. In (a) a remnant is disposed of as heretofore provided, notation will be made on Form 1515, and Form 206 or Forms 665 and...
monthly account on Form 1517, "District Supervisor's Account of Distilled Spirits Bottled in Bond," of all transactions at bottling-in-bond departments of internal revenue bonded warehouses, for each State within his district. The required data will be obtained from audited Forms 1516. Entries will be made on the form, and one copy will be retained, covering the withdrawal of bulk containers for bottling for export.

**STAMPS**

9. Section 188.107 is amended to read as follows:

§ 188.107 Application, Form 1515. Application for export strip stamps will be made on Form 1515, in duplicate, to the storekeeper-gauger in charge of the warehouse for the necessary export strip stamps. One copy will be retained, and one copy will be forwarded to the district supervisor in accordance with the instructions printed on the form. The storekeeper-gauger will issue the stamps and make the necessary entry on his record of the withdrawal of bulk containers for bottling for export.

**STOREKEEPER-GAUGER'S FILES**

9. Section 188.120 is amended to read as follows:

§ 188.120 Monthly report, Form 1516. The storekeeper-gauger in charge of the bottling-in-bond department will keep a monthly record on Form 1516, "Storekeeper-Gauger's Monthly Return for Bottled Spirits Bottled in Bond," of all distilled spirits received in, and withdrawn from, the bottling-in-bond department. Entries will be made as indicated by the headings of the columns and lines and in accordance with the instructions printed on the form. The storekeeper-gauger will prepare and forward two copies of the record to the district supervisor before the 10th day of the month succeeding that for which rendered: Provided, That the district supervisor may extend the time for filing the return to the 15th of such month in the case of bottling-in-bond departments where there are numerous transactions. The record will be kept in bound form available for inspection by Government officers.
lish such further evidence as may from time to time be requested by any United States coinage mint or the Director of the Mint, including affidavits, sworn reports, and sworn abstracts from books of account of any mines or any all smelters or refiners handling such silver.

§ 80.9 Settlement for silver delivered. (a) The Director of Mint, pursuant to the consent of the owner as given in the agreement executed on form TSA-1, shall retain the silver so delivered, 45 percent as seigniorage for services performed by the Government of the United States, and the balance of such silver so received, that is, 55 percent thereof, shall be coined into standard silver dollars and the same, or an equal amount of other United States currency, shall be tendered to the owner of such silver. Any fractional part of one dollar due hereunder shall be returned in any legal tender coin of the United States.

(b) The undersigned, as agent to the consent of the owner as given in the agreement executed on form TSA-10, shall, in the case of such silver mined after July 1, 1946, and tendered within one year after the month in which the ore from which such silver was derived was mined, retain the silver so delivered, 30 percent as seigniorage for services performed by the Government of the United States, and the balance of such silver so received, that is, 70 percent thereof, shall be coined into standard silver dollars and the same, or an equal amount of other standard silver dollars or, at the option of the owner of the silver so delivered, silver certificates or any other coin or currency of the United States in an amount in dollars equal to such standard silver dollars or silver certificates shall be delivered to the owner of such silver. Any fractional part of one dollar due hereunder shall be returned in any legal tender coin of the United States.

§ 80.10 Records. Every person delivering silver under these regulations, and every person owning or operating a smaller or refinery at which silver is delivered or transferred as part is mixed with secondary or foreign silver, or both, shall keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequently to July 1, 1939 and July 1, 1946, including, among other things, records of the date when such silver was mined, acquired, and disposed of. Such records shall be preserved for a year after the final delivery and made available for examination by a representative of the Director of the Mint and upon the request of such representative.

§ 80.11 Reports. Every person delivering silver under this part, silver which has been mined after July 1, 1946, and which is tendered pursuant to the act of June 6, 1939, within one year after the month in which the ore from which such silver is derived was mined, shall file with the Director of Mint, on or before the 25th day of each month after the date the silver is delivered, a report on form TSA-3 covering the period since the last report on Form TSA-3 was filed with the Director of the Mint. That the final report shall cover the period from July 1, 1946, to the end of the calendar month preceding the date of the report. Every person delivering under this part, silver which has been mined after July 1, 1946, and which is tendered pursuant to the act of June 6, 1939, within one year after the month in which the ore from which such silver is derived was mined, shall file with the Director of the Mint, on or before the 25th day of each month after the date the silver is delivered, a report on form TSA-10 covering the preceding calendar month. Provided, That the first report shall cover the period from July 1, 1946, to the end of the calendar month preceding the date of the report.

§ 80.12 Agreement relating to records. Every person delivering under this part, silver which has been mixed with secondary or foreign silver, or both, at a smelter or refinery other than that of the person making the delivery, shall, upon request by any United States coinage mint, furnish within 30 days of the last report, also file with each delivery of such silver an agreement properly executed under oath by a duly authorized officer of such other smelter or refinery, that such records will be kept as provided in this part, and that such records will be available for examination by a representative of the Director of the Mint for at least 1 year after the last delivery.

[Signature]
E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

Form TSA-10
Treasury Department
Office of the Secretary

AFFIDAVIT AND AGREEMENT BY OWNER RELATIVE TO SILVER MINE SUBSEQUENTLY TO JULY 1, 1946

State of __________, County of __________, ss:

In accordance with the provisions of the Regulations issued by the Secretary of the Treasury under section 4 of the act of July 6, 1939, the undersigned, hereby represents and certifies under oath that he is the ____________ of ____________. (Title of officer) (Name of owner) (Mint, smelter, refinery, etc.) located at ____________, State of ____________, on the __________ day of __________, 19___. The undersigned, being duly sworn, deposes and says: That he is the ____________ of ____________, the owner of a mine known as ____________, and situated in ____________, that the said ____________ has delivered ____________ ounces of silver, which was mined during the month of __________, __________, from natural deposits at the said mine so located.

Address of ____________, State of ____________, on the __________ day of __________, 19__. (Address) (Officer administering oath) My commission expires ____________

[Signature]
Subscribed and sworn to before me this __________ day of __________, 19___. (Officer administering oath)

[Notarial seal] My commission expires ____________

Form TSA-20A
Treasury Department
Office of the Secretary

AFFIDAVIT OF MINER RELATIVE TO SILVER MINE SUBSEQUENTLY TO JULY 1, 1946

State of __________, County of __________, ss:

The undersigned, being duly sworn, deposes and says: That on the __________ day of __________, 19__, the undersigned, being ____________, individual) (State name of owner if other than individual) delivered to the relationship to the foregoing owner.)
APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER 8389, AS AMENDED

LICENSE REQUIREMENT FOR ENTRY, WITHDRAWAL, OR EXPORTATION OF MERCHANDISE

Cross Reference: For an exception to the provisions of General Ruling 11 see paragraph 2 of Treasury Decision 5157 appearing under Part 51 of Title 19, supra.

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 174 (§ 1305.22(b))]

ADJUSTABLE PRICING OF IMPORTED WOODPULP AND ALL SALES OF NEWSPRINT

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

Section 1. Adjustable pricing of imported woodpulp and all sales of newsprint. (a) This supplementary order applies to imported woodpulp (as defined in Revised Maximum Price Regulation 114) and all sales of newsprint (as defined in Maximum Price Regulation 130).

(b) On and after August 8, 1946, in connection with imports of woodpulp and sales of newsprint, any seller of these commodities may agree with any buyer thereof to adjust the price to conform to any adjusted maximum price which may be established by the Office of Price Administration prior to August 30, 1946.

This order shall become effective August 8, 1946.

Issued this 8th day of August, 1946.

Paul A. Foster, Administrator.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[ERFR 7 Amdt. 51]

COILED COTTON YARNS AND THE PROCESSING THEREOF

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

Maximum Price Regulation No. 33 is amended in the following respect:

Section 1307.33 (b) are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (i) the ceiling price in effect at the time the contract was made or (ii) the ceiling price in effect at the time of delivery.

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical goods shall be considered to have been executed on the same day as the initial contract.

(b) No seller may use any escalator clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August, 1946.

Paul A. Foster, Administrator.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[ERFR 83 Amdt. 11]

COILED COTTON YARNS AND THE PROCESSING THEREOF

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

Maximum Price Regulation No. 33 is amended in the following respect:

Section 1307.33 (b) are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (i) the ceiling price in effect at the time the contract was made or (ii) the ceiling price in effect at the time of delivery.

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical goods shall be considered to have been executed on the same day as the initial contract.

(3) No seller may use any escalator clause reserving to him the right to
charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed, and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-13064; Filed, Aug. 9, 1946; 4:07 p. m.]

PART 1316—COTTON TEXTILES

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been duly filed, and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-13051; Filed, Aug. 9, 1946; 4:07 p. m.]

PART 1409—TEXTILE FABRICS, COTTON, WOOL, SILK, SYNTHETICS AND ARTICLES

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

Maximum Price Regulation 118 is amended in the following respect:

Section 1400.103 (a) and (b) are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator, for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale was made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (i) the ceiling price in effect at the time the contract was made or (ii) the ceiling price in effect at the time of delivery.

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical goods shall be considered to have been executed on the same day as the initial contract; and

(3) No seller may use any escalator clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed, and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-13042; Filed, Aug. 9, 1946; 4:07 p. m.]

PART 1412—SOVENTS

ACETONE

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

Section 1412.66 (a) (3) (i) is amended to read as follows:

(1) Sales of fermentation acetone produced by Associated Azochems Corpora-
2. Section 10 (b) (1) is amended to read as follows:

(1) Schedule of deductions:

<table>
<thead>
<tr>
<th>Export ports and calculations:</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seattle, Wash. - B</td>
<td>5.35</td>
<td>5.35</td>
</tr>
<tr>
<td>North Weymouth, Mass. - B</td>
<td>6.00</td>
<td>6.00</td>
</tr>
<tr>
<td>New London, Conn. - B</td>
<td>5.50</td>
<td>5.50</td>
</tr>
<tr>
<td>Pennsylvania, Pa. - N</td>
<td>3.50</td>
<td>3.50</td>
</tr>
<tr>
<td>Baltimore, Md. - G</td>
<td>4.15</td>
<td>4.15</td>
</tr>
<tr>
<td>Norfolk, Va. - G</td>
<td>4.65</td>
<td>4.65</td>
</tr>
<tr>
<td>Wilmington, N. C. - G III</td>
<td>6.05</td>
<td>6.05</td>
</tr>
<tr>
<td>Charleston, S. C. - G IV</td>
<td>6.50</td>
<td>6.50</td>
</tr>
<tr>
<td>Savannah, Ga. - G IV</td>
<td>6.00</td>
<td>6.00</td>
</tr>
<tr>
<td>Jacksonville, Fla. - H</td>
<td>5.25</td>
<td>5.25</td>
</tr>
<tr>
<td>Tampa, Fla. - H</td>
<td>5.65</td>
<td>5.65</td>
</tr>
<tr>
<td>Panama, Fla. - J</td>
<td>3.65</td>
<td>3.65</td>
</tr>
<tr>
<td>Mobile, Ala. - L</td>
<td>2.49</td>
<td>2.49</td>
</tr>
<tr>
<td>Gulfport, Miss. - J</td>
<td>2.49</td>
<td>2.49</td>
</tr>
<tr>
<td>New Orleans, La. - E</td>
<td>2.39</td>
<td>2.39</td>
</tr>
<tr>
<td>Houston, Tex. - K</td>
<td>2.49</td>
<td>2.49</td>
</tr>
<tr>
<td>Los Angeles, Calif. - Q I</td>
<td>1.65</td>
<td>1.65</td>
</tr>
<tr>
<td>San Francisco, Calif. - Q I</td>
<td>1.65</td>
<td>1.65</td>
</tr>
</tbody>
</table>

3. Paragraph (b) (3) (i) of Appendix A is amended to read as follows:

(3) (i) Bag differentials. There may be added the following amounts per ton for bushel bags:

<table>
<thead>
<tr>
<th>Schedule</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cotton, A, O, J All other</td>
<td></td>
</tr>
<tr>
<td>For 100- or 200-pound bags</td>
<td>1.10</td>
</tr>
<tr>
<td>For 205-pound bags</td>
<td>1.10</td>
</tr>
<tr>
<td>For 200-pound bags</td>
<td>1.10</td>
</tr>
</tbody>
</table>

For the use of cotton bags, an additional $2 per ton may be added to the above differentials.

4. Paragraph (a) of Schedule A of Appendix A is amended to read as follows:

(a) (1) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-12-10</td>
<td>4.60</td>
</tr>
<tr>
<td>12-12-10</td>
<td>5.00</td>
</tr>
<tr>
<td>14-14-10</td>
<td>5.40</td>
</tr>
<tr>
<td>16-16-10</td>
<td>5.80</td>
</tr>
<tr>
<td>18-18-10</td>
<td>6.20</td>
</tr>
<tr>
<td>20-20-10</td>
<td>6.60</td>
</tr>
<tr>
<td>22-22-10</td>
<td>7.00</td>
</tr>
<tr>
<td>24-24-10</td>
<td>7.40</td>
</tr>
<tr>
<td>26-26-10</td>
<td>7.80</td>
</tr>
<tr>
<td>28-28-10</td>
<td>8.20</td>
</tr>
<tr>
<td>30-30-10</td>
<td>8.60</td>
</tr>
<tr>
<td>32-32-10</td>
<td>9.00</td>
</tr>
<tr>
<td>34-34-10</td>
<td>9.40</td>
</tr>
<tr>
<td>36-36-10</td>
<td>9.80</td>
</tr>
<tr>
<td>38-38-10</td>
<td>10.20</td>
</tr>
<tr>
<td>40-40-10</td>
<td>10.60</td>
</tr>
<tr>
<td>42-42-10</td>
<td>11.00</td>
</tr>
<tr>
<td>44-44-10</td>
<td>11.40</td>
</tr>
<tr>
<td>46-46-10</td>
<td>11.80</td>
</tr>
<tr>
<td>48-48-10</td>
<td>12.20</td>
</tr>
<tr>
<td>50-50-10</td>
<td>12.60</td>
</tr>
<tr>
<td>52-52-10</td>
<td>13.00</td>
</tr>
<tr>
<td>54-54-10</td>
<td>13.40</td>
</tr>
<tr>
<td>56-56-10</td>
<td>13.80</td>
</tr>
<tr>
<td>58-58-10</td>
<td>14.20</td>
</tr>
</tbody>
</table>

5. Paragraph (a) of Schedule B to Appendix A is amended to read as follows:

(a) (1) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-12-10</td>
<td>4.60</td>
</tr>
<tr>
<td>12-12-10</td>
<td>5.00</td>
</tr>
<tr>
<td>14-14-10</td>
<td>5.40</td>
</tr>
<tr>
<td>16-16-10</td>
<td>5.80</td>
</tr>
<tr>
<td>18-18-10</td>
<td>6.20</td>
</tr>
<tr>
<td>20-20-10</td>
<td>6.60</td>
</tr>
<tr>
<td>22-22-10</td>
<td>7.00</td>
</tr>
<tr>
<td>24-24-10</td>
<td>7.40</td>
</tr>
<tr>
<td>26-26-10</td>
<td>7.80</td>
</tr>
<tr>
<td>28-28-10</td>
<td>8.20</td>
</tr>
<tr>
<td>30-30-10</td>
<td>8.60</td>
</tr>
<tr>
<td>32-32-10</td>
<td>9.00</td>
</tr>
<tr>
<td>34-34-10</td>
<td>9.40</td>
</tr>
<tr>
<td>36-36-10</td>
<td>9.80</td>
</tr>
<tr>
<td>38-38-10</td>
<td>10.20</td>
</tr>
<tr>
<td>40-40-10</td>
<td>10.60</td>
</tr>
<tr>
<td>42-42-10</td>
<td>11.00</td>
</tr>
<tr>
<td>44-44-10</td>
<td>11.40</td>
</tr>
<tr>
<td>46-46-10</td>
<td>11.80</td>
</tr>
<tr>
<td>48-48-10</td>
<td>12.20</td>
</tr>
<tr>
<td>50-50-10</td>
<td>12.60</td>
</tr>
<tr>
<td>52-52-10</td>
<td>13.00</td>
</tr>
<tr>
<td>54-54-10</td>
<td>13.40</td>
</tr>
<tr>
<td>56-56-10</td>
<td>13.80</td>
</tr>
<tr>
<td>58-58-10</td>
<td>14.20</td>
</tr>
</tbody>
</table>

On direct shipments from points of production or processing to points of receipt by rail or water, freight and carrier's charges paid, add $0.75 per ton to the above differentials in (a) (1) below. Add $0.30 per ton to the above differentials in (b) (2) below. Add $0.25 per ton to the above differentials in (b) (3) below. Add $0.20 per ton to the above differentials in (c) (1) below. Add $0.15 per ton to the above differentials in (c) (2) below. Add $0.10 per ton to the above differentials in (c) (3) below. Add $0.05 per ton to the above differentials in (c) (4) below. Add $0.02 per ton to the above differentials in (c) (5) below. Add $0.01 per ton to the above differentials in (c) (6) below. Add $0.005 per ton to the above differentials in (c) (7) below. Add $0.0025 per ton to the above differentials in (c) (8) below. Add $0.00125 per ton to the above differentials in (c) (9) below.
6. Paragraph (a) of Schedule C of Appendix A is amended to read as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Columns</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-12-12</td>
<td>$31.10</td>
<td>29.40</td>
<td>28.70</td>
<td>28.70</td>
<td></td>
</tr>
<tr>
<td>0-12-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-15-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-15-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-19-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-19-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-23-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-23-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-27-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-27-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
</tbody>
</table>

On direct shipments from points of production or port of entry, when consumer takes delivery at his door, deduct the transportation cost from the above prices in addition to the amount deductible in (1) below.

Maximum time price in bags f. o. b. producing point in addition to the amounts set forth in paragraph (2) below.

8. Paragraph (a) of Schedule E of Appendix A is amended to read as follows:

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Columns</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-12-12</td>
<td>$31.10</td>
<td>29.40</td>
<td>28.70</td>
<td>28.70</td>
<td></td>
</tr>
<tr>
<td>0-12-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-15-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-15-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-19-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-19-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-23-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-23-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-27-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-27-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td>40.50</td>
<td></td>
</tr>
</tbody>
</table>

On direct shipments from points of production or port of entry, when consumer takes delivery at his door, deduct the transportation cost from the above prices in addition to the amount deductible in (1) below.

Maximum time price in bags f. o. b. producing point in addition to the amounts set forth in paragraph (2) below.

Maximum time price in bags f. o. b. nearest sublimate of ammonium producing point in addition to the amounts set forth in paragraphs (2) below.

Maximum time price in bags f. o. b. nearest state tonnage or inspection tax.

Maximum time price in bags f. o. b. nearest state tonnage or inspection tax.

Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

Plus one charge of 10 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

9. Paragraph (a) of Schedule F of Appendix A is amended to read as follows:

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Columns</th>
<th>I</th>
<th>II</th>
<th>III</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-12-12</td>
<td>$31.10</td>
<td>29.40</td>
<td>28.70</td>
<td></td>
</tr>
<tr>
<td>0-12-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-15-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-15-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-19-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-19-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-23-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-23-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td></td>
</tr>
<tr>
<td>0-27-12</td>
<td>55.30</td>
<td>55.30</td>
<td>55.30</td>
<td></td>
</tr>
<tr>
<td>0-27-4</td>
<td>40.50</td>
<td>40.80</td>
<td>40.50</td>
<td></td>
</tr>
</tbody>
</table>

See footnotes at end of table.
11. Paragraph II (a) (1) of Schedule G of Appendix A is amended to read as follows:

<table>
<thead>
<tr>
<th>Columns</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>F. o. b. the nearest wholesale price</td>
<td></td>
</tr>
<tr>
<td>basis point as specified:</td>
<td></td>
</tr>
<tr>
<td>16-1-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
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</tr>
<tr>
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<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
</tbody>
</table>

13. Paragraph II (a) (1) of Schedule H of Appendix A is amended to read as follows:

<table>
<thead>
<tr>
<th>Columns</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>F. o. b. the nearest wholesale price</td>
<td></td>
</tr>
<tr>
<td>basis point as specified:</td>
<td></td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
<tr>
<td>16-0-0-0-0-0</td>
<td>Domestic nitrate of soda</td>
</tr>
</tbody>
</table>

**Notes:**

- Based on Norfolk, Va., only.
- All potash from sulphate.
15. Paragraph II (a) (1) of Schedule I of Appendix A is amended to read as follows:

(1) F. o. b. the nearest wholesale price basing point as specified:

<table>
<thead>
<tr>
<th>Grade:</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.5-0-0—Sulphate of ammonia, f. o. b. producing point.</td>
<td>$37.50</td>
</tr>
<tr>
<td>20.5-0-0—Ammonium nitrate-lime compound, f. o. b. Niagara Falls, Ontario, Canada.</td>
<td>42.25</td>
</tr>
<tr>
<td>26-0-0—Calcium cyanamide, f. o. b. Niagara Falls, Ontario, Canada.</td>
<td>35.00</td>
</tr>
<tr>
<td>28-0-0—Imported ammonium nitrate, f. o. b. Niagara Falls, Ontario, Canada.</td>
<td>54.00</td>
</tr>
<tr>
<td>35.0-0—Domestic ammonium nitrate, f. o. b. Niagara Falls, Ontario, Canada.</td>
<td>56.00</td>
</tr>
<tr>
<td>42-0-0—Urea compound, f. o. b. nearest port.</td>
<td>66.40</td>
</tr>
</tbody>
</table>

18. The table in paragraph I (a) of Schedule K of Appendix A is amended to read as follows:

<table>
<thead>
<tr>
<th>[Price per ton]</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-15-0...</td>
</tr>
<tr>
<td>13-0-0...</td>
</tr>
<tr>
<td>13-5-0...</td>
</tr>
<tr>
<td>14-0-0...</td>
</tr>
<tr>
<td>14-5-0...</td>
</tr>
<tr>
<td>15-0-0...</td>
</tr>
<tr>
<td>15-5-0...</td>
</tr>
<tr>
<td>16-0-0...</td>
</tr>
<tr>
<td>16-5-0...</td>
</tr>
<tr>
<td>17-0-0...</td>
</tr>
<tr>
<td>17-5-0...</td>
</tr>
<tr>
<td>18-0-0...</td>
</tr>
<tr>
<td>18-5-0...</td>
</tr>
<tr>
<td>19-0-0...</td>
</tr>
<tr>
<td>19-5-0...</td>
</tr>
<tr>
<td>20-0-0...</td>
</tr>
<tr>
<td>20-5-0...</td>
</tr>
<tr>
<td>21-0-0...</td>
</tr>
<tr>
<td>21-5-0...</td>
</tr>
<tr>
<td>22-0-0...</td>
</tr>
<tr>
<td>22-5-0...</td>
</tr>
</tbody>
</table>

19. Paragraph II (a) (1) of Schedule K of Appendix A is amended to read as follows:

(1) F. o. b. the nearest wholesale price basing point as specified:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.5-0-0—Sulphate of ammonia, f. o. b. producing point.</td>
<td>$37.50</td>
</tr>
<tr>
<td>20.5-0-0—Ammonium nitrate-lime compound, f. o. b. Niagara Falls, Ontario, Canada.</td>
<td>42.25</td>
</tr>
<tr>
<td>26-0-0—Calcium cyanamide, f. o. b. Niagara Falls, Ontario, Canada.</td>
<td>35.00</td>
</tr>
<tr>
<td>35-0-0—Imported ammonium nitrate, f. o. b. Niagara Falls, Ontario, Canada.</td>
<td>54.00</td>
</tr>
<tr>
<td>36-0-0—Domestic ammonium nitrate, f. o. b. Niagara Falls, Ontario, Canada.</td>
<td>56.00</td>
</tr>
<tr>
<td>42-0-0—Urea compound, f. o. b. nearest port.</td>
<td>66.40</td>
</tr>
</tbody>
</table>

21. Paragraph II (a) (1) of Schedule I of Appendix A is amended to read as follows:

(a) Delivered to railroad or warehouse base prices for goods in 100-pound paper bags:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-15-0...</td>
<td>53.25</td>
</tr>
<tr>
<td>13-0-0...</td>
<td>51.50</td>
</tr>
<tr>
<td>13-5-0...</td>
<td>50.00</td>
</tr>
<tr>
<td>14-0-0...</td>
<td>48.50</td>
</tr>
<tr>
<td>14-5-0...</td>
<td>47.00</td>
</tr>
<tr>
<td>15-0-0...</td>
<td>45.00</td>
</tr>
<tr>
<td>15-5-0...</td>
<td>43.50</td>
</tr>
<tr>
<td>16-0-0...</td>
<td>42.00</td>
</tr>
<tr>
<td>16-5-0...</td>
<td>40.50</td>
</tr>
<tr>
<td>17-0-0...</td>
<td>39.00</td>
</tr>
<tr>
<td>17-5-0...</td>
<td>37.50</td>
</tr>
<tr>
<td>18-0-0...</td>
<td>36.00</td>
</tr>
<tr>
<td>18-5-0...</td>
<td>34.50</td>
</tr>
<tr>
<td>19-0-0...</td>
<td>33.00</td>
</tr>
<tr>
<td>19-5-0...</td>
<td>31.50</td>
</tr>
<tr>
<td>20-0-0...</td>
<td>30.00</td>
</tr>
<tr>
<td>20-5-0...</td>
<td>28.50</td>
</tr>
<tr>
<td>21-0-0...</td>
<td>27.00</td>
</tr>
<tr>
<td>21-5-0...</td>
<td>25.50</td>
</tr>
<tr>
<td>22-0-0...</td>
<td>24.00</td>
</tr>
<tr>
<td>22-5-0...</td>
<td>22.50</td>
</tr>
</tbody>
</table>
### Grades

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price per ton</th>
<th>Grade</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-9-6</td>
<td>$08.25</td>
<td>42-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>3-12-6</td>
<td>$08.25</td>
<td>42-5-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>4-18-6</td>
<td>$08.25</td>
<td>45-0-0</td>
<td>$08.25</td>
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<tr>
<td>5-28-6</td>
<td>$08.25</td>
<td>48-0-0</td>
<td>$08.25</td>
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<tr>
<td>6-36-6</td>
<td>$08.25</td>
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<td>$08.25</td>
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<tr>
<td>10-0-7</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>15-8-7</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>15-13-7</td>
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<td>50-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>3-24-9</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>4-36-9</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>5-46-9</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>6-54-9</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>10-30-12</td>
<td>$08.25</td>
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<td>$08.25</td>
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<tr>
<td>10-39-12</td>
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<td>$08.25</td>
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<td>20-48-12</td>
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<td>$08.25</td>
</tr>
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<td>20-75-12</td>
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<td>$08.25</td>
</tr>
<tr>
<td>20-84-12</td>
<td>$08.25</td>
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<td>$08.25</td>
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<td>$08.25</td>
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<td>20-102-12</td>
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<td>20-111-12</td>
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<td>$08.25</td>
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<td>$08.25</td>
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<td>$08.25</td>
</tr>
<tr>
<td>20-129-12</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
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<td>20-147-12</td>
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</tr>
<tr>
<td>20-156-12</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
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<td>20-165-12</td>
<td>$08.25</td>
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<td>$08.25</td>
</tr>
<tr>
<td>20-174-12</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
<tr>
<td>20-183-12</td>
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<td>$08.25</td>
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<td>20-192-12</td>
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</tr>
<tr>
<td>20-246-12</td>
<td>$08.25</td>
<td>50-0-0</td>
<td>$08.25</td>
</tr>
</tbody>
</table>

*Maximum time price in bags f. o. b. manufacturers' or dealers' as follows:*  
(a) Deliver-to-carload or warehouse.  
(b) Deliver-to-carload or warehouse.  
(c) Deliver-to-carload or warehouse.

---

23. Paragraph (a) of Schedule N of Appendix A is amended to read as follows:  
(a) Deliver-to-carload or warehouse.

---

Eastern Nebraska. Prices in the tables above apply to deliveries in the counties of Dakota, Thurston, Burt, Dodge, Saunders, Lancaster and Gage and counties east thereof.

Central Nebraska. Add $1.00 per ton for deliveries in counties west of the above and east of and including counties of Knox, Antelope, Boone, Gage, Morrill, Hall, Adams and Webster.

Western Nebraska. For the area west of counties listed in Central Nebraska, add the carload rate of freight in excess of $3.00 per ton from Chicago to destination, to the prices for Central Nebraska.
North Dakota. Prices in the tables above apply to delivery in the counties of Pembina, Walsh, Grand Forks, Cass, Richland and Traill and counties east thereof.

South Dakota. Prices in the tables above apply to delivery in the counties of McPherson, Faulk, Edmunds, Hyde, Buffalo, Burke and Charles Mix and counties east thereof.

Western North and South Dakota. For the area west of the counties listed above, add the carload rate of freight in excess of $9.00 per ton from Chicago to destination, divided by .82, to the prices in the tables for eastern North and South Dakota.

Iowa. Add to the maximum prices established above for deliveries in Iowa freight in excess of $5.00 per ton from East St. Louis, Illinois.

Minnesota. Add to the maximum prices established above for deliveries in Minnesota freight in excess of $5.00 per ton from East St. Louis, Illinois.

Wisconsin. Add to the maximum prices established above for deliveries in Wisconsin freight in excess of $5.00 per ton from East St. Louis, Illinois.

24. The table in paragraph (a) of Schedule O of Appendix A is amended to read as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-14</td>
<td>68.00</td>
</tr>
<tr>
<td>14-16</td>
<td>70.00</td>
</tr>
<tr>
<td>16-18</td>
<td>72.00</td>
</tr>
<tr>
<td>18-20</td>
<td>74.00</td>
</tr>
<tr>
<td>20-22</td>
<td>76.00</td>
</tr>
<tr>
<td>22-24</td>
<td>78.00</td>
</tr>
<tr>
<td>24-26</td>
<td>80.00</td>
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<tr>
<td>26-28</td>
<td>82.00</td>
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<tr>
<td>28-30</td>
<td>84.00</td>
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<tr>
<td>30-32</td>
<td>86.00</td>
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<td>32-34</td>
<td>88.00</td>
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<tr>
<td>34-36</td>
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<td>36-38</td>
<td>92.00</td>
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<tr>
<td>38-40</td>
<td>94.00</td>
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<tr>
<td>40-42</td>
<td>96.00</td>
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<tr>
<td>42-44</td>
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<td>44-46</td>
<td>100.00</td>
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<td>46-48</td>
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<td>50-52</td>
<td>106.00</td>
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<td>108.00</td>
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<td>56-58</td>
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<td>66-68</td>
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<td>70-72</td>
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<td>74-76</td>
<td>130.00</td>
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<td>78-80</td>
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<td>80-82</td>
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<td>82-84</td>
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<td>90-92</td>
<td>146.00</td>
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<tr>
<td>92-94</td>
<td>148.00</td>
</tr>
<tr>
<td>94-96</td>
<td>150.00</td>
</tr>
<tr>
<td>96-98</td>
<td>152.00</td>
</tr>
<tr>
<td>98-100</td>
<td>154.00</td>
</tr>
</tbody>
</table>

25. The table in paragraph (a) of Schedule P of Appendix A is amended to read as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-14</td>
<td>97.45</td>
</tr>
<tr>
<td>14-16</td>
<td>99.45</td>
</tr>
<tr>
<td>16-18</td>
<td>101.45</td>
</tr>
<tr>
<td>18-20</td>
<td>103.45</td>
</tr>
<tr>
<td>20-22</td>
<td>105.45</td>
</tr>
<tr>
<td>22-24</td>
<td>107.45</td>
</tr>
<tr>
<td>24-26</td>
<td>109.45</td>
</tr>
<tr>
<td>26-28</td>
<td>111.45</td>
</tr>
<tr>
<td>28-30</td>
<td>113.45</td>
</tr>
<tr>
<td>30-32</td>
<td>115.45</td>
</tr>
<tr>
<td>32-34</td>
<td>117.45</td>
</tr>
<tr>
<td>34-36</td>
<td>119.45</td>
</tr>
<tr>
<td>36-38</td>
<td>121.45</td>
</tr>
<tr>
<td>38-40</td>
<td>123.45</td>
</tr>
<tr>
<td>40-42</td>
<td>125.45</td>
</tr>
<tr>
<td>42-44</td>
<td>127.45</td>
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<tr>
<td>44-46</td>
<td>129.45</td>
</tr>
<tr>
<td>46-48</td>
<td>131.45</td>
</tr>
<tr>
<td>48-50</td>
<td>133.45</td>
</tr>
<tr>
<td>50-52</td>
<td>135.45</td>
</tr>
<tr>
<td>52-54</td>
<td>137.45</td>
</tr>
<tr>
<td>54-56</td>
<td>139.45</td>
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<tr>
<td>56-58</td>
<td>141.45</td>
</tr>
<tr>
<td>58-60</td>
<td>143.45</td>
</tr>
<tr>
<td>60-62</td>
<td>145.45</td>
</tr>
<tr>
<td>62-64</td>
<td>147.45</td>
</tr>
<tr>
<td>64-66</td>
<td>149.45</td>
</tr>
<tr>
<td>66-68</td>
<td>151.45</td>
</tr>
<tr>
<td>68-70</td>
<td>153.45</td>
</tr>
<tr>
<td>70-72</td>
<td>155.45</td>
</tr>
<tr>
<td>72-74</td>
<td>157.45</td>
</tr>
<tr>
<td>74-76</td>
<td>159.45</td>
</tr>
<tr>
<td>76-78</td>
<td>161.45</td>
</tr>
<tr>
<td>78-80</td>
<td>163.45</td>
</tr>
<tr>
<td>80-82</td>
<td>165.45</td>
</tr>
<tr>
<td>82-84</td>
<td>167.45</td>
</tr>
<tr>
<td>84-86</td>
<td>169.45</td>
</tr>
<tr>
<td>86-88</td>
<td>171.45</td>
</tr>
</tbody>
</table>

27. The table in paragraph (a) of Schedule R of Appendix A is amended to read as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-5-0</td>
<td>26.55</td>
</tr>
<tr>
<td>4-5-1</td>
<td>28.55</td>
</tr>
<tr>
<td>4-5-2</td>
<td>30.55</td>
</tr>
<tr>
<td>4-5-3</td>
<td>32.55</td>
</tr>
<tr>
<td>4-5-4</td>
<td>34.55</td>
</tr>
<tr>
<td>4-5-5</td>
<td>36.55</td>
</tr>
<tr>
<td>4-5-6</td>
<td>38.55</td>
</tr>
<tr>
<td>4-5-7</td>
<td>40.55</td>
</tr>
<tr>
<td>4-5-8</td>
<td>42.55</td>
</tr>
<tr>
<td>4-5-9</td>
<td>44.55</td>
</tr>
<tr>
<td>4-5-10</td>
<td>46.55</td>
</tr>
</tbody>
</table>

This amendment shall become effective August 17, 1946.
FEDERAL REGISTER, Tuesday, August 16, 1946

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direct-mill sale means a sale of not more than 2,000 feet of lumber in which the purchaser requests delivery to a point not more than 20 miles from the mill at which the shipment originates. It includes the sale of lumber to contractors or consumers for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and it does not include sales for resale.

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

Paul A. Foster, Administrator.

[F. R. Doc. 46-15026; Filed, Aug. 12, 1946; 11:36 a. m.]

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PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADJOINING [MPR 39, Amdt. 15]

WOVEN DECORATIVE FABRICS

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

Maximum Price Regulation No. 39 is amended in the following respect:

Paragraphs (a) and (b) of § 1400.153 are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator, for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the dealer and goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (i) the ceiling price in effect at the time the contract was made or (ii) the ceiling price in effect at the time of delivery.

(2) For any purchase or subsequent contract between the same parties covering all or part of the identical goods shall be considered to have been executed on the same day as the initial contract; and

(3) No seller may use any escrow clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed and such petition requires extensive consideration, or where the Administrator makes consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increase in maximum price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

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Issued this 9th day of August 1946.

Paul A. Foster, Administrator.

[F. R. Doc. 46-15026; Filed, Aug. 8, 1946; 4:36 p. m.]

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PART 1459—COMMERCIALS AND SERVICES [MPR 614]

RETAIL SALES OF SPECIFIED ARTICLES OF HARDWARE

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.

Sec. 1. What this regulation covers.

2. Ceiling prices.

3. How to treat taxes.

4. Marking, tagging and posting.

5. Records.

6. Sales slips.

7. What acts are prohibited by this regulation.

8. What this regulation applies to.

9. Relation to other regulations.

10. Amendment.

11. Orders modifying this regulation.


Section 1. What this regulation covers.

This regulation covers all sales at retail of the following types of articles:

(a) Trowels including manually operated cement workers', bricklayers', tile cutters, marble and plasterers tools, such products as trowels, jointers, joint illers, mats, raps, hose, funnels, cementing tools, tile cutters and hammers.

(b) Steel shears, spades and reapers.

(c) Mechanics' hand tools including auto mechanics' tools, chisels, mechanics' hammers, pipe wrenches, punchers, pin cutting shears and shears, wrenches and spanners, escoffs and drivers, mail carts, metal tool boxes and tool kits.

Section 2. Ceiling prices.

You determine your ceiling price for an article by adding to your net cost a markup of 50% of that net cost if your supplier is a wholesaler, or by adding to your net cost 67% of that net cost if your supplier is a manufacturer.

Your ceiling price for this regulation shall be the result thus obtained, adjusted to the nearest multiple of five cents.

"Net cost" means the invoice cost of the article you are pricing less all discounts except cash discounts but including all incoming transportation charges belonging in a class for which such charges are separately stated, which you include in your net cost must be allocated to the article you are pricing on the basis of its value. For example, take the incoming freight cost on any shipment and divide this figure by the total invoice cost of the merchandise included in that shipment. The resulting figure is your "freight factor" for the shipment. To determine the amount of freight properly allocable to an article in the shipment, multiply the invoice cost of that article by the freight factor.

Sec. 3. How to treat taxes.

The ceiling prices determined under section 2 are your ceiling prices exclusive of taxes. If the tax law permits the taxes to be separately stated, you may exclude the taxes on the sale or delivery of the article in addition to the ceiling price fixed under section 2, provided that you state the tax separately. This applies to a sales tax or a compensating use tax.

Sec. 4. Marking, tagging and posting.

On and after August 9, 1946, you must mark the maximum price of each article covered by this regulation in a manner plainly visible to and understandable by the purchasing public, by one of the following methods:

(a) By marking the maximum OPA ceiling price on the article, or on the shelf, bin, rack or other holder or container upon or in which the article is kept, if all the articles kept on or in the shelf, bin, rack, holder or container have the same maximum price. This marking shall read: "Ceiling Price $_________" or "Our Ceiling $_________."

(b) By marking the selling price on the article, or on the shelf, bin, rack or other holder or container upon or in which the article is kept, if all the articles kept on or in the shelf, bin, rack, holder or container have the same maximum price; provided that you keep displayed in some prominent place or places in your establishment a sign or signs indicating the ceiling price for that merchandise for sale in your establishment are at or below your OPA ceiling prices.

Sec. 5. Records.

The records required by this section must be kept for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. All such records must be maintained on from which a chain of evidence may be established, except that a chain subject to a uniform pricing order must keep all the records required by this section at the seller's
main office (or at the office indicated in the seller's uniform pricing order).

(a) Current records—(1) Preserving invoices. You must preserve the purchase invoices which you receive on or after August 9, 1946, for all articles covered by this regulation. You must keep these invoices in alphabetical, numerical, or chronological order, or according to some other recognized filing system. Upon request of any authorized agent of the OPA, you must let him examine your purchase invoices for any article covered by this regulation.

(2) Requiring invoices. Before selling or offering for sale any article covered by this regulation which is delivered to you on or after August 9, 1946, you must "re-tail" the invoice, that is, you must mark your first selling price for each article covered by this regulation on the invoice covering your purchase of the article, and also any incoming transportation charges allocated to the article purchased. The invoice must show the date, your name and address, the description of each article sold and the price received for it.

Sec. 7. What acts are prohibited by this regulation. On and after August 9, 1946, regardless of any contract or other obligation, the following practices are forbidden:

(a) Charging more than maximum prices. Every person is prohibited from selling or delivering any article at a price higher than the maximum price permitted by this regulation. A lower price may, of course, be charged.

(b) Buying for more than maximum price. Every person is prohibited from buying or receiving, in the course of trade or business, any article sold in violation of any of the provisions of this regulation.

(c) Combination sales. Every person is prohibited from requiring any purchasing to buy or agree to buy any other article, service, package or wrapper in connection with the sale or delivery of any article covered by this regulation. Every person is likewise prohibited from asking a sale of articles which is conditioned directly or indirectly on the purchase of any other commodity or service. Combined sales of articles, if designed by the manufacturer for sale at a unit price, and so purchased by the seller, may, however, be sold at a unit price unless such sale is otherwise prohibited.

(d) Indirect price increases. Every person is prohibited from doing any other act which directly or indirectly increases, above the price limitation set forth in this regulation, to purchase, deliver, sell, contract, deal, or otherwise operate with or through any other person under common control with, controlled by, controlling, or otherwise affiliated with the seller. No person shall do any other act which directly or indirectly increases the consideration paid for any article. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright sale above the maximum price.

Sec. 8. Where this regulation applies. This regulation applies in the 48 States and the District of Columbia.

Sec. 9. Relation to other regulations. The coverage of this regulation is stated in section 1. Where this regulation applies, it supersedes the provisions of any other regulation.

Sec. 10. Amendment. Any person may file a petition for an amendment of general applicability to any provision of this regulation in accordance with the provisions of Revised Procedural Regulation No. 1.

Sec. 11. Orders modifying this regulation. The provisions of this regulation, as applied to certain commodities or persons subject to this regulation, may be modified by general orders under this regulation.

This regulation shall become effective August 9, 1946, except that any seller subject to this regulation may, until August 20, 1946, continue to sell articles covered by this regulation at or below the prices determined under previous orders in effect on July 31, 1946.

Note: All the 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 9th day of August 1946.

PAUL A. PORTER, Administrator.

[FR Doc. 46-13953; Filed, Aug. 9, 1946; 4:08 p.m.]

PART 1316—COTTON TEXTILES

RPS 69; Amrd. 19

BED LINENS

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 Price Schedule 69 is amended in the following respects:

Paragraphs (a) and (b) of § 1316.108a are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator, for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (a) the ceiling price in effect at the time the contract was made or (b) the ceiling price in effect at the time of delivery;

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical good shall be considered to have been executed on the same day as the initial contract; and

(b) No seller may use any escalator clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER, Administrator.

[FR Doc. 46-13953; Filed, Aug. 9, 1946; 4:08 p.m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14, Amrd. 35]

MAILS

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

Second Revised Supplementary Regulation 14 is amended as follows:

Paragraph (d) of section 5.4 is amended by inserting the words "or emergency basing point, whichever is applicable" immediately before the words "as established by Revised Price Schedule No. 6."

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER, Administrator.

[FR Doc. 46-14016; Filed, Aug. 12, 1946; 11:54 a.m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14, Amrd. 35]

IMPORTS; LUMBER AND OTHER LUMBER PRODUCTS

A statement of the considerations involved in the issuance of this amend-
HAS BEEN DESIGNATED AS A "LARGE ACCOUNT"

THEREFORE. APPENDIX B STATES THE MAXIMUM PRICES ESTABLISHED IN APPENDIX A.

SERVICES SUPPLIED BY THE "LARGE ACCOUNT".

APPENDIX B—MAXIMUM PRICES FOR LINEN SUPPLY ITEMS SUPPLIED TO "LARGE ACCOUNTS.

1. Aprons—Bib or Bar
2. Costs
3. Gowns
4. Suits
5. Table Tops—Domestic
6. Sanitary Detail
7. Ties and Canes
8. Caps and Head Bands
9. Head Rests
10. Chef Caps
11. Paper Cups
12. Nitrates
13. Nitrates (Domestic) 10"
14. Nitrates (Domestic) 12"
15. Individual towels
16. Roller towels
17. Roller towels (except
18. Sheeting
19. Pillow Cases
20. Spreads
21. Special Costs
22. Bed Costs
23. Special Gowns
24. Blanks
25. Suits
26. Table Clothes 60" x 60"
27. Table Tops
28. Table Tops 42"
29. Table Clothes, Domestic 60"
30. Table Clothes, Domestic 72"
31. Pans
32. Covers
33. Suits
34. Blanket
35. Hand towels
36. Shop towels
37. Face towels
38. Bath towels
39. Glass towels
40. Hair clothes
41. Barber towels
42. Beauty towels
43. Shower Curtains
44. Scarfs
45. Rolls
46. Doctor towels
47. Massage towels
48. Golf towels
49. Hot towels
50. Butcher towels

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER, Administrator.
each case. When, after careful consideration of all procurable and assembled data, a reasonable doubt arises regarding service connection, such doubt will be resolved in favor of the veteran. Particular consideration should be accorded combat duty and other hardships of service.

(5) For the purposes of § 35.011 (a) (1) of this chapter, as amended July 13, 1943, every person employed in active service shall be taken to have been in sound condition when examined and found acceptor to service, except as to defects, infirmities or disorders noted at the time of examination, acceptance and enrollment or where clear and unmistakable evidence demonstrates that the injury or disease existed prior to acceptance and enrollment and was not aggravated by such service. Relative to notation at enlistment, only those defects, infirmities or disorders demonstrated by the rules and regulations of this chapter, as amended July 13, 1943, and those provisions thereof are applicable to all war service as defined in § 35.011 (a) (1) as amended.

(6) "Clear and unmistakable" means obvious or manifest. Accordingly, evidence which is obvious or manifest demonstrates that the injury or disease under consideration existed prior to acceptance and enrollment for service will satisfy the requirements of the statute. The requirements of the law that claimants prove by the above cited presumptions apply to all cases in which such evidence is available and such evidence proves the existence of a disability prior to, during and subsequent to service.

(7) Ninety days or more service is not necessary under § 35.011 (a) (2) of this chapter, as amended July 13, 1943, and the provisions thereof are applicable to all war service as defined in § 35.011 (a) (1) as amended.

(8) "Clear and unmistakable" means obvious or manifest. Accordingly, evidence which is obvious or manifest demonstrates that the injury or disease under consideration existed prior to acceptance and enrollment for service will satisfy the requirements of the statute. The requirements of the law that claimants prove by the above cited presumptions apply to all cases in which such evidence is available and such evidence proves the existence of a disability prior to, during and subsequent to service.

(9) Determinations concerning the inception of injury or disease not noted at enlistment under § 35.011 (a) (2) of this chapter, as amended July 13, 1943, shall be based on medical judgment alone as distinguished from accepted medical principles or on history alone without regard to clinical factors pertinent to the basic character and development of such injury or disease. Adjudicative action under this regulation should be based on a thorough analysis of the entire evidence in the case, and a careful correlation of all material facts with due regard to accepted medical principles pertaining to the history, manifestations, clinical course and character of such injury or disease. History conforming to accepted medical principles pertaining to such injury or disease should be given due consideration in connection with clinical data concerning the manifestation, development and nature of such injury or disease, and accorded probative value consistent with accepted medical and evidentiary principles. Claims based on competent evidence in each case. All material evidence relating to the occurrence, symptoms and course of the injury or disease, including official and other records made prior to, during or subsequent to service, together with all other lay and medical evidence concerning the inception, development and manifestations of such disability, should be taken into full account subject to the limitations contained in section 105, Public No. 346, 78th Congress.

(10) There are certain medical principles which are recognized as constituting clear and unmistakable evidence, and when in accordance with these principles evidence of injury or disease during service is established, no further additional or confirmatory facts are necessary. For example, with notation or discovery, during service, of residual conditions, such as scars, healed fractures, absent or resected parts of organs, supernumerary full accord with the principles set forth. The adjudicative facts in the establishment of an injury or disease, noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment or enrollment may not be considered where the evidence demonstrates an increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of such disability prior to, during and subsequent to service. (See limitations of section 105, Public No. 346, 78th Congress)
FEDERAL REGISTER, Tuesday, August 18, 1946

§ 3.1004 Character of discharge under Public No. 2, 73d Congress, as amended, and under Public No. 346, 78th Congress. (a) To be entitled to compensation or pension under § 35.01 of this chapter, the person or service upon which claim is based must have been terminated by discharge or release from service under conditions other than dishonorable. Discharges or separations from service under Public No. 2, 73d Congress, and Public No. 346, 78th Congress, are barred where the person was discharged under dishonorable conditions. The requirement of the words "dishonorable conditions" will be deemed to have been met when it is shown that the discharge or separation from active military or naval service was (1) for mutiny, (2) spying or (3) for an offense constituting a breach of military law, or for willful and persistent misconduct, of which convicted by a civil or military court: Provided, however, That where service was otherwise honest, faithful and meritorious, and under § 35.01 of this chapter, as amended, and under Public No. 346, 78th Congress, or under Public No. 2, 73d Congress, and Public No. 346, 78th Congress, are barred where the person was discharged under dishonorable conditions. The requirement of the words "dishonorable conditions" will be deemed to have been met when it is shown that the discharge or separation from active military or naval service was (1) for mutiny, (2) spying or (3) for an offense constituting a breach of military law, or for willful and persistent misconduct, of which convicted by a civil or military court: Provided, however, That where service was otherwise honest, faithful and meritorious, and under § 35.01 of this chapter, as amended, and under Public No. 346, 78th Congress, or under Public No. 2, 73d Congress, and Public No. 346, 78th Congress, are barred where the person was discharged under dishonorable conditions.

(d) In addition to the question of the character of the discharge there should also be born in mind the provisions of section 300 of Public No. 346, 78th Congress, under which benefits under any laws administered by the Veterans' Administration are barred, as to the particular period of service, where a person is discharged or dismissed by reason of the general court-martial, or is discharged on the ground that he was a conscientious objector who refused to perform military duties or refused to wear the uniform or otherwise to comply with incompetent military authorities, or as a deserter, or in the case of an officer where his resignation is accepted for the good of the service. However, in the case of any such person, if it be established to the satisfaction of the Administrator that at the time of the commission of the offense such person was insane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration.

§ 3.1005 Willful misconduct. A disabling condition will be considered to be the result of willful misconduct for the purpose of all adjudications under § 35.01 of this chapter, as amended, and under sections 27 and 28, Public No. 141, 73d Congress, as amended, when it is shown to have been incurred under conditions or in a manner set forth by § 35.10 (1a) as amended by Public No. 439, 78th Congress, without regard to any prior determinations respecting the manner of its occurrence. A finding in any case that under conditions of willful misconduct nature, as defined by § 35.10 (b) as amended by Public No. 439, 78th Congress, will bar any right to pension or compensation under § 35.01, as amended, and under Public No. 141, 73d Congress, as amended.

(b) (1) Pension shall not be payable under § 35.013 of this chapter, as amended, for any disability due to the claimant's own willful misconduct or vicious habits.

(2) For the purpose of adjudications under section 31, Title III, Public No. 141, 73d Congress, section 12, Public No. 346, 78th Congress, and under section 2 of this chapter, Public No. 2, 73d Congress, as amended, the definition established by precedents under section 219, World War Veterans' Act, 1924, as amended, for willful misconduct will be applied.

(e) In determining whether an act is due to willful misconduct, under the World War Veterans' Act, 1924, as amended, are for application except as to venereal diseases meeting the requirements of section 2, Public No. 539, 78th Congress. Generally, these precedents are to the effect that an act to be willful misconduct must be "malum in se" or "malum prohibitum" if involving conscious wrongdoing or known prohibited action. Where technical violation of police regulations or ordi-
(b) Public No. 444, 78th Congress. However, as to venereal diseases, attention is invited to the well accepted and established medical principles which hold generally that increase in severity of manifestation because of the natural progress thereof and it will be so determined (and such criteria constitute clear and unmistakable evidence) except where the facts of record indicate the increase in manifestations was precipitated by trauma or by the conditions of the veteran's service, in which event the increase in manifestations will be determined to be aggravation. (For conditions under which compensation is payable under the World War Veterans' Act, as amended, to World War I veterans for disability due to wilful misconduct, see §§ 2.1130 and 2.1139) (Sec. 4, 48 Stat. 9; 38 U.S.C. 104; 58 Stat. 752.)

§ 2.1006 “Line of duty” under §§ 35.011 and 35.012, as amended. (a) Sections 35.011 and 35.012 of this chapter, as amended, require that a disabling condition for which pension or compensation is payable has been incurred in line of duty, except in cases where a right to pension or compensation is preserved by § 35.04. The records of service departments will be accepted in determining the origin of diseases and injuries, unless considerations set forth in § 35.10 (h), as amended, by Public No. 439, 78th Congress, and the legal presumptions, including various laws, warrant a different finding. Any evidence which is proper admissible or acceptable according to the practice of the Veterans' Administration and which is of a nature competent to demonstrate that the incidence of disability was or was not in line of duty, according to conditions specified in § 35.10 (h) as amended by Public No. 439, 78th Congress, may be used as a basis for adjudications, despite any official military or naval record with respect to manner of incidence. These determinations will be made by the officials of the Veterans' Administration charged with the responsibility of deciding claims for monetary or other benefits in the administration of laws in which line of duty is a factor. For the purpose of ascertaining line of duty status for periods of time prior to June 16, 1938, continuous periods of leave will be considered as one extended leave in determining whether a leave of absence is of such duration as to interfere materially with the routine performance of duty. The provisions of § 35.10 (h) as amended by Public No. 439, 78th Congress, will be observed in determining all adjudication where a question of incidence of disease or injury in line of duty is pertinent: Frouard, That on or after June 16, 1938, the provisions of approval of Public No. 498, 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized military or naval leave or was not in line of duty is pertinent: Frouard, That on or after June 16, 1938, the provisions of approval of Public No. 498, 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized military or naval leave or was not in line of duty is pertinent.

§ 2.1067 Disability of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war or (3) while the United States was in line of duty, as defined in Public No. 359, 77th Congress.)

(a) For an injury or disease received in active service subsequent to March 4, 1861, in line of duty, (1) as a direct result of armed conflict, or (2) as a result of extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in a war, the veteran shall be considered as having incurred the wartime rates provided by § 35.011 of this chapter.

(b) (1) "As a direct result of armed conflict" shall mean any situation in which a member of the military or naval forces incur death, injury or disease in line of duty as a direct result of the use of any instrumentality employed as a weapon in a war offensive or defensive, expedition or occupation, battle, skirmish, raid, invasion, rebellion, insurrection, guerrilla warfare, etc. The concept "armed conflict" relates to the actual use of firearms or other instrumentalities of war, e.g., submarines or military aircraft, by a belligerent nation or faction, with which the United States is not at war, under circumstances involving the lives of safety of members of the United States forces. Thus, if a ship is torpedoed, or subjected to aerial attacks, by the action of a belligerent nation, with resultant death or disability affecting members of the United States forces, the death or disability is attributed to armed conflict. A person injured by instrumentality of war under the control of any belligerent nation or faction, or being subjected to exposure as a result of their operations, incurs any resultant disability as a result of armed conflict.

(2) Clearly, the application of the foregoing definition would include death, injury or disease incurred as the direct result of the bombing of the USS Fanny, the torpedoing of the USS Kearney, and the sinking of the USS James. Also included would be death, injury or disease incurred by personnel of the military or naval forces of the United States assigned for duty with the military or naval forces of another nation, such as observers, if the direct result of armed conflict. Similarly, within the meaning of the phrase would be an incident or even whereby death, disease or injury was incurred as the direct result of the hostile operations of a vessel or aircraft, friendly or not friendly to the United States. Death, injury or disease will be considered as resulting only from armed conflict when the primary, contributory or proximate cause thereof results directly from armed conflict as defined herein.

(c) "Extra hazardous service, including such service under conditions simulating war" comprehends service in peacetime which is more hazardous than normal peacetime service. Service under conditions simulating extra hazardous, and other service will be considered extra hazardous, if performed (1) under conditions recognized as exceptionally dangerous, (2) or involving risks beyond those ordinarily encountered in routine peacetime duties. Examples of service recognized as falling within the first category, as being exceptions dangerous, includes the following: With the actively engaged in aircraft, submarine or diving and dangerous testing operations of instrumentalities of war in differentiation from service involving their routine use. Every injury or disease resulting directly from or aggravated by these operations, from preparation for flight to the final landing, as of an airplane, or from the discharge of the weapon, or otherwise, is considered as incurred in extra hazardous service. Servicing the aircraft while the propellor revolves, or loading or unloading explosives from aircraft, is considered extra hazardous. Testing or demonstrating explosives, and demolition work with explosives, are considered extra hazardous. Other examples are duty on convoy or patrol vessels and while manning guns or merchant vessels. Service falling within the second category as involving risks beyond those ordinarily encountered in routine peacetime duties includes among others, the following: Under climatic or other conditions which subject the person to excessively high or low temperatures and predispose to disease, or upon exposure to any instrumentalities of war, e.g., weapons, would not customarily or ordinarily be called upon to endure in ordinary peacetime service. Individual service of exceptional risk or danger, as establishing a serious fire or configuration, or working where explosives are stored in quantity, rescues, at sea, from drowning, or from burning buildings, may be considered extra hazardous, if the element of risk or danger above and beyond the routine of the service is clearly apparent. It is particularly to be noted that accidents with fire-arms or other instrumentalities of war on an expedition of an extra hazardous peril, directly traceable to the performance of duties incident to extra hazardous service as above outlined, are considered as involving only the routine risk or danger of the belligerent or faction, and would not generally be considered as an incident or even whereby death, disease or injury was incurred as the direct result of the hostile operations of a vessel or aircraft, friendly or not friendly to the United States. Death, injury or disease will be considered as resulting only from armed conflict when the primary, contributory or proximate cause thereof results directly from armed conflict as defined herein.
such functions were performed under extra hazardous conditions, due to the locality, nearness of the enemy, without the usual and ordinary safeguards, etc., the conditions of the law may be met. Endemias defile, and diseases and injuries arising out of exposure, on expeditions, may likewise be a basis of entitlement under Public No. 399. The diseases recognized as endemic to tropical service on the basis of present medical knowledge are uric and bacillary dysentery and malaria. The general test with regard to expeditions is: Did the injury or disease arise directly out of the performance of duty, under conditions peculiar to, or advancing the purpose thereof and under circumstances more dangerous than in normal peacetime service; if so, the circumstances are, as a rule, extra hazardous. Attention is invited to R. & P. A 38-54 inclusive, relating to expeditions, etc.

(3) The act specifies, "extra hazardous service, including such service under conditions simulating war." The expanding Army and Navy in 1940-41, from the standpoint of their training and operations, are to be regarded as under emergency and determination to national defense in the face of threatened war. In the hearings on the bill, the representative of the War Department stated that men on maneuvers take practically the same risks they take during time of war. The representative of the Navy Department stated that every man at sea today (1941) is engaged in service under conditions simulating war. The haste of this organization and training, the intensive method of combat training, the inclusion of large numbers of men who would not expect to serve their country under arms except in time of war, are intended to be given special recognition in the act.

(4) Maneuvers such as those of 1940-41 and the operations of ships at sea during the same period are considered as having been performed under conditions simulating war and were extra hazardous service, if in line of duty and not the result of some cause independent of the extra hazardous service will be held within the contemplation of the law.

(5) It will be seen that the unmeritorious combinations of circumstances which may exist in connection with the incurrence of death, injury or disease clearly preclude a line of definite demarcation between service which is extra hazardous and that which is attended by what might be considered the ordinary hazards of peacetime service in the armed forces. Each claim will be adjudicated on the facts adduced therein and determinations will be reached through an adequate understanding of the purpose to be achieved and the exercise of sound judgment. (Sec. 1, 46 Stat. 38 U.S.C. 701, 50 Stat. 844; 38 U.S.C. 726)

§ 2.1068 Definition of "explosion of an instrumentality of war" This term, as used in section 212, Public No. 212, 72d Congress, as amended by Public No. 743, 78th Congress, signifies a sudden ex-

§ 2.1069 Direct and presumptive service connection. (a) Under Public No. 2 and Public No. 141, 73d Congress, the payment of disability compensation or pension is authorized in cases where it is established that disabilities are shown to have been directly incurred in or aggravated by active military or naval service within the dates prescribed under each act and under Public No. 344, 72d Congress, disability compensation is authorized for disabilities presumptively service connected under the conditions hereafter specified. Under Public No. 2, 72d Congress, disability pension is payable for disabilities directly incurred in or aggravated in line of duty in active peacetime service during an enlistment on and after April 21, 1938. Under Public No. 196, 76th Congress (July 19, 1939) any World War veteran of either service, if otherwise entitled, may be restored to the compensation roll on or after July 19, 1939, where such disability was incurred in service directly or presumptively under the laws and interpretations covering this class of cases prior to May 1, 1921. If otherwise entitled, may be paid disability compensation for such disability, if found to have been incurred in service, directly or presumptively under the laws and interpretations covering this class of cases prior to March 19, 1939, although he was not on the rolls on March 19, 1939. (Secs. 1, 2, 49 Stat. 699; 38 U.S.C. Sup. 704a, 724; 58 Stat. 752)

No change in (b)

§ 2.1076 Presumption of soundness under Public No. 2, 73d Congress. Canceled August 9, 1936.

§ 2.1069 Presumptive service connection for diseases listed in the second proviso, section 200, World War Veterans' Act, 1924, as amended. The presumption of incurrence for the diseases listed in the second proviso, section 200, World War Veterans' Act, 1924, as amended, applies under Public No. 141, 73d Congress, except where clear and unmistakable evidence discloses that the disease, injury, or condition had its onset prior to or after active military or naval service. The presumption is not applicable in cases where the disability is due to willful misconduct of the veteran. (Sec. 1, 41 Stat. 353, sec. 27, 48 Stat. 524, 80 U.S.C. 741, 471a; 58 Stat. 752)

SERVICE CONNECTION FOR TUBERCULOSIS DISEASES

§ 2.1079 Findings establishing a diagnosis of active pulmonary tuberculosis. In all cases in which a determination is to be made of the development of active
PENSION OR COMPENSATION FOR DISABILITY OR DEATH THE RESULT OF TRAINING, HOSPITALIZATION, OR MEDICAL OR SURGICAL TREATMENT

§ 2.1121 Pension or compensation for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Public No. 141, 73rd Congress, the result of examination under section 12, Public No. 866, 76th Congress, or the result of training under $35.017 (d) as amended. For the purposes of the sections referred to:

(a) Where any veteran suffers or has suffered an injury, or the aggravation of any existing injury as the result of training, hospitalization, or medical or surgical treatment, awarded under any of the laws granting monetary or other benefits to World War veterans, or as the result of having submitted to examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his wilful misconduct, when such injury or aggravation results in additional disability to or the death of such veteran, the benefits of Public No. 2, as amended, Public No. 78 and Public No. 141, 73rd Congress, will be awarded in the same manner as if such disability, aggravation or death was service connected within the meaning of such laws. The benefits of this section will be in lieu of the benefits if payable, under the act entitled "An Act to provide compensation for employes of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended.

(b) No benefits under § 35.017 (d) of this chapter, as amended, on account of disability or death resulting from an injury or aggravation of an injury incurred in or lineament of a course of vocational rehabilitation shall be awarded prior to the date of application on or after March 24, 1943, and unless application is made therefor within two years after such injury or aggravation was suffered or such death occurred or after March 24, 1943, whichever is the later date: Provided, That in claims for death benefits the effective date of the law shall be the date of application filed on or after March 24, 1943, or the day following the date of death, whichever is the later, if application is filed within one year of the veteran's death. (Sec. 31, 48 Stat. 526; 38 U.S.C. 501a; 57 Stat. 43; 38 U.S.C. 701)

§ 2.1122 Jurisdiction of claims under section 31, Public No. 141, 73rd Congress, and section 12, Public No. 866, 76th Congress. Canceled August 9, 1946.

§ 2.1123 Initial determinations and adjudicative action under section 31, Public No. 141, 73rd Congress, as amended by section 12, Public No. 866, 76th Congress and under § 35.017 (d) as amended. Disability compensation or pension will be payable only when it is determined that there is additional disability and that such additional disability resulted from an injury or an aggravation of an existing injury suffered as the result of training, hospitalization, medical or surgical treatment, or examination under authority of any of the laws granting monetary or other benefits to World War veterans. The following principles will be observed:

(a) The determination that additional disability exists will be based upon a comparison of the beneficiary's physical condition immediately prior to the injury on which the claim for compensation or pension is based with the subsequent physical condition resulting from the injury. Where it is determined that there is additional disability resulting from an injury or an aggravation of an existing injury suffering as the result of training, hospitalization, medical or surgical treatment, or examination, the law granting monetary or other benefits to World War veterans. The following principles will be observed:

(b) In determining whether such additional disability is actually the result of such injury or an aggravation of an existing injury and not merely coincidental therewith:

(1) That there is additional disability and that such additional disability resulted from an injury or an aggravation of an existing injury suffering as the result of training, hospitalization, medical or surgical treatment, or examination, will bar him from the receipt of compensation or pension hereunder except in the case of incompetent claimants. (Sec. 31, 48 Stat. 526; 38 U.S.C. 501a; 57 Stat. 43; 38 U.S.C. 701)

§ 2.1124 Combination of ratings under section 31, Public No. 141, 73rd Congress, as amended by section 12, Public No. 866, 76th Congress and under § 35.017 (d) of this chapter, as amended.

(a) With respect to payment of the greater monetary benefit, it is contemplated that where two or more disabilities exist, including the disability determinable under section 31, Public No. 141, 73rd Congress, section 12, Public No. 866, 76th Congress, § 35.017 (d) as amended, the greater monetary benefit shall be decided upon only after the several disabilities have been evaluated and combined separately under the alternative
laws applicable as herein indicated. For example, under § 3.1245 of this chapter, the several disabilities should be evaluated and combined under § 35.017, in accordance with the Schedule for Rating Disabilities, 1933, and increased or decreased in accordance with the Schedule for Rating Disabilities, 1925, and extensions thereof; and a comparison of the several disabilities will be made, to determine the greater monetary benefit to be paid.

(2) If the veteran upon discharge from the service is not admitted to a Veterans Administration hospital or center, or other institution, and treatment for service-connected disabilities, the case will be rated upon the records of the Service Department. If upon application of the rule stated in paragraph (a) the rating agency concludes the veteran is incompetent he will be so rated and the case will be referred to the chief attorney as provided in § 20.5200 of this chapter. The chief attorney will proceed to develop information, economic and industrial adjustment since discharge from the service, pursuant to the procedure set forth in medical procedure. Upon request of the evidence will be developed. The chief attorney concurs in the rating of incompetency he will proceed to effect the appointment of a fiduciary or, if the veteran's wife is the record of the Service Department, as provided in § 20.5201 (a) of this chapter. If the chief attorney determines that the veteran is sufficiently competent to administer the funds payable, the evidence will be referred to the rating agency with a statement as to his conclusion, the evidence will be re-evaluated, the veteran will be rated competent and a rating for incompetency or competency.

§ 2.1173 Determinations of incompetency or competency. No change in (a), (b), (c) or (d).

§ 2.1183 Recertifications to be requested when necessary. No change in (a). (b) Recertifications for compensation and pension rating in service connected cases under Pub. No. 141 will not be requested in cases conforming to the rules set forth in § 2.1144 (a) or (c) when not conforming to these standards, recertification will be requested once in thirty months. Recertifications will be requested in accordance with anticipated improvement in individual cases may be requested when necessary with service connected diseases and injuries of recent origin or acute exacerbations temporarily increasing the severity. In World War II cases, future requests for certification will be made, first, in Extension No. 6 cases, or convalescent rating from service chronic cases when recertified, 1945, rating schedule, in six months; second, in cases rated fifty percent or more which are likely to improve, generally, in from one to more than one year, including static disability in from two to five years, depending on the percentage rating, the highest rated earliest. It is not intended that a second examination be authorized only for obvious static disability, found to be such on the first examination by the Veterans Administration. Examinations scheduled for future dates may be rescheduled earlier if the facilities permit. Second, and later, examinations by the Veterans Administration, when required, will be scheduled, generally, in from one to five years, according to the likelihood of early improvement. Routine future requests for examinations for rating purposes should be limited to the service-connected disabilities of record. This limitation in the examination request should not be construed by examining physicians as discouraging necessary special examinations when indicated by the veteran's complaints required for the complete analysis of the service-connected disability, for example, neurological examinations as supplementary to orthopedic or surgical examinations in cases where the results of physical examination indicate persistent symptoms or organic disease are found no longer to be so caused. Indicated special examinations to cover persistent symptoms or organic disease are also to be made when the psychosis is found no longer to be the causative disease. (R. S. 471, sec. 5, 43 Stat. 696, sec. 1, 2, 45 Stat. 1016, sec. 7, 48 Stat. 5; 48 U.S.C. 2, 11, 11a, 426, 707)

No change in (c). Notes: §§ 2.1093 to 2.1124, inclusive, except under the authority of any of the laws granting monetary or other benefits to World War veterans, or from training, hospitalization, or convalescent rating in service connected cases under any of the laws granting monetary or other benefits to World War veterans (World War I and World War II) the compensation or pensions to be awarded will be at the rate or rates provided in the § 35.017 (d), as amended, when the disease, injury, death, or the aggravation of an existing disease or injury resulted from submitting to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, or from training, hospitalization, or convalescent rating in service connected cases under any of the laws granting monetary or other benefits to World War veterans (World War I and World War II) the compensation or pensions to be awarded will be at the rate or rates provided in the § 35.017 (d), as amended, and regulations and instructions issued pursuant thereto, the compensation or pension to be awarded will be in accordance with the rates provided in the § 35.011 of this chapter, and the Schedule for Rating Disabilities, 1933, or, as to World War I veterans, in accordance with the rates provided in section 35.011, Title III, Public No. 141, 73d Congress, 12th Public No. 141, 73d Congress, and regulations and instructions issued pursuant thereto, the compensation or pension to be awarded will be in accordance with the rates provided in the § 35.011 of this chapter, and the Schedule for Rating Disabilities, 1933, or, as to World War I veterans, in accordance with the rates provided in section 35.011, Title III, Public No. 141, 73d Congress, 12th Public No. 141, 73d Congress, and the Schedule of Disability Ratings, 1925, and extensions thereto, whichever is the greater monetary benefit. (b) Service connection rating direct. Under section 141, Title III, Public No. 141, 73d Congress, section 12, Public No. 141, 73d Congress, 75th Congress and 76th Congress, and regulations and instructions issued pursuant thereto, the compensation or pension to be awarded will be in accordance with the rates provided in the § 35.011 of this chapter, and the Schedule for Rating Disabilities, 1933, or, as to World War I veterans, in accordance with the rates provided in section 35.011, Title III, Public No. 141, 73d Congress, 12th Public No. 141, 73d Congress, and the Schedule of Disability Ratings, 1925, and extensions thereto, whichever is the greater monetary benefit.
ties as the result of training, hospitalization, or medical or surgical treatment, or as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War I veterans will be paid benefits for such additional disabilities at 100 percent of the rates provided therefor in the Schedule of Disability Ratings, 1925, and extensions thereto, if otherwise entitled.

(c) For other than World War service, see §§ 4.2025 to 4.2039, inclusive, of this chapter, Title 38, United States Code, as amended, and Title 38, United States Code, as amended, Parts 4.2085 to 4.2089, inclusive, of Title 38, United States Code, as amended.

§ 4.2025 Jurisdiction of the Claims Division, Central Office. Within the jurisdiction of the claims division, central office, including the central disability board, will be included claims for disability compensation, pensions, subsistence allowance, and retirement pay of the following classes:

(a) Where there was any service prior to July 16, 1898.

(b) Where the veteran is an employee in either the classified or unclassified service or a member employee who has been continuously employed for ninety days in said Administration. See § 2.1012 of this chapter.

(c) No change in (a), (b) or (c).

(d) In cases under the jurisdiction of the division, claims under sections 31, § 4.1025, Part B, Part 4.110, and parts of the Veterans Service Act, as amended by section 12, of Public No. 346, 78th Congress, and extensions thereto, if otherwise entitled.

(e) In cases under the jurisdiction of the division, determinations whether disabilities are service-connected and pensionable for purposes of vocational rehabilitation, education or training; for awarding increased pension payable because of vocational rehabilitation and for the awarding of subsistence allowances payable during a period of education or training.

(f) In cases under the jurisdiction of the division, determinations whether injury or disability for which discharged, where there was service of less than ninety days, was incurred in service in line of duty for the purposes of Titles II, III and V, Public No. 346, 78th Congress.

PART 4—ADJUDICATION: VETERANS CLAIMS, CENTRAL OFFICE SECTION

JURISDICTION

§ 4.2025 Jurisdiction of the Claims Division, Central Office. Within the jurisdiction of the claims division, central office, including the central disability board, will be included claims for disability compensation, pensions, subsistence allowance, and retirement pay of the following classes:

(a) Where there was any service prior to July 16, 1898.

(b) Where the veteran is an employee in either the classified or unclassified service or a member employee who has been continuously employed for ninety days in said Administration. See § 2-1012 of this chapter.

(c) No change in (a), (b) or (c).

(d) In cases under the jurisdiction of the division, claims under sections 31, Public No. 144, 73d Congress, as amended by section 12, Public No. 866, 76th Congress and under § 35.017 (d) of this chapter, as amended.

(e) No change in (a), (b) or (c).

(f) Residents of United States Soldiers Home, Washington, D.C.

(g) Claims involving sections 4 and 5, Public No. 144, 78th Congress.

(h) Where retired persons, as contemplated by Public No. 314, 78th Congress, file application for monetary benefits under any of the laws administered by the Veterans' Administration.

(i) In cases under the jurisdiction of the division, determinations whether the character of discharge is a bar to benefits, including benefits under Titles II, and III and V of Public No. 346, 78th Congress, and hospital treatment, domiciliary care, and patient treatment for service-connected disabilities, under Public No. 2, 73d Congress, as amended, in doubtful cases.

(j) In cases under the jurisdiction of the division, determinations whether disabilities are service-connected and pensionable for purposes of vocational rehabilitation, education or training; for awarding increased pension payable because of vocational rehabilitation and for the awarding of subsistence allowances payable during a period of education or training.

(k) In cases under the jurisdiction of the division, determinations whether injury or disability for which discharged, where there was service of less than ninety days, was incurred in service in line of duty for the purposes of Titles II, III and V, Public No. 346, 78th Congress.

(l) Determining, upon proper request, service connection for the condition or condition for which patient treatment only is requested.

(m) Any claim not otherwise under the jurisdiction of central office referred to competent authority for action.


[Seal] OMER N. BRADLEY, General, U.S. Army, Administrator of Veterans' Affairs.

AUGUST 9, 1946.

[FR Doc. 46-15949; Filed, Aug. 9, 1946: 12:20 p.m.]

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER FERIAL

CALIFORNIA TULE LAKE DIVISION, Klamath Irrigation Project, Oregon-California, as shown on farm unit plats of Township 47 North, Ranges 5 and 6 East and Township 48 North, Range 5 East, Mount Diablo Meridian, California, to wit:

MOUNT DIABLO MERIDIAN, CALIFORNIA—Continued

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<tr>
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1. T. 6 N., R. 6 E., M. D. M.
The farm unit plats referred to above were approved on the date of this notice and are on file in the Office of the Superintendent of Reclamation, Klamath Falls, Oregon, and in the district land office at Sacramento, California, where they may be examined by any person desiring to make application hereunder.

2. Preference rights to honorably discharged veterans of World War II. Pursuant to the provisions of the act of September 27, 1944, and the act of June 2, 1946 (Public Law 474—79th Congress, 2d Session) and related legislation, and until 2:00 p.m., December 15, 1946, the lands described above will be open to entry only by persons who have served not less than six months in the Army or Navy of the United States in World War II, and have been honorably discharged or discharged therefrom in the regular Army or Naval Reserve; provided, however, that they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, capital, and are on file in the office of the Superintendent, Klamath Falls, Oregon, in person, if convenient, or by mail, or otherwise, prior to 2:00 p.m., September 15, 1946, if the applicant desires to qualify in other respects, and must be corroborated by a statement from an official of a bank or some other responsible and reputable private or public credit agency.

3. Limit of acreage for which entry may be made. The limits of area of public land per entry, representing the acreage per entry shall be accepted or allowed by the Board.

4. Applicants must be qualified. No entry shall be accepted or allowed by the Board of the district land office unless the applicant therefor has satisfied the Examinining Board appointed for the Klamath Project to consider such matters, that he is possessed of such qualifications as to industry, experience, character, capital, and physical fitness as the opinion of the Board are necessary to give reasonable assurance of success by the prospective settler. A digest of the qualifications required by the homestead laws is contained in the attachment to this notice. Each applicant must submit a certificate of medical examination which will contain a statement by an examining physician as to the applicant's physical ability to operate a farm.

5. Requirements as to industry, experience, character and capital. The following are established as minimum qualifications. Failure to meet them in all respects will be sufficient cause to reject an application. No credit will be allowed for qualifications in excess of the minimum required:

(a) Each applicant must submit part of his farm application three testimonials concerning his character and covering such points as honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct in the past, and sincere desire to lead a bona fide farm life. These may be prepared and signed by an ordained minister, including chaplains; in the armed service, any commanding officer under whom the applicant served for six months or more, a teacher or administrative official of any recognized high school or college, present or previous employer, or any comparable responsible person who is personally acquainted with the applicant.

(b) The applicant must have had at least two years' full-time farm experience after the age of 15 and within the last seven years of civilian life; or must have lived and worked on a farm for five years continuously after reaching the age of 12 and within the last 10 years of civilian life. Time spent in active military service will not be included in the time under farm experience. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical agricultural work which might help the applicant for operation of a farm may be credited as one year of farm experience except that no one year of farm experience may be credited from such courses. One year of farm experience must be obtained by actual residence and work on a farm. A farm youth over the age of 15 attending school but actually residing and working on the farm may credit such time as actual farm experience. In support of his claim to meeting this requirement of farm experience, the applicant must supply three written statements by the county agent, F. S. A. county supervisor, A. A. A. County Chairman, official of any local farm organization, or comparable individuals, who have personal knowledge of the applicant's farm experience, or have verified it to his complete satisfaction, testifying thereto.

(c) The applicant must demonstrate that he possesses a minimum of $2,000 in unencumbered assets applicable or convertible to the needs of farming in this area. This may be determined by an itemized listing of assets and liabilities, and must be corroborated by a statement from an official of a bank or some other responsible and reputable private or public credit agency.

F. A. F. A. D. M. A. M. C.

F. A. A. F. A. C.

A. 36 Lots 5, 6, 12, 15

B. 36 LOTS 1

G. 36 LOTS 5, 6, 12, 15

A. 36 Lots 5, 6, 12, 15

MOUNT DIABLO MEMORIAL, CALIFORNIA—Continued

Farm unit section:

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<th>Farm unit</th>
<th>Description</th>
<th>Total acreage</th>
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<td>320 S-1-6-23-2-16 N 1/2 E-1/4 SW-1/4 2-1/2</td>
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2. Preference rights to honorably discharged veterans of World War II. Pursuant to the provisions of the act of September 27, 1944, and the act of June 2, 1946 (Public Law 474—79th Congress, 2d Session) and related legislation, and until 2:00 p.m., December 15, 1946, the lands described above will be open to entry only by persons who have served not less than six months in the Army or Navy of the United States in World War II, and have been honorably discharged or discharged therefrom in the regular Army or Naval Reserve; provided, however, that they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, capital, and are on file in the office of the Superintendent, Klamath Falls, Oregon, in person, if convenient, or by mail, or otherwise, prior to 2:00 p.m., September 15, 1946, if the applicant desires to qualify in other respects, and must be corroborated by a statement from an official of a bank or some other responsible and reputable private or public credit agency.

3. Limit of acreage for which entry may be made. The limits of area of public land per entry, representing the acreage per entry shall be accepted or allowed by the Board.

4. Applicants must be qualified. No entry shall be accepted or allowed by the Board of the district land office unless the applicant therefor has satisfied the Examinining Board appointed for the Klamath Project to consider such matters, that he is possessed of such qualifications as to industry, experience, character, capital, and are on file in the office of the Superintendent, Klamath Falls, Oregon, in person, if convenient, or by mail, or otherwise, prior to 2:00 p.m., September 15, 1946, if the applicant desires to qualify in other respects, and must be corroborated by a statement from an official of a bank or some other responsible and reputable private or public credit agency.

5. Requirements as to industry, experience, character and capital. The following are established as minimum qualifications. Failure to meet them in all respects will be sufficient cause to reject an application. No credit will be allowed for qualifications in excess of the minimum required:

(a) Each applicant must submit part of his farm application three testimonials concerning his character and covering such points as honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct in the past, and sincere desire to lead a bona fide farm life. These may be prepared and signed by an ordained minister, including chaplains; in the armed service, any commanding officer under whom the applicant served for six months or more, a teacher or administrative official of any recognized high school or college, present or previous employer, or any comparable responsible person who is personally acquainted with the applicant.

(b) The applicant must have had at least two years' full-time farm experience after the age of 15 and within the last seven years of civilian life; or must have lived and worked on a farm for five years continuously after reaching the age of 12 and within the last 10 years of civilian life. Time spent in active military service will not be included in the time under farm experience. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical agricultural work which might help the applicant for operation of a farm may be credited as one year of farm experience except that no one year of farm experience may be credited from such courses. One year of farm experience must be obtained by actual residence and work on a farm. A farm youth over the age of 15 attending school but actually residing and working on the farm may credit such time as actual farm experience. In support of his claim to meeting this requirement of farm experience, the applicant must supply three written statements by the county agent, F. S. A. county supervisor, A. A. A. County Chairman, official of any local farm organization, or comparable individuals, who have personal knowledge of the applicant's farm experience, or have verified it to his complete satisfaction, testifying thereto.

(c) The applicant must demonstrate that he possesses a minimum of $2,000 in unencumbered assets applicable or convertible to the needs of farming in this area. This may be determined by an itemized listing of assets and liabilities, and must be corroborated by a statement from an official of a bank or some other responsible and reputable private or public credit agency.

6. Application Blank. The applicant may secure Additional blanks may be secured from the Superintendent, Klamath Falls, Oregon, in person, if convenient, or by mail, or otherwise, prior to 2:00 p.m., September 15, 1946, if the applicant desires to qualify in other respects, and must be corroborated by a statement from an official of a bank or some other responsible and reputable private or public credit agency.

7. Examination Board. An Examinining Board of five members, including the superintendent of the Klamath Project who will act as Secretary of the Board, has been approved by the Commissioner of Reclamation to consider the fitness of each applicant to undertake the development and operation of a farm on the Klamath Project. Careful investigation will be made to verify the statements and representations made by the applicants to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the qualifications required under the homestead laws, and must be corroborated by a statement from an official of a bank or some other responsible and reputable private or public credit agency.

8. Selection of qualified applicants. To determine whether an applicant for a farm unit is eligible under the provisions of subsection "C" of section 4 of the act of December 5, 1924, his application will be reviewed on the basis of whether...
or not he is qualified as an entryman. Applicants will be judged on the qualifications of character, industry, farming experience and capital and no applicant will be considered eligible who does not possess good health; or (2) fails to make the necessary showing as to character; or (3) fails to make the necessary showing as to industry; or (4) fails to make the necessary showing as to citizenship, or (5) does not show at least two years' farm experience; or (6) does not possess at least $2,000 in unencumbered assets; or (7) is disqualified because of having already made a homestead entry or (8) is the owner or occupant of 160 acres of land in the United States. If (9) is otherwise disqualified, the application for a farm unit shall be rejected, and the applicant notified thereof by registered mail, with return receipt demanded, and of his rejection. The right of appeal to the Regional Director of the Bureau of Reclamation within 10 days from receipt of such notification. All appeals allowed under this Public Notice No. 43 shall be directed to the Superintendent at Klamath Falls, Oregon, within 10 days from receipt by applicants of rejection notices. The Superintendent will forward such appeals promptly to the Regional Director.

(b) After the expiration of the appeal period fixed by the above-mentioned notices, if any are required, to applicants who failed to make prima facie cases, and in the absence of any pending appeals, the Board shall proceed to select the 88 successful applicants (there being 86 farm units described in paragraph 1 subject to this order) and to group the filing prior to 2:00 p.m., September 15, 1946, and who possess minimum qualifications as outlined in paragraph 5, will be considered equally. From the number of applications filed as above, and if the group considered as simultaneously filed, there shall be drawn 172 names (twice the number of homesteads to be awarded). These 172 applicants shall be closely investigated, in the order in which selected, and any falsehood or misrepresentation shall be grounds for the Board to disqualify the applicant and to pass on to the next in order until the 88 successful applicants have been determined, plus a sufficient number of alternates to replace those in the first group of 86 who fail to complete their transactions. In the event that there are remaining units to be awarded, consideration will be given to veteran applicants, in the order of filing, prior to 2:00 p.m., December 15, 1946, as provided in paragraph 1 above. Remaining units, if any, will be awarded in the order of filing of applications, as provided in paragraph 12 of this order.

(c) Among the group of 172 selected in paragraph 9 (b) above who subsequently are disqualified as a result of investigation by the Board shall be sent a notice by registered mail, with return receipt demanded, unless delivered in person, setting forth the reasons thereof and of the right to appeal to the Regional Director within 10 days from receipt of such notice as provided in paragraph 9 (a) above.

(d) Immediately following the selection of the 86 successful applicants, the Board shall send a notice by registered mail with return receipt demanded, to each of such applicants, advising him of his standing, as alternate or otherwise, and that since the number of qualified applicants exceeds the number of available farms, his application must be held for rejection. In the event that any of the 86 applicants awarded a farm unit fails to fulfill the requirements of paragraph 10 hereof, the Board will select other applicants in the order of their standing on the list of alternates to replace those failing to complete their transactions.

10. Notification of applicant that he has been disqualified. In the event of rejection of the period or periods fixed by notices to applicants in the contingencies named in paragraph 9 above, or any other that may arise, and upon completion of acceptance of the order of filing, for the reason of such notices, the Board shall notify each applicant selected for a farm, by registered mail with return receipt demanded, unless delivered to him personally, that he has been selected for a farm unit. Whenever practicable, and within the time allowance stated on the notice, the Board shall allow the successful applicant a period of 30 days to place his farms as listed on their application blanks and in the order of their standing in the drawing. However, the Government reserves the right to assign the farms regardless of individual preferences.

After a farm has been selected, the Board shall send the applicant, by registered mail with return receipt demanded, a written confirmation of the order of filing, prior to 2:00 p.m., September 15, 1946, of the applicant to whom a water rental application for the farm selected, which must be executed by the applicant and returned to the Superintendent, Bureau of Reclamation, Klamath Falls, Oregon, within 10 days from receipt, together with payment of the minimum water rental charge, as specified in paragraph 15 hereof. The Secretary of the Examining Board will furnish each such applicant by registered mail, unless delivered to him in person, a certificate stating that his qualifications to enter public lands, as required by sub-section "c" of Section 4 of the Act of December 5, 1924 (43 Stat. 702) have been passed upon and approved by that Board. Such certificate must be attached by the applicant to his homestead application when he files such application at the District Land Office at Sacramento, California. Such homestead application shall be filed within 15 days from the date of receipt of the certificate by the Board.

Failure to pay the water rental charge or to make application for homestead entry within the periods specified herein will render the application subject to rejection.

11. Failure of selected applicant to comply with requirements. If the applicant to whom a farm has been awarded fails to comply with any of the requirements named above, the Board will select the next listed alternate.

12. General entry. After all applications received prior to 2:00 p.m., December 15, 1946, have been considered and awards of farm units made to all qualified applicants, any farm units described in paragraph 1 above which remain unentered, shall be subject to entry under the terms and conditions prescribed thereunder. The Board has the authority to assign such farm units as it deems necessary in accordance with paragraphs 2 and 9 of this order, the provisions of which shall continue in effect in a similar manner as set forth in this order. No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this order except under the terms and conditions prescribed herein. That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

13. Construction charges. Section 16 of the Act of February 26, 1924 (43 Stat. 580) authorizes and directs the Secretary, when announcement is made of the construction charges for this division, to fix and allocate the costs of the work in accordance with the findings and recommendations of the Board of Survey and Adjustments as shown on page 26 of House Document No. 201, 69th Congress, 1st Session. As recited on page 26 of this document, the Board found that the total gross cost of construction charged to the division, as of June 30, 1925, is $1,640,949; and that this cost should be allocated to 37,500 acres and not upon 24,200 as heretofore; and that a deduction of $334,407 should be made from the cost named. Applying the deduction of $334,407 would leave a balance of $1,306,542 which the Board of Survey and Adjustments, in its report, recomputed as follows:

The net cost would be $1,406,542, and this amount, divided by 37,500 acres, would give an average construction cost of $36.80 per acre. This per acre cost of $36.80 does not include any costs for future construction work which will be necessary to complete this division, and this should be particularly noted.

The estimate of cost to complete the works for 33,000 acres which is considered irrigable, is $1,678,000 or a per-acre cost of $50.85. This amount added to the per-acre cost to June 30, 1925, of $36.80, would make a total cost of $88.65. A summary of the construction estimate for work after June 30, 1925, is attached to and made a part of this order. If the actual cost of future work should exceed the estimate named above, the construction charge would be proportionately reduced, but the expenditure of $1,678,000 will not be exceeded without the water users agreeing to repay all sums in excess of this amount. In arriving at the per-acre rate of $88.65, and as shown above, the write-off of $334,407 authorized in sec-
tton 15 of the act of May 25, 1925, has been deducted from the total cost, but before this write-off may be actually accomplished, the Secretary of the Interior must require, as set forth in section 45 of the said act of May 25, 1925, a contract with a water users' association or irrigation district whereby such association or irrigation district shall be required to pay the entire charges against all productive lands within the division without regard to default in the payment of charges against any individual tract of land. A water rent charge provided in section 45 of the act named, there must be executed a contract of the character described, before the 40-year repayment plan as authorized in this section may be made effective. Since the Title 43, with the exception of a few tracts, embraces only public land it would not be possible to make such a contract until the lands are opened and entered. Under the provisions of this division will be operated on a water-rental basis until its agricultural development has advanced sufficiently to permit of a district organization. In the absence of a so-called liability contract will be required and the construction charge will be announced at $88.35 per acre payable over a 40-year period. Should the entrants or water users wish to proceed in the same manner under the act of May 25, 1926, it will become necessary to issue public notice under the Extension Act of August 14, 1914 (38 Stat. 586), without regard to the water-off and under a 20-year repayment plan. This would result in a per-acre charge of 70.70 and $37.50 for the cost to June 30, 1925, which added to the per-acre cost to complete the Washington system within the 40-year period would result in a water-rental charge of $49.70 instead of two dollars and eighty cents ($2.80) per acre for the irrigation season up to a limit of 100 acres per irrigable acre. Additional charges will be imposed on each irrigable acre of land in the farm unit, whether water is used or not, which pay to the maximum water-rental charge for the irrigation charge at $100.55 per acre payable in 20 years.

18. Water-rental charges. The minimum water-rental charge for the irrigation season shall be two dollars and eighty cents ($2.80) per acre for each irrigable acre of land in the farm unit, whether water is used or not, which will enable the entrants to 31/2 acres of irrigable land to produce water. A water-rental charge of 100 acres per irrigable acre. Additional charges will be imposed on each irrigable acre of land in the farm unit, whether water is used or not, which pay to the maximum water-rental charge for the irrigation charge at $100.55 per acre payable in 20 years.

19. Reservation of rights of way for county highways. Easements of way are reserved for county highways across the farm units shown on the farm unit plat, along all red lines shown on said plat, said rights of way being 20 feet in width along the red line of each farm unit where lines are drawn in red cold lines and 60 feet in width out of the farm units crossed by lines drawn in red broken lines. Rights of way are reserved for highways across the farm units abutting the northeasterly side of the Central Pacific Railroad Company's right of way, the said highway right of way being a strip of land 20 feet in width parallel to and touching the said railroad right of way.

20. Effect of relinquishment. In the event that any entry of public land shall be relinquished prior to 2:00 a.m. December 16, 1947, the entry shall not be subject to entry in accordance with paragraphs 2 and 9 of this notice. In the event that any entry of public land shall be relinquished after 2:00 a.m. December 16, 1947, and at any time prior to actual proving up of the land through necessary residence, cultivation and other homestead requirements, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of the 60-day period of such lands having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to ordering such entries to the land office to be filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in this notice.

21. Water of mineral rights. All homestead entries for any of the above-described farm units will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead application will be rejected or the homestead entry cancelled.

WILLIAM S. GARDNER,
Assistant Secretary.

[92 STAT. 12263] [Filed, Aug. 9, 1916; 41:8 p. 2m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I— Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 55—CAR SERVICE

[S. O. 576]

FREIGHT POTATOES NERIVISTED BY CERTAIN WESTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at 12:01 a.m. in Washington, D.C., on the 9th day of August A.D. 1946.

It appearing, that refrigerator cars, to be loaded with shipments of potatoes originating in the States of Idaho, Oregon and Washington, were allowed to be loaded with potatoes thus causing additional switching and diminishing the supply and control of refrigerator cars; in the opinion of the Commission an emergency requiring immediate action exists in Idaho, Oregon and Washington, it is ordered, that:

(a) Pre-keed potatoes in certain western states prohibited. No common car or refrigerator subject to Interstate Commerce Act shall be a refrigerator car, intended to be loaded with potatoes in Idaho, Oregon or Washington, prior to the actual complete loading of the refrigerator car with such potatoes.

(b) Application. The provisions of this order shall apply to Interstate traffic as well as Interstate traffic.

(c) Tariff provisions suspended; announcement required. The operation of all tariff rules or regulations made or amended in accordance with the provisions of this order is hereby suspended, and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, so as to appear in accordance with the provisions of Rule 9 (e) of the Commission's Tariff Circular No. 20 (§ 1419 (e) of this chapter) announcing such suspension.

(d) Specific and general permits issued by Director of Bureau of Service, Interstate Commerce Commission, Washington, D.C. Where it appears that the provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D.C., and where it appears that the provisions of this order are necessary for the regulation of traffic, the provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D.C.

(e) Effective date. This order shall become effective at 12:01 a.m., August 12, 1946.

(1) Expiration date. This order shall expire at 11:59 p.m., September 12, 1945, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, that a copy of this order and direction shall be served upon the State railroad regulatory bodies of the States of Idaho, Oregon and Washington; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem of American Railroads, Car Service of the States of Idaho, Oregon and the State railroad regulatory bodies this order and direction shall be served on 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. 46-14013; Filed, Aug. 12, 1946; 11:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS
Chapter II—Office of Defense Transportation
[General Order ODT 1, Rev., Amdt. 1]
PART 500—CONSERVATION OF RAIL EQUIPMENT
MERCHANDISING TRAFFIC
Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 9893, as amended, and Executive Order 9725, General Order ODT 1, Revised (11 F.R. 8228) is hereby amended so that the opening clause of § 500.4 will read as follows:

§ 500.4 Exceptions. The provisions of §§ 500.3, 500.5, 500.6, and 500.7 shall not apply to:

This Amendment 1 to General Order ODT 1, Revised, shall become effective on August 10, 1946.


Issued at Washington, D. C., this 9th day of August, 1946.

Homer C. King, Deputy Director
Office of Defense Transportation.

[F. R. Doc. 46-13965; Filed, Aug. 12, 1946; 8:53 a. m.]

PART 500—CONSERVATION OF RAIL EQUIPMENT
CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520, infra.

[General Permit ODT 18 A, Rev. 13]
PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS
SHIPMENTS OF ONION SETS
In accordance with the provisions of § 500.73 of General Order ODT 18A, Revised (11 F.R. 8229) it is hereby authorized that:

§ 520.507 Shipments of onion sets. Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised (11 F.R. 8229) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of onion sets:

(a) When the origin point of such freight is in the States of Illinois, Indiana, Michigan, Minnesota, or Wisconsin, and the quantity loaded in each car is not less than 20,000 pounds.

This General Permit ODT 18A, Revised, 13 shall become effective August 10, 1946, and shall expire September 15, 1946.

(E.O. 8989, as amended, 6 F.R. 6725; 8 F.R. 14183; General Order ODT 18A, Revised, 11 F.R. 8229)

Issued at Washington, D. C., this 9th day of August 1946.

Homer C. King, Deputy Director
Office of Defense Transportation.

[F. R. Doc. 46-13967; Filed, Aug. 12, 1946; 8:53 a. m.]
ILINOIS AND OHIO
FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, “Farm Tenancy,” contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no county, the limitation does not exceed $10,000.

The Civilian Production Administration has reviewed the final authorizations of merchant pig iron issued under Direction 13 to Order M-21 for August, and has determined that these authorizations will cause an unfair dislocation of the supply of pig iron in certain areas.

Accordingly, the Civilian Production Administration has reduced the authorizations to the amounts shown by the down-payment for cast iron soil pipe by $50,000, and for the production of all other products except cast iron soil pipe by $100.

In addition, the Civilian Production Administration has directed certain furnaces located in the Pittsburgh and Buffalo areas and Eastern Pennsylvania which have received a disproportionate share of certified orders to reduce each such order for August delivery by 10%.

This issue of this Directive on August 9, 1946.

CIVILAIR AERONAUTICS BOARD.

[DOCKET NO. 2314, 2259]

ORLANDO AIRLINES AND THOMAS E. GORDON
NOTICE OF HEARING

In the matter of the application of Thomas E. Gordon, d/b/a Orlando Airlines, for transfer of certificate; and application of Thomas E. Gordon for approval of certain relationships.

NOTICE is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 401 and 402 of said act, that hearing in the above-entitled proceeding is assigned to be held at Orlando, Florida, on August 21, 1946, at 10 a.m. (eastern standard time) in Room 6132 of the Commerce Building, 14th Street between E and F Streets and Constitution Avenue, Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., August 9, 1946.

By the Civil Aeronautics Board.

[Seal]

M. C. MULLEN, Secretary.

CIVILIAN PRODUCTION ADMINISTRATION.

PIG IRON
REDUCTION OF AUTHORIZATIONS

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This issue of this Directive on August 9, 1946.

FEDERAL COMMUNICATIONS COMMISSION.

ATLANTIC BROADCASTING COMPANY, INC. (WHOM)
PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on July 30, 1946 there was filed with it an application (BI-TC-504) for its consideration under certain provisions of the Communications Act (47 U.S.C.A. 310) to the proposed transfer of control of Atlantic Broadcasting Company, Inc. (license of Standard Broadcast Station WHOM, New York, New York to this company to WHOM, Inc., a subsidiary of the Atlantic Broadcasting Company to II Progresso Hula-Americano Publishing Co., Inc., 42 E 42d St., New York 17, N. Y. The proposed transfer of control of the above license is based upon a contract entered into on June 28, 1946 between Cables Broadcasting Company, as seller, and II Progresso Hula-Americano Publishing Co., Inc., as purchaser: Providing, That the purchaser will pay the sum of $450,000 for the stock. $50,000 was paid at the time of the signing of the agreement and $150,000, plus the amount by which current assets exceed current liabilities, is to be paid five days after the Commission gives its consent to the proposed transfer of control. The remaining $225,000 will be paid in 50 equal monthly installments of $4,500, plus interest at the rate of 6% on the unpaid balance, payable semi-annually. It is further provided, That the contract will terminate on June 30, 1947 if the Commission fails to approve the contract by that date. In the event of a breach of the contract, the down-payment will be returned.
Further details as to the arrangements between the parties may be determined from an examination of the application and associated papers on file at the office of the Commission.

On July 25, 1946, the Commission adopted Rule 1.358 relating to the handling of assignment and transfer applications, including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Pursuant thereto the Commission was advised on July 30, 1946, that beginning on July 29, 1946, notice concerning the proposed transfer of the controlling interest in the license was inserted in a newspaper of general circulation published in New York City.

In accordance with the procedure outlined in Rule 1.358 no action will be had on the application for a period of 60 days from July 29, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

If the contract is terminated by the withdrawal of the vendee the vendors shall retain the down-payment. Further details in this connection and as to other arrangements between the parties may be determined from an examination of the application and associated papers on file at the office of the Commission.

On July 25, 1946, the Commission adopted Rule 1.358 relating to the handling of assignment and transfer applications including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Pursuant thereto the Commission was advised on August 2, 1946, that beginning on August 1, 1946, notice concerning the proposed assignment was inserted in a newspaper of general circulation published in that area.

In accordance with the procedure outlined in Rule 1.358 no action will be had on the application for a period of 60 days from August 1, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

FEDERAL POWER COMMISSION.

[DOCKET NO. 4739]

NORTH CENTRAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 9, 1946.

Upon consideration of the application filed on July 2, 1946, by North Central Gas Company (Applicant) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities: Approximately 5 miles of 3-inch I.D. transmission loop pipe line commencing at the lateral take-off gate of the Applicant's Oshokosh, Nebraska, distribution system and running thence northwest from said point parallel to Applicant's main transmission system, to be operated in connection with Applicant's main transmission pipe line system.

The Commission orders that:

(A) A public hearing be held commencing on August 19, 1946, at 10:00 a.m. (e. s. t.) in the Hearing Room of the Federal Power Commission, Hurley Wright Building, 1700 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding: Provided, however, That if no protest or petition to intervene has been filed or allowed prior to the date hereon fixed for hearing, of if a protest or a 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 in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FOGARTY, Secretary.

[F. R. Doc. 46–14101; Filed, Aug. 12, 1946; 11:28 a. m.]

FEDERAL TRADE COMMISSION.

[DOCKET NO. 6444]

EXPORT FINDERS BUREAU

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 8th day of August A. D. 1946, in the matter of Carlisle Rowntree, an individual trading as Export Finders Bureau.

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 Hie, 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 shall be in this proceeding begin on Monday, August 19, 1946, at one o'clock in the afternoon of that day (Eastern Standard Time) in Room 505, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence on behalf of the Federal Trade Commission, 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. 46–14101; Filed, Aug. 12, 1946; 11:28 a. m.]

[DOCKET NO. 6446]

FRENCH SARDINE CO. OF CALIFORNIA

NOTICE OF HEARING

Complaint. The Federal Trade Commission, having reason to believe the
party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 18, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent French Sardine Company of California is a corporation, organized and existing under the laws of the State of California, with its principal office and place of business located at 1111 Fish Harbor Wharf, Terminal Island, California.

Par. 2. The respondent, since June 19, 1936, has been, and is now, engaged in the business of packing, selling and distributing, directly and/or indirectly, canned and canned mackerel and other seafood products (all of which are hereinafter designated as seafood products) for its own account for resale.

Par. 3. The respondent sells and distributes its seafood products by two separate and distinct methods. The first and principal method is by utilizing intermediaries or brokers who act as respondent's agents in negotiating the sale of its seafood products at respondent's prices and on respondent's terms and for which services to respondent such intermediaries or brokers are paid commissions or brokerage fees. The method of distributing respondent's commodities is not challenged by this complaint.

The second method, which is challenged by this complaint, is by the sale by respondent of its seafood products direct to buyers who are paid by respondent, directly or indirectly, commissions or brokerage fees. The respondent does not use intermediaries or brokers in transactions between respondent and such buyers, and buyer for respondent does not use intermediaries or brokers.

Such direct buyers transmit their own purchase orders for such seafood products directly to respondent. The respondent, as an agent with which a buyer operates, such buyer's purchase and resell for their own account taking title to and assuming all risk incident to ownership.

Some such buyers, upon receipt of such seafood products from respondent, warehouse such commodities in their own warehouses or in public warehouses, and insure the commodities at their own expense and in their own name and for their own account against continuous loss or damage. Some such direct buyers designate themselves as brokers but are not brokers in fact. Contrary to the statements in paragraph (1) of the complaint, in such cases the respondent does not sell seafood products from respondent's warehouse and resell for the buyer's account, taking title to and assuming all risk incident to ownership.

Par. 4. The respondent, since June 19, 1936, has been, and is now, the owner and conduct of its said business, has sold and distributed a substantial portion of its seafood products through intermediaries or brokers to buyers, and also, directly to buyers located in states other than the state in which respondent is located, and as a result of such sales and the respondent's instructions such commodities have been shipped and are now shipped and transported across state lines to such buyers so located.

Par. 5. The respondent, since June 19, 1936, in connection with the interstate sale of its seafood products has been, and is now, paying or granting, or has paid or granted, directly or indirectly, commissions, brokerage or other compensation or allowances or discounts in lieu thereof to buyers on their own purchases of respondent's seafood products. Such buyers have purchased respondent's seafood products in their own name and for their own respective accounts for resale.

Par. 6. The acts and practices of the respondent, French Sardine Company of California, a corporation, in promoting the sale of its seafood products by paying to buyers, directly or indirectly, commissions, brokerage or other compensation or discounts in lieu thereof, as set forth above are in violation of subsection (c) of section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 5th day of August A. D. 1945, issues its complaint against said respondent.

Notice. Notice is hereby given you, French Sardine Company of California, a corporation, respondent herein, that the thirteenth day of September A. D. 1945, at 2 o'clock in the afternoon, is hereby fixed as the time and place of hearing of this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in this complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If an answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VIII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the violation of section 2 of the Clayton Act. Failure to file an answer shall constitute a finding by the respondent that respondent had notice of the facts alleged in the complaint, unless respondent is without notice, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent shall waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true.

Respondent by such answer shall be deemed to have waived the right to introduce into evidence or to otherwise amend or modify the complaint, pursuant to Rule 8(a), the respondent may file a brief, directed solely to that question, in accordance with Rule 8(b).

In witness whereof, the Federal Trade Commission has caused this its complaint to be signed by its Secretary, and has deposited in the post office at Washington, D. C., this 5th day of August A. D. 1945.

By the Commission.

[signature]

[seal]

Otis B. Johnson,
Secretary.

[F. R. Doc. 46-16023; Filed, Aug. 12, 1945; 11:34 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 336, Special Permit 43]

RECONSIGNMENT OF FREIGHTS AT COLUMBUS, Ohio

Pursuant to the authority vested in me by paragraph (1) of the first ordering paragraph of Service Order No. 396 (11 P. R. 2193) permission is granted to any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignments at Columbus, Ohio, August 7, 1946, by Ritter & Co. of Cincinnati, Cincinnati, Ohio, and to have a bearing on the allegations of fact set forth in the complaint, unless respondent is without notice, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent shall waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true.

Respondent by such answer shall be deemed to have waived the right to introduce into evidence or to otherwise amend or modify the complaint, pursuant to Rule 8(a), the respondent may file a brief, directed solely to that question, in accordance with Rule 8(b).

In witness whereof, the Federal Trade Commission has caused this its complaint to be signed by its Secretary, and has deposited in the post office at Washington, D. C., this 5th day of August A. D. 1945.

V. C. Claytor,
Director of Service.

Bureau of Service.

[F. R. Doc. 46-1614; Filed, Aug. 12, 1945; 11:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 767, Under 3 (b)]

W. R. Parkins,

APPROVAL OF TARIFF RULES.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,
and pursuant to § 1499.3 (b) (2) of the General Maximum Price Regulation, and section 6.4 of Second Revised Supplemental Price Regulation, it is ordered

(a) This order establishes maximum prices for sales and deliveries of the Unique brand nozzle attachment for vacuum cleaners manufactured by W. R. Perkins, 842 Greensdale Drive, Charleston, West Virginia.

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

<table>
<thead>
<tr>
<th>Product</th>
<th>Distributors</th>
<th>Dealers</th>
<th>Ultimate Consumers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unique brand nozzle attachment</td>
<td>Each $2.55</td>
<td>Each $3.00</td>
<td>Each $7.75</td>
</tr>
</tbody>
</table>

These maximum prices are for the articles described in the manufacturer’s application dated May 30, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since the General Maximum Price Regulation became applicable to those sales and deliveries, and are f.o.b. factory.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the 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.

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 Ceiling Label—$67.75

[Dep. 46-13940; Filed, Aug. 9, 1946; 11:49 a.m.]

OPA Retail Ceiling Price—$67.75

Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer 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.

[f. e. Doc. 46-13941; Filed, Aug. 9, 1946; 12:00 m.]

[MPR 591, Order 775]

MOUNT PLEASANT HEATER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in this order, issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 7 of Maximum Price Regulation No. 951; it is ordered:

(a) The maximum net prices, f.o.b. point of manufacture, for sales by anyone to consumers of the following galvanized hotwater boilers manufactured by Mount Pleasant Heater Corporation, Mount Pleasant, Michigan, and as described in its application dated July 29, 1946, shall be:

Galvanized hotwater boiler

Model No. Description                        Price

1906.... Model 108A.......................... $389.00
Model 200B with burner......................... 256.00
Model 200B with burner........................ 345.00
Model 200B less burner........................ 276.00
Model 200B less burner........................ 285.00

(b) The above prices are subject to the following discounts on sales to:

(1) Installers, commercial and industrial users........................................ 25%)
(2) Distributor or Jobber....................... 25 and 20%
(3) Manufacturer................................ 25, 20, and 20%

(c) The maximum net prices established by this order shall be subject to cash discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1945.

The manufacturer shall not sell at less than the manufacturer’s maximum price, at or before the issuance of the first invoice after the effective date of this order, the maximum prices established by this order for each such seller except installers resal
[F. R. Doc. 46-13942; Filed, Aug. 9, 1946; 12:04 p. m.]

[MSR 591, Order 766]

ZEPHYR BURNER 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 of Maximum Price Regulation No. 591, It is ordered:

(a) The maximum net prices, for sales by any person of the following gas conversion burner manufactured by the Zephyr Company, Detroit, Michigan, and as described in its application dated April 11, 1946, shall be:

<table>
<thead>
<tr>
<th>F. o. b. point</th>
<th>In-</th>
<th>Distr-</th>
</tr>
</thead>
<tbody>
<tr>
<td>of sale</td>
<td>stalled en</td>
<td>ibutors</td>
</tr>
<tr>
<td>Gas conversion burner, model 239P, size 30° x 16° x 12°</td>
<td>$72.50</td>
<td>$58.00</td>
</tr>
</tbody>
</table>

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

(c) Each seller covered by this order, except on sales to consumer, shall notify each of its 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.

(d) The Zephyr Burner Company shall stencil or tag in a conspicuous place on the item covered by this order, substantially the following:

OPA Maximum Retail Price Installed—$225.00

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

This order shall become effective August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. FOSTER,
Administrator.

[MSR 592, Order 101]

AMERICAN ROLLING MILL CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 101 under section 16 of Maximum Price Regulation 592. Specified construction materials and refractories.

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 price for sales by the American Rolling Mill Company, Middletown, Ohio, of Armco Asbestos Bonded Galvanized Culvert Sheets to its various classes of purchasers may be increased by an amount not in excess of $.25 per ton, as follows:

<table>
<thead>
<tr>
<th>Product</th>
<th>Increase per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydrated lime</td>
<td>$1.50</td>
</tr>
<tr>
<td>Quicksite</td>
<td>$1.50</td>
</tr>
<tr>
<td>All other lime</td>
<td>$1.50</td>
</tr>
</tbody>
</table>

(b) Any person purchasing any of the products described in paragraph (a) above, from the United States Gypsum Company for the purpose of resale in the same form may increase his present maximum prices established under the General Maximum Price Regulation by the percentage increase in cost to him resulting from the increase permitted the manufacturer in paragraph (a) above. However, notwithstanding the provisions of this paragraph (b) in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(c) The maximum prices established herein shall be subject to cash, quantity, and other discounts, transportation allowances, services and other terms and conditions of sale at least as favorable as those the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(d) The United States Gypsum Company shall furnish to each buyer purchasing any of the products described in (a), above, and purchased at its Evans, Washington plant, for resale in the same form on or before the date it makes delivery at the adjusted price, a written statement as follows:

Effective August 10, 1946, the OPA has granted the American Rolling Mill Company the adjustment of $0.25 per ton in the maximum selling prices of Armco Asbestos Bonded Galvanized Culvert Sheets. You are permitted to increase your existing maximum prices for this commodity by the percentage increase in cost resulting from the increase permitted the American Rolling Mill Company.

(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 August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. FOSTER,
Administrator.

[MSR 592, Order 102]

UNITED STATES GYPSUM CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 102 under section 16 of Maximum Price Regulation No. 592 specified construction materials and refractories.

This order shall become effective August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. FOSTER,
Administrator.

[MSR 592, Order 103]
ADJUSTMENT OF MAXIMUM PRICES

Order No. 103 under section 16 of Maximum Price Regulation No. 592, Specified construction materials and refractories, Clay Products Company, Docket No. 612-592.16-286.

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 United Clay Products Company, Washington, D. C., for clay building brick produced by the United Clay Corporation, Washington, to its various classes of purchasers may be increased by an amount not in excess of $2.75 per M for standard size brick equivalent.

(b) If the United Clay Products Company, Washington, D. C., 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 formulæ 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 sold by the United Clay Products Company, Washington, D. C., 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.

This order No. 103 shall become effective on August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER, Administrator

[Filed, Aug. 6, 1946; 11:59 a.m.]

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) Manufacturer's ceiling prices. Everedy Company, Frederick, Maryland, may convert the established ceiling prices for chromium plated cooking utensils of its manufacture by increasing by 3 percent the ceiling prices to each class of purchaser as established by Maximum Price Regulation No. 188.

(b) Ceiling prices of purchasers for resale. (1) A purchaser for resale who had an established ceiling price prior to the effective date of this order for any article, whose manufacturer's ceiling price was adjusted in accordance with the provisions of this order, may increase that established ceiling price by 3 percent.

(2) A purchaser for resale who had no established ceiling price prior to the effective date of this order for any article whose ceiling price is subject to this order, shall determine his ceiling price by adding to his invoice cost the same percentage mark-up as which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is one which meets all the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same manufacturer.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration, however, each seller must retain all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for 60 days as the Emergency Price Control Act of 1942, as amended, requires in effect.

If the resale ceiling price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under §1499.3 of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) Terms of sale. Ceiling prices adjusted by this order are subject to each seller's terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under OPA regulations.

(d) Notification. At the time of, or prior to the first invoice to a purchaser after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted ceiling prices for resales of the articles. This notice may be given in any convenient form.

(e) All requests contained in the application for price adjustment filed by Everedy Company, assigned OPA Docket No. 0969-CO 1107-876, not specifically granted by this order are hereby denied.

(f) The provisions of Supplementary Order No. 153, shall have no application to any sale or delivery of any article subject to this order.

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

This order shall become effective on the 10th day of August 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER, Administrator

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 19 of Maximum Price Regulation No. 61, it is ordered:

(a) Applicability. This order applies to all leather produced from imported raw goat or raw kid skins.

(b) Adjustment of maximum prices. On and after August 9, 1946, the maximum prices of all leather specified in paragraph (a) above, may be adjusted as follows:

(i) The seller, except one whose maximum prices are determined pursuant to sections 6 (d) or 7 (a) of Maximum Price Regulation No. 61, shall determine his total invoice price (which shall not exceed the sum of his maximum prices determined or established for such items of leather under the applicable sections of the regulation) at least 10 percent above his invoice price thus ascertainment, an amount not to exceed 40 percent thereof to obtain his adjusted invoice price.

(ii) A seller whose maximum prices are determined pursuant to section 6 (d) of Maximum Price Regulation No. 61 may add the 7 1/2 percent markup specified in that section of the regulation to the producer's maximum prices adjusted pursuant to paragraph (b) (1) above.

(c) Invoice requirements. No seller may sell or deliver leather covered by this order at a maximum price adjusted under paragraph (b) (1), above, unless, in connection with each sale or delivery, the seller furnishes to the purchaser an invoice or similar document showing, in addition to all the information required by section 6 (a) of Maximum Price Regulation No. 61, the following:

(i) The total invoice price exclusive of the surcharge authorized by this order.

(ii) The percentage by which he has increased the total invoice price in accordance with the terms of paragraph (b) (i) of this order. This percentage must be designated on the invoice as:

[MPR 61, Rev. Order 13]
"OPA surcharge of —% for raw goat and raw kid skin cost increase." Such percentage shall be stated at the foot of the invoice for the item, or, if there is more than one item, then for the entire group of items for which an adjustment is made, in which case the item or entire group of items increased by the same percentage shall be clearly indicated.

(iii) The dollar-and-cents amount of the surcharge added and stated as a separate item.

(4) Discounts. Term discounts shall be deducted from the total amount of the adjusted invoice price.

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

(f) Effective date. This order shall become effective August 9, 1946.

Issued this 9th day of August 1946.


[F. R. Doc. 46-39357; Filed, Aug. 9, 1946; 4:03 p. m.]

[MPR 116, Amds. 2 to Order 14] CHINA AND POTTERY

GENERAL ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, it is ordered, That order No. 14 under Maximum Price Regulation No. 116, be amended in the following respect:

1. Section 3 is amended to read as follows:

Sec. 3. Manufacturers’ maximum prices—(a) Determination of maximum prices. The maximum price for sales of any of the articles of semi-vitreous china or pottery covered by this order by a manufacturer to a purchaser for resale shall be the higher of the applicable of the following:

(1) His charge for packing for sales permitted under Maximum Price Regulation No. 116 (exclusive of any permitted increase or adjustment) increased by no more than 13 percent in the case of a manufacturer located in the State of California; and by no more than 7 percent in the case of any other manufacturer.

(2) His charge for packing for sales as adjusted by the Order of Price Administration.

(b) For the purposes of this order, the term “boxes and covers for outlets and switches,” shall mean outlet boxes and covers for all the foregoing, where such boxes, covers, fittings, and accessories are either fabricated primarily by the stamping process, or are assembled from parts fabricated primarily by the stamping process, and where such boxes, covers, fittings, and accessories are used for electrical purposes. The term shall not include conduits, unlets, or similar conduit fittings, cutout boxes, panel boxes, flush or surface cabinets, and cast iron boxes.

(c) Subject to the provisions of paragraph (a) herein, the maximum prices for sales by manufacturers of boxes and covers for outlets and switches shall be the base prices increased by 19%. The maximum charge for packing for sales to each manufacturer to a purchaser for resale shall be the higher of the applicable of the following:

(1) His charge for packing for sales permitted under Maximum Price Regulation No. 116 (exclusive of any permitted increase or adjustment) increased by no more than 13 percent in the case of a manufacturer located in the State of California; and by no more than 7 percent in the case of any other manufacturer.

(2) His charge for packing for sales as adjusted by the Order of Price Administration.

(3) The dollar-and-cents amount of the surcharge added and stated as a separate item.

(4) Subject to the provisions of paragraphs (a) and (b) of this order, the maximum prices for sales by resellers of boxes and covers for outlets and switches shall be the maximum prices in effect prior to the issuance of this order, increased by the same percentage by which their net invoiced costs have been increased by reason of the issuance of this order.

[MPR 153, Order C5] BOXES AND COVERS FOR OUTLETS AND SWITCHES

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 the provisions of section 31 of Revised Maximum Price Regulation No. 153, it is ordered:

(a) For the purposes of this order, the term “boxes and covers for outlets and switches,” shall mean outlet boxes and covers for outlets and switches, in effect to any purchasers or classes of purchasers just prior to the issuance of this order.

(b) Every manufacturer of boxes and covers for outlets and switches shall give written notice to his reseller of the percentage amount by which this order permits such resellers to increase their maximum prices.

(c) Notwithstanding any of the other provisions of this order, the maximum prices for sales of boxes and covers for outlets and switches, approved under the “in-line” provisions of section 9 of Revised Maximum Price Regulation No. 153 subsequent to the effective date of this order, shall be the maximum prices so approved.

(d) Notwithstanding any of the provisions of this order, any seller of boxes and covers for outlets and switches may continue to charge and receive the maximum prices for such products in effect for such seller just prior to the issuance of this order.

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

This order shall become effective August 17, 1946.

Issued this 12th day of August 1946.


[F. R. Doc. 46-44022; Filed, Aug. 12, 1946; 11:55 a. m.]

[MPR 153, Rev. Order 8] METAL HOUSEHOLD FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

Order No. 8 under § 1459.158a of Maximum Price Regulation No. 158 is redesignated Revised Order No. 8 and is amended and revised 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 § 1459.158a of Maximum Price Regulation No. 158, it is ordered:

Section 1. Purpose of this order.

Metal household furniture has been found to be a reconversion product, in accordance with the standards set forth in § 1459.158a of Maximum Price Regulation No. 158.

This order specifies a price increase factor to be used by manufacturers of this product and it sets forth the specific pricing provisions which all sellers are to follow in calculating their maximum prices for sales of the product.
Sec. 2. Articles covered by this order. This order covers all articles of metal household furniture except those whose maximum prices were established under Order No. 4332 or Revised Order No. 4232 under Maximum Price Regulation No. 188. Metal household furniture means all articles of furniture primarily designed for and generally used in or around the home, made with metal which accounts for at least 20% of the total cost of the materials used or in the case of upholstered furniture where the frame is constructed predominantly of metal. Articles of these types are covered by this order even though they are sold for use in places other than households, such as hotels, clubs, institutions and ships. It includes, but is not limited to, wrought iron furniture, metal porch and lawn furniture (including gliders), metal kitchen and storage cabinets, metal dinette sets. It does not include any articles covered by Order No. 4600 under Maximum Price Regulation No. 188 or any articles of metal bedding such as metal beds, headboards, sets, etc.

Sec. 3. Manufacturers' maximum prices—(a) Determination of maximum prices. Manufacturers shall determine their maximum prices for articles covered by this order under the same regulation and pricing provisions applicable before this order was issued.

(b) Increase factor. Manufacturers may increase by 15% their maximum prices (exclusive of any adjustment charges) properly established under Maximum Price Regulation No. 188 for sales to all persons other than ultimate consumers.

(c) Adjusted maximum price. A manufacturer's "adjusted maximum price" is the highest of the following amounts:

1. His maximum price properly established under Maximum Price Regulation No. 188 increased by 15% in accordance with paragraph (a) of this section.

2. His maximum price properly established under Maximum Price Regulation No. 188 or Order No. 4332 or Revised Order No. 4232 under section 4 of Supplementary Order No. 118 or any increase in that maximum price permitted by an OPA order, other than this order.

3. His maximum price properly established under Section 5 of Supplementary Order No. 118.

A manufacturer may make sales and deliveries at or below his adjusted maximum price computed under this section.

(1) The manufacturer shall make an OPA report of each article for which he makes sales or delivers an article. The date of the report. (2) The manufacturer's name and address. (3) A copy of the price list, if any, which the manufacturer issued to the trade and which was effective during March 1946, and a statement of the class or classes of purchasers to whom the prices shown thereon were applicable, unless already filed.

(4) A list of all articles of metal household furniture as defined in paragraph (c) above and the maximum price of which the manufacturer is adjusting pursuant to this order, showing for each article:

(i) His properly established maximum price (exclusive of all permitted increases) to each class of purchaser to whom he customarily makes sales. If his new maximum prices were established under Section 5 of Supplementary Order No. 118, he shall report his estimate of all permitted increases computed under section 3 (d) (3) of this order.

(ii) His adjusted maximum price to each class of purchaser to whom he customarily makes sales, stating the adjustment provision under which the adjusted maximum price was determined.

(iii) The pricing provision under which his maximum price (exclusive of all permitted increases) was established, as well as the specific section number, the date of approval, if any, and the order number, if any.

(b) With respect to all articles not specifically listed in his report referred to in paragraph (a) above, the manufacturer shall make the reports stated in paragraphs (a) (1) through (4) above as soon as possible after the date of the approval of the order for the manufacture of such articles.
to in (a) above, before delivering or offering for delivery any such article the manufacturer must file a signed report with the Office of Price Administration, Washington, D. C., stating for each such article, the information required by subparagraph (a) above.

(c) If a manufacturer fails to file the information required by subparagraph (a) above with respect to any particular article, his maximum price for any sale of that article must be determined by applying his "category mark-up" to his "unadjusted maximum price" for sales of the article to the same class of purchaser.

(d) Single category mark-up to be used. If a wholesaler who has divided his category into subcategories based on differences in cost as permitted by section 27 (b) of Maximum Price Regulation No. 590, finds in some cases that the same article belongs in two different subcategories as a result of the two different "net costs" computed under paragraphs (b) and (c) of this section. In such cases, he may apply a "category mark-up" which he shall use in determining both his adjusted maximum price under paragraph (b) above and his unadjusted maximum price under paragraph (c) above if the category mark-up applicable when the "net cost" is computed on the basis of his supplier's "unadjusted maximum price" in accordance with paragraph (c) above is the category mark-up applicable when the "net cost" is computed on the basis of his supplier's "unadjusted maximum price" in accordance with paragraph (b) above.

(e) Ceiling price statement. Before delivering any article the sale of which is covered by Maximum Price Regulation No. 590, at a mark-up of the adjusted maximum price under this order, the wholesaler must comply with the requirements of section 16 of Maximum Price Regulation No. 590 with regard to filing ceiling price statements.

Sec. 7. Maximum prices of wholesalers whose sales are covered by General Maximum Price Regulation; and of persons who resell commercial and institutional articles directly to the user. A wholesaler may make sales covered by General Maximum Price Regulation No. 590 to each class of purchaser of an article covered by this order as the maximum price determined under Maximum Price Regulation No. 590, by using as "net cost" for the article the total of:

(1) The "net cost" of the article based on his supplier's unadjusted maximum price as it appears on his purchase invoice, and

(2) 80 percent of the dollar-and-cent difference between his supplier's unadjusted maximum price and the wholesaler's actual invoice cost. For purposes of this subparagraph (2), "supplier's unadjusted maximum price" and "wholesaler's actual invoice cost" refer to those amounts as they appear on his supplier's invoice after all discounts except cash discounts have been deducted.

A wholesaler may make sales covered by Maximum Price Regulation No. 590 at prices at or below his adjusted maximum price computed in this way.

Unadjusted maximum price. A wholesaler's "unadjusted maximum price" for sales covered by Maximum Price Regulation No. 590 which must appear on every invoice which furnishes to the retailer the price determined under Maximum Price Regulation No. 590, by using a "net cost" for the article based on his supplier's unadjusted maximum price as it appears on his purchase invoice.

If in accordance with section 4 or 7 of Maximum Price Regulation No. 590, a wholesaler elects to sell an article at his "unadjusted maximum price" in March, 1942" instead of at the price found by applying his "category mark-up" to his "net cost," the "unadjusted maximum price" which must appear on the wholesaler's invoice for that article is the same as his selling price.

If, in accordance with section 3a of Maximum Price Regulation No. 590 a wholesaler adopts as his own the maximum unadjusted selling prices to a particular class of purchaser, the "unadjusted maximum price" which he must show on his invoice for that article is the same as the manufacturer's "unadjusted maximum price" for sales of the article to the same class of purchaser.

However, if the wholesaler's selling price for the article is below the "unadjusted maximum price" computed above, the "unadjusted maximum price" which must appear on the wholesaler's invoice for that article is the same as his selling price.

(d) Single category mark-up to be used. A wholesaler who has divided his category into subcategories based on differences in cost as permitted by section 27 (b) of Maximum Price Regulation No. 590 may find in some cases that the same article belongs in two different subcategories as a result of the two different "net costs" computed under paragraphs (b) and (c) of this section. In such cases, he may apply a "category mark-up" which he shall use in determining both his adjusted maximum price under paragraph (b) above and his unadjusted maximum price under paragraph (c) above if the category mark-up applicable when the "net cost" is computed on the basis of his supplier's "unadjusted maximum price" in accordance with paragraph (c) above is the category mark-up applicable when the "net cost" is computed on the basis of his supplier's "unadjusted maximum price" in accordance with paragraph (b) above.

(e) Ceiling price statement. Before delivering any article the sale of which is covered by Maximum Price Regulation No. 590, at a mark-up of the adjusted maximum price under this order, the wholesaler must comply with the requirements of section 16 of Maximum Price Regulation No. 590 with regard to filing ceiling price statements.

Sec. 8. Maximum prices of retailers whose sales are covered by General Maximum Price Regulation; and of persons who resell commercial and institutional articles directly to the user. A wholesaler may make sales covered by General Maximum Price Regulation No. 590 to each class of purchaser of an article covered by this order as the maximum price determined under Maximum Price Regulation No. 590, by using as "net cost" for the article the total of:

(1) His supplier's unadjusted maximum price as it appears on his purchase invoice,

(2) 80 percent of the dollar-and-cent difference between his supplier's unadjusted maximum price and the wholesaler's actual invoice cost.

A wholesaler may make sales covered by the General Maximum Price Regulation at prices at or below his adjusted maximum price computed in this way.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA form 620-590, In addition to the information specifically required by that section, also give the following information:

(1) His supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) His actual invoice cost.

An adjusted maximum price established in this way will be in line with adjusted maximum prices established generally under this order for sellers of the same class.

Unadjusted maximum price. A wholesaler who delivers or offers for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in §1499.3 (a) of the General Maximum Price Regulation, except that it need not be undifferentiated in any manner, shall determine his "unadjusted maximum price" according to the method and procedure set forth in that section by adding the same mark-up which he has on that comparable article to his supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) If a seller cannot determine his adjusted maximum price under (1), he shall report to the Office of Price Administration for the establishment of his adjusted maximum price under §1499.3 (c) of the General Maximum Price Regulation. The application shall, in addition to the information specifically required by that section, also give the following information:

(1) His supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) His actual invoice cost.

An adjusted maximum price established in this way will be in line with adjusted maximum prices established generally under this order for sellers of the same class.

Sec. 9. Maximum prices of retailers whose sales are covered by General Maximum Price Regulation; and of persons who resell commercial and institutional articles directly to the user. A wholesaler may make sales covered by the General Maximum Price Regulation at prices at or below his adjusted maximum price computed in this way.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA form 620-590, In addition to the information specifically required by that section, also give the following information:

(1) His supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) His actual invoice cost.

An adjusted maximum price established in this way will be in line with adjusted maximum prices established generally under this order for sellers of the same class.

(2) If a seller cannot determine his adjusted maximum price under (1), he shall report to the Office of Price Administration for the establishment of his adjusted maximum price under §1499.3 (c) of the General Maximum Price Regulation. The application shall, in addition to the information specifically required by that section, also give the following information:

(1) His supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) His actual invoice cost.

An adjusted maximum price established in this way will be in line with adjusted maximum prices established generally under this order for sellers of the same class.
an article covered by this order shall be computed as follows:

(1) A retailer who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.2(a) of the General Maximum Price Regulation, except that if it need not be currently offered for sale, shall determine his maximum resale price by adding to his supplier's unadjusted maximum price (as if applied on his purchase invoice) the same mark-up which he had on that comparable article, according to the method and procedure set forth in § 1499.4(a).

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA Form 620-759, with regard to how he determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a retailer cannot determine his maximum resale price under (1), he shall apply to the Office of Price Administration for the establishment of his maximum resale price under section 1499.3(a) of the General Maximum Price Regulation. The retailer's application shall, in addition to the information specifically required by that section, also give the following information:

(a) A retailer's unadjusted maximum price.

(b) His actual invoice cost.

A retailer's maximum price established in this way will be in line with retailers' maximum prices established generally under this order.

Sec. 10. Invoices to purchasers for resale. (a) Any person making a sale of an article covered by this order to a purchaser for resale, except a retailer making a "cross-stream" sale to another retailer as defined in paragraph (c) of this section, shall furnish the purchaser with an invoice containing the following:

(1) His name and address and the date of the invoice.

(2) The purchaser's name and address.

(3) The model designation of the article and such other description as may be necessary to identify the article on his price record.

(4) His "unadjusted maximum price." (As defined in section 3, 6, or 7 whenever applicable.)

(5) The actual selling price of the article.

(6) The nature and amount of any additional charges.

(7) Terms of sale.

(8) The following notice:

NOTICES OF CEILING PRICES

NOTE: The reporting and record-keeping prescribed by this section is approved by the Bureau of the Budget in accordance with the Federal Register Act of 1932.

Sec. 11. Terms of sale. Every seller of an article covered by this order must maintain all of his terms, discounts, allowances, and other price differentials in effect during March 1942, or which have been subsequently properly established under Office of Price Administration regulations or orders.

Sec. 12. Relationship of this order to other orders or regulations—(a) Maximum Price Regulations Nos. 188, 590, and 580. The provisions of this order supersede the provisions of Maximum Price Regulations Nos. 188, 580 and 590, only to the extent that they are inconsistent with the provisions of those regulations.

(b) Supplementary Orders Nos. 118, 119, 133, and 148 or Order A-2 under Maximum Price Regulation No. 188. If a manufacturer is eligible for an adjustment under Supplementary Orders Nos. 118, 119, 133, or 148 he may nevertheless adjust his maximum price under this order instead of under those provisions. Manufacturers may continue to adjust their maximum prices in accordance with any increases provided under Supplementary Orders Nos. 118, 119, 133 and 148 or Order A-2 under Maximum Price Regulation No. 188, instead of the increase factor specified in section 3.

Sec. 13. Revocation or amendment. This order may be revoked or amended by the Price Administrator at any time.

Sec. 14. Effective date. This revised order shall become effective on the 12th day of August 1946.

PAUL A. FORSTER,
Administrator

[F. R. Doc. 46-14023; Filed, Aug. 12, 1946; 11:50 a.m.]

UPHOLSTERED FURNITURE GRADE CHARTS

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

SECTION 1. Purpose of this order The purpose of this order is to provide a method whereby manufacturers of upholstered furniture may determine their maximum prices for articles of furniture to which they apply cover fabrics having a "cost" higher than any cover "cost" used as a basis for establishing or determining a maximum price for such an article prior to the issuance of this order.

For the purpose of this order, cover fabric "cost" refers to actual invoice cost, or that amount as modified by the provisions of Maximum Price Regulation No. 188 or Revised Order No. 402 under Maximum Price Regulation No. 188.

Prior to the issuance of this order, it was necessary for a manufacturer to apply to the Office of Price Administration to secure a method for determining his maximum prices in such cases. The provisions of this order incorporate in general the techniques which have been employed by the Office of Price Administration in the issuance of such individual orders, thus removing the necessity for issuing such orders in the future.

Sec. 2. What this order covers. This order covers articles of wood household furniture (as defined in Order No. 4800 under Maximum Price Regulation No. 188) to which a manufacturer applies cover fabrics having a "cost" higher than any cover fabric "cost" used as a basis for determining properly established maximum prices for those articles prior to the issuance date of this order. It does not, however, cover such articles to which a manufacturer applies a cover fabric having a "cost" of more than $8.80 per yard.

The word "you," as used in this order, means a manufacturer who makes a sale or delivery of an article covered by this order.

Sec. 3. What this order does. This order enables you to determine your maximum prices for articles to which
you apply cover fabrics having a higher "cost" than the highest "cost" cover fabric in which you have maximum prices established prior to the issuance date of this order. Specifically, it tells you how to determine your maximum prices for articles to which you apply such cover in three different situations as follows:

(a) If you have maximum prices established for an article in various grades of upholstery fabric and those maximum prices are determined by means of a cover grading system which is based on the cost of your cover fabrics, you will determine your maximum prices for an article covered by this order under section 6.

(b) If you have maximum prices established for an article in one or more upholstery fabrics but those maximum prices are not determined by means of a cover grading system which is based on the cost of your cover fabrics, you will determine your maximum prices for an article covered by this order under section 7.

(c) If you have a maximum price established for an article only in muslin or customer's own material (e.g., if you have not previously established maximum prices for that article in one or more upholstery fabrics) you will determine your maximum prices for articles covered by this order under section 7.

Sec. 4. Relation between this order and Revised Order No. 4992 under Maximum Price Regulation No. 188. Revised Order No. 4992 under Maximum Price Regulation No. 188 covers articles to which the manufacturer applies cover fabrics as to which his purchase invoice contains a "prior selling price" as well as a selling price. With respect to articles covered by both this order and Revised Order No. 4992 under Maximum Price Regulation No. 188, you will first establish your maximum prices under this order as to the maximum price so established in finding your maximum prices under Revised Order No. 4992 under Maximum Price Regulation No. 188.

Sec. 5. How to determine your maximum price for an article under this order whose maximum prices are based on a customary or established cover grading system. In general, paragraph (a) below tells you how to extend your customary or established cover grading system to include additional, higher "cost" grades. Each of the higher cost grades so established will include a cost range equivalent to the cost range included in the highest cost grade in your present cover grading system. (This section may not be used to establish cover grades including a "cost" higher than $6.50 per yard of 54" material.) Paragraph (b) below tells you how to establish your cover grading system in new cost grades, on the basis of the differential between the maximum price of the article in the last two cover grades of your present grading system.

(a) How to establish new cover grades. For each new cover grade to be established, you will proceed as follows:

(1) Find your "grade interval" for the highest cost grade of cover fabric included in your customary or established cover grading system by deducting the lowest cost in that grade from the highest cost in that grade. This is the "grade interval" you will use in determining the lowest and the highest cost to be included in each new cover grade, except that if the amount so determined exceeds $5.50 you may use this section to extend your customary or established cover grading system.

(2) Find the lowest cost to be included in each new cover grade by adding $1.50 to the highest cost in the cover grade immediately lower in cost. Find the highest cost to be included in that new cover grade by adding the amount of the "grade interval" found in paragraph (a) above to the lowest cost found for that new cover grade.

(b) How to determine your maximum price for an article to which you apply a fabric belonging in one of the cover grades established under paragraph (a) above. Your maximum price for an article to which you apply a fabric belonging in one of the cover grades established under paragraph (a) above is the total of the following:

(1) Your properly established maximum price (exclusive of all permitted increases and without reference to Revised Order No. 4992 under Maximum Price Regulation No. 188) for the article in the grade of cover fabric immediately preceding that cover grade.

(2) The difference between that maximum price and your properly established cover price (exclusive of all permitted increases and without reference to Revised Order No. 4992 under Maximum Price Regulation No. 188) for the article in the grade of cover fabric immediately preceding that cover grade.

Example of How a Manufacturer Established New Cover Grades for a Particular Fabric in Order to Include It in a Revised Order No. 4992:

If, in March 1942, a manufacturer offered a sofa in fabrics coating a particular article under this order, he determined his "grade interval" for the highest cost grade of upholstery fabric to be $3.76, and cost $5.26 plus the "grade interval" of $2.50. This new grade became his Grade J. His maximum price for this sofa in Grades J is its properly established maximum price in Grade J ($5.26 plus $3.76) plus $1.50. This is the highest cost to be included in the highest cost grade of upholstery fabric in which he delivered or offered for delivery this sofa during March 1942. His grade interval was $2.25, which is $5.26 minus $3.01. The lowest cost to be included in the highest cost grade would be $1.50 higher than the highest cost included in Grade J ($5.51 = $3.25). The highest cost to be included would be $3.76 plus the "grade interval" of $2.50, or $6.26. He determined his "grade interval" for the highest cost grade of upholstery fabric to be $3.76, and cost $5.26 plus the "grade interval" of $2.50. This new grade became his Grade J.

The cost grades established above are for materials 50" or 60" in width. For fabrics 60" in width, multiply your "cost" per yard of that fabric by 1.5 and grade the material on the basis of the resulting amount.

(b) How to determine your maximum prices for articles to which you apply cover fabrics graded under (a) above. You will determine your maximum price for a particular article to which you apply cover fabrics graded under (a) above as follows:

(1) Find the "cost" of the highest cost fabric in which you had a properly estab-
lished maximum price for the article prior to the issuance date of this order.

(1) The maximum price found in (2) above, and

(2) Find the highest maximum price established for the article prior to the issuance date of this order.

(3) You will find the price for the article when covered with a fabric graded under (a) above is the total of:

- (i) The maximum price found in (2) above, and
- (ii) Find the highest maximum price established for that article only in muslin or customer's own material.

For fabrics 36" in width, multiply your "cost" per yard of that fabric by 1.5 and grade the material on the basis of the resulting amount.

(b) You will find your maximum prices for a particular article covered by this order to which you apply cover fabrics graded under paragraph (a) above as follows:

(i) Your maximum price for the article when covered in your Grade A cover fabric is the same as your properly established maximum price for the article in muslin or customer's own material, whichever is higher.

(ii) Your maximum price for the article in Grade B cover fabric is its maximum price in Grade A plus 10¢ per yard of 54" material used in covering the article.

(iii) Your maximum price for the article in other grades of cover fabric is its highest cost grade of cover fabric immediately lower in price than that highest cost grade.

A list of the cover grades and maximum prices established for each article under this order.

(1) If you have established your maximum prices under section 5 of this order:

(ii) A list of the cover grades and maximum prices established for that article only in muslin or customer's own material.

(2) If you have established your maximum prices under Section 6 of this order:

(i) The cost range included in the highest cost grade of cover fabric included in your customary or established cover grading system prior to the issuance of this order.

(ii) Your properly established maximum price (exclusive of all permitted increases and without reference to Revised Order No. 4992 under Maximum Price Regulation No. 188) for the article in that highest cost grade of cover fabric and also in the grade of cover fabric immediately lower in price than that highest cost grade.

(iii) A list of the cover grades and maximum prices established for each article under this order.

(3) If you have established your maximum prices under section 7 of this order:

(i) Your properly established maximum price for the article in muslin or customer's own material, whichever is higher.

(iv) A list of the maximum prices established for each article under this order and the correct grade designation for each.

(b) You must keep available for inspection by the Office of Price Administration a copy of the report filed under paragraph (a) of this section, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

Effective date. This order shall become effective August 17, 1946.

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

Issued this 12th day of August 1946.

PAUL A. PORTER,
Administrator

[Printed in USA]
[FEDERAL REGISTER, Tuesday, August 13, 1946]

[RIIPR 526, Order 134]

FIRESTONE TIRE & 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 16 (d) of Revised Maximum Price Regulation 526, It is ordered:

(a) The maximum retail prices for the following sizes of rayon All Traction Logger tires, manufactured by The Firestone Tire & Rubber Company of Akron, Ohio, shall be:

<table>
<thead>
<tr>
<th>Size</th>
<th>Maximum retail price, each</th>
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<tbody>
<tr>
<td>8.50-20</td>
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<td>9.00-20</td>
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<td>18.00</td>
</tr>
<tr>
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</table>

(b) All provisions of RIIPR 526 not inconsistent with this order shall apply to sales covered by this order. This order may be amended or revoked by the Office of Price Administration at any time.

Issued this 12th day of August, 1946.

PAUL A. PORTER, Administrator

[F. R. Doc. 46-14272; Filed, Aug. 12, 1946; 11:58 a.m.]

[RIIPR 526, Rev. Order 14]

DOMESTIC LEATHER

ADJUSTMENT OF MAXIMUM PRICES

Order No. 14 under Maximum Price Regulation 61 is revised and amended to read as follows:

(a) Applicability. This order authorizes an adjustment of the maximum price of leather as defined in the continental United States.

(b) Adjustment of maximum prices. On and after August 9, 1946, the maximum price of any leather specified in paragraph (a) above may be adjusted as follows:

(i) The seller, except one whose maximum prices are determined pursuant to sections 6 (d) (a) 9 (b) (1) or 9 (b) (2) or (b) (2) of Maximum Price Regulation 61, shall determine his total invoice price (which shall not exceed the sum of his maximum prices or established for such item of leather under the applicable sections of the regulation) and may add to the total invoice price thus ascertained, an amount not to exceed 5% thereof to obtain his adjusted invoice price.

(ii) A seller whose maximum prices are established pursuant to sections 6 (d) 9 (b) (1) or 9 (b) (2) or (b) (2) of Maximum Price Regulation 61 may add the markup specified in the applicable section of the regulation to the producer’s maximum price adjusted pursuant to paragraph (b) (1), above.

(c) No seller may sell or deliver any leather covered by this order at a maximum price adjusted pursuant to paragraph (b) (1), above.

(d) It is ordered:

(i) The total invoice price exclusive of the adjustment authorized by this order.

(ii) The percentage by which he has increased the total invoice price in accordance with the provisions of paragraph (b) (1), above. This percentage must be designated on the invoice as “OPA adjustment charge of — percent under Order No. 14, Maximum Price Regulation 61.” Such percentage shall be stated at the foot of the invoice for the item, or, if there is more than one item, then for the entire group of items for which such an adjustment is made, in which case the item or entire group of items increased by the same percentage shall be stated as a separate item.

(e) Discounts. Term discounts shall be deducted from the total amount of the adjusted invoice price.

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

Effective date. This order shall become effective August 9, 1946.

Issued this 9th day of August, 1946.

PAUL A. PORTER, Administrator

[F. R. Doc. 46-13359; Filed, Aug. 9, 1946; 4:08 p.m.]

Regional and District Office Orders.

[Region II Rev. Order G-1 Under RIIPR 426, Amat. 1]

FRESH FRUITS AND VEGETABLES IN NEW YORK CITY

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by section 2-b of Maximum Price Regulation 426, It is hereby ordered, That Revised Order No. G-1, under Maximum Price Regulation 426, section 2-b shall be and is hereby amended in the following manner:

1. In paragraph (a) of section 5, “the Purveyors to whom this order applies,” add as listing number 23 the name and address of the following:

Louis Chorna, 123-63 Northern Blvd., Flushing, N.Y.

2. A copy of this amendment has been filed with the Division of the Federal Register where it is open for inspection by the public.

This amendment shall become effective at 12:01 a.m. on August 6, 1946.

Issued this 5th day of August, 1945.

JAMES L. MAYER, Regional Administrator.

Approved:

H. W. SCHRAEDEL, Chief, Northeast Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture.

[F. R. Doc. 46-13353; Filed, Aug. 8, 1946; 4:09 p.m.]

[Region II Rev. Order G-2 Under RIIPR 425]

FRESH FRUITS AND VEGETABLES IN NEW YORK AREA

For the reasons stated in an accompanying opinion, this order is issued.

SECTION 1. What this order does. This order establishes the amount of freight from “basing point” to “wholesale receiving point” which may be added to the maximum f.o.b. shipping point price for certain fresh fruits and vegetables at all “wholesale receiving points” in the area described in section 2 below.

SECTION 2. Area covered. This order applies in the Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester in the State of New York.

SECTION 3. Amount of freight allowance—

(a) Bronx, Kings, New York, Queens and Richmond Counties. The freight allowance from “basing point” to any “wholesale receiving point” in these counties for any commodity listed in Appendix A shall be the corresponding amount listed in the annexed Appendix A.1 Such amount includes all allowances, if any, for protective and other accessorital services and all taxes on transportation costs.

(b) Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties. The freight allowance from “basing point” to any “wholesale receiving point” in these counties for any commodity listed in Appendix A shall be the sum of the corresponding amounts listed in Appendices A1 and A1.1 Such sum included all allowances, if any, for protective and other accessorital services and all taxes on transportation costs. However, for a carton or truckload sold direct to any “wholesale receiving point” in these counties, the freight allowance shall be that prescribed in subdivision (a) of this section.

SECTION 4. Meaning of terms. The terms “basing point” and “wholesale receiving point” are to be understood as defined in Maximum Price Regulation 426.

SECTION 5. Effective date. This revised order shall become effective on August 5, 1946 at 4:30 p.m.

1 Filed as part of the original document.
CONSTRUCTION MATERIALS AND REFRactories IN NEW YORK AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator, Region II of the Office of Price Administration by the Emergency Price Control Act of 1942 as amended, by section 17 of MPR 592 as amended, and by Revised Procedural Regulation No. 1, It is ordered that:

(a) Order No. G-1 under section 17 of MPR 592 is hereby amended by adding to sub-division 1 of section (c) of said order, the words "discount not to exceed $30 per skm".

(b) Said Order No. G-1 under section 17 of MPR 592 is hereby further amended by adding to sub-division 2 of section (c) of said order, the words "discount not to exceed $25 per skm".

(c) Said Order G-1 under section 17 of MPR 592 is hereby further amended by adding to sub-division 3 of section (d) of said order, the words "discount not to exceed $10 per skm".

(d) Said Order G-1 under section 17 of MPR 592 is hereby further amended by adding after paragraph (d) of said order, a paragraph designated as (e) and reading as follows:

(e) All persons purchasing sand, grit and gravel, produced in Nassau and Suffolk Counties, New York, for resale in the same form in the area covered by this order, may add to their legal maximum prices the percentage increase in cost to them resulting from the increase granted to the producers of said sand, grit and gravel by paragraph (a) of this order.

(e) Except as hereby amended, Order No. G-1 under section 17 of Maximum Price Regulation 592 shall remain the same and all provisions thereof shall remain applicable.

This amendment shall become effective immediately.

Issued this 8th day of August, 1946.

JAMES L. MEADER,
Regional Administrator

[Region II Order G-8 Under MPR 119, Amdt. 1]

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15, 16 and 19 of Revised Supplementary Order #119, It is ordered, That Order No. G-8 under Supplementary Order No. 119 be amended in the following respects:

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

(a) Manufacturer's ceiling prices. A. Kreamer, Inc., 307 Kent Avenue, Brooklyn, New York may increase its maximum prices established under Maximum Price Regulation No. 188 (exclusive of all permitted increases or adjustment charges) on sales to each class of purchasers for metal household, hotel and restaurant utensils which it manufactures by 16.8% of each such maximum price.

2. Paragraph (b) is amended to substitute the percentage amount "16.8%" in place of the percentage amount "6.3%" wherever that figure appears.

3. Paragraph (c) is amended to read as follows:

(c) Notification. At the time of, or prior to, the first invoice to a purchaser for resale showing a maximum price adjusted in accordance with the terms of this amendment, the seller shall notify such purchaser in writing of the methods established in paragraphs (b) and (c) for determining adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

This order shall become effective immediately.

Issued this 27th day of July, 1946.

JAMES L. MEADER,
Regional Administrator


B uilding M aterials in S an F rancisco A rea

On June 28, 1946, the Regional Administrator issued Revised Order No. G-4 under General Order No. 68 to become effective July 1, 1946. This order was filed with the Division of the Federal Register and was published in the Federal Register on July 26, 1946, 11 F.R. 1057. On June 20, 1946, the Emergency Price Control Act of 1942, as amended, terminated, and the reason this order did not become effective.

Therefore, for the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section (a) of General Order No. 68, It is hereby ordered:

1. Revised Order No. G-4 under General Order No. 68 is hereby rescinded and amended in the respects:

(a) The effective date of such order is changed from July 1, 1946, to August 11, 1946.

(b) The prices provided in Appendix A of that order for "Metal Lath" items are increased by 50.01 per square yard.

2. This order may be cited as Amendment No. 1 to Revised Order No. G-4 under General Order No. 68.

This order shall become effective August 11, 1946. Issued this 2d day of August, 1946.

BEN C. DUNWAY,
Regional Administrator

[Region VIII Order G-21 Under RPMR 251]

I nstalled r oofing and S ining in S an F rancisco A rea

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by sections 9 and 20 of Revised Maximum Price Regulation No. 251, it is hereby ordered:

(a) What this order does. This order establishes maximum prices for sales of installed roofing, siding, and coverings therein excluding installations including waterproofing and damp-proofing, when the installation or service is performed in Northern and Central California, central Nevada, and including Fresno, Kings, Mono, Merced, and Tulare Counties.

(b) Relation to Revised Maximum Price Regulation No. 251. Except as otherwise provided herein, this order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to sales covered by this order. Except to the extent that they are inconsistent with this order, however, all other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued, shall apply to sales covered by this order.

(c) Maximum prices. The maximum prices for sales of the following materials on an installed basis in the above-described area are as follows:

1. 35-pound asphalt felt, mopped between and on top, plus gravel.

2. 55-pound asphalt felt, mopped between and on top, plus gravel.

3. 50-pound asphalt felt, mopped between and on top, plus gravel.

4. 35-pound asphalt felt, mopped between and on top, plus gravel.

5. 50-pound asphalt felt, mopped between and on top, plus gravel.

R oofing:

1. 35-pound asphalt felt, mopped between and on top, plus gravel.

2. 55-pound asphalt felt, mopped between and on top, plus gravel.

3. 50-pound asphalt felt, mopped between and on top, plus gravel.

4. 35-pound asphalt felt, mopped between and on top, plus gravel.

5. 50-pound asphalt felt, mopped between and on top, plus gravel.

6. 35-pound asphalt felt, mopped between and on top, plus gravel.

7. 50-pound asphalt felt, mopped between and on top, plus gravel.

8. 35-pound asphalt felt, mopped between and on top, plus gravel.

9. 50-pound asphalt felt, mopped between and on top, plus gravel.

10. 35-pound asphalt felt, mopped between and on top, plus gravel.

11. 50-pound asphalt felt, mopped between and on top, plus gravel.

12. 35-pound asphalt felt, mopped between and on top, plus gravel.

13. 50-pound asphalt felt, mopped between and on top, plus gravel.
(a) **Composition Roofing and Composition Shingles—continued**

<table>
<thead>
<tr>
<th>Item</th>
<th>Maximum price (per square of 100 sq. ft. unless otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. 2 layers 15-pound asphalt felt and 1 layer 90-pound mineral surface, mopped between</td>
<td>$30.50</td>
</tr>
<tr>
<td>7. 85-pound mineral surface split sheet, mopped on</td>
<td>$7.00</td>
</tr>
<tr>
<td>8. 3 layers 40-pound specification roofing, mopped between and on top, plus gravel</td>
<td>$8.50</td>
</tr>
<tr>
<td>9. 2 layers 30-pound asphalt felt, mopped on</td>
<td>$11.25</td>
</tr>
<tr>
<td>10. 1 extra layer 15-pound asphalt felt, and 65-pound mineral split sheet, matted and mopped on</td>
<td>$2.25</td>
</tr>
<tr>
<td>11. 90-pound roll composition, mineral surfaced, nailed on; With seams mopped</td>
<td>$6.00</td>
</tr>
<tr>
<td>12. Complete mopped</td>
<td>$6.50</td>
</tr>
<tr>
<td>13. 15-pound asphalt felt plus 65-pound smooth or 90-pound mineral surface cap, nailed and mopped on</td>
<td>$8.00</td>
</tr>
<tr>
<td>14. 80-pound asphalt felt plus 90-pound mineral surface cap, nailed and mopped on</td>
<td>$8.75</td>
</tr>
<tr>
<td>15. 2 layers 30-pound asphalt felt, nailed and mopped between and on top</td>
<td>$7.50</td>
</tr>
<tr>
<td>16. 2 layers 30-pound asphalt felt, nailed and mopped between and on top</td>
<td>$6.00</td>
</tr>
<tr>
<td>17. 3 layers 15-pound asphalt felt, matted between and on top plus gravel</td>
<td>$6.50</td>
</tr>
<tr>
<td>18. 3 layers 30-pound asphalt felt, matted between and on top, plus gravel</td>
<td>$8.50</td>
</tr>
<tr>
<td>20. 50-pound asphalt and 50-pound mineral surface split sheet, nailed and mopped on</td>
<td>$10.00</td>
</tr>
<tr>
<td>21. 1 layer Irish Fitch Felt and gravel underlayment plus asphalt</td>
<td>$13.00</td>
</tr>
<tr>
<td>22. 2 layers saturated fabric, matted underlayment and on top, plus gravel</td>
<td>$12.00</td>
</tr>
<tr>
<td>23. 1 layer saturated fabric, matted underneath and on top, plus gravel</td>
<td>$7.50</td>
</tr>
</tbody>
</table>

**Shingles:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Maximum price (per square of 100 sq. ft. unless otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. 105-pound classification, including diamond point, pyramid, shadow point, gothic point, roll roofing, nailed on with tabs centered</td>
<td>$7.75</td>
</tr>
<tr>
<td>25. 120-pound to 150-pound classification, including standard Dutch Lap, Bel, and grip lock lap</td>
<td>$9.50</td>
</tr>
<tr>
<td>26. 160-pound to 170-pound classification, including standard Dutch Lap, Be, and grip lock lap</td>
<td>$9.90</td>
</tr>
<tr>
<td>27. 175-pound to 225-pound classification, including standard dutch lap, rig slat lap</td>
<td>$10.50</td>
</tr>
<tr>
<td>28. 235-pound to 325-pound classification rigid asphalt shingles (white or colored)</td>
<td>$12.00</td>
</tr>
</tbody>
</table>

(b) **Extras for Composition Roofing and Shingles**

<table>
<thead>
<tr>
<th>Item</th>
<th>Maximum price (per square of 100 sq. ft. unless otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 1 extra layer 15-pound asphalt felt</td>
<td>$31.50</td>
</tr>
<tr>
<td>2. 2 layers 30-pound asphalt felt</td>
<td>$12.25</td>
</tr>
<tr>
<td>3. 3 layers 40-pound specification roofing, matted between and on top</td>
<td>$16.00</td>
</tr>
</tbody>
</table>

(c) **Wood Shingles**

<table>
<thead>
<tr>
<th>Item</th>
<th>Maximum price (per square of 100 sq. ft. unless otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. No. 1 cedar or redwood (5&quot; exposure)</td>
<td>$31.50</td>
</tr>
<tr>
<td>2. No. 2 cedar or redwood (6&quot; exposure)</td>
<td>$12.25</td>
</tr>
<tr>
<td>3. No. 3 cedar (6&quot; exposure)</td>
<td>$10.50</td>
</tr>
<tr>
<td>4. 5/&quot; to 11/&quot; exposure, including 15-pound felt</td>
<td>$25.60</td>
</tr>
<tr>
<td>5. 11/&quot; to 15/&quot; exposure, including 15-pound felt</td>
<td>$22.60</td>
</tr>
<tr>
<td>6. 15/&quot; thick x 23&quot; length, cedar, 10&quot; exposure, including 15-pound felt</td>
<td>$21.00</td>
</tr>
<tr>
<td>7. 15/&quot; thick x 18&quot; length, cedar, 7&quot; exposure, including 15-pound felt</td>
<td>$20.60</td>
</tr>
<tr>
<td>8. Zephyrs, with 1 prime coat and grained; 18&quot; chindle and undercouse; 14&quot; exposure</td>
<td>$25.60</td>
</tr>
<tr>
<td>9. Zephyrs, untreated, 15&quot; routed and undercouse, 12&quot; exposure</td>
<td>$21.00</td>
</tr>
</tbody>
</table>

(For extras for wood shingles)

<table>
<thead>
<tr>
<th>Item</th>
<th>Maximum price (per square of 100 sq. ft. unless otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clean and cut gutters</td>
<td>$9.25</td>
</tr>
<tr>
<td>2. Clean and cut gutters</td>
<td>$9.25</td>
</tr>
<tr>
<td>3. New asphalt underlayment, gutter cap</td>
<td>$1.50</td>
</tr>
<tr>
<td>4. Hips and ridges</td>
<td>$1.25</td>
</tr>
<tr>
<td>5. Zephyrs</td>
<td>$1.10</td>
</tr>
<tr>
<td>6. Use of galvanized nails instead of redwood nails</td>
<td>$3.75</td>
</tr>
<tr>
<td>7. For removal of old composition roof without gravel</td>
<td>$3.75</td>
</tr>
</tbody>
</table>

(For removal of old composition roof without gravel)

<table>
<thead>
<tr>
<th>Item</th>
<th>Maximum price (per square of 100 sq. ft. unless otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. For jobs on buildings of 3 or more stories, additional charges per square may be made as follows:</td>
<td>$3</td>
</tr>
<tr>
<td>2. When total area is less than 5 squares, add</td>
<td>$2.00</td>
</tr>
</tbody>
</table>

San Francisco and Alameda Counties Only

<table>
<thead>
<tr>
<th>Item</th>
<th>Maximum price (per square of 100 sq. ft. unless otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. For removal of old composition roof without gravel</td>
<td>$8.50</td>
</tr>
<tr>
<td>4. For disposal thereof</td>
<td>$1.00</td>
</tr>
<tr>
<td>5. Removal of old composition roof with gravel</td>
<td>$3.50</td>
</tr>
<tr>
<td>6. For disposal thereof</td>
<td>$1.50</td>
</tr>
</tbody>
</table>

All Other Counties Covered by This Order

<table>
<thead>
<tr>
<th>Item</th>
<th>Maximum price (per square of 100 sq. ft. unless otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. For removal of old composition roof without gravel</td>
<td>$8.15</td>
</tr>
<tr>
<td>8. For disposal thereof</td>
<td>$0.50</td>
</tr>
<tr>
<td>9. For removal of old composition roof with gravel</td>
<td>$2.50</td>
</tr>
<tr>
<td>10. For disposal thereof</td>
<td>$0.50</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, Tuesday, August 13, 1946
been figured in accordance with the provisions of the applicable regulation or order. 

(g) Jobs and materials for which specific prices are not provided in this order and related or incidental work. For any composition shingle, roll roofing or other installation as roof- ing or siding, and the application of plain or fiber roof coating, whether applied cold or not, and water-proofing and damp-proofing, and for any related or incidental work for which a maximum price is not provided in paragraph (c) of this order, the maximum price shall be established by either of the following methods:

(1) By application to the San Francisco District Office of the Office of Price Administration, 1355 Market Street, San Francisco 3, California, for the establishment of a maximum price. Such application shall contain the following information:

(i) The seller's name and address.

(ii) Job location and specifications.

(iii) Proposed maximum price.

The Regional Administrator of Region VIII, or the Director of the San Francisco District Office, may establish a maximum price or pricing method by special order in response to such application, but the proposed price shall be deemed to be approved 20 days after mailing the application (or after mailing all additional information which may have been requested) unless within that time the Office of Price Administration notifies the seller that its proposed price has been disapproved. The Regional Administrator or District Director may also establish maximum prices for such services on his own motion.

(2) If the seller does not file an application under the preceding paragraph (1) his price shall be the actual cost of labor and materials and "other direct costs" plus 25% of such costs, or if a lump-sum contract is made plus 35% of costs, or the price provided by this order shall be approved.

(a) The seller may establish maximum prices for his usual type of work, whenever is lower.

(b) Measurements. When measuring the area to be covered, deductions for openings shall be made as follows:

- Residential structures:
  - For openings aggregating less than 100 square feet, no deduction need be made.
  - For openings aggregating from 100 to 500 square feet, deduct 50% of total area of openings.
  - For openings aggregating over 500 square feet, deduct the total area of the opening.

- Commercial or industrial structures:
  - For any opening of less than 100 square feet, no deduction need be made.
  - For openings aggregating over 500 square feet, deduct 60% of the total area shall be deducted.

(g) Travel expenses. For mileage and travel expenses the seller may charge as follows provided such charges are explained to and authorized by the buyer prior to starting the work and are separately invoiced:

(1) For jobs which are more than 10 miles from the seller's nearest place of business, a charge of five cents per mile each way may be made for the distance beyond the 10 mile limit, but not exceeding $5.00.

(2) A seller may be reimbursed for expenses incurred by him for employees required to remain out of town for the purpose of the job, but not in excess of $3.00 per day per employee and not in excess of the amount actually paid.

(h) Definitions. (1) "Square" means 100 square feet of roof area or wall area, as the case may be.

(2) "Cost of labor" means the amount paid for labor, but not in excess of the legal rates as established by the appropriate governmental agency as of the date of this order;

(3) "Cost of materials" means the amount paid for materials, but not in excess of their maximum prices for sales to roofing applicators.

(4) "Other direct costs" include only the cost of workmen's compensation and public liability insurance, social security and unemployment compensation taxes. Administrative and overhead costs, selling expenses, and the mileage and travel allowance permitted by this order are not to be included as direct costs.

(i) Records and invoices. Each seller must keep, at his place of business, available for inspection by representatives of the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records concerning each sale covered by this order, showing the following:

- Name and address of purchaser.
- Location of job.
- Date of transaction.
- An itemized description of the materials and services involved and the prices charged.
- A separate statement of any related and incidental work and the prices charged for such work.

Every person making sales subject to this order shall furnish each customer with an invoice or sales slip on which he has certified that the price charged does not exceed the price permitted by this order and setting forth information sufficient to show the correctness of the price charged, including the areas or footage involved and the applicable unit price when one is provided by this order, and the labor rates, hours of work involved, and itemized cost of materials, when maximum prices depend thereon, and showing also the names and addresses of the buyer and seller, the location of the job and the date of its completion, and an itemization of any other charges (such as for mileage or subsistence) authorized by this order. Such seller shall also keep duplicates of such invoices or sales slips at his place of business, available for inspection by representatives of the Office of Price Administration. No charge may be made for any item as to which a seller fails to keep the records or to issue an invoice as required by this paragraph.

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

This order shall become effective August 11, 1946.

Issued this 31st day of July 1946.

Ben C. Dunway, Regional Administrator

[Regional Order G-16 Under MPR 002]
LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register August 3, 1946.

Region I
Augusta Order 3-F Amendment 61, covering fresh fruits and vegetables in Portland, South Portland and Westbrook. Filed 1:32 p.m.
Augusta Order 5-F Amendment 60, covering fresh fruits and vegetables in Bangor and Brewer. Filed 1:32 p.m.
Hartford Order 5-F Amendments 64-65, covering fresh fruits and vegetables in Waterbury and Watertown. Filed 3:06 p.m.
Hartford Order 6-F Amendments 64-65, covering fresh fruits and vegetables in the Hartford area. Filed 3:06 p.m.
Hartford Order 7-F Amendments 64-65, covering fresh fruits and vegetables in the New Haven area. Filed 3:05 p.m.
Hartford Order 8-F Amendments 64-65, covering fresh fruits and vegetables in the Bridgeport area. Filed 3:05 p.m.

Region II
Buffalo Order 11-F, covering fresh fruits and vegetables in Rochester, East Rochester, Fairport and Pittsford, New York. Filed 1:37 p.m.
Buffalo Order 12-F, covering fresh fruits and vegetables in Allegany, Cattaraugus, Chautauqua, counties, New York. Filed 1:37 p.m.
Buffalo Order 13-F, covering fresh fruits and vegetables in certain areas in New York. Filed 1:37 p.m.
Buffalo Order 14-F, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 3:00 p.m.
Scranton Order 6-F, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:00 p.m.

Region IV
Richmond Order 1-D Revocation, covering butter and cheese. Filed 1:36 p.m.
Richmond Order 8-W, Amendment 8, covering dry groceries. Filed 1:36 p.m.

Region V
Fort Worth Order 20, Amendment 9, covering dry groceries sold by Groups 1 and 2 stores. Filed 1:36 p.m.
Fort Worth Order 21, Amendment 11, covering dry groceries sold by Groups 3 and 4 stores. Filed 1:36 p.m.
Fort Worth Order 21, Amendment 12, covering dry groceries sold by Groups 3A and 4A stores. Filed 1:36 p.m.
Kansas City Order 4-F, Amendment 53, covering fresh fruits and vegetables in Johnson and Wyandotte counties, Kansas; Jackson county, Missouri and the City of North Kansas City, Missouri. Filed 1:37 p.m.
Kansas City Order 9-F, Amendment 36, covering fresh fruits and vegetables in Buchanan county, Missouri. Filed 1:37 p.m.
Kansas City Order 25, Amendment 4A, covering dry groceries sold by Groups 3 and 4 stores. Filed 3:03 p.m.

Region VI
Des Moines Order 3-M, Amendment 1, covering bottled and canned domestic malt beverages in certain counties in Iowa. Filed 1:37 p.m.

Region VII
Helena Order 115 Revocation, covering dry groceries sold by Groups 3 and 4 stores in the State of Montana. Filed 1:38 p.m.

Region VIII
San Francisco Order 27-F, Amendment 20, covering fresh fruits and vegetables in certain counties in California except the City of San Francisco and the City of Marysville. Filed 1:46 p.m.
San Francisco Order 14, Amendment 19, covering dry groceries in certain counties in California. Filed 1:49 p.m.
San Francisco Order 19, Amendment 9, covering dry groceries in certain counties in California. Filed 1:29 p.m.
San Francisco Order 20, Amendment 12, covering dry groceries in the city and county of San Francisco, counties of Alameda, Contra Costa, Marin and San Mateo. Filed 1:49 p.m.
San Francisco Order 21, Amendment 10, covering dry groceries in certain counties in California. Filed 1:29 p.m.
San Francisco Order 22, Amendment 9, covering dry groceries in certain counties in California. Filed 1:29 p.m.
San Francisco Order 24, Amendment 9A, covering dry groceries in the city of Fresno. Filed 1:30 p.m.
San Francisco Order 24, Amendment 10, covering dry groceries in the city of Fresno. Filed 1:30 p.m.
San Francisco Order 25, Amendment 9, covering dry groceries in certain counties in California. Filed 1:30 p.m.
San Francisco Order 38, Amendment 9, covering dry groceries in certain areas in California. Filed 1:30 p.m.
San Francisco Order 3A, Amendment 7A, covering dry groceries in certain areas in California. Filed 1:30 p.m.
San Francisco Order 39, Amendment 8, covering dry groceries in certain areas in California. Filed 1:30 p.m.
San Francisco Order 40, Amendment 7, covering dry groceries in certain counties in California. Filed 1:30 p.m.
San Francisco Order 41, Amendment 6A, covering dry groceries in certain areas in California. Filed 1:30 p.m.
San Francisco Order 42, Amendment 7, covering dry groceries in certain areas in California. Filed 1:30 p.m.
San Francisco Order 43, Amendment 7, covering dry groceries in certain counties in California. Filed 1:31 p.m.
San Francisco Order 44, Amendments 8 and 6A, covering dry groceries in certain areas in California. Filed 1:31 p.m.
San Francisco Order 45, Amendment 7, covering dry groceries in certain areas in California. Filed 1:31 p.m.
San Francisco Order 49, Amendment 16B, covering dry groceries in certain counties in California. Filed 1:29 p.m.
Copies of any of these orders may be obtained from the OPA Office in the designated city.

Enid H. Pollack, Secretary.

[FR Doc. 46-13983; Filed, Aug. 9, 1946; 4:39 p.m.]

[Region II, Order G-1 Under RMFR 235]
"the metropolitan areas of New York and northeastern New Jersey."

Sec. 3. Definitions. When used in this order all terms have the same meaning as in Revised Maximum Price Regulation 296 except that a term not specifically defined in RMPR 296 but specifically defined in this order the meaning as set forth in this order shall prevail.

Sec. 4. When certain amounts may be added. (a) The amount set forth in this order which may be added to the amount set forth in Paragraph 2 of Appendix A IX may be added only when:
1. The shipment or delivery is of 250 cwt. or less;
2. The shipment or delivery is f. o. b. mill or f. o. b. seller's warehouse;
3. The sale is not a sale at retail;
4. The provisions of Appendix A IX of RMPR 296 are complied with.

(b) The amount set forth in this order which may be added to the amount set forth in Paragraph 4 of Appendix A IX of Revised Maximum Price Regulation 296 may be added only when:
1. The shipment or delivery is of 250 cwt. or less;
2. The shipment or delivery is delivered at any destination in the metropolitan area of New York-northeastern New Jersey, except f. o. b. mill, f. o. b. seller's warehouse, f. o. b. industry track; or the delivery is made by truck or vehicle other than a rail car, barge or vessel, from either that where a term is not specifically defined in the Federal Register August 8, 1946.

List of Community Ceiling Price Orders

The following orders under Revised General Order 51 were filed with the Division of the Federal Register August 8, 1946.

Region I

August Order 3-F, Amendment 62, covering fresh fruits and vegetables in Portland, South Portland and Westbrook. Filed 1:32 p.m.

Region II

Baltimore Order 13-F covering fresh fruits and vegetables in the Baltimore, Maryland area. Filed 1:40 p.m.

Baltimore Order 14-F covering fresh fruits and vegetables in the Baltimore, Maryland area. Filed 1:40 p.m.

Baltimore Orders 3-M and 4-M, covering bottle beer and ale in the Baltimore, Maryland area. Filed 1:40 p.m.

Newark Order 10-F covering fresh fruits and vegetables in certain counties in New Jersey, except the Borough of North Plainfield, N. J. Filed 1:42 p.m.

Newark Order 11-F covering fresh fruits and vegetables in certain counties in New Jersey and the Borough of North Plainfield, in Somerset county, N. J. Filed 1:42 p.m.

Region III

Cincinnati Order 26, Amendment 7, covering dry groceries. Filed 2:34 p.m.

Cincinnati Order 27, Amendment 5A, covering dry groceries. Filed 2:34 p.m.

Cincinnati Order 27, Amendment 25, covering dry groceries. Filed 2:34 p.m.

Cincinnati Order 28, Amendment 6, covering dry groceries. Filed 2:34 p.m.

Cincinnati Order 29, Amendment 6, covering dry groceries. Filed 2:34 p.m.

Detroit Order 10-F (Appendix A) Amendment 70, covering fresh fruits and vegetables in Wayne and Macomb counties, Michigan. Filed 2:34 p.m.

Detroit Order 10-F (Appendix B) Amendment 71, covering fresh fruits and vegetables in certain counties in Michigan. Filed 2:33 p.m.

Detroit Order 10-F (Appendix B) Amendment 72, covering fresh fruits and vegetables in certain counties in Michigan. Filed 2:33 p.m.

Louisville Order 26, Amendment 14, covering dry groceries in Jefferson county, Kentucky and Clark and Floyd counties, Indiana. Filed 2:33 p.m.

Region IV

Atlanta Order 15-F Amendment 30, covering fresh fruits and vegetables in Bibb and Muscogee counties, Georgia and Phenix City, Alabama. Filed 2:44 p.m.

Atlanta Order 16-F Amendment 12, covering fresh fruits and vegetables in Chatham and Richmond counties. Filed 2:44 p.m.

Atlanta Order 17-F, Amendment 12, covering fresh fruits and vegetables in Dougherty and Thomas counties. Filed 2:44 p.m.

Atlanta Order 18-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Georgia. Filed 2:44 p.m.

Atlanta Order 19-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:43 p.m.

Atlanta Order 20-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:43 p.m.

Atlanta Order 21-F Amendment 4, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:43 p.m.

Columbus Orders 23-C and 24-C, covering poultry in Zone 22. Filed 2:42 p.m.

Columbus Orders 25-C and 26-C, covering poultry in Zone 24. Filed 2:42 p.m.

Columbia Order 27-C, covering poultry in Richland and Lexington counties South Carolina. Filed 2:37 p.m.

Columbus Orders 1-D and 2-D, covering butter and cheese in vegetables in South Carolina. Filed 2:38 p.m.

Columbia Orders 23-O and 24-O, covering eggs in Zone 15. Filed 2:37 p.m.

Columbus Orders 25-O and 26-O, covering eggs in Zone 16. Filed 2:37 and 2:36 p.m.

Columbia Order 27-O, covering eggs in Richland and Lexington counties, South Carolina. Filed 2:32 p.m.

Jacksonville Order 15-F Amendment 11, covering fresh fruits and vegetables in the city of Pensacola, Florida. Filed 2:45 p.m.

Jacksonville Order 17-C, Amendment 7, covering poultry in Duval county, Florida. Filed 2:43 p.m.

Jacksonville 24-O, Amendment 18, covering eggs in Duval county, Florida. Filed 2:43 p.m.

Jacksonville 14-F, Amendment 37, covering fresh fruits and vegetables in the city of Jacksonville, Florida. Filed 2:43 p.m.

Nashville Order 13-F, Amendments 12 and 13A, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 1:41 p.m.

Raleigh Order 13-P Amendments 25 and 26, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 1:43 p.m.

Raleigh Order 14-P Amendments 23 and 24, covering fresh fruits and vegetables in certain areas in North Carolina. Filed 1:42 p.m.

Raleigh Orders 23 and 24, Amendment 6, covering dry groceries sold by Groups 1 and 2 and 3 and 4 stores. Filed 1:43 p.m.

Raleigh Orders 25 and 26, Amendment 6, covering dry groceries sold by Groups 1 and 2 and 3 and 4 stores. Filed 1:43 p.m.

Raleigh Orders 7-W and 8-W, Amendment 6, covering dry groceries sold at wholesale in certain counties in the Raleigh area. Filed 1:43 and 1:44 p.m.
Region V

Fort Worth Order 13-F Amendment 3, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 2:07 p.m.

Fort Worth Order 18-F Amendment 9, covering fresh fruits and vegetables in Taylor, Tom Green and Wichita counties, Texas. Filed 2:07 p.m.

Fort Worth Order 23-F Amendment 9, covering fresh fruits and vegetables in certain counties in Texas. Filed 2:07 p.m.

Fort Worth Order 26-F Amendment 9, covering fresh fruits and vegetables in certain counties in Texas. Filed 2:07 p.m.

Fort Worth Order 27-F Amendment 1, covering fresh fruits and vegetables in certain counties in Texas. Filed 2:11 p.m.

Kansas City Order 10-F Amendment 36, covering fresh fruits and vegetables in Greene County, Missouri. Filed 2:12 p.m.

Kansas City Order 11-F Amendment 38, covering fresh fruits and vegetables in Jasper County, Missouri. Filed 2:12 p.m.

Kansas City Order 14-F Amendment 4, covering fresh fruits and vegetables in certain counties in Missouri. Filed 2:12 p.m.

Kansas City Order 15-F Amendment 4, covering fresh fruits and vegetables in certain counties in Missouri. Filed 2:12 p.m.

Kansas City Order 16-F Amendment 4, covering fresh fruits and vegetables in certain counties in Missouri. Filed 2:12 p.m.

Little Rock Order 16-F Amendment 4, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p.m.

Little Rock Order 17-F Amendment 4, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p.m.

Little Rock Order 18-F Amendment 5, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p.m.

Little Rock Order 19-F Amendment 4, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p.m.

Little Rock Order 20-F Amendment 4, covering fresh fruits and vegetables in Garland, Montgomery and Pike counties, Arkansas. Filed 2:13 p.m.

Little Rock Order 21-F Amendment 2, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p.m.

Region V

New Orleans Order 3-F, Amendments 51, 52, covering fresh fruits and vegetables in Parishes of Orleans, St. Bernard and Jefferson (except Grand Isle, Louisiana). Filed 1:38 p.m. and 2:14 p.m.

New Orleans Order 5-F, Amendments 42 and 43, covering fresh fruits and vegetables in the cities of Shreveport, Bossier City, Monroe, and West Monroe, Louisiana. Filed 1:38 and 2:14 p.m.

New Orleans Order 6-F, Amendment 41, covering fresh fruits and vegetables in certain Parishes of Louisiana except the cities of Shreveport, Bossier City, Monroe and West Monroe, Louisiana. Filed 1:38 p.m.

New Orleans Order 7-F, Amendment 9, covering fresh fruits and vegetables in certain Parishes of Louisiana. Filed 1:38 p.m.

New Orleans Order 8-F Amendment 9, covering fresh fruits and vegetables in certain Parishes of Louisiana. Filed 1:38 p.m.

New Orleans Order 9-F Amendment 1, covering fresh fruits and vegetables in certain Parishes of Louisiana and in Grand Isle, Louisiana. Filed 1:38 p.m.

Oklahoma City Order 14-F Amendment 4, covering fresh fruits and vegetables in Garfield, Oklahoma and Polkawatomie counties, Oklahoma. Filed 2:14 p.m.

Oklahoma City Order 15-F Amendment 4, covering fresh fruits and vegetables in Muskogee and Tulsa counties, Oklahoma. Filed 2:14 p.m.

Oklahoma City Order 16-F Amendment 4, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 2:14 p.m.

Oklahoma City Order 17-F Amendment 4, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 2:14 p.m.

Oklahoma City Order 18-F Amendment 2, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 2:14 p.m.

Oklahoma City Order 19 Amendment 4, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 2:14 p.m.

Region VII

Helena Order 62-F Revocation, covering fresh fruits and vegetables in Livingston, and Lewistown areas. Filed 1:39 p.m.

Helena Order 64-F Revocation, covering fresh fruits and vegetables in The Glasgow, Glendive, Miles City, Sidney, Butte, and Chinook areas. Filed 1:39 p.m.

Helena Order 65-F Revocation, covering fresh fruits and vegetables in certain areas in Montana. Filed 1:39 p.m.

Helena Order 66-F Revocation, covering fresh fruits and vegetables in certain areas in Montana. Filed 1:39 p.m.

Helena Order 67-F Revocation, covering fresh fruits and vegetables in The Billings, Butte, and Great Falls areas. Filed 1:39 p.m.

Helena Order 68-F Revocation, covering fresh fruits and vegetables in The Billings, Butte, and Great Falls areas. Filed 1:40 p.m.

Helena Order 110, Revocation, covering dry groceries in certain counties in Montana. Filed 1:40 p.m.

Helena Order 111, Revocation, covering dry groceries in Helena, East Helena, Bozeman, Livingston, Kalsipell, and Missoula. Filed 1:40 p.m.

Helena Order 112, Revocation, covering dry groceries in certain counties in Montana. Filed 1:40 p.m.

Helena Order 113, Revocation, covering dry groceries in Havre, Chicoek, Glasgow, Sidney, Glendive, Miles City and Lewistown. Filed 1:40 p.m.

Helena Order 114, Revocation, covering dry groceries in certain areas in Montana. Filed 1:40 p.m.

Helena Order 15-W Revocation, covering dry groceries in The Billings, Butte, and Great Falls areas. Filed 1:39 p.m.

Helena Order 16-W Revocation, covering dry groceries in Helena, East Helena, Bozeman, Livingston, Kalsipell, and Missoula. Filed 1:40 p.m.

Helena Order 17-W Revocation, covering dry groceries in Havre, Chicoek, Glasgow, Sidney, Glendive, Miles City, and Lewistown. Filed 1:39 p.m.

Region VIII


Portland Order 32-F Amendment 35, covering fresh fruits and vegetables in The Medford, Klamath Falls, Oregon area. Filed 1:44 p.m.

Portland Order 37-F Amendment 35, covering fresh fruits and vegetables in The Roseburg, Grants Pass, Ashland, Lakeview, Oregon area. Filed 1:44 p.m.

Portland Order 31-F Amendment 35, covering fresh fruits and vegetables in The Astoria, Coos Bay, Oregon area. Filed 1:44 p.m.

Portland Order 35-F Amendment 35, covering fresh fruits and vegetables in
The Florence, Reedsport, Coquille, Oregon area. Filed 1:45 p. m.

Portland Order 36-P Amendment 36, covering fresh fruits and vegetables in the cities of Bend and Pendleton, Oregon. Filed 1:45 p. m.

Portland Order 37-P Amendment 36, covering fresh fruits and vegetables in The La Grande, Baker, Redmond, Hopper, Oregon area. Filed 1:45 p. m.

Portland Order 38-P Amendment 36, covering fresh fruits and vegetables in the Haines-Wallowa, Enterprise, Oregon area. Filed 1:45 p. m.

Portland Order 39-P Amendment 36, covering fresh fruits and vegetables in the Albany, Corvallis, Eugene, Oregon area. Filed 1:45 p. m.

Portland Order 40-P Amendment 37, covering fresh fruits and vegetables in certain areas in Oregon. Filed 1:45 p. m.

Portland Order 41-P Amendment 16, covering fresh fruits and vegetables in the Kolo, Salem, the Dalles, Clatskanie, Forest Grove, Oregon area. Filed 1:45 p. 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. 46-13950; Filed, Aug. 9, 1946; 4:05 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

File No. 70-1935.

SPRING BROOK WATER CO. AND NY PA NJ UTILITIES Co.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of August 1946.

NY PA NJ Utilities Company, a registered holding company, and its wholly-owned and inactive subsidiary, Spring Brook Water Company, having filed a joint application-declaration pursuant to sections 9 (a), 10, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, regarding the transfer of 80 shares of the $1 par value common stock of Atlantic Utility Service Corporation from Spring Brook Water Company to NY PA NJ Utilities Company as a partial payment of $553.55 on account of indebtedness owed by Spring Brook Water Company to NY PA NJ Utilities Company, the price being the approximate liquidation value of the said 80 shares of common stock.

Such joint application-declaration having been filed on July 5, 1946, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and permit said declaration to become effective pursuant to sections 9 (a), 10, 12 (c) and 12 (f) of the act and Rules U-42 and U-43 promulgated thereunder:

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 said application-declaration be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL]

Orval L. DeBois, Secretary.

[F. R. Doc. 46-13956; Filed, Aug. 12, 1946; 10:05 a.m.]

PRICE DECONTROL BOARD.

MILK AND FOOD OR FEED PRODUCTS PROCESSED OR MANUFACTURED FROM MILK

NOTICE OF PUBLIC HEARING

The Board has issued a notice signed August 2, 1946, of a public hearing commencing August 12, 1946, at 9:30 a. m., E. t., in Room 318, Senate Office Building, Washington, D. C.

Notice is hereby given that the oral presentations relating to milk, and food or feed products processed or manufactured in whole or in substantial part from milk, will start on August 14, 1946, during the course of the afternoon session, which begins at 1:30 p. m., E. t.

At that time the Board will hear oral presentation by certain representatives of retail stores and restaurants and certain representatives of consumers, all of whom have also requested and been given opportunity to make oral presentations on August 13, 1946, with respect to live-stock and products derived therefrom.

Roy L. Thompson, Chairman.

August 10, 1946.

[F. R. Doc. 46-13993; Filed, Aug. 12, 1946; 9:03 a. m.]