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## Regulations

### TITLE 7—AGRICULTURE

#### Subtitle A—Office of the Secretary of Agriculture

#### PART 7—PRICE DECONTROL AND RECONTROL

#### ADJUSTMENTS IN MAXIMUM PRICES FOR SOYBEANS AND CRUDE COTTONSEED, SOYBEAN, PEANUT AND CORN OILS

§ 7.105 *Adjustments in maximum prices for soybeans and crude cottonseed, soybean, peanut and corn oils.* (a) Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) (2) (A) of said act as added by the Price Control Extension Act of 1946, I hereby determine that continuation of the maximum prices applicable to soybeans and to crude cottonseed, soybean, peanut, and corn oils would impede the necessary production of such commodities and that adjustments in such prices are necessary to obtain the necessary production. I, therefore, recommend to the Price Administrator that the present maximum prices for crude cottonseed oil, crude soybean oil, crude peanut oil, and crude corn oil be each increased 1.75 cents per pound and that the present base maximum price for soybeans be increased 15 cents per bushel. Related increases should be made in the ceiling prices for products made from these vegetable oils such as oleomargarine, salad and cooking oils, shortening, mayonnaise and salad dressing.

(b) There is at the present time a critical shortage of cottonseed, soybean, peanut and corn oils. The low level of production of these oils is impeding the production of cooking oil, salad oil, margarine and shortening. Mills are unable to obtain any appreciable quantities of cottonseed for crushing, and this situation threatens to continue unless some adjustment is made in the price of cottonseed oil.

(c) It is also necessary to encourage the early marketing of 1946 crop soybeans and to encourage production of soybeans in 1947 to meet the current and expected future shortage of these oils. I have, therefore, recommended that maximum prices for soybeans and for crude cottonseed, soybean, peanut, and corn oils be increased as indicated above.

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; 5 U. S. C. 713a-3, 713a-8 note, 50 U. S. C. App. 901-903, 921-925, 961-971, Pub. Law 548, 79th Cong.)

*Note:* Adjustments in Maximum Prices for Hogs, Cattle, and Lambs which appeared at 11 F. R. 9550 is designated § 7.100; Adjustments in Maximum Prices for Gum Turpentine which appeared at 11 F. R. 9339 is designated § 7.101; Adjustments in Maximum Prices for Dry Edible Beans which appeared at 11 F. R. 9667 is designated § 7.102; Adjustments in Maximum Prices for Flaxseed which appeared at 11 F. R. 9789 is designated § 7.103; Adjustments in Maximum Prices for Rice which appeared at 11 F. R. 9323 is designated § 7.104; and Certificates of Agricultural Commodities in Short Supply which appeared at 11 F. R. 9669 is designated § 7.09.

Issued this 26th day of September 1946.

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

[F. R. Doc. 46-17542; Filed, Sept. 30, 1946;  
11:16 a. m.]

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

#### PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

#### ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK

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

(1) The said order, as amended and as hereby amended, and all of the terms and conditions of said order, as amended

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and as hereby amended, will tend to effectuate the declared policy of the act;

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

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

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

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

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

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

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

§ 927.00 *Order relative to handling.* It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the New York metropolitan marketing area shall be in conformity to and in compliance with the

terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Amend § 927.2 (c) by adding the following provision:

(4) To recommend to the Secretary amendments to this order.

2. Amend § 927.2 (d) (5) by changing the last section reference therein from "§ 927.8" to "§§ 927.8, 927.9, or 927.10."

3. Amend § 927.2 (d) (3) by changing the section reference therein from "§ 927.9" to § 927.10."

4. Amend § 927.2 (e) (1) and (2) to read:

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 25th day of each month:

(i) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month, of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(ii) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month, of the prices (using the midpoint of any range as one quotation) reported daily in "The Producers' Price-Current" for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bags, or barrels."

(iii) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month, of the prices (using the midpoint of any range as one quotation) reported daily in "The Producers' Price-Current" for hot roller process dry skim milk or nonfat dry milk solids "other brands, animal feed, carlots, bags, or barrels."

(iv) The simple average of the averages computed pursuant to (ii) and (iii) of this subparagraph.

(v) The preliminary Class I-A, Class II-A, and Class V-A prices for the following month pursuant to § 927.5 (a).

(2) Not later than the 5th day of each month:

(i) The minimum class prices pursuant to § 927.5 (a) for the preceding month.

(ii) The butterfat differentials, pursuant to § 927.5 (b) and § 927.8 (c), for the preceding month.

(iii) The average, for the preceding month as reported by the United States Department of Agriculture, of all weekly market quotations (using the midpoint of any weekly range as one quotation) of prices for a 40-quart can of 40 percent sweet cream approved for Pennsylvania.

(iv) The average, for the preceding month as reported by the United States Department of Agriculture, of all weekly market quotations (using the midpoint of any weekly range as one quotation) of prices for a 40-quart can of 40 percent

sweet cream approved for Pennsylvania, Newark, and Lower Merion Township.

(v) The simple average of the averages computed pursuant to (iii) and (iv) of this subparagraph.

(vi) The weighted average price, for the preceding month as reported by the United States Department of Agriculture, per 40-quart can of 40 percent bottling quality cream in the Boston market.

(vii) The average, for the preceding month as reported to the United States Department of Agriculture, of the prices paid to dairy farmers for 3.5 percent milk at the evaporated milk plants at places set forth in § 927.5 (a) (11).

(viii) The average of the highest prices reported daily during the preceding month by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(ix) The average of the weekly price quotations during the preceding month for cheddars or twins at the Wisconsin Cheese Exchange as set forth in § 927.5 (a) (13).

(x) The average, for the preceding month, of the prices (using the midpoint of any range as one quotation) reported daily in "The Producers' Price-Current" for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bags, or barrels."

(xi) The average, for the preceding month, of the prices (using the midpoint of any range as one quotation) reported daily in "The Producers' Price-Current" for hot roller process dry skim milk or nonfat dry milk solids "other brands, animal feed, carlots, bags, or barrels."

(xii) The simple average of the averages computed pursuant to (x) and (xi) of this subparagraph.

5. Amend § 927.3 (a) (4) by changing the section reference "927.8 (d)" wherever it appears therein, to "927.9 (f)" and by deleting (iv) thereof and substituting therefor the following:

(iv) No pool plant designation shall be suspended for failure to meet the requirements of (3) (i) of this paragraph except under the following conditions:

(a) A meeting has been held, no sooner than three days after notice by the market administrator to all handlers operating reserve pool plants, for consideration of the desirable utilization of milk received from producers during a period ending not later than the end of the second month after the month during which such meeting is held.

(b) There has been issued by the market administrator, following such meeting, and mailed to all handlers operating reserve pool plants the market administrator's determination of the desirable utilization of milk received from producers each month during all or a part of the period set forth in (4) (iv) (a) of this paragraph. Such determination shall include a schedule setting forth, by months, the desired minimum percentage of milk received from producers to be utilized in specified classes. Such specified classes shall include Class I-A, and

Class I-C to the extent of fifty percent of the milk received by a handler from producers which is ultimately distributed in the special cream area, in Fairfield County, Connecticut, or in Pennsylvania outside the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland. In addition, such specified classes may include all or a part of Classes II-A, II-B (except cold storage cream) and other I-C.

(c) The market administrator finds on the basis of available information that the handler operating a plant or the cooperative reporting a plant is not utilizing milk received from producers in accordance with the minimum percentage set forth in the determination of the market administrator previously announced pursuant to (4) (iv) (b) of this paragraph: *Provided*, That the suspension of the pool plant designation of a plant may be made effective during the months of November and December if the market administrator finds that the handler is utilizing any milk received from producers in classes other than those set forth in the determination of the market administrator announced pursuant to (4) (iv) (b) of this paragraph.

(v) The cancellation of pool plant designations for failure to meet the requirements of (3) (i) of this paragraph shall be subject to the following conditions:

(a) No pool plant designation shall be cancelled if the handler operating the plant utilized the milk received by him at all pool plants from producers during the month in which the suspension is made effective in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to (4) (iv) (b) of this paragraph.

(b) No pool plant designation shall be cancelled if the handler operating the plant utilized in the specified classes set forth in the determination of the market administrator announced pursuant to (4) (iv) (b) of this paragraph a percentage of the total milk received by him at all pool plants from producers during the month in which the suspension is made effective which is not less than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in the specified classes: *Provided*, That the limitations as to quantity and area set forth in the determination of the market administrator announced pursuant to (4) (iv) (b) shall apply in computing the utilization percentage of the individual handler but shall not apply in computing the utilization percentage of all handlers.

(c) In the event that all milk received from producers at a plant is reported to the market administrator by a cooperative association qualified pursuant to § 927.9 (f), and such association pays the producers for such milk, the pool plant designation of such plant shall not be cancelled if a percentage of all milk

reported by such cooperative association is utilized in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to (4) (iv) (b) of this paragraph, or in accordance with the percentage set forth in (4) (v) (b) of this paragraph.

(d) Cancellation of designations shall be limited to those plants necessary to result in a utilization of milk received at the remaining pool plants operated by the handler, or reported by the cooperative, as the case may be, in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to (4) (iv) (b) of this paragraph.

(vi) Loss of approval by health authorities of a plant as a source of milk for the marketing area may in itself constitute adequate reason for the market administrator to suspend the designation of a plant for failure to meet the requirements of (3) (ii) of this paragraph, only if the absence of such approval continues for more than 15 days.

6. Amend § 927.4 (a) (2) by adding the following proviso: "*Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse at an average temperature below zero degrees Fahrenheit for at least 7 consecutive days shall constitute that portion of the handling of such cream, required pursuant to § 927.4 (c) (5) that is required to be performed during the month following its receipt from dairy farmers."

7. Amend § 927.4 (a) (3) by (a) changing the first sentence thereof to read: "Classification shall be determined at the plant where the milk is received from dairy farmers: *Provided*, That, if such milk is shipped in the form of milk, skim milk, cream, plain condensed milk or frozen desserts or homogenized mixtures to another plant or other plants, it shall be classified, subject to the provisions of (i) through (vii) of this subparagraph, at the plant or plants to which it is shipped, and there shall be no limit on the number of interplant movements in the form of milk, skim milk, cream, plain condensed milk, or frozen desserts or homogenized mixtures prior to classification, except as set forth in (i) through (vii) of this subparagraph," and by (b) adding a new subdivision as follows:

(vii) If, pursuant to this subparagraph, classification of milk is to be based on butterfat leaving or on hand at a plant in the form of frozen desserts or homogenized mixtures, such classification shall be determined at the first plant at which the butterfat is held or from which the butterfat leaves in the form of frozen desserts or homogenized mixtures: *Provided*, That if the frozen desserts or homogenized mixtures are shipped from such first plant to a plant in New York City, the classification of the milk the butterfat from which is so shipped shall be determined at such New York City plant.

8. Amend § 927.4 (a) (5) (i) to read:

(i) Milk, cream, plain condensed milk, or skim milk received from pool plants or from producers shall be assigned as far as possible to Class I-A, Class II-A, Class II-B, or Class V-A, unless such classification is based on some product leaving or on hand at the plant in some form other than milk, cream, plain condensed milk, frozen desserts or homogenized mixtures, skim milk, or other than cultured or flavored milk drinks shipped or distributed in the marketing area.

9. Amend § 927.4 (c) (5) by changing the section reference therein from "§ 927.8 (j)" to "§ 927.9 (e)."

10. Amend § 927.4 (c) (10) by deleting the terms "malted milk powder" and "ice cream powder" and inserting in lieu thereof the term "other concentrated milk products."

11. Amend § 927.4 (c) (13) to read:

(13) Class V-A milk shall be the skim milk in all milk, which skim milk enters the marketing area in the form of fluid skim milk or cultured or flavored milk drinks containing less than 3 percent butterfat, or which is not accounted for in some product leaving or on hand at a plant.

12. Amend § 927.4 (c) (14) to read:

(14) Class V-B milk shall be the skim milk in all milk, which skim milk is not classified pursuant to (13) of this paragraph.

13. Amend § 927.5 by deleting the present provisions reading: "The prices for milk classified pursuant to (4), (5), (6), (7) (8) (9) and (11) of § 927.4 (c) shall represent the value of the 40 percent cream equivalent of the milk. The value of any excess skim milk in such milk shall be represented by either the Class V-A or the Class V-B price," and substituting therefor the following: "The prices for milk classified pursuant to (4), (5) (6) (7) (8) (9), and (11) of § 927.4 (c) shall represent the value of the 40 percent cream equivalent of the milk. For purposes of this section, the quantity of skim milk to be priced at either the Class V-A or Class V-B price shall be 91.25 pounds (plus or minus 0.25 pound for each point of butterfat in milk containing less or more than 3.5 percent butterfat) in each 100 pounds of milk classified pursuant to (4), (5), (6), (7) (8) (9) and (11) of § 927.4 (c) *Provided*, That if the quantity of Class V-A milk is greater than the quantity of skim milk to be so priced, the excess V-A skim milk shall be paid for at the difference between the Class V-A and Class V-B prices."

14. Amend § 927.5 (a) by changing subparagraph (1) thereof to read:

(1) For Class I-A milk the price per hundredweight during each month shall be as set forth in the following table: *Provided*, That the Class I-A price shall not be less than \$5.02 per hundredweight from the effective date hereof through December 1946:

U. S. Grade A or U. S. 92-score butter, wholesale, at New York, average price per pound announced pursuant to § 927.2 (e) (1) (i) for the period ending on the 24th of the preceding month, plus an amount calculated as follows: deduct 4 cents from the average dry skim milk or nonfat dry milk solids quotation per pound, announced pursuant to § 927.2 (e) (1) (iv) for the period ending on the 24th of the preceding month, and multiply by 1.8	Class I-A price	
	April through June	July through March
Cents	Dollars per cwt.	Dollars per cwt.
Under 30.....	1.72	2.16
30 or over, but under 35.....	1.94	2.33
35 or over, but under 40.....	2.16	2.60
40 or over, but under 45.....	2.33	2.82
45 or over, but under 50.....	2.60	3.04
50 or over, but under 55.....	2.82	3.25
55 or over, but under 60.....	3.04	3.48
60 or over, but under 65.....	3.25	3.70
65 or over, but under 70.....	3.48	3.92
70 or over, but under 75.....	3.70	4.14
75 or over, but under 80.....	3.92	4.35
80 or over, but under 85.....	4.14	4.58
85 or over, but under 90.....	4.35	4.80
90 or over, but under 95.....	4.58	5.02
95 or over, but under 100.....	4.80	5.24

Should the butter-dry skim milk price combination set forth above be 100 cents or more, the Class I-A price shall be the price which would result from further extension of this table at the same rate to cover such butter-dry skim milk price combination.

15. Amend § 927.5 (a) by deleting subparagraph (2) thereof.

16. Amend § 927.5 (a) (3) to read:

(3) For Class I-B milk the price during each month shall be the price for Class I-A milk.

17. Amend § 927.5 (a) (5) to read:

(5) For Class II-A milk the price during each month shall be as set forth in the following table: *Provided*, That the Class II-A price shall not be less than \$3.95 per hundredweight from the effective date hereof through December 1946;

U. S. Grade A or U. S. 92-score butter, wholesale, at New York, average price announced pursuant to § 927.2 (e) (1) (i) for the period ending on the 24th of the preceding month	Class II-A price	
	March through July	August through February
Cents per pound	Dollars per cwt.	Dollars per cwt.
Under 21.5.....	1.35	1.60
21.5 or over, but under 25.0.....	1.50	1.65
25.0 or over, but under 28.5.....	1.65	1.80
28.5 or over, but under 32.0.....	1.80	1.95
32.0 or over, but under 35.5.....	1.95	2.10
35.5 or over, but under 39.0.....	2.10	2.25
39.0 or over, but under 42.5.....	2.25	2.40
42.5 or over, but under 46.0.....	2.40	2.55
46.0 or over, but under 49.5.....	2.55	2.70
49.5 or over, but under 53.0.....	2.70	2.85
53.0 or over, but under 56.5.....	2.85	3.00
56.5 or over, but under 60.0.....	3.00	3.15
60.0 or over, but under 63.5.....	3.15	3.30
63.5 or over, but under 67.0.....	3.30	3.45
67.0 or over, but under 70.5.....	3.45	3.60
70.5 or over, but under 74.0.....	3.60	3.75
74.0 or over, but under 77.5.....	3.75	3.90
77.5 or over, but under 81.0.....	3.90	4.05

Should the average butter price set forth above be \$1.0 cents or more the Class II-A price shall be the price which would result from further extension of this table at the same rate to cover such average butter price.

18. Amend § 927.5 (a) (6) to read:

(6) For Class II-B milk, the price shall be the Class II-E price plus 25 cents during the months of August through February and plus 20 cents during the months of March through July. *Provided*, That in no event shall

the Class II-B price be lower than the Class II-D price.

19. Amend § 927.5 (a) (8) by changing the proviso therein to read: "*Provided*, That in no event shall the Class II-D price be lower than an amount computed by the market administrator as follows: From the average of the highest prices reported daily during such month by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market, deduct 4 cents, add 20 percent, multiply by 3.5, and add 10 cents."

20. Amend § 927.5 (a) (9) by changing the proviso therein to read: "*Provided*, That in no event shall the Class II-E price be lower than an amount computed by the market administrator as follows: From the average of the highest prices reported daily during such month by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market, deduct 4 cents, add 20 percent, multiply by 3.5, and add 10 cents."

21. Amend § 927.5 (a) (11) by changing that portion preceding the proviso to read:

(11) For Class III milk the price during each month shall be the average, computed by the market administrator, of prices as reported to the United States Department of Agriculture, paid during such month to farmers for 3.5 percent milk at evaporated milk plants at locations listed in this subparagraph: *Provided*, That the Class III price during the months of January, February, July, August, and September shall be such average plus 8 cents, and during the months of October, November, and December shall be such average plus 15 cents.

22. Amend § 927.5 (a) (12) by changing the term "92-score butter" to "U. S. Grade A or U. S. 92-score" and by the following proviso: "*Provided*, That in no event shall the Class IV-A price during the months of October through February be less than the Class II-E price."

23. Amend § 927.5 (a) (13) by adding the following proviso: *Provided further* That in no event shall the Class IV-B price during the months of October through February be less than the Class III price."

24. Amend § 927.5 (a) (14) by deleting the proviso contained therein.

25. Amend § 927.5 (b) to read as follows:

(b) *Butterfat differentials.* The minimum price for Class I-A, Class I-B, and Class I-C milk shall be plus or minus 4 cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class III milk shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: subtract from the Class III price an amount equal to 91.25 percent of the Class V-B price and divide by 35. The minimum price for Class IV-B milk shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount equal to the price set forth

in subparagraph (13) of paragraph (a) of this section, divided by 9 and multiplied by 0.23. The minimum price for each of the other classes, except Classes V-A and V-B, shall be plus or minus for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount equal to the respective prices set forth in paragraph (a) of this section, divided by 35.

26. Amend § 927.5 (c) as follows: (a) change that portion of each of the subparagraphs (1), (2) and (3) thereof preceding the table in each of such subparagraphs to read:

(1) The market administrator shall, from time to time, determine and publicly announce for each pool plant the freight zone set forth in the following schedule. The freight zone for plants located in the marketing area shall be the 1-10-mile zone. The freight zones for plants outside the marketing area shall be based on the railroad mileage distance from the plant to New York City terminals of the nearest railway shipping point, or the shortest highway mileage distance from the plant to Columbus Circle, New York City, as computed from the latest mileage guide issued by the Household Goods Carriers' Bureau, Agent, Washington, D. C., whichever is shorter. The minimum prices set forth in (a) of this section shall be plus or minus the amounts as set forth in the following schedule:

(2) The market administrator shall, from time to time, determine and publicly announce for each pool plant a zone based on its shortest highway mileage distance from the City Hall in Philadelphia, Pennsylvania, as computed from the latest mileage guide issued by the Household Goods Carriers' Bureau, Agent, Washington, D. C. The minimum price for Class II-D shall be subject to the minus differentials set forth in the following table applicable to the location of the plant at which the milk was received from producers:

(3) The market administrator shall, from time to time, determine and publicly announce for each pool plant a zone based on its shortest highway mileage distance from the State House in Boston, Massachusetts, as computed from the latest mileage guide issued by the Household Goods Carriers' Bureau, Agent, Washington, D. C. The minimum prices for Class II-E, Class II-F, and during the months of October through February, Class IV-A milk shall be subject to the minus differential set forth in the following table applicable to the location of the plant at which milk was received from producers:

(b) Insert "I-B" in the heading of Column B of the table contained in subparagraph (1) thereof.

(c) Change the proviso in subparagraph (2) thereof to read: "*Provided*, That in no case shall the amount subtracted reduce the Class II-D price at any plant below an amount computed by the market administrator as follows: From the average of the highest prices reported daily during such months by the United States Department of Agriculture for U. S. Grade A or U. S. 92-

score butter at wholesale in the New York market, deduct 4 cents, add 20 percent, multiply by 3.5, and add 10 cents."

(d) Change the proviso in subparagraph (3) thereof to read: "Provided, That in no case shall the amount subtracted reduce the Class II-E, the Class II-F, or, during the months of October through February, the Class IV-A price at any plant below an amount computed by the market administrator as follows: From the average of the highest prices reported daily during such months by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market, deduct 4 cents, add 20 percent, multiply by 3.5, and add 10 cents."

27. Amend § 927.6 by (a) changing the section reference in the first sentence of paragraph (a) thereof from "§ 927.8 (e)" to "§ 927.9 (h)" by (b) changing paragraphs (c) and (d) thereof to (d) and (e) respectively, by (c) adding a new paragraph (c) as follows:

(c) *Storage cream reports.* On or before the last day of the period for establishing classification pursuant to § 927.4 (a) (2), or, if earlier, not later than 15 days prior to the date of final removal of the cream from storage, each handler shall report to the market administrator on forms prescribed by the market administrator information with respect to the storage of cream as a basis for Class II-B classification. Failure to make such report shall result in the disallowance of Class II-B classification.

and (d) by changing the section reference in subparagraph (4) of paragraph (d) (changed to paragraph (e)) from "§ 927.8 (d) and (f) to "§ 927.9 (f) and (g)

28. Amend § 927.7 by (a) changing, in the second sentence thereof, the words "in (d) and (g) of § 927.8, and in § 927.9" to "in (d) and (f) of § 927.9, and in § 927.10," and by (b) changing, in paragraph (b) thereof, the section references appearing therein from "§ 927.8 (g)" and "§ 927.8 (d)" and "§ 927.8 (e)" to "§ 927.9 (a)" and "§ 927.9 (f)" and "§ 927.9 (h)" respectively.

29. Amend § 927.8 by (a) changing the title thereof to read: "Payment by handlers directly to producers," by (b) changing the title of paragraph (a) thereof to read: "(a) *Time and rate of payments,*" and by (c) adding the following sentence to the end of paragraph (a) "Whenever verification by the market administrator of the payment to any producer or cooperative association of producers for milk delivered to any handler discloses payment of less than is required by this order, the handler shall make up such payment to the producer or cooperative association of producers not later than the time of making payment next following such disclosure."

30. Change the numbers of §§ 927.9, 927.10, 927.11, and 927.12 to 927.10, 927.11, 927.12, and 927.13, respectively. Renumber paragraphs (d) and (e) of § 927.8 to paragraphs (f) and (h) of § 927.9. Delete paragraphs (f) (g) (h) (i) and (j) of § 927.8, and add new provisions of § 927.9 as follows:

§ 927.9 *Producer settlement fund and its operation.* The market administrator shall establish and maintain a separate fund known as "the producer settlement fund" into which he shall deposit all payments and out of which he shall make all payments pursuant to this section.

(a) *Handlers' accounts.* The market administrator shall establish an account for each handler who is required to make payments to the producer settlement fund or who received payments from the producer settlement fund. After computing the uniform price and each handler's pool debit or credit each month, and at such other times as he deems appropriate, the market administrator shall render each handler a statement of his account showing the debit or credit balance, together with all debits or credits entered on such handler's account since the previous statement was rendered.

(b) *Payment to the producer settlement fund.* On or before the 18th day of each month each handler shall make full payment of the debit balance, if any, of such handler shown on the last statement of account rendered pursuant to (a) of this section.

(c) *Payments out of producer settlement fund.* On or before the 20th day of each month the market administrator shall make payment to each handler of the credit balance, if any, of such handler shown on the last statement of account rendered pursuant to (a) of this section. If, at any such time, the balance in the producer settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received such payments in full from the market administrator shall be deemed to be in violation of § 927.8, if he reduces his total payments to producers for milk delivered by such producers during the preceding month by not more than the amount of the reduction in payment from the producer settlement fund.

(d) *Handlers' pool debit or credit.* After computing the uniform price for each month, the market administrator shall compute each handler's pool debit or pool credit as follows:

(1) Add to each handler's net pool obligations the value of his Class I-C milk at the uniform price.

(2) Multiply the quantity of milk received by each handler from producers by the uniform price.

(3) If the result obtained in (2) of this paragraph is less than the result in (1) the difference shall be entered on the handler's producer settlement fund account as such handler's pool debit.

(4) If the result obtained in (2) of this paragraph is greater than the result in (1) the difference shall be entered on the handler's producer settlement fund account as such handler's pool credit.

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the pro-

ducer settlement fund, the market administrator shall debit the handler's producer settlement fund account for any unpaid amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall credit the handler's producer settlement fund account for any such amount.

(g) *Storage cream payments.* With respect to butterfat in frozen cream held in one or more licensed cold storage warehouses for more than 28 days under the conditions set forth in § 927.4 (c) (5) the handler whose net pool obligations included such butterfat as Class II-B milk may make claim, on forms supplied by the market administrator, for payments out of the producer settlement fund, if such butterfat was received from producers during the months of April to September, inclusive, and was used in Classes II-D, II-E, or II-F during the months of July to March, inclusive, or in Class IV-A during the months of January to March, inclusive. The market administrator shall, after investigation and audit of such claim, make payment to such handler out of the producer settlement fund, or issue credit against balances due from such handler to the producer settlement fund, in an amount equal to the difference between the Class II-B price and the class price for such utilization in effect for the month during which the milk was received from producers. Claims pursuant to this paragraph shall be made not later than 30 days after the month during which such frozen cream is utilized: *Provided,* That if the reported utilization of such cream is found by the market administrator to be in error, claims may be made during a period ending not later than 30 days after notice by the market administrator of such error.

31. Amend § 927.8 (e) (herein renumbered 927.9 (h)) by (a) inserting in subdivision (2) (ii) thereof immediately following the words "Class V-B prices;" the following: "except as provided in (iv) of this subparagraph," by (b) adding to subparagraph (2) thereof the following:

(iv) If the market administrator finds that there is an inadequate supply of cream or plain condensed milk in the marketing area and that such products are available from nonpool sources, he may declare an emergency for a period ending not more than three months from the date of such declaration, in which case the payment during the period of such declared emergency shall be the difference between the value of the milk equivalent of such cream or plain condensed milk at the appropriate class (II-A or II-B) price in the 201-210 mile zone and at the Class II-E price in the 0-250 mile zone from Boston.

and by (c) changing subparagraph (4) thereof to read:

(4) The amount due pursuant to this paragraph shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.6 (a)

32. Amend § 927.9 (herein renumbered § 927.10) by changing the word "20th"

to "18th" and by adding to the end thereof the following: "Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section."

Issued at Washington, D. C. this 24th day of September 1946, to be effective on and after the 1st day of October 1946.

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

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

Approved: September 26, 1946.

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

[F. R. Doc. 46-17543; Filed, Sept. 30, 1946; 9:00 a. m.]

PART 946—MILK IN THE LOUISVILLE, KY.,  
MARKETING AREA

Sec.	
946.0	Findings and determinations.
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AUTHORITY: §§ 946.0 to 946.12, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 1940 ed. 601 et seq.

§ 946.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791; 11 F. R. 7737) a public hearing was held February 13-16, 1946, upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. It is hereby found upon the basis of the evidence introduced at such hearing, in addition to the other findings made prior to or at the time of the original issuance of said order and of each amendment thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and

all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

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

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

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

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

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

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

ORDER RELATIVE TO HANDLING

It is hereby ordered, That such handling of milk in the Louisville, Kentucky, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce in milk or its products, shall from the effective date hereof be in compliance with the terms and conditions of the said order, as amended and as hereby amended; and the said order, as amended, is hereby amended to read as follows:

§ 946.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as enacted and amended by the Agricul-

tural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the city of Louisville and Fort Knox Military Reservation; and the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charlestown, in Clark County, Indiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces, under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, milk which is:

(1) Received at a plant from which milk or cream is disposed of in the marketing area for human consumption as fluid milk or fluid cream;

(2) Received at a plant approved by the appropriate health authority in the marketing area to furnish milk or cream to a plant described under (1) of this paragraph; or

(3) Diverted from any plant described under either (1) or (2) of this paragraph to any other milk distributing or milk manufacturing plant, including any plant described under (1) or (2) of this paragraph: *Provided*, That any such milk so diverted shall be deemed to have been received at the plant from which it was diverted.

(f) "Handler" means:

(1) Any person who receives milk, produced under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, at a plant described in (e) (1) or (e) (2) of this section; and

(2) Any association of producers with respect to milk diverted from a plant described under (1) or (2) of (e) of this section to any milk distributing or milk manufacturing plant not operated by a handler, for the account of such association.

(g) "Market administrator" means the person designated pursuant to § 946.2 as the agency for the administration hereof.

(h) "Delivery period" means any calendar month.

(i) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a permit for the receipt thereof issued to him by the proper health authorities.

§ 946.2 *Market administrator*—(a) *Selection, removal, and salary.* The agency for the administration hereof shall be a market administrator who shall be a person selected, and subject to removal, by the Secretary. Such person

shall be entitled to such compensation as may be determined by the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Receive, investigate, and report to the Secretary complaints of violation of the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the Secretary;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 946.5, or (ii) made payments pursuant to § 946.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Pay, out of the funds provided by § 946.10, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties, except those expenses incurred under § 946.9; and

(7) Promptly verify the information contained in the reports submitted by handlers.

§ 946.3 *Classification of milk*—(a) *Basis of classification.* Milk, skim milk, and cream from all sources received by a handler at a plant, described under (1) or (2) of § 946.1 (e), and milk handled pursuant to (e) (3) and (f) (2) of § 946.1, shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c) (d) (e) and (f) of this section. In establishing the classification as required in (b) of this section, the burden rests upon the handler who is the first receiver to account for all milk, skim milk, and cream received and to prove that such milk, skim milk, and cream has been utilized in a class other than that in which the market administrator determines that such milk should be classified.

(b) *Classes of utilization.* The classes of utilization shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of in fluid form as milk, buttermilk, and milk drinks, whether plain or flavored, and all milk not specifically accounted for as Class II milk and Class III milk.

(2) Class II milk shall be all milk, skim milk, and cream disposed of as fluid cream (including sour cream) and any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream.

(3) Class III milk shall be all milk, skim milk, and cream accounted for (i) as used to produce a product other than those specified in Class I milk and Class II milk, (ii) as actual plant shrinkage of butterfat in milk received from producers, but not to exceed 2 percent of such receipts of butterfat, and (iii) as actual plant shrinkage of butterfat in milk, skim milk, and cream received from sources other than producers and handlers, including emergency milk: *Provided*, That if milk is diverted by a handler to a plant of another handler without first having been received for purposes of weighing and testing in the diverting handler's plant, the quantity of butterfat in such milk shall be included in the butterfat receipts of the second handler in computing his plant shrinkage and shall be excluded from the butterfat receipts of the diverting handler in the latter's plant shrinkage computation: *And provided further* That (a) if milk from producers is utilized as milk, skim milk, or cream in conjunction with milk, skim milk, or cream from sources other than producers or other handlers, the shrinkage allocated to the milk from producers shall not exceed its prorata share computed on the basis of the proportions of the volumes received from the various sources to their total, and (b) if milk from producers is transferred as milk, skim milk, or cream under supporting transfer records satisfactory to the market administrator, to a plant of a handler from which no milk of producers is disposed of as fluid milk in the marketing area, the shrinkage on the aforesaid transferred portion shall be computed on a prorata basis with all milk, skim milk, and cream utilized in the latter plant and added to the shrinkage on producers' milk handled in the handler's fluid milk plant.

(c) *Interhandler and nonhandler transfers.* (1) Milk and skim milk disposed of, either by transfer or diversion, by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be Class I milk, and cream so disposed of shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided*, That in no event shall the amount so indicated in writing for any class exceed the total use in such class by the receiver, subject to verification by the market administrator. *And provided further* That the classification of any such transfer or diversion of milk, skim milk, or cream between handlers shall be subject to allocation for each handler in the sequence set forth in (f) of this section.

(2) Milk or skim milk disposed of from a handler's plant to soda fountains, bak-

eries, restaurants, and other retail food establishments which dispose of milk for both fluid and other uses, shall be Class I milk: *Provided*, That milk or skim milk disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive milk or skim milk other than of Grade A quality for non-fluid purposes shall be classified as Class III milk if used or disposed of by such establishment in other than fluid form, provided such use or disposition is made subject to verification by the market administrator.

(3) Cream disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of cream for both fluid and other uses, shall be Class II milk: *Provided*, That cream disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive cream other than of Grade A quality for nonfluid purposes shall be classified as Class III milk if used or disposed of by such establishment in other than fluid form; provided such use or disposition is made subject to verification by the market administrator.

(d) *Computation of class volumes.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute from the corrected report the amount of Class I milk, Class II milk, and Class III milk as follows:

(1) Determine (i) the total pounds of milk received from producers (including the handler's own production), and (ii) the total pounds of milk, skim milk, and other milk products received from other handlers, received as emergency milk, and received from other sources; add together the resulting amounts.

(2) Determine the total pounds of butterfat received by multiplying by its respective average butterfat test the milk, skim milk, and other milk products determined under (1) of this paragraph; add together the resulting amounts.

(3) Determine the total pounds of Class I milk as follows:

(i) Convert to quarts the quantity of milk and skim milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15;

(ii) Multiply the result by the average butterfat test thereof; and

(iii) If the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to (4) (ii) and (5) (ii) of this paragraph is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, the butterfat shrinkage on milk from producers which exceeds 2 percent of such butterfat shall be divided by 4 percent and added to the quantity determined pursuant to (1) of this subparagraph.

(4) Determine the total pounds of Class II milk as follows:

(i) Multiply the actual weight of each of the products of Class II milk by its average butterfat test;

(ii) Add together the resulting amounts; and

(iii) Divide the result obtained in (ii) of this subparagraph by 4 percent.

(5) Determine the pounds of Class III milk as follows:

(i) Compute the total pounds of butterfat used to produce a product other than those specified in Class I milk and Class II milk;

(ii) Add together the resulting amounts;

(iii) Subtract the total pounds of butterfat in Class I milk and Class II milk, computed to (3) (ii) and (4) (i) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of butterfat in milk received from producers, plus actual plant shrinkage of butterfat received from sources other than producers and handlers, including emergency milk) and shall be added to the result obtained in (ii) of this subparagraph; and

(iv) Divide the result obtained in (iii) of this subparagraph by 4 percent.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization in the various classes for any handler, as computed pursuant to (d) of this section, is less than the actual receipts (not including excess pursuant to § 946.6 (c)), the market administrator shall increase the total pounds of Class III milk for such handler by an amount equal to the difference.

(2) If the total utilization in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the actual receipts (not including excess pursuant to § 946.6 (c)), the market administrator shall decrease the total pounds of Class III milk for such handler by an amount equal to the difference.

(f) *Allocation of milk classified.* The amount remaining in each class after making the following computations shall be the amount in such class allocated to milk received from producers:

(1) Subtract from the total pounds of milk computed for each class, in series beginning with the lower-priced Class III milk, the total pounds, except emergency milk, received from sources other than producers and handlers;

(2) Subtract from the remaining pounds of Class III milk an amount so utilized, pursuant to (b) (3) (i) of this section, but not to exceed 5 percent of the total receipts of milk from producers, plus the pro rata share of shrinkage on milk of producers (but in no event shall such plant shrinkage allowance exceed 2 percent of the butterfat in milk received from producers by the handler) computed pursuant to (d) (5) of this section.

(3) Subtract from the remaining pounds of Class III milk the emergency milk received: *Provided*, That if the

quantity of emergency milk is greater than the remaining Class III milk, the balance shall be subtracted pro rata from Class I milk and Class II milk;

(4) Add to the net figure for Class III milk computed under (3) of this paragraph, the total amount subtracted under (2) of this paragraph; and

(5) Subtract from the remaining pounds of milk computed for each class the total pounds received from other handlers and assigned to such class: *Provided*, That if the total pounds to be subtracted from Class II milk or Class III milk is greater than the remaining pounds of milk in such class, the balance shall be subtracted from the remaining pounds of milk in the next higher-priced class.

§ 94.4 *Minimum prices*—(a) *Class prices.* Subject to the provisions of (b), (c), (d), and (e) of this section, each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the prices per hundredweight computed as follows by the market administrator for the respective quantities of Class I milk, Class II milk, and Class III milk, computed pursuant to § 946.3 (e) and (f)

(1) Class I milk—The price for Class I milk shall be the price determined pursuant to (5) of this paragraph, plus \$1.05.

(2) Class II milk—The price for Class II milk shall be the price determined pursuant to (5) of this paragraph, plus \$0.50.

(3) Class III milk—Except as set forth in (4) of this paragraph, the price for Class III milk shall be the price resulting from the following computation: determine, on the basis of milk of 4 percent butterfat content, the arithmetic average of the basic, or field, prices per hundredweight reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed below for ungraded milk received during the delivery period:

#### *Concern and Location*

Kraft Cheese Company, Lawrenceburg, Ky.  
Armour Creameries, Elizabethtown, Ky.  
Armour Creameries, Springfield, Ky.  
Kraft Cheese Company, Salem, Ind.  
Ewing-Von Allmen Company, Corydon, Ind.  
Ewing-Von Allmen Company, Madison, Ind.

Producers' Dairy Marketing Association, Orleans, Ind.

*Provided*, That if the price so determined is less than the price computed in accordance with the following formula, such formula price shall be used:

(i) Multiply by 4 the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received;

(ii) Add 20 percent thereof; and

(iii) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by roller process

for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by roller process for human consumption, published by the agency described in (i) of this subparagraph, for the Chicago market during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for nonfat dry milk solids by roller process for human consumption, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by any such agency, shall be used, and the following shall be used in lieu of the computation provided under (iii) herein: add 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids for human consumption delivered at Chicago, is above 6½ cents per pound.

(4) In the case of butter made from producers' milk received during the delivery periods of April, May, and June, which as milk equivalent is not in excess of 10 percent of the handler's Class I milk computed pursuant to § 946.3 (f) the price shall be that resulting from the following computation: multiply by 4 the average wholesale price of 92-score butter in the Chicago market, as reported by the agency described in (3) (i) of this paragraph for the delivery period, and add 20 percent thereof.

(5) *Basic price.* The basic price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk, set forth in (1) and (2) of this paragraph, shall be the price computed pursuant to (3) of this paragraph, or that resulting from the following formula whichever is the higher: to the average of the basic (or field) prices reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the companies listed below or by the agency described in (3) (i) of this paragraph:

#### *Companies and Locations*

Borden Company, Black Creek, Wis.  
Borden Company, Greenville, Wis.  
Borden Company, Mount Pleasant, Mich.  
Borden Company, New London, Wis.  
Borden Company, Orfordville, Wis.  
Carnation Company, Berlin, Wis.  
Carnation Company, Jefferson, Wis.  
Carnation Company, Chilton, Wis.  
Carnation Company, Oconomowoc, Wis.  
Carnation Company, Richland Center, Wis.  
Carnation Company, Sparta, Mich.  
Pet Milk Company, Belleville, Wis.  
Pet Milk Company, Coopersville, Mich.  
Pet Milk Company, Hudson, Mich.  
Pet Milk Company, New Glarus, Wis.  
Pet Milk Company, Wayland, Mich.  
White House Milk Company, Manitowoc, Wis.  
White House Milk Company, West Bend, Wis.

add an amount computed by multiplying the butterfat differential, determined

pursuant to § 946.8 (f), by 5, and then deduct 15 cents.

(6) The prices used in determining the average manufacturing plant price pursuant to (3) or (5) of this paragraph shall be those quoted for milk received at the respective plants, without deductions for hauling or other charges to be paid by the farm shipper.

(b) *Price of Class I milk for relief distribution.* For Class I milk delivered by a handler to the residence of a relief client certified by a recognized relief agency, charged to such an agency, or disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class III milk plus 12 cents.

(c) *Butterfat differential to handlers.* If any handler has received from producers milk containing more or less than 4 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the agency described in (a) (3) (i) of this section for the delivery period during which the milk was received, add 20 percent, and divide the result by 10.

(d) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volumes of milk, pursuant to § 946.3 (e), the handler shall be debited or credited, as the case may be, at the higher Class III price: *Provided*, That if such handler received from producers milk with an average test of butterfat of 4 percent or less and disposed of no milk, skim milk, or cream as a Class III milk product, such debit or credit, as the case may be, shall be made at the Class II price.

(e) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 946.5 *Reports of handlers—(a) Periodic reports.* Each handler shall re-

port to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of milk, skim milk, and cream from producers (including milk produced by him) from handlers, and from any other source; and the utilization of all receipts of milk, skim milk, and cream for the delivery period.

(2) On or before the day emergency milk is received, his intention to receive such milk.

(3) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of emergency milk, the quantity of such milk, the date or dates upon which such milk was received, the plant from which such milk was shipped, the price per hundredweight paid, or to be paid, for such milk, the utilization of such milk, and such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted as described in § 946.1 (e) (3) need not be reported pursuant to this paragraph.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer payroll for such delivery period which shall show for each producer the net amount of such producer's payment with the prices, deductions, and charges involved, and the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports and payments.* (1) The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler upon whose disposition of milk, skim milk, or other milk products such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk, skim milk, and other milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records, reports, and facilities as will enable the market administrator to (i) verify the receipts and disposition of all milk, skim milk, and cream required to be reported pursuant to this section, and, in case of errors, or omissions, ascertain the correct figures; (ii) weight, sample, and test for butterfat content the milk received from producers and any milk product upon which classification depends; and (iii) verify the payments to producers prescribed in § 946.8.

(2) If, in the verification of the reports of any handler made pursuant to (a) of this section, it is necessary for the market administrator to examine the records of milk and milk products handled in a plant of a handler from which no milk is disposed of in the marketing area, such handler shall make such

records available to the market administrator. If, in the verification of the reports of any handler made pursuant to (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any milk of producers received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the billing computed for such handler for the delivery period following such reclassification.

(e) *Reports from the market administrator to cooperative associations.* On or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association as described in § 946.9 (b) the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

§ 946.6 *Application of provisions—(a) Handlers who are also producers.* No provisions hereof shall apply to a handler whose only sources of milk supply are receipts from his own production or from other handlers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(b) *Receipts of bulk milk from a handler who is also a producer.* The market administrator, in computing the value of milk for any handler, shall consider as Class III milk any milk, skim milk, or cream received in bulk from a handler whose only source of milk is his own production. If the receiving handler disposes of such milk, skim milk, or cream other than as Class III milk, the market administrator shall add to the total value, computed pursuant to § 946.7 (a), the difference between the value of such milk, skim milk, or cream at the Class III price computed pursuant to § 946.4 (a) (3) and the value according to its actual usage.

(c) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting his own production, receipts from other handlers, receipts from sources determined as other than producers or handlers, and receipts of emergency milk, has disposed of milk or butterfat, computed pursuant to § 946.3 (d), in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, such handler shall pay to producers, through the producer-settlement fund, the value of such milk or the milk equivalent of such butterfat in accordance with its utilization.

§ 946.7 *Determination of uniform prices to producers—(a) Computation of value for each handler.* For each delivery period the market administrator

shall compute, subject to the provisions of § 946.6 (b) and (c) the value of milk of producers received by each handler, by multiplying the quantity in each class by the price applicable to such class and by adding together the resulting class values: *Provided*, That with respect to butter made from producers' milk received during April, May, and June, but not to exceed as milk equivalent 10 percent of such handler's Class I milk computed pursuant to § 946.3 (f) the applicable price shall be that computed pursuant to § 946.4 (a) (4). If such handler utilizes milk, skim milk, or cream from sources other than producers or other handlers in milk products, the amount of butter allocated to milk from producers shall be a pro rata share based upon the respective volumes from each source utilized in milk products.

(b) *Computation and announcement of uniform price.* The market administrator shall compute and announce the uniform price per hundredweight of producer milk containing 4 percent of butterfat for each delivery period, as follows:

(1) Combine into one total the respective values computed pursuant to (a) of this section, for all handlers who made the report prescribed by § 946.5 (a) for such delivery period, except those in default of payments required pursuant to § 946.8 (c) for the preceding delivery period;

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of the butterfat differential applicable pursuant to § 946.8 (f)

(3) Subtract for each of the delivery periods of April, May, and June 1946, an amount representing 25 cents per hundredweight of milk received from producers by the handlers whose milk values are included under (1) of this paragraph, such deduction to be increased to 30 cents per hundredweight during the corresponding delivery periods of 1947, to 35 cents per hundredweight during the corresponding delivery periods of 1948, and to 40 cents per hundredweight during the corresponding delivery periods of each year thereafter;

(4) Add an amount representing the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 946.8 (e) and less the aggregate of the amounts held pursuant to (3) of this paragraph for payment pursuant to § 946.8 (d) (2)

(5) Divided the amount computed pursuant to (4) of this paragraph by the total hundredweight of milk of producers;

(6) Subtract from the figure computed pursuant to (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers; and

(7) On or before the 10th day after the end of each delivery period, notify

each handler and publicly announce such uniform price, the class prices, and the butterfat differentials provided by § 946.4 (c) and § 946.8 (f)

§ 946.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall pay to each producer, for milk received during the delivery period, an amount of money representing not less than the total value of such producer's milk at the uniform price per hundredweight, subject to the butterfat differential set forth in (f) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to (d) of this section, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to (c) and (e) of this section, and out of which he shall make all payments pursuant to (d) and (e) of this section: *Provided*, That payments due any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the classification value of his milk, computed pursuant to § 946.7 (a) for the delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price.

(d) *Payments out of the producer-settlement fund.* (1) On or before the 20th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers any amount by which the classification value of his milk, computed pursuant to § 946.7 (a) for the delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(2) On or before the 15th day after the end of each of the delivery periods of September, October, and November, beginning in 1946, the market administrator shall pay out of the producer-settlement fund to the producers from whom milk was received during such de-

livery period an amount computed as follows: divide one-third of the aggregate amount held pursuant to § 946.7 (b) (3) by the hundred-weight of producers' milk delivered during the delivery period involved (September, October, or November, as above) and apply the resulting amount (computed to the nearest full cent per hundredweight) to the milk of each producer for such delivery period: *Provided*, That payments under this subparagraph due any producer who has given authority to a cooperative association which is qualified under the "Capper-Volstead Act" pursuant to § 946.9 (b) to receive payment for his milk shall be distributed to such cooperative association if the association requests receipt of such payments.

(e) *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to (d) of this section the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* In making payments to each producer, pursuant to (a) of this section, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 4 percent in milk received from such producer, the amount as shown in the schedule below for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the agency described in § 946.4 (a) (3) (i), for the delivery period during which such milk was received:

Butter price range (cents)	Butterfat differential (cents)
22.99 or less	2½
22.50 to 27.99	3
27.50 to 32.99	3½
32.50 to 37.99	4
37.50 to 42.99	4½
42.50 to 47.99	5
47.50 to 52.99	5½
52.50 to 57.99	6
57.50 to 62.99	6½
62.50 and over	7

§ 946.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made directly to producers pursuant to § 946.8, with respect to all milk received by such handler from producers during each delivery

period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in (a) of this section, each handler shall make, in lieu of the deductions specified in (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.8, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 946.10 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk received by him from producers or produced by him, during such delivery period, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by it to plants from which no milk is disposed of in the marketing area.

§ 946.11 *Effective time, suspension, and termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other per-

son, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged, (ii) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 946.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 26th day of September 1946, to be effective on and after the 1st day of October 1946.

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

Approved: September 27, 1946.

JOHN R. STEELMAN,  
Director of War Mobilization and  
Reconversion, Director of Eco-  
nomic Stabilization.

[F. R. Doc. 46-17683; Filed, Sept. 27, 1946;  
2:36 p. m.]

PART 969—MILK IN THE SUBURBAN  
CHICAGO, ILL., AREA

ORDER REGULATING THE HANDLING OF MILK  
IN SUBURBAN CHICAGO, ILL., AREA

Sec.	
969.0	Findings and determinations.
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AUTHORITY: §§ 969.0 to 969.13, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 1940 ed. 601 et seq.

§ 969.0 *Findings and determinations.*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held February 21 and March 25-27, 1946, upon certain proposed amendments to the tentatively approved marketing agreement, and to the order, regulating the handling of milk in the Suburban Chicago, Illinois, marketing area. It is hereby found upon the basis of the evidence introduced at such hearing, in addition to the other findings made prior to or at the time of the original issuance of said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

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

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

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

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

(2) The issuance of the said order, as hereby amended, is the only practical means pursuant to the declared policy

of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

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

(4) The provision of this order, as hereby amended, providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who participated in a referendum on the question of approval of such provision and who, during the month of June 1946 (said month having been determined to be a representative period) were engaged in the production of milk for sale in the said marketing area, said approval being separate and apart from the approval of producers as set forth in subparagraph (3) of this paragraph.

#### Order Relative to Handling

It is hereby ordered, That such handling of milk in the Suburban Chicago, Illinois, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce in milk or its products, shall from the effective date hereof be in compliance with the terms and conditions of the said order, as hereby amended; and the said order is hereby amended to read as follows:

§ 969.1 *Definitions.* The following terms as used herein shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 *et seq.*)

(b) "Suburban Chicago, Illinois, marketing area," hereinafter called "marketing area," means all of the territory geographically included within the city of Barrington in Lake County, the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County; Cook, DuPage, and Will Counties, Illinois; and all of the territory geographically included within the townships of North, Calumet, and Hobart in Lake County, Indiana, except territory lying within the corporate limits of the cities and villages of Chicago, Evanston, Wilmette, Kenilworth, Winnetka, Glenco, and Oak Park, in the State of Illinois.

(c) "Person" means an individual, partnership, corporation, association, or any other business unit.

(d) "Milk" means whole milk, skim milk, cream, and all dairy products, unless the context manifests a different meaning.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk, which is received directly from the farm where produced at a plant where any fluid milk is bottled for disposition as Class I milk in the marketing area. This definition shall not include any such person with

respect to milk subject to pricing and payment under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area.

(f) "Handler" means any person who operates a plant where any fluid milk is received and bottled for disposition as Class I milk in the marketing area, and who engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall not include any such person with respect to milk subject to pricing and payment under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area.

(g) "Emergency milk" means any milk (except those dairy products disposed of in the original package in which received) received by a handler during the delivery periods of September through January, inclusive, at a plant as described in paragraph (f) of this section from sources other than (1) producers, (2) other handlers, or (3) handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area.

(h) "Other source milk" means any milk (except those dairy products disposed of in the original package in which received) received by a handler during the delivery periods of February through August, inclusive, at a plant as described in paragraph (f) of this section from sources other than (1) producers, (2) other handlers, and (3) handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area.

(i) "Grade A milk" means fluid milk labeled Grade A or derived from receipts from which milk labeled Grade A is obtained.

(j) "Grade B milk" means fluid milk not labeled Grade A nor derived from receipts from which milk labeled Grade A is obtained.

(k) "Delivery period" means the current calendar month or the total portion thereof during which this order is in effect.

(l) "Market administrator" means the agency which is described in § 969.2 for the administration hereof.

(m) "Cooperative association" means any cooperative association of producers which the Secretary determines to have its entire activities under the control of its members, and to have and to be exercising full authority in the sale of milk of its members.

(n) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 969.2 *Market administrator—(a) Selection, removal, and bond.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon

the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(c) *Powers.* The market administrator shall have the power to:

(1) Administer the terms and provisions hereof,

(2) Report to the Secretary complaints of violations hereof,

(3) Make rules and regulations to effectuate the terms and provisions hereof, and

(4) Recommend to the Secretary amendments hereto.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein,

(2) Submit his books and records to examination by the Secretary at any and all times,

(3) Furnish such information and such verified reports as the Secretary may request,

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator,

(5) Publicly disclose, after reasonable notice, the name of any person who had not made reports, pursuant to § 969.3, or made payments required by § 969.8,

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as does not reveal confidential information,

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof, and

(8) Pay, out of funds received pursuant to § 969.9, the cost of his bond and of the bonds of such of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and in the performance of his duties, except those expenses incurred and provided for under § 969.10.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to § 969.5 (b) and the differential pursuant to § 969.8, and

(2) Not later than the 14th day after the end of each delivery period, the uniform price for each handler computed pursuant to § 969.7 (b).

§ 969.3 *Reports of handlers—(a) Submission of reports.* Each handler shall report to the market administrator for each delivery period in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 7th day after the end of each delivery period, the pounds of milk purchased or received from associations of producers and other handlers

and the utilization of such milk classified pursuant to § 969.4, a copy of which report shall be submitted by the purchasing handler to the associations of producers or handlers from whom the milk was purchased.

(2) On or before the 9th day after the end of each delivery period (i) the pounds and butterfat test of and the butterfat pounds in, milk received at each plant from producers (including own farm production) and other handlers, and all other sources (including but not limited to emergency milk and other source milk) and (ii) the utilization of all receipts of milk for the delivery period.

(3) On or before the 9th day after the end of each delivery period, the information requested with respect to producer additions, producer withdrawals, and changes in the names of farm operators.

(4) On or before the 25th day after the end of each delivery period, his producer pay roll, which shall show for each producer (i) the total delivery of milk with the average butterfat test thereof, (ii) the net amount of payment to such producer made pursuant to § 969.8, (iii) any deductions and charges made by the handler, and (iv) such other information with respect to producer payments as the market administrator may require.

(b) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization of milk such handler claims classification, and by such investigation as the market administrator deems necessary. Each handler shall keep adequate records of receipts and utilization of milk and shall, during the usual hours of business, make available to the market administrator such records and facilities as will enable him to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in the case of errors or omissions, ascertain the correct figures.

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends, and

(3) Verify the payments to producers prescribed in § 969.8.

§ 969.4 *Classification of milk—(a) Basis of classification.* All milk purchased or received by a handler (including his own farm production), shall be reported by the handler in the classes set forth in paragraph (b) of this section: *Provided, That,*

(1) Any fluid milk or fluid cream moved from a handler's plant as described in § 969.1 (f) to a plant not meeting such description but where, during the delivery period, ice cream, ice cream mix, evaporated or condensed milk, butter, milk powder, or cheese (except cottage cheese), was manufactured, shall be classified under paragraph (b) of this section according to its use at such latter plant. In the event that the latter plant did not manufacture any of the

above-named products during such delivery period, the fluid milk shall be classified as Class I milk and the fluid cream shall be classified as Class II milk, and

(2) Any milk moved from a plant described in § 969.1 (f) to any such plant of another handler shall be reported as Class I milk if moved as fluid milk or fluid skim milk and shall be reported as Class II milk if moved as fluid cream, unless utilization in another class is indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transfer was made, but in no event shall the amount so reported in any class exceed the total use in such class by the receiving handler.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (a) (c) (d) (e) and (f) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be (i) all milk disposed of as fluid milk, buttermilk, flavored milk or flavored milk drinks, (ii) all milk disposed of as fluid skim milk by handlers through routes, stores, or vendors, and (iii) all other milk not accounted for as Class II milk, Class III milk, or Class IV milk except that this definition shall not include milk disposed of in bulk as any product mentioned in (i) and (ii) of this subparagraph to bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

(2) Class II milk shall be all milk the butterfat from which is contained in sweet or sour cream, any fluid cream product having more than 6 percent butterfat, butter cream, filled cream, eggnog, yoghurt, cottage cheese, and any other milk product of composition and texture similar to any of the products named in this subparagraph, except that this definition shall not include butterfat in cream, fluid cream products, filled cream, and cottage cheese disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments, in their capacity as such.

(3) Class III milk shall be all milk the butterfat from which is contained in a product other than those included in Class I milk, Class II milk, or Class IV milk, and all milk the butterfat from which is contained in products disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments pursuant to the exceptions in subparagraphs (1) and (2) of this paragraph.

(4) Class IV milk shall be all milk the butterfat from which is:

(i) Contained in butter and cheese (except cottage cheese)

(ii) Contained in inventory variations; and

(iii) Actual shrinkage, but in an amount not to exceed  $\frac{1}{2}$  percent of the total pounds of butterfat received directly from producers plus  $1\frac{1}{2}$  percent of the total pounds of butterfat in bulk fluid milk, bulk fluid skim milk, or bulk fluid cream received at a plant as described in § 969.1 (f) from all sources which were not disposed of in bulk to a plant as described in § 969.1 (f) or to a

plant not meeting such description: *Provided, That* such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

(c) *Responsibility of handlers.* In establishing classification the responsibility of handlers shall be as follows: Any milk received from producers shall be classified as Class I milk unless the handler who receives such milk directly from producers proves to the satisfaction of the market administrator that such milk should be classified in another class without regard to whether such milk has been used or disposed of (whether in original or other form) by such handler, by any other handler(s) or by any plant(s) not described in § 969.1 (f)

(d) *Correction of classification and reclassification of milk.* (1) The classification of any milk shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(2) Except as provided in the last sentence of paragraph (a) (1) of this section, any milk reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or re-disposed of (whether in original or other form) in a different class by such handler, by any other handler(s) or by any plant(s) not described in § 969.1 (f), shall be reclassified by the market administrator in accordance with such latter use or disposition.

(3) If, in applying the provisions of subparagraphs (1) and (2) of this paragraph, the ultimate use or disposition of the affected milk was at a plant purchasing or receiving milk from more than one handler, the market administrator may assign the change or correction in classification to the milk of the major supplying handler(s), but not to an extent greater than the amount of milk furnished by such supplying handler(s)

(e) *Computation of milk in each class.* With respect to all milk purchased or received including milk of his own farm production, each handler shall compute, for each delivery period, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as follows:

(1) Determine the total pounds of milk received from producers, his own farm production, other handlers, and all other sources (including but not limited to emergency milk and other source milk) and add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: multiply by its average butterfat test the weight of milk received from producers, his own farm production, other handlers, and all other sources (including but not limited to emergency milk and other source milk), and add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows:

(i) Convert to pounds on the basis of 2.15 pounds per quart (in the case of flavored milk and flavored milk drinks 2.0 pounds per quart), the volume dis-

posed of in each of the several items of Class I milk:

(ii) Multiply each of the resulting amounts by its average butterfat test and add the results obtained:

(iii) If the total pounds of butterfat so computed when added to the sum of the pounds of butterfat computed pursuant to subparagraphs (4) (ii), (5) (ii), and (6) (vii) of this paragraph are less than the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, divide the difference by .035; and

(iv) Add the results obtained pursuant to (i) and (iii) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows:

(i) Multiply the actual weight of each of the several items of Class II milk by its average butterfat test;

(ii) Add together the resulting amounts; and

(iii) Divide the result obtained in (ii) of this subparagraph by .035.

(5) Determine the total pounds of milk in Class III as follows:

(i) Multiply the actual weight of each of the several items of Class III milk by its average butterfat test;

(ii) Add together the resulting amounts; and

(iii) Divide the result obtained in (ii) of this subparagraph by .035.

(6) Determine the total pounds of milk in Class IV as follows:

(i) Multiply the actual weight of each of the several items of Class IV milk by its average butterfat test;

(ii) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the delivery period;

(iii) Add the pounds of butterfat obtained in (i) and (ii) of this subparagraph;

(iv) Add the total pounds of butterfat computed pursuant to subparagraphs (3) (ii) (4) (ii) and (5) (ii) of this paragraph to the total pounds of butterfat computed pursuant to (iii) of this subparagraph;

(v) Subtract the total pounds of butterfat computed pursuant to (iv) of this subparagraph from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, and the difference is the pounds of butterfat in actual shrinkage; unless such difference is a minus quantity in which case the butterfat shrinkage is zero for purposes of all computations required by this paragraph;

(vi) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by multiplying by 1½ percent the pounds of butterfat in bulk fluid milk, bulk fluid skim milk, or bulk fluid cream received from all sources which were not disposed of in bulk to other handlers or to plants not described in § 969.1 (f) and adding such amount to the result obtained by multiplying by ½ percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subdivision shall be zero if records of utilization satisfactory to the market administrator are not available;

(vii) Add to the pounds of butterfat obtained in (iii) of this subparagraph the smaller of the amounts determined pursuant to (v) or (vi) of this subparagraph; and

(viii) Divide the pounds of butterfat obtained in (vii) of this subparagraph by .035.

(7) Determine the pounds of butterfat overrun as follows: In the event the pounds of butterfat computed pursuant to subparagraph (6) (iv) of this paragraph are greater than the pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, subtract the smaller amount from the larger amount and divide the result by .035.

(f) *Allocation of milk classified.* The pounds of milk remaining in each class after making the following computations shall be the pounds in such class allocated to milk received from producers:

(1) Subtract, respectively, from the pounds of Class I milk, Class I butterfat, Class II milk, and Class II butterfat the pounds of (i) fluid milk, (ii) butterfat in fluid milk, (iii) 3.5 percent milk equivalent of fluid cream, and (iv) butterfat in fluid cream, which were received from a person whose milk is subject to pricing and payment under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area, except that such fluid milk, and butterfat in fluid milk, which was in excess of the amount of Class I milk and butterfat, respectively, and such milk equivalent of fluid cream, and butterfat in fluid cream, which was in excess of Class II milk and butterfat, respectively, disposed of by the purchasing handler shall be subtracted thereafter in series beginning and continuing with the next and each successive lower priced class;

(2) Subtract from the pounds of milk and butterfat remaining in each class, the pounds of milk (3.5 percent milk equivalent in Class II, Class III, and Class IV) and butterfat received from other handlers and assigned to such class;

(3) Subtract in series beginning with the remaining Class IV milk and butterfat, the pounds of 3.5 percent milk equivalent of other source milk received and the pounds of butterfat contained therein;

(4) Subtract from the remaining Class II milk and butterfat, Class III milk and butterfat, and Class IV milk and butterfat, the pounds of 3.5 percent milk equivalent and butterfat in emergency milk, other than fluid milk, computed in the following manner:

(i) Compute the percentages that the remaining pounds of butterfat in Class II milk, Class III milk and Class IV milk bear to their sum,

(ii) Apply such class percentages to the pounds of butterfat in such emergency milk and divide the results by .035 to obtain the milk equivalent thereof;

(5) Subtract from the remaining milk in each class, the pounds of emergency milk received in the form of fluid milk, computed in the following manner:

(i) Compute the percentages that the remaining pounds of butterfat in each class bear to their sum;

(ii) Apply the Class I percentage computed pursuant to (i) to the pounds of

butterfat in such emergency milk, divide by the weighted average test of such emergency milk, and subtract the result from the remaining Class I milk;

(iii) Apply each of the other class percentages computed pursuant to (i) to the pounds of butterfat in such emergency milk, divide each amount by .035, and subtract respectively the resulting amounts from the pounds of milk remaining in each class other than Class I.

(6) In the event the total pounds of milk remaining in the several classes is greater, or less, than the pounds of milk received from producers (including the handler's own farm production) plus the 3.5 percent milk equivalent of butterfat overrun, reconciliation shall be effected by respectively deducting such differences from, or adding such differences to, the pounds of milk in Class IV milk.

§ 969.5 *Minimum prices*—(a) *Basic formula price.* For each delivery period the basic formula price to be used in determining the prices of Class I milk, Class II milk, and Class III milk shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1) (2) and (3) of this paragraph:

(1) The average of the prices per hundredweight reported to have been paid or to be paid for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

*Concern and Location*

Borden Company, Black Creek, Wis.  
Borden Company, Greenville, Wis.  
Borden Company, Mount Pleasant, Mich.  
Borden Company, New London, Wis.  
Borden Company, Orfordville, Wis.  
Carnation Company, Berlin, Wis.  
Carnation Company, Jefferson, Wis.  
Carnation Company, Chilton, Wis.  
Carnation Company, Oconomowoc, Wis.  
Carnation Company, Richland Center, Wis.  
Carnation Company, Sparta, Mich.  
Fet Milk Company, Beltsville, Wis.  
Fet Milk Company, Coopersville, Mich.  
Fet Milk Company, Hudson, Mich.  
Fet Milk Company, New Glarus, Wis.  
Fet Milk Company, Wayland, Mich.  
White House Milk Company, Manitowoc, Wis.  
White House Milk Company, West Bend, Wis.

(2) The price per hundredweight computed from the following formula:

(i) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by 6;

(ii) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

- (iii) Divide by 7,
- (iv) Add 30 percent thereof; and
- (v) Multiply by 3.5.

(3) The price per hundredweight computed from the following formula: Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and make the following adjustment: Add  $3\frac{3}{4}$  cents per hundredweight for each full  $\frac{1}{2}$  cent that the price per pound of nonfat dry milk solids is above 5 cents, or subtract  $3\frac{3}{4}$  cents per hundredweight for each full  $\frac{1}{2}$  cent that the price per pound of nonfat dry milk solids is below 5 cents. For the purpose of determining this adjustment the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, as published by the United States Department of Agriculture for the Chicago area during such delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available at the time such average price was determined for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, for such delivery period, the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago during such delivery period as published by the United States Department of Agriculture and the adjustment to be made be as follows: Add  $3\frac{3}{4}$  cents per hundredweight for each full  $\frac{1}{2}$  cent that such price is above 6 cents, or subtract  $3\frac{3}{4}$  cents per hundredweight for each full  $\frac{1}{2}$  cent that such price is below 6 cents.

(b) *Class prices.* Subject to the appropriate location adjustment credit set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 969.8, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph, f. o. b. his plant or distributing station, located in the marketing area.

(1) *Class I milk.* (i) The price for Grade A Class I milk shall be the basic formula price plus 70 cents, except that during the delivery periods of May and June the price for Grade A Class I milk shall be the basic formula price plus 50 cents; (ii) the price for Grade B Class I milk shall be the basic formula price plus 60 cents, except that during the delivery periods of May and June the price for Grade B Class I milk shall be the basic formula price plus 40 cents.

(2) *Class II milk.* (i) The price for Grade A Class II milk shall be the basic formula price plus 32 cents, (ii) the price for Grade B Class II milk shall be the basic formula price plus 22 cents.

(3) *Class III milk.* The price for Class III milk shall be the same as the basic formula price.

(4) *Class IV milk.* The price for Class IV milk shall be the same as the price computed pursuant to paragraph (a) (3) of this section.

(c) *Location adjustment credit to handlers.* (1) With respect to milk purchased or received from producers at a plant located outside the marketing area and more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, which is classified as Class I milk or Class II milk, there shall be deducted 10 cents per hundredweight, plus 2 cents per hundredweight and  $\frac{1}{4}$  cent per hundredweight on each class, respectively, for each additional 15 miles or part thereof that such plant is located in excess of 70 miles from the City Hall in Chicago, Illinois; *Provided*, That no such deduction shall apply to unaccounted for milk classified as Class I milk pursuant to § 969.4 (e) (3) (iii) and such unaccounted for milk shall be considered to have been received at the most distant plant at which the handler received milk from producers; *Provided further* That if the l. c. l. freight rate, approved by the Interstate Commerce Commission or by the State authorities having power to fix intrastate rail rates, for the movement of cream in 40 quart cans from the shipping point for the plant where the milk is received from producers to the marketing area is greater than  $\frac{1}{4}$  cent per hundredweight of milk such actual freight rate shall be allowed such handler on Class II milk, but in no case shall such rate exceed  $\frac{1}{2}$  cent per hundredweight of milk. There shall be no location adjustment to handlers with respect to Class III milk or Class IV milk.

(2) For the purposes of this paragraph and of § 969.4 (1) Class I milk shall be considered to come first from that milk purchased or received from producers by the handler at his plant located in or nearest to the marketing area from which whole milk is disposed of in the marketing area; *Provided*, That when actual shipments of milk by any handler from two or more plants located in different zones are shown to be in excess of such handler's Class I milk, the location adjustments on Class I milk, as provided in this section, shall be applied to such milk, up to and including 110 percent of such handler's Class I milk; and (ii) Class II milk shall be considered to come first from that milk purchased or received from producers by the handler at his plant located in or nearest to the marketing area, after accounting for Class I milk, from which whole milk or cream is disposed of in the marketing area; *Provided*, That if milk for Class II use was received from producers at a more distant plant, location adjustment shall be allowed from the plant at which such milk was received from producers.

(d) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specified price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purposes, the

market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified; *Provided*, That if for any reason the prices specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment; *Provided further* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

#### § 969.6 Application of provisions.—

(a) *Handlers who are also producers.* No provisions hereof shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Uniform prices of handler of both Grade A milk and Grade B milk.* If a handler operates both a plant (or plants) from which Grade A milk is disposed of in the marketing area and a plant (or plants) from which Grade B milk is so disposed of, the market administrator shall compute a separate milk value and uniform price for milk disposed of from each type of plant.

§ 969.7 *Determination of minimum prices to producers—*(a) *Computation of value of milk for each handler.* The market administrator shall on or before the 14th day of each delivery period, examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period, and shall make such corrections as such examination shall indicate to be appropriate, and from such corrected reports he shall compute the value of all milk received by each handler from producers, including such handler's own farm production, as follows:

(1) Multiply the total quantity of such milk in each class as determined pursuant to § 969.4 (f) by the applicable class price and add together the resulting amounts.

(2) Subtract the aggregate of the values of all location adjustment credits computed at the applicable rates set forth in § 969.5 (c)

(b) *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of milk for each delivery period in the following manner: To the value computed pursuant to paragraph (a) of this section:

(1) Add the total amount of the location adjustments applicable pursuant to § 969.8 (c),

(2) Add or deduct, as the case may be, the amount of money involved in adjustments resulting from verification by the market administrator of the handler's reports of previous delivery periods;

(3) Add or deduct, as the case may be, the amount of money involved in adjusting the handlers previous month's uniform price to the nearest cent;

(4) Divide by the hundredweight of milk received from producers; and

(5) Adjust the resulting figure to the nearest cent, which adjusted figure shall be known as the uniform price of the handler for milk of 3.5 percent butterfat content, f. o. b. 70 miles.

§ 969.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 18th day after the end of each delivery period each handler shall pay to each producer, and to each association of producers, for milk purchased or received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight computed pursuant to § 969.7 (b), subject to the butterfat differential and location adjustments set forth under paragraph (b) and (c) of this section.

(b) *Butterfat differential to producers.* For each one-tenth of 1 percent of average butterfat content above or below 3.5 percent in milk received from any producer or association of producers during the delivery period, the uniform price paid to such producer or association of producers shall be plus or minus, as the case may be, an amount computed as follows: To the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture, add 20 percent, divide the result by 10 and adjust to the nearest 3/10 percent.

(c) *Location adjustments to producers.* In making payment pursuant to paragraph (a) of this section, handlers may deduct with respect to all milk purchased or received at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, the amount specified as follows:

Within—	Cents per hundredweight
70.1 to 85 miles.....	12
85.1 to 100 miles.....	14
100.1 to 115 miles.....	16
115.1 to 130 miles.....	18
130.1 to 145 miles.....	20
145.1 to 160 miles.....	22
160.1 to 175 miles.....	24

For each 15 miles or part thereof beyond 175 miles from the City Hall in Chicago, Illinois, an additional 1/2 cent per hundredweight.

§ 969.9 *Expense of administration.* As his prorata share of the expense of administration hereof each handler, except handlers described under § 969.6 (a) shall pay to the market administrator, on or before the 18th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight with respect to all milk purchased or received by him during such delivery period from producers (including the handler's own farm production) the exact rate to be determined by the market administrator, subject to review by the Secretary.

§ 969.10 *Marketing services*—(a) *Marketing service deduction.* In making payments to producers pursuant to § 969.8, each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in paragraph (b) of this section and except for such milk as is received from his own farm production, deduct 3 cents per hundredweight (or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary), and shall, on or before the 18th day after the end of such delivery period, pay such deduction to the market administrator. Such money shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to, the milk received from such producers.

(b) *Marketing service deductions with respect to members of producers' cooperative associations.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section, shall make such deductions from payments made pursuant to § 969.8 as may be authorized by such producers, and pay over, on or before the 18th day after the end of each delivery period, such deductions to the cooperative association rendering such service of which such producers are members.

§ 969.11 *Adjustment of accounts*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which results in monies due (1) the market administrator from such handler; (2) such handler from the market administrator; or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 969.12 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any

amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and, in any event, shall terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such persons pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such other person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to handlers and producers in an equitable manner.

§ 959.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 26th day of September 1946, to be effective on and after the 1st day of October 1946.

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

Approved: September 27, 1946.

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

[F. R. Doc. 46-17634; Filed, Sept. 27, 1946; 2:33 p. m.]

## TITLE 20—EMPLOYEES' BENEFITS

## Chapter III—Social Security Administration

[Reg. 3, further amended]

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

## CERTAIN SERVICES FOR THE ALIEN PROPERTY CUSTODIAN

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

1. The following subdivision is added at the end of § 403.1 (b) (1)

§ 403.1 *Chronological description of pertinent statutes and regulations.* \* \* \*

(b) *Title II of the Social Security Act, as amended effective January 1, 1940, and regulations of the Social Security Administration thereunder—(1) Statutes* \* \* \*

The act approved August 8, 1946 (Public Law 671, 79th Congress) provides that the exception from employment of services in the employ of the United States Government or of any instrumentality of the United States shall not apply to services in connection with certain properties or interests vested in or transferred to the Alien Property Custodian.

2. The following statutory provisions are added immediately preceding § 403.801.

SECTION 36 (A) OF THE ACT OF AUGUST 8, 1946  
(PUBLIC LAW 671, 79TH CONGRESS)

The vesting in or transfer to the Alien Property Custodian of any property or interest (other than any property or interest acquired by the United States prior to December 18, 1941), or the receipt by him of any earnings, increment, or proceeds thereof shall not \* \* \* render applicable the exemptions provided in title II of the Social Security Act with respect to service performed in the employ of the United States Government or of any instrumentality of the United States.

3. The following statutory provisions are added immediately preceding § 403.813:

SECTION 36 (A) OF THE ACT OF AUGUST 8, 1946  
(PUBLIC LAW 671, 79TH CONGRESS)

The vesting in or transfer to the Alien Property Custodian of any property or interest (other than any property or interest acquired by the United States prior to December 18, 1941), or the receipt by him of any earnings, increment, or proceeds thereof shall not \* \* \* render applicable the exemptions provided in title II of the Social Security Act with respect to service performed in the employ of the United States Government or of any instrumentality of the United States.

4. Section 403.813 is amended by adding at the end the following paragraph:

§ 403.813 *United States and instrumentalities thereof.* \* \* \*

The vesting in or transfer to the Alien Property Custodian of any business, property, or interest (other than any property or interest acquired by the United States before December 18, 1941) does not render applicable the exceptions from employment in title II of the act with respect to service performed in the employ of the United States Gov-

ernment or of any instrumentality of the United States.

In pursuance of sections 205 (a) and 1102 of the Social Security Act, section 4 of Reorganization Plan No. 2 of 1946 (11 F. R. 7873) and section 1 of Federal Security Agency Order 57 (11 F. R. 7943) the foregoing regulations, this day adopted by me, are hereby prescribed this 24th day of September 1946.

[SEAL] A. J. ALTMAYER,  
*Commissioner for Social Security.*

Approved September 25, 1946.

MAURICE COLLINS,  
*Acting Federal Security Administrator*

[F. R. Doc. 46-17540; Filed, Sept. 30, 1946;  
9:02 a. m.]

## Chapter III—Social Security Administration (Old-Age and Survivors Insurance)

[Reg. 3, Further Amended]

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

## LUMP SUM DEATH PAYMENTS; APPLICATIONS

NOTE: In Federal Register Document 46-17484, appearing at page 11066 of the issue for Saturday, September 28, 1946, the chapter headnote should read as set forth above.

## TITLE 24—HOUSING CREDIT

## Chapter VI—Federal Public Housing Authority

## PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO REGIONAL OFFICE OFFICIALS  
SEPTEMBER 18, 1946.

Section 603.2 (11 F. R. 177A-901) is amended by adding paragraph (1) thereto as follows:

§ 603.2 *Delegations to Regional Office officials.* \* \* \*

(1) *Delegation of authority to Regional Director of Region VI.* In connection with the development of projects in Hawaii under Title V of the Lanham Act, 54 Stat. 1125; 42 U. S. C. 1521, as amended, the Regional Director of Region VI is delegated the power to redelegate to the Regional Hawaiian Representative any or all of the specific powers delegated in paragraph (d) of this section.

[SEAL] PHILIP M. GLICK,  
*Acting Commissioner.*

[F. R. Doc. 46-17532; Filed, Sept. 30 1946;  
9:00 a. m.]

## Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 6, Interpretation 4]

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

## SIGNATURE REQUIRED ON SUPPLIER'S CERTIFICATION THAT LUMBER HAS BEEN ON STICKS OR END RACKED FOR SPECIFIED PERIOD

The following interpretation is issued with respect to § 805.6:

§ 805.6. *Hardwood flooring (Southern area)* \* \* \*

## INTERPRETATION 4

Supplier's certification on face of invoice, that lumber has been on sticks or end racked for specified period, must either bear his signature or that of another duly authorized person. Signature need not be manual, but may be in the form of a rubber stamp or facsimile reproduction of a handwritten signature. Typewritten signature, however, may not be used.

This interpretation shall become effective as of October 1, 1946.

Issued this 30th day of September 1946.

[SEAL] DAVID L. KROOTH,  
*General Counsel.*

[F. R. Doc. 46-17585; Filed, Sept. 30, 1946;  
8:46 a. m.]

[Premium Payments Reg. 7, Interpretation 4]

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

## SIGNATURE REQUIRED ON SUPPLIER'S CERTIFICATION THAT LUMBER HAS BEEN ON STICKS OR END RACKED FOR SPECIFIED PERIOD

The following interpretation is issued with respect to § 805.6:

§ 805.6 *Hardwood flooring (northern area)* \* \* \*

## INTERPRETATION 4

Supplier's certification on face of invoice, that lumber has been on sticks or end racked for specified period, must either bear his signature or that of another duly authorized person. Signature need not be manual, but may be in the form of a rubber stamp or facsimile reproduction of a handwritten signature. Typewritten signature, however, may not be used.

This interpretation shall become effective as of October 1, 1946.

Issued this 30th day of September 1946.

[SEAL] DAVID L. KROOTH,  
*General Counsel.*

[F. R. Doc. 46-17586; Filed, Sept. 30, 1946;  
8:46 a. m.]

## TITLE 29—LABOR

## Chapter IX—Department of Agriculture; Agricultural Labor

[Supplement 28, Amdt. 2]

## PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

## WORKERS ENGAGED IN HARVESTING POTATOES IN COOK AND DESCHUTES COUNTIES, OREGON

Section 1110.4 of this chapter, as amended (9 F. R. 11603; 10 F. R. 11849) is hereby further amended as follows:

Section 1110.4 (b) (1) shall read:

(1) Wage rate for picking potatoes— $6\frac{1}{2}$ ¢ per half sack of 60 pounds.

A new paragraph is added after § 1110.4 (d) and before § 1110.4 (e) as follows:

Requests for adjustments or appeals for relief from hardships as provided in the Specific Wage Ceiling Regulations

shall be submitted on form LR 1701-2 to the Oregon USDA Wage Board or its designated representatives. Blank forms LR 1701-2 may be secured from the Oregon USDA Wage Board, 701 Pittock Block, Portland 5, Oregon.

**Effective date.** This amendment 2 to Supplement 28 shall become effective at 12:01 a. m., Pacific standard time, September 23, 1946.

(56 Stat. 765; 50 U. S. C. 961 et seq. (Supp. IV) 57 Stat. 65; 50 U. S. C. 964 (Supp. IV); 58 Stat. 632; Pub. Law 108, 79th Cong., E. O. 9250, 7 F. R. 7871, E. O. 9328, 8 F. R. 4681, E. O. 9577, 10 F. R. 8087; E. O. 9620, 10 F. R. 12028; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691, regulations of the Economic Stabilization Director, 8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547; 10 F. R. 9478, 9628; 11 F. R. 2517; regulations of the Secretary of Agriculture, 9 F. R. 655, 12117, 12611, 10 F. R. 7609, 9581; 9 F. R. 831, 12807, 14206; 10 F. R. 3177; 11 F. R. 5903)

Issued this 25th day of September 1946.

[SEAL] HOWARD A. PENTON,  
Acting Director, Labor Branch,  
Production and Marketing  
Administration.

[F. R. Doc. 46-17589; Filed, Sept. 30, 1946;  
8:51 a. m.]

**TITLE 32—NATIONAL DEFENSE**

**Chapter XI—Office of Price  
Administration**

**PART 1305—ADMINISTRATION**

[Rev. SO 138, Amdt. 6]

**EXEMPTION AND SUSPENSION FROM PRICE  
CONTROL OF CERTAIN IMPORTED FISH AND  
SEAFOOD IN TERRITORY OF HAWAII**

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.

The second, third and fourth paragraphs of section 1.4 (e) of Revised Supplementary Order No. 138 are amended to read as follows:

Island fish and seafood.

Imported fish and seafood, fresh or frozen. This does not include any species of salmon (Pacific), tuna and tuna-like fishes (Pacific), sardines, alewives and sea herring (North Atlantic) or pilchards.

Imported fish and seafood, smoked, dried, salted, pickled or otherwise processed into foods and all other processed foods containing 30% or more of fish or seafood by volume of ingredients (imported). This does not include (1) any product processed from any species of salmon (Pacific), tuna and tuna-like fishes (Pacific) or pilchards, such as, but not limited to, mild-cured salmon, kippered salmon and salted pilchards; (2) any canned fish, except canned shrimp; (3) salted codfish, salted hake, salted pollock, salted haddock, salted ling, salted saithe, salted cusk or smoked boneless herring. "Canned" in this paragraph means packed in hermetically sealed containers.

This amendment shall become effective as of the 16th day of August 1946.

Issued this 30th day of September 1946.

PAUL A. PORTER,  
Administrator.

**STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 6 TO REVISED SUPPLEMENTARY ORDER 138**

The accompanying amendment to Revised Supplementary Order 138 extends indefinitely the decontrol of island and imported fish and sea-food heretofore suspended until August 18, 1946, and likewise suspends indefinitely controls on halibut.

This action follows the action taken in continental United States by amendment 48 to Supplementary Order 132 for the same reasons advanced in the statement of considerations for that amendment. Therefore the statement of considerations accompanying amendment 48 to SO 132 is incorporated herein by reference and made part of this statement.

[F. R. Doc. 46-17567; Filed, Sept. 30, 1946;  
8:50 a. m.]

**PART 1300—PROCEDURE**

[Procedural Reg. 6, as Amended, Revocation]

**PROCEDURE FOR THE ADJUSTMENT OF MAXIMUM PRICES FOR COMMODITIES OR SERVICES UNDER GOVERNMENT CONTRACTS OR SUB-CONTRACTS**

Procedural Regulation No. 6, as amended, Procedure for the Adjustment of Maximum Prices for Commodities or Services under Government Contracts or Sub-Contracts, is hereby revoked.

This order of revocation shall become effective September 30, 1946.

Issued this 30th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-17718; Filed, Sept. 30, 1946;  
11:30 a. m.]

**PART 1305—ADMINISTRATION**

[SO 126, Amdt. 53]

**EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL**

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.

Supplementary Order No. 126 is amended in the following respects:

1. Section 2 (g) is amended by adding the following articles of household furniture:

Aluminum furniture (made principally of aluminum) including upholstered furniture with aluminum frames.  
Wrought iron furniture.

2. Section 2 (1) is amended by adding:

The following hospital bed accessories:  
Safety sides.  
End guards.

Irrigation reeds.  
Balkan frames.  
Balkan frame accessories.  
Backrest.  
Exercise bar.  
Cardiac table.  
Portable foot rest.  
Orthopedic sheath.  
Towel rod.  
Fracture bar.

This amendment shall become effective on the 30th day of September 1946.

Issued this 30th day of September 1946.

PAUL A. PORTER,  
Administrator.

**STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 53 TO SUPPLEMENTARY ORDER NO. 126**

The accompanying amendment to Supplementary Order No. 126 removes from price control aluminum furniture, wrought iron furniture, and specified accessories for hospital beds.

The Administrator has determined that these articles are not important in relation to business or living costs and that decontrol would not result in any accumulative and dangerous unstabilizing effect. Accordingly, in conformity with provisions of Section 1A (d) (1) of the Emergency Price Control Act of 1942, as amended, the Administrator is removing price control from these articles at this time.

[F. R. Doc. 46-17719; Filed, Sept. 30, 1946;  
11:30 a. m.]

**PART 1305—ADMINISTRATION**

[SO 169, Revocation]

**PROHIBITION AGAINST SALES OF CERTAIN PAPERS IN JUMBO ROLLS TO CORRUGATORS**

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

Supplementary Order 169 is hereby revoked.

Issued this 27th day of September 1946.

This order shall become effective September 30, 1946.

PAUL A. PORTER,  
Administrator.

**STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF THE ORDER OF REVOCATION TO SUPPLEMENTARY ORDER 169**

Supplementary Order 169 was issued July 26, 1946 "to check evasive practices which have developed with regard to sales of paperboard to corrugated and solid fibre box manufacturers." Immediately after issuance of this order it became apparent that the practice of container manufacturers purchasing grades other than those covered by Maximum Price Regulation 32 was more widespread than had been contemplated and that the prohibitions in Supplementary Order 169 threatened a serious curtailment in essential container production. By Amendments 1 and 2, the order was suspended until September 30 for the pur-

pose of modification and particularly to provide for exceptions covering those situations which do not involve evasion.

Reports from individual mills and converters and discussions with buyers and sellers, including representatives of the Industry Advisory Committees for Paperboard and Containers lead to the conclusion that the tonnage which should be excepted from the prohibition is much greater than that which should be prohibited as evasatory. Many of the "substitute" grades were used by certain container manufacturers in normal pre-war operation. Furthermore, in a majority of cases the grades are not so much substitutes as supplements. Some manufacturers who were cut off from their normal sources of supply, in a market in very short supply, were forced to turn to substitutes. There have been only a few instances in which containerboard manufacturers simply changed the name of their product in order to sell at the higher price provided in some other regulation.

An outstanding example of the substitution case was found in a group of shipping container manufacturers who converted to V-type containers at the request of the War Production Board. These containers did not require the use of a corrugating medium and consequently the manufacturers discontinued their purchases of that grade, expecting to resume these purchases with a return to peacetime manufacturing. Almost without exception non-integrated manufacturers found that they had lost their supply and could not replace it from normal sources. It is manifestly unfair to penalize manufacturers who, through no fault of their own, have thus lost their supply of raw materials or who, entering the box industry since the war, were forced to seek substitutes in place of standard grades.

An additional factor contributing to the shortage of containerboard available for purchase by independent converters, is the increasing trend by large paperboard manufacturers to convert their own products. This has resulted in cutting off numerous small converters from their normal sources of supply.

Exceptions which should be granted to cover these bona fide situations would appear to cover an overwhelming majority of the tonnage subject to Supplementary Order 169 and thus create an additional administrative burden disproportionate to the benefits which would accrue to the stabilization program.

To the extent that evasatory practices exist, the revocation of this Supplementary Order does not in any way lessen the degree of violation which may be prosecuted under other regulations now in effect.

In view of the above considerations, the Administrator finds that this Order is necessary and proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and Executive Order 9599.

[F. R. Doc. 46-17720; Filed, Sept. 30, 1946; 11:04 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[FPR 1; Amdt. 5 (§ 1351.374)]

GENERAL PRICING PROVISIONS FOR CERTAIN  
FOOD PRODUCTS

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

Food Products Regulation 1 is amended in the following respects:

1. Section 2.9 (a) is amended to read as follows:

(a) *First pricing method.* (1) A seller may use the following pricing method only (i) if at the time of sale he is a primary distributor, as defined in section 1.5 of Food Products Regulation No. 1, of the kind and brand of product being priced, (ii) if he sold the kind of product being priced (regardless of brand) as a primary distributor during at least one of the three successive one-year periods ending April 28, 1942, (iii) when he is selling, in less-than-carload quantities, goods that he has purchased from the processor and actually warehoused, and (iv) as to sales and deliveries made on and after October 10, 1945, if he has been notified in writing by the Regional Administrator of the Office of Price Administration that, subject to the foregoing limitations, he is qualified to use this pricing method for the kind of product being priced.

(2) The maximum price per dozen containers or other unit which a primary distributor may charge for an item shall be his net delivered cost multiplied by a markup factor. He shall figure this markup factor by dividing his maximum price for the item in effect on March 31, 1946 (as figured under this section) by the net delivered cost to him of that item for his most recent purchase made direct from the processor prior to April 1, 1946. However, in no event may the primary distributor's maximum price be greater than his net delivered cost (based upon purchases directly from the processor) plus the markup named in the applicable supplement. The resulting figure is the primary distributor's maximum price for the item when warehoused by him and sold in less-than-carload quantities. (When selling particular goods that he has repackaged the seller prices as a "repacker.")

(3) If the primary distributor sold the kind of product being priced (regardless of brand) as a primary distributor during at least one of the three successive one-year periods ending April 28, 1942, but did not have a maximum price for the particular variety, grade, brand, style of pack, container type or size being priced on March 31, 1946, his maximum price for the new item shall be his net delivered cost multiplied by the markup factor figured under subparagraph (2) above, for the most closely comparable item of that kind of product handled by him on March 31, 1946. He may apply this markup factor only when he is selling, in less-than-carload quantities, goods that he has purchased from the processor and actually warehoused.

<sup>1</sup> 9 F. R. 6711, 10 F. R. 11298, 12446, 11 F. R. 480, 9369.

(4) For stocks on hand on October 5, 1946, the primary distributor's net delivered cost for each item shall be based on the most recent delivery of the item received by him direct from the processor prior to that date. However, for any item received during the period July 1, 1946 to July 25, 1946, his net delivered cost shall not exceed the processor's maximum price f. o. b. shipping point, in effect on October 5, 1946, plus incoming transportation charges paid by him. For items received after October 5, 1946, his net delivered cost for each item shall be based on his first purchase of the item direct from the processor after that date.

(5) For items handled by him as a primary distributor and which he has on hand on October 5, 1946, the primary distributor shall refigure his maximum price by October 25, 1946. Once the primary distributor has refigured his maximum price for stock on hand on October 5, 1946, or figured it for the first time for items received after October 5, 1946, he shall refigure it only if (i) he receives official notification from the processor of a change in his maximum price, or if (ii) the applicable supplement contains a provision making notification by the processor unnecessary where maximum prices or a pricing method are established for the first time and his first delivery of the current pack is received after October 5, 1946.

2. The examples appearing at the end of section 2.9 (c) are deleted.

This amendment shall become effective October 5, 1946.

Issued this 30th day of September 1946.

JAMES G. ROGERS, Jr.,  
Acting Administrator

Approved: September 20, 1946.

CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

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

The accompanying amendment to Food Products Regulation No. 1 changes the first pricing method for primary distributors as set forth in section 2.9 of that regulation by providing a percentage markup over the primary distributor's net delivered cost. Under the provision as originally issued if the primary distributor had a maximum price for the item being priced under a previous regulation, he either added to, or subtracted from that maximum price, the dollars-and-cents increase or decrease in the processor's maximum price. Under the change made effective by the accompanying amendment each primary distributor will determine the percentage markup in effect on March 31, 1946 for each item handled by him on that date. He will then multiply his net delivered cost of the item by this percentage figure and the resulting figure is his new maximum price provided it does not exceed his net delivered cost, plus the markup named in the applicable supplement. If he handled the kind of product being priced as a primary distributor during at least one of the successive 3-year

periods ending April 28, 1942, but did not have a maximum price for the particular variety, grade, brand, style of pack, container type or size being priced on March 31, 1946, he uses the markup in effect on March 31, 1946 for the most closely comparable item of the same kind of product handled by him on that date.

The action taken by the accompanying amendment is necessary to bring the pricing provision for primary distributors into compliance with section 2 (b) of the Emergency Price Control Act of 1942, as amended. Section 2 (b) provides that in establishing maximum prices for wholesale and retail distributors, the Administrator shall allow the average current cost of acquisition plus the average percentage markup in effect on March 31, 1946.

The accompanying amendment permits the return to each primary distributor of the percentage markup which he received on March 31, 1946, for each item, plus his current cost of acquisition. In the judgment of the Price Administrator this action brings the pricing provision into substantial compliance with the foregoing provision of section 2 (b) of the Emergency Price Control Act of 1942, as amended. The pricing provisions of section 2.9 of Food Products Regulation, as adopted in the various supplements, provide a pricing method for primary distributors covering a wide variety of food products. For most of these products the Price Administrator has no information as to what percentage markup was taken on March 31, 1946 by primary distributors, either individually or as a class, nor is such information readily available. Accordingly the action taken returns to each primary distributor entitled to use the first pricing method for primary distributors, his current cost of acquisition plus the percentage markup which he took on March 31, 1946.

[F. R. Doc. 46-17716; Filed, Sept. 30, 1946; 11:03 a. m.]

**PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS**

[MPR 367, Amdt. 9 (§ 1364.1153)]

**HORSEMEAT**

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. 367 is amended in that Item 16 in the schedule of prices headed "Slaughterer and Independent Wholesaler" in section 6 (b) is changed to read as follows:

	Inspected		Noninspected	
	Zones 1 and 3	Zone 2	Zones 1 and 3	Zone 2
(16) Canned horsemeat, beef fat and gravy for export:				
(i) Case of 24-20 ounce tins.....	\$5.30	\$4.80	-----	-----
(ii) Case of 48-16 ounce tins.....	8.50	7.90	-----	-----

This amendment shall become effective October 5, 1946.

Issued this 30th day of September 1946.

PAUL A. PORTER,  
Administrator.

**STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 9 TO MAXIMUM PRICE REGULATION NO. 367**

The accompanying amendment to Maximum Price Regulation No. 367 authorizes the product "Canned horsemeat, beef fat, and gravy for export" heretofore packed only in 20 ounce tins, also to be packed in 16 ounce tins, and establishes prices therefor. This change has been made as a result of demand for the product packed in the smaller sized tins.

Prices have been determined for the smaller size tins by adjusting the prices established for the product in 20 ounce tins, making proper allowances for the increase in canning costs resulting from use of the smaller size tin.

In the opinion of the Administrator the provisions of the accompanying amendment to Maximum Price Regulation No. 367 are generally fair and equitable, and conform to the requirements of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17722; Filed, Sept. 30, 1946; 11:04 a. m.]

**PART 1389—APPAREL**

[RMPR 208, Corr. to Amdt. 13]

**MAXIMUM PRICES FOR STAPLE WORK CLOTHING**

Amendment No. 13 to Revised Maximum Price Regulation No. 208 is corrected in the following respect:

"21. Section 7.4 is amended to read as follows:

SEC. 7.4 Notification to be furnished to purchasers for resale."

are corrected to read,

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

(a) Notification to be furnished to purchasers for resale."

Issued this 30th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-17721; Filed, Sept. 30, 1946; 11:04 a. m.]

**PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES**

[MPR 426, Amdt. 192]

**FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL**

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

Maximum Price Regulation 426 is amended in the following respects:

1. Section 10 is amended to read as follows:

Sec. 10. Relation between this regulation and certain other Maximum Price Regulations. (a) This regulation supersedes the provisions of Maximum Price Regulation 376 with respect to the fresh fruits and vegetables now or hereafter specified herein.

(b) The following provisions of the General Maximum Price Regulation shall apply to sales of the fresh fruits and vegetables specified in this regulation: Current records (§ 1499.12) Sales slips and receipts (§ 1499.14).

(c) This regulation supersedes the provisions of Revised Maximum Price Regulation 165 with respect to commissions and fees that may be charged by agents for their services in connection with sales of the fresh fruits and vegetables covered by this regulation, but only to the extent specified in section 16 (a) of this regulation.

2. Section 16 is added to read as follows:

Sec. 16. Miscellaneous provisions affecting maximum prices—(a) Fees and commissions of certain agents. Notwithstanding the provisions of any appendix in section 15 of this regulation or the provisions of Revised Maximum Price Regulation 165, the maximum charge that may be made by a broker, grower's sales agent, auction market, commission merchant or other agent for sales of the fresh fruits and vegetables covered by this regulation is either the amount specified in the applicable appendix and price table that is allowed to a seller for sales through such agent or the agent's maximum charge established by Revised Maximum Price Regulation 165, whichever is higher. In no case, however, may a seller include in his maximum price an amount that is greater than the applicable allowance specified in section 15 for sales made by him through the particular kind of agent.

This amendment shall become effective October 5, 1946.

Issued this 30th day of September 1946.

PAUL A. PORTER,  
Administrator.

Approved: September 20, 1946.

CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

**STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 192 TO MAXIMUM PRICE REGULATION 426**

Maximum prices for the various fresh fruits and vegetables covered by this regulation have been increased from time to time to meet minimum legal requirements and for production as well as other reasons. Distributive margins either

\* 10 F.R. 8921, 7599, 7539, 7578, 7663, 7633, 7763, 8009, 8239, 8238, 8312, 8467, 8611, 8357, 8375, 8399, 8923, 9118, 9119, 9277, 9447, 9523, 9923, 10037, 10925, 10229, 10311, 10303, 11072, 12313, 12934, 12493, 12447, 12532, 12637, 12702, 12745, 12360, 13123, 13271, 13313, 13363, 13295, 13770, 14027, 15035, 15174; 11 F.R. 557, 603, 1102, 1356, 1213, 1526, 1819, 2331, 2771, 2622, 3159, 3093, 3300, 3600, 3793, 4232, 4295, 4390, 4973, 6227, 5314, 5393, 5737, 5769, 5837, 5863, 6432, 6624, 7424, 8107.

have been increased or will be increased in the immediate future to meet the requirements of section 2 (b) of the Emergency Price Control Act, which was added by the Price Control Extension Act of 1946. In connection with these latter increases, the allowances to sellers for sales through certain kinds of agents have been proportionately increased. These increases have been of benefit only to the seller, in that they required him to absorb less of the agent's charge than formerly if the latter's maximum charge under RMPR 165 happened to be greater than the amount specified in this regulation.

Agents whose commissions were "frozen" by RMPR 165 at dollars-and-cents figures have found that, with the increases in the commodity prices, their commissions have lost all relationship to the value of their services as compared to the value of the commodity. Other agents, who were frozen at percentage figures, may still apply their percentages to the value of the commodity being sold. It has been represented to the Administrator by members of the various groups of agents that some relief should be afforded them. The allowances to sellers for sales through agents were designed to cover approximately the average charge. Specific data are not available upon which the Administrator can establish over-all dollars-and-cents margins for all kinds of agents who handle sales of fresh fruits and vegetables. Accordingly, he has found it practicable to permit these particular agents to have, as their compensation, the amounts specified for the particular services in this regulation. The accompanying amendment specifically provides that this regulation supersedes RMPR 165 to the extent that the allowances for sales through agents shall now be available directly to the particular agent. In order not to roll back the maximum charges of agents that might happen to exceed these allowances the amendment expressly provides that an agent may still use his maximum charge under RMPR 165 if it is higher than the amount specified in this regulation. However, in no event may a seller include in his selling price an amount larger than that specified for sales through the particular kind of agent.

This action introduces an inconsistency into the regulation. In each of the appendices in section 15, footnotes to price tables as well as the text contain frequent statements to the effect that the agent's actual charge, not to exceed his maximum charge under Revised Maximum Price Regulation 165, is to be used if it is lower than the amount specified. Those provisions should be amended out of the regulation for the sake of consistency. However they appear in so many different places and in such varying language that it has been found too cumbersome to attempt such an amendment at this time. When this regulation and its many amendments are compiled these matters will be provided for. Meanwhile the new provisions are added by way of a new section that expressly supersedes any contrary language in the other provisions of the regulation.

The Administrator finds that this action is necessary and proper in order to remove gross inequities, and to equalize, on an historical basis, the fees and commissions of selling agents with the mark-ups of distributors.

[F. R. Doc. 46-17723; Filed, Sept. 30, 1946; 11:05 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[Rev. SR 11, Amdt. 99]

RENTAL OF COMMODITIES FOR SOCIAL FUNCTIONS

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.

Rev. SR 11 is amended in the following respect:

A new subparagraph (169) is added to § 1499.46 (b) to read as follows:

(169) Rental of commodities for social functions (including but not limited to folding chairs, banquet tables, card tables, dishes, silver, tents, marquees, canopies, portable dance floors, stages, carpet runners, coat racks)—fees and charges for.

This amendment shall become effective September 30, 1946.

Issued this 30th day of September 1946.

PAUL A. PORTER,  
Administrator

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 99 TO REV. SR 11 TO THE GMPR

The accompanying amendment exempts from price control the rental of commodities for social functions. According to the best available information, a relatively small number of concerns are engaged in furnishing this service, which consists of renting for social functions such items as folding chairs, banquet tables, card tables, portable dance floors, canopies, silver, etc. Most of these concerns are in New York and account for the bulk of an estimated \$2,000,000 annual volume of business.

Many of these firms now find themselves in need of adjustment of their prices which were frozen at March 1942 levels. A preliminary examination indicates that the relief they seek would substantially be granted on the basis of the adjustment criteria under section 16 (a) of RMPR 165. The exemption of this service will, therefore, not result in greater price increases than would be authorized under the adjustment provisions of RMPR 165, and at the same time will avoid the delay and the administrative burden of processing a number of individual applications. In the judgment of the Administrator, this service is not important to living or business costs and its exemption is consistent with the avoidance of a cumulative and dangerous unstabilizing effect.

[F. R. Doc. 46-17717; Filed, Sept. 30, 1946; 11:30 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2, Amdt. 1]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

War Assets Administration Regulation 2, August 19, 1946, entitled "Disposal of Surplus Personal Property to Priority Claimants" (11 F. R. 10035) is hereby amended by changing § 8302.3 (a) to read as follows:

(a) Transfers to the National Housing Administrator pursuant to the provisions of section 502 (b) of the Lanham Act,<sup>1</sup> as amended, (Public Law 292, 79th Congress, as amended) may be made without regard for any provisions of this part. Transfers to the Federal Works Administrator pursuant to the provisions of section 504 (a) of the Lanham Act, as amended, (Public Law 697, 79th Congress) may be made without regard for any provisions of this part except those provisions which govern set-asides for veterans and priorities of Government agencies and veterans.

This amendment shall become effective September 24, 1946.

ROBERT M. LITTLEJOHN,  
Administrator

SEPTEMBER 19, 1946.

[F. R. Doc. 46-17746; Filed, Sept. 30, 1946; 11:45 a. m.]

[Reg. 3]

PART 8303—DISPOSITION OF SURPLUS PROPERTY IN RURAL AREAS AND TO FARMERS

Surplus Property Board Regulation 3, issued April 25, 1945, as amended September 25, 1945, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F. R. 5325, 12266), is hereby revised and amended as herein set forth as War Assets Administration Regulation 3. Orders 1 through 104 under this part are hereby revoked and rescinded.<sup>1</sup>

Sec.

8303.1 Definitions.

8303.2 Scope.

8303.3 Diversion of surplus property into rural areas.

8303.4 Surplus trucks, machinery, equipment and farm production supplies needed to prevent impairment or threatened impairment of farm production.

8303.5 Violations by purchasers.

8303.6 Records and reports.

AUTHORITY: §§ 8303.1 to 8303.6, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265).

§ 8303.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Farmer" means an individual, firm, or corpora-

<sup>1</sup> 59 Stat. 674; 42 U. S. C. Sup. V 1572.

tion chiefly engaged in farming or tillage of the soil, in dairy farming, or in the production of poultry, livestock, or poultry or livestock products in their unmanufactured state.

(2) "Farmers' cooperative association" means any association in which farmers act together in processing, preparing for market, handling or marketing farm products, and any association in which farmers act together in purchasing, testing, grading, processing, distributing, or furnishing farm supplies; *Provided, however* That any such association is operated for the mutual benefit of the members thereof as such producers or purchasers.

§ 8303.2 *Scope.* This regulation shall apply only to disposals of surplus personal property made by disposal agencies within the continental United States, its territories and possessions.

§ 8303.3 *Diversion of surplus property into rural areas—(a) Policy statement.* In order to effectuate the provisions of section 17 of the Surplus Property Act of 1944 (exclusive of the proviso) it is the policy of the War Assets Administrator to cause appropriate quantities of surplus property to be sold or channeled into rural areas so that farmers and farmers' cooperative associations will be accorded an opportunity to purchase equal to that accorded buyers having no priority under the act. The Secretary of Agriculture shall be consulted concerning the requirements of rural areas, problems of distribution, and determination of distribution and end use of surplus property requiring processing or fabrication into end use products.

(b) *Allocation and disposal of surplus property.* In carrying out the foregoing policy disposal agencies shall, after satisfying all priorities as provided in the act and applicable regulations of the War Assets Administrator, to the extent available sell in rural areas for distribution in rural areas such quantities of surplus property as may under the circumstances appear reasonable. The Secretary of Agriculture may from time to time advise the War Assets Administrator of the quantities of such property which he finds should be channeled to rural areas.

(c) *Methods of disposal.* The appropriate quantities to be channeled into rural areas under paragraphs (a) and (b) of this section shall be disposed of as follows:

(1) To distributors, dealers, wholesalers, farmers' cooperative associations or retailers who customarily distribute the type of property offered in rural areas, or

(2) By any other method or methods, reasonably calculated to effectuate disposal in rural areas.

§ 8303.4 *Surplus trucks, machinery, equipment and farm production supplies needed to prevent impairment or threatened impairment of farm production—*

(a) *Policy statement.* In accordance with the impairment provision of section 17 of the act, it is the policy of the War Assets Administrator to make reasonable quantities of available surplus trucks, machinery, and equipment (including farm production supplies) available for disposal in rural areas to farmers and farmers' cooperative associations whenever a shortage of such items impairs or threatens to impair farm production. Disposal agencies shall, except as to such property as may be set aside for exclusive disposal to veterans in accordance with the provisions of Part 8302<sup>2</sup> dispose of such property to the extent and in the manner set forth herein without regard to the requirements of that part.

(b) *Determination of impairment or threatened impairment of farm production.* If the Secretary of Agriculture shall find that farm production is impaired or is threatened to be impaired by a shortage of trucks, machinery, and equipment (including farm production supplies) he shall so inform, in writing, the War Assets Administrator, advising the nature of the impairment or threatened impairment, the types and quantities needed to relieve such impairment or threatened impairment, and the action he deems necessary in the circumstances.

(c) *Action upon information regarding impairment.* Unless the War Assets Administrator finds that the quantity of trucks, machinery, and equipment (including farm production supplies) requested by the Secretary of Agriculture exceeds a reasonable portion of the supply of such items available for disposal hereunder, considering the existence of the impairment or threatened impairment, he will take such action as may be feasible to make such property immediately available for disposal as hereinafter provided. In the event the War Assets Administrator finds that the quantity requested by the Secretary of Agriculture exceeds a reasonable portion of such items available from surplus, the portion to be so distributed will be determined by the War Assets Administrator after consultation with the Secretary of Agriculture.

(d) *Methods of disposal.* The types and quantities of surplus property designated as needed to prevent impairment or threatened impairment shall be disposed of to farm organizations, farmers, farmers' cooperative associations, dealers, distributors, wholesalers, manufacturers, retailers, jobbers, processors or others, who customarily use the type of property offered or distribute it for use by resale to farmers, or by such other disposal methods as may be deemed advisable by the Administrator in the light of recommendations from the Secretary of Agriculture.

§ 8303.5 *Violations by purchasers.* Any person or organization who shall make a false representation or who shall be found to have defaulted on any undertaking or promise required by this regulation shall, in addition to any other penalties prescribed by law, be disqualified to acquire any surplus property disposed of under this regulation.

§ 8303.6 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This revision of this part shall become effective September 24, 1946.

ROBERT W. LITTLEJOHN,  
Administrator.

SEPTEMBER 13, 1946.

[F. R. Doc. 46-17745; Filed, Sept. 30, 1946; 11:44 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[S. O. 617]

#### PART 95—CAR SERVICE

##### MOVEMENT OF GRAIN TRAFFIC UNDER PERMIT; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of September A. D. 1946.

It appearing, that the heavy movement of grains, other than wheat has seriously impaired the rail-lake and rail-lake-rail transportation of wheat from points in the States of Minnesota, Montana, North or South Dakota through Duluth, Minnesota; that further aggravation of the car shortage will ensue unless the normal wheat movement through Duluth is completed before the close of navigation; the Commission is of opinion that an emergency exists requiring immediate action to prevent further aggravation to the existing deficiency in equipment; It is ordered, that:

(a) *Meaning of the term "grain."* As used herein the term "grain" shall include wheat, barley, corn, oats and rye.

(b) *Movement of grain traffic under permit.* Except as provided in paragraph (c) herein, no common carrier by railroad operating in and serving points in the States of Minnesota, Montana, North or South Dakota shall place in position for loading any car for loading grain unless or until the consignor or shipper thereof certifies in writing on the car order to the carrier that a permit has been issued by the agent appointed in paragraph (d) hereof authorizing the transportation of the particular shipment of grain.

<sup>1</sup> Orders 1 to 102 inclusive allocating trucks for disposal to farmers and farmers' cooperative organizations were issued on various dates between June 13, 1945, and August 22, 1945. (10 F. R. 7416, 7933, 8679, 8680, 9376, 9377, 9378, 9562, 9563, 9632, 9697, 9702, 9727, 9728, 9909, 9945, 9946, 9985, 9986, 10067, 10068, 10069, 10105, 10106, 10107, 10108, 10109, 10338, 10339, 10340, 10341, 11038, 11039.) Trucks so allocated were released from the provisions of these orders by Order 103, issued August 31, 1945 (10 F. R. 11378). The transaction authorized by Order 104, July 3, 1946 (11 F. R. 7684) has been completed.

<sup>2</sup> Reg. 2 (11 F. R. 10035).

(c) *Exceptions.* (1) Cars loaded with wheat at and consigned from any point in the States of Minnesota, Montana, North or South Dakota and destined to Duluth, Glenwood, Montevideo, Minneapolis, Thief River Falls, Staples, St. Cloud, St. Paul and Willmar, Minnesota; Grand Forks, North Dakota; and Superior, East End and Itasca, Wisconsin.

(2) Cars loaded with grain at and consigned from the States of Minnesota, Montana, North or South Dakota and destined to points in California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming.

(d) *Appointment of agent*—(1) *Designation.* Fred S. Keiser, Room 725, 208 South LaSalle Street, Chicago, Illinois, Phone Andover 3600, Extension 593 (Saturday or Holiday phone—Andover 3631) is hereby designated and appointed as agent of the Interstate Commerce Commission and is authorized to administer and execute the duties outlined in paragraph (d) (2)

(2) *Outline of duties.* As agent acting on instructions of the Director, Bureau of Service, Interstate Commerce Commission, he is authorized and vested with authority to issue permits under paragraphs (b) and (c) herein.

(e) *Diversion or reconsignment restricted.* No common carrier shall execute or allow or permit to be executed any order of reconsignment or diversion or permit rebilling, or reshipping of grain shipped pursuant to this order unless or until a permit has been issued by the agent appointed under paragraph (d) herein authorizing departure from the provisions of this paragraph.

(f) *Application.* The provisions of this order shall apply to intrastate and foreign commerce as well as interstate commerce.

(g) *Rules, regulations and practices suspended.* The operation of all rules, regulations and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(h) *Effective date:* This order shall become effective at 12:01 a. m., October 1, 1946.

(i) *Expiration date:* This order shall expire at 11:59 p. m., November 15, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17) 15 (4))

It is further ordered, that a copy of this order and direction shall be served upon the State railroad regulatory bodies in Minnesota, North and South Dakota, and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this Order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 46-17584; Filed, Sept. 30, 1946; 8:48 a. m.]

## Chapter II—Office of Defense Transportation

[Supp. Order ODT 1, Rev. 3, Revocation]

### PART 500—CONSERVATION OF RAIL EQUIPMENT

MERCHANDISE TRAFFIC; MISSOURI-KANSAS-TEXAS RAILROAD CO. AND ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Upon further consideration of the applications for authority to pool merchandise traffic, filed with this office by Missouri-Kansas-Texas Railroad Company and St. Louis-San Francisco Railway Company (Frank A. Thompson, Trustee) it is hereby ordered that Supplementary Order ODT 1, Revised-3 (11 F. R. 9527) be, and it is hereby, revoked, effective October 1, 1946.

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

HOMER C. KING,  
Deputy Director of the  
Office of Defense Transportation.

[F. R. Doc. 46-17588; Filed, Sept. 30, 1946; 9:08 a. m.]

### PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF ONION SETS

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 *infra*.

[Gen. Permitt ODT 18A, Rev. 25]

### PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF ONION SETS

Pursuant to Title III of the Second War Powers Act, 1942, as amended; Executive Order 8989; and Executive Order 9729, It is hereby ordered, that:

§ 520.525 *Shipments of onion sets.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616) 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 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 24,000 pounds.

This General Permitt ODT 18A, Revised-25, shall become effective October 1, 1946.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress, 60 Stat. 345; 50 U. S. C. App. 633, 50 U. S. C. App. 645, 50 U. S. C. App. 1152; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; 1 CFR Cum. Supp. 1049, 5 CFR 1943, Supp. 49; E. O. 9729, 11 F. R. 5641)

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

HOMER C. KING,  
Deputy Director of the  
Office of Defense Transportation.

[F. R. Doc. 46-17587; Filed, Sept. 30, 1946; 9:06 a. m.]

## Notices

### FEDERAL POWER COMMISSION.

[Docket No. G-774]

PHEBUS PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 24, 1946.

Notice is hereby given that on September 5, 1946, an application was filed with the Federal Power Commission by Phebus Pipe Line Co. (hereinafter referred to as "Applicant"), an Illinois Corporation having its principal office in Chicago, Illinois, and authorized to do business in the State of Illinois, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to acquire and operate certain natural gas pipeline facilities and properties, as hereinafter more particularly described.

Applicant at present has no business operations or properties but seeks authorization to acquire completely and to operate the following facilities which are now owned and operated by Ray Phebus of Centralia, Illinois:

A 6-inch natural-gas pipeline approximately 8 miles in length, together with all necessary appurtenances, extending from a point in the so-called Russellville gas field, in Lawrence County, Illinois, in a southeasterly direction, to a point near Vincennes, Indiana, where it connects with the facilities of the Hoosier Gas Corporation (hereinafter referred to as "Hoosier").

The application recites that the facilities sought to be acquired are proposed to be used to transport and sell natural gas produced from acreage in the Russellville gas field, Lawrence County, Illinois, to Hoosier for resale by the latter for ultimate public consumption in the cities of Vincennes, Washington, and Princeton, Indiana, all as appears in the Order of the Federal Power Commission dated October 3, 1941, in the Commission's Docket No. G-206 (2 F. P. C. 1044), issuing a certificate of public convenience and necessity to Ray Phebus, of Centralia, Illinois.

The application further states that the gas reserves from which said facilities transport natural gas to Hoosier have at present an open flow of 4,000 Mcf in twenty-four hours, and have an estimated expected life of one year; and that the gross income received from the operation thereof for the twelve-month period ended June 30, 1946, was \$11,392.16. Because of depleted gas and diminishing gas reserves as well as the uncertainties arising under a contract for financing the development of the producing acreage, dated February 21, 1941, the application recites, the placing of the ownership, management, and operation of the facilities proposed to be acquired in a corporation will serve the public convenience and necessity and is desirable from a business standpoint.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to

advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Phebus Pipe Line Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 46-17533; Filed Sept. 30, 1946;  
9:02 a. m.]

[Docket No. G-777]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 24, 1946.

Notice is hereby given that on September 6, 1946, an application was filed with the Federal Power Commission by Northern Natural Gas Company ("Applicant"), a Delaware corporation with its principal place of business in Omaha, Nebraska, and authorized to do business in the States of Texas, Oklahoma, Kansas, Nebraska, Iowa, Minnesota, and South Dakota, (a) for a certificate of public convenience and necessity pursuant to section 9 of the Natural Gas Act, as amended, to authorize the Applicant to purchase certain pipe line facilities from the Kansas Power and Light Company, an affiliate, and thereafter to operate said facilities as an integral part of its existing pipe line system, and (b) for approval and permission pursuant to section 7(b) of the Natural Gas Act, as amended, to abandon certain pipe line facilities, and (c) for approval and permission to abandon the delivery of natural gas to certain communities, as hereinafter more particularly described.

(a) Applicant seeks authorization to purchase and operate the following facilities:

(1) Thirteen 2-inch diameter branch lines varying in length from 1,006 to 38,185 feet from Applicant's 26-inch natural gas transmission pipe line, together with appurtenant facilities, to and including metering stations at the communities of Miltonvale, Delphos, Tescott, Beverly, Holyrood, Lorraine, Clafin, Bushton, Macksville, Belpre, Greensburg, Ashland and Englewood, all in Kansas; the total length of such pipe being approximately 200,000 feet.

(2) A natural gas pipe line consisting of 25,725 feet of 3-inch pipe, 23,418 feet of 6-inch pipe, and 50,163 feet of 8-inch pipe known as the Coldwater-Protection, Kansas Main Branch Line, extending easterly from a point of connection with Applicant's 24-inch natural gas transmission pipe line in Clark County, Kansas, to a point in Comanche County, Kansas, including a main branch line regulator station located adjacent to Applicant's metering station at the afore-

said point of connection, together with appurtenant facilities.

(3) A 2-inch pipe line approximately 24,200 feet in length extending southerly from a point of connection with the Coldwater-Protection main branch line in Comanche County, Kansas, to and including a metering station located at the terminus thereof near the corporate limits of Protection, Kansas, in Comanche County, Kansas, together with appurtenant facilities.

(4) A 2-inch pipe line approximately 15,631 feet in length extending southerly from a point of connection with East terminus of the Coldwater-Protection main branch line in Comanche County, Kansas, to and including a metering station located at the terminus thereof near the corporate limits of Coldwater, Kansas, in Comanche County, Kansas, together with appurtenant facilities.

(5) A main line metering station located near Applicant's 26-inch natural gas transmission pipe line in Barton County, Kansas, for measurement of natural gas delivered to Ellinwood, Kansas.

(6) Taps off the Beverly Branch Pipe Line, the Clafin Branch Line, the Delphos Line, and the Tescott Branch Pipe Line, together with appurtenant facilities in Clay County, Kansas, for servicing six rural customers.

(7) Twelve meters tapped off the Holyrood Branch Line for servicing twelve drilling and pumping customers.

(b) Applicant seeks authorization to abandon and remove the following facilities:

(1) A metering station located on the Marysville, Kansas, Branch Line near the intersection of said line with Applicant's 24-inch natural gas transmission pipe line in Washington County, Kansas, together with appurtenant facilities.

(2) A regulator station located on the Washington, Kansas, Branch Line, near the intersection of said line with Applicant's 24-inch natural gas transmission pipe line in Washington County, Kansas, together with appurtenant facilities.

(3) A metering station located on the Greensburg, Kansas, Branch Line, near the intersection of said line with Applicant's 26-inch natural gas transmission pipe line in Kiowa County, Kansas, together with appurtenant facilities, to be moved to the southern end of the pipe line near the corporate limits of Greensburg, Kansas, in Kiowa County, Kansas.

(4) A metering station located on the Coldwater-Protection, Kansas, Main Branch Line near the intersection of said line and Applicant's 26-inch natural gas transmission pipe line in Clark County, Kansas, together with appurtenant facilities.

(5) A metering station located on the Ashland, Kansas, Branch Line, near the intersection of said line with Applicant's 26-inch natural gas transmission pipe line in Clark County, Kansas, together with appurtenant facilities.

(c) Applicant seeks authorization to abandon the delivery of natural gas to the communities supplied by the Marysville Branch Line consisting of Hanover, Washington County, Kansas; Marysville, Home, Beattie, Axtell, Frankfort, Irving, Blue Rapids and Waterville, all in Mar-

shall County, Kansas; Baileyville and Seneca, both in Nemaha County, Kansas; the community of Washington, Washington County, Kansas, supplied by the Washington Branch Line; the communities of Haddam and Morrowville, Washington County, Kansas, served by the Haddam Branch Line; and the communities of Barnes, Greenleaf, Linn, all in Washington County, Kansas, served by the Barnes Branch Line.

Applicant states that under a gas exchange contract, which is to be cancelled by mutual agreement as a part of the transaction set forth in the application, 1,068,803 Mcf of natural gas was delivered to it in 1945 at Clifton, Kansas, by the Kansas Power and Light Company which received an equivalent amount of natural gas from Applicant. It is further stated that Applicant delivered in 1945 to the Kansas Power and Light Company at the facilities described in paragraph (a), exclusive of Ellinwood, Kansas, which received 307,365 Mcf, for ultimate distribution to the communities served thereby, 452,128 Mcf of natural gas. Under the proposed new contract Applicant is to deliver and sell to The Kansas Power and Light Company through the facilities described in paragraph (a) at the town border stations the entire natural gas requirements of the communities served thereby, except that under the terms of a special and temporary gas sales contract Applicant is not required to deliver more than 200,000 Mcf at the Ellinwood, Kansas, tap. Applicant estimates that it will deliver 653,000 Mcf in 1946 under the proposed new contracts to the Kansas Power and Light Company which includes an estimated 428,000 Mcf to the aforesaid communities excepting Ellinwood, Kansas, which will receive 200,000 Mcf. The rates to be charged by Applicant are governed by Applicant's "FPC Gas Schedules" on file with Federal Power Commission. Applicant further recites that said facilities are adequate for the gas service proposed to be rendered and that its gas reserves are adequate to supply its needs for approximately 28 years. The Kansas Power and Light Company, in an application filed with the Commission on July 24, 1946, pursuant to section 7 (b) of the Natural Gas Act, has requested permission and approval to abandon and remove its connections whereby natural gas is being delivered to Applicant at Clifton, Kansas.<sup>1</sup>

It is stated in the application that the Marysville Metering Station, described in paragraph (b) (1) and the Washington regulator station, described in paragraph (b) (2) are proposed to be abandoned because there will be no further delivery of gas at such points under the proposed transactions. It is further stated that the facilities described in paragraphs (b) (3), (b) (4) and (b) (5) are proposed to be abandoned because of the proposed change from main line delivery to town border station delivery.

With respect to the abandonment of service of natural gas to the communities described in paragraph (c) Appli-

<sup>1</sup> See Fed. Reg. Vol. 11, No. 125, p. 7655, July 12, 1946.

cant states that it is advised by the Kansas Power and Light Company, which company owns the branch lines and distribution systems serving said communities, that it proposes to construct the necessary pipe line facilities to connect said branch lines with such communities, thereby serving them directly.

Applicant states that the purchase price of the facilities described in paragraph (a) is \$84,977.88 subject to adjustment for depreciation from June 30, 1946 to date of acquisition by Applicant, and that the cost of abandoning and removing the facilities described in paragraph (b) is \$940.00, making an over-all capital cost of \$85,917.88 which Applicant proposes to finance out of its general funds.

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

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

[SEAL]

J. H. GUTRIDE,  
*Acting Secretary.*

[F. R. Doc. 46-17534; Filed, Sept. 30, 1946;  
9:01 a. m.]

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 7249]

WALTER BERNHARD

In re: Stock owned by Walter Bernhard. F-28-8425-A-1.

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

1. That Walter Bernhard, whose last known address is Geltow, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Six hundred (600) shares of no par value common capital stock of Pierce Governor Corporation, Anderson, Indiana, a corporation organized under the laws of the State of Indiana, evidenced by certificate numbers 9541, 9542, 9543, 9544, 9545 and 9149, registered in the name of Bendix, Luftweiller & Co., beneficially owned by Walter Bernhard, and presently in the custody of Jakob Goldschmidt, 44 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

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

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

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

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

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

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

Executed at Washington, D. C., on July 29, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-17608; Filed, Sept. 30, 1946;  
8:53 a. m.]

[Vesting Order 7448]

ELLY PINTSCH

In re: Stock owned by Elly Pintsch. F-28-6638-A-1.

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

1. That Elly Pintsch, whose last known address is Berlin, Charlottenburg, Kai-

serdamm 29, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Four hundred and fifteen (415) shares of \$50.00 par value common capital stock of Safety Car Heating & Lighting Co., Inc., 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, registered in the name of Elly Pintsch, and presently in the custody of Central Hanover Bank and Trust Company, 40 East 42nd Street, New York 17, New York, together with all declared and unpaid dividends thereon,

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

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

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

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

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

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

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

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-17610; Filed, Sept. 30, 1946;  
8:53 a. m.]

[Vesting Order 7348]

TAKATO OKUYAMA

In re: Stock owned by Takato Okuyama. F-39-2278-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Takato Okuyama, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, beneficially owned by Takato Okuyama, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country.

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

And having made all determinations and taken all action required by law, including appropriate consultation and

certification, and deeming it necessary in the national interest,

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

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

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

Executed at Washington, D. C., on July 31, 1946.

[SEAL]

JAMES E. MARSHALL,  
Alien Property Custodian.

EXHIBIT A

Name and address of issuer	State of incorporation	Number of shares	Type of stock	Par value	Certificate No.
Anaconda Copper Mining Co., 25 Broadway, New York, N. Y.	Montana-----	100	Common-----	\$20.00	42216.
		100	do-----	20.00	42217.
		100	do-----	20.00	42218.
		39	do-----	20.00	63222.
General Motors Corp., 3944 West Grand Blvd., Detroit, Mich.	Delaware-----	65	do-----	10.00	C75-632.
		5	do-----	10.00	C75-222.
		10	do-----	10.00	C75-241.
		25	do-----	10.00	C75-245.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey-----	100	do-----	No	N6322.
		1	do-----	No	P16327.

[F. R. Doc. 46-17609; Filed, Sept. 30, 1946; 8:53 a. m.]

[Vesting Order 7479]

KATHARINA RAPPOLT

In re: Estate of Katharina Rappolt, deceased. File No. D-28-3462; E. T. sec. 5518.

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

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Christian Vogel, Karl Vogel, Pauline Wolf, Louise Zeller, the heirs at law, next of kin, administrators, executors, distributees, legatees, assignees and children of Christian Vogel, late of Germany, deceased, whose names are unknown; Mina Yager, Friederike Doster, the heirs at law, next of kin, administrators, executors, distributees, legatees, assignees and children of Christine Hegner, late of Germany, deceased, whose names are unknown; Ludwig Lange, Friederike Rapp, Freda Schilling, Emilie Schilling, the heirs at law, next of kin, administrators,

executors, distributees, legatees, assignees and children of Friederike Lange, late of Germany, deceased, whose names are unknown; Emma Hohl, the heirs at law, next of kin, administrators, executors, distributees, legatees, assignees and children of Wilhelmina Kober, late of Germany, deceased, whose names are unknown; and each of them, in and to the Estate of Katharina Rappolt, deceased,

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

Nationals and Last Known Address

Christian Vogel, Germany.  
Karl Vogel, Germany.  
Pauline Wolf, Germany.  
Louise Zeller, Germany.  
The heirs at law, next of kin, administrators, executors, distributees, legatees, assignees and children of Christian Vogel, late of Germany, deceased, whose names are unknown, Germany.  
Mina Yager, Germany.  
Friederike Doster, Germany.  
The heirs at law, next of kin, administrators, executors, distributees, legatees, assignees and children of Christine Hegner, late

of Germany, deceased, whose names are unknown, Germany.

Ludwig Lange, Germany.  
Friederike Rapp, Germany.  
Freda Schilling, Germany.  
Emilie Schilling, Germany.

The heirs at law, next of kin, administrators, executors, distributees, legatees, assignees and children of Friederike Lange, late of Germany, deceased, whose names are unknown, Germany.

Emma Hohl, Germany.  
The heirs at law, next of kin, administrators, executors, distributees, legatees, assignees and children of Wilhelmina Kober, late of Germany, deceased, whose names are unknown, Germany.

That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Supreme Court, New York County, State of New York, and Surrogate's Court, Bronx County, State of New York;

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

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

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

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form AFC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

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

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

[SEAL]

JAMES E. MARSHALL,  
Alien Property Custodian.

[F. R. Doc. 46-17614; Filed, Sept. 30, 1946; 8:52 a. m.]

[Vesting Order 7484]

ARTHUR ECKERMANN

In re: Stock owned by and debts owing to Arthur Eckermann. F-28-14512-A-1.

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

1. That Arthur Eckermann, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Seventy-six (76) shares of \$100 par value common capital stock of The Singer Manufacturing Company, 149 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 34050 for twenty-five (25) shares, 35428 for fifteen (15) shares, 37435 for six (6) shares, 40885 for seventeen (17) shares and 42558 for thirteen (13) shares, registered in the name of Arthur Eckermann and presently in the custody of said The Singer Manufacturing Company, 149 Broadway, New York, New York, together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations owing to Arthur Eckermann by The Singer Manufacturing Company, 149 Broadway, New York, New York, in the amounts of \$1,632.02 and \$3,194.47, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

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

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

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor

shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

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

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-17611; Filed, Sept. 30, 1946;  
8:53 a. m.]

[Vesting Order 7501]

CHRISTIAN ASSAUER

In re: Trust created for benefit of Arthur Aman, under Will of Christian Assauer, deceased. File No. D-28-1789; E. T. sec. 1012.

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

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Frederick Ashauer, Augusta Ashauer Raabe, Marie Ashauer Ling, Wilhelmine Ashauer Kleinhaus, Elise Ashauer Louis-Don, Wilhelm Ashauer, August Ashauer, and the children, first generation, of Carl Ashauer, names unknown, living at the death of Arthur Aman on February 20, 1943, and each of them, in and to the Trust created for the benefit of Arthur Aman, under Will of Christian Assauer, deceased,

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

*Nationals and Last Known Address*

Frederick Ashauer, Germany.  
Augusta Ashauer Raabe, Germany.  
Marie Ashauer Ling, Germany.  
Wilhelmine Ashauer Kleinhaus, Germany.  
Elise Ashauer Louis-Don, Germany.  
Wilhelm Ashauer, Germany.  
August Ashauer, Germany.

The children, first generation, of Carl Ashauer, names unknown, living at the death of Arthur Aman on February 20, 1943, Germany.

That such property in in the process of administration by the County Treasurer of the County of Chemung, City of Elmira, State of New York, as depository acting under the judicial supervision of the Surrogate's Court, County of Chemung, State of New York.

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

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

hereby vests in the Alien Property Custodian the property described above, to

be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

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

Executed at Washington, D. C., on September 4, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-17612; Filed, Sept. 30, 1946;  
8:52 a. m.]

[Vesting Order 7503]

PETER MITO CHERNACOFF

In re: Estate of Peter Mito Chernacoff, deceased. File D-11-95; E. T. sec. 14930.

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

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Eginato Chernacoff, Krum Chernacoff, and each of them, in and to the Estate of Peter Mito Chernacoff, also known as Pete Chernacoff, deceased,

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

*Nationals and Last Known Address*

Eginato Chernacoff, Bulgaria.  
Krum Chernacoff, Bulgaria.

That such property is in the process of administration by Steve Ivanove, as Administrator of the Estate of Peter Mito Chernacoff, also known as Pete Chernacoff, acting under the judicial supervision of the Circuit Court of the State of Oregon, for the County of Multnomah;

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

nationals of a designated enemy country (Bulgaria)

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

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

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

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

Executed at Washington, D. C., on September 4, 1946.

[SEAL] JAMES E. MARSHALL,  
*Alien Property Custodian.*

[F. R. Doc. 46-17613; Filed, Sept. 30, 1946;  
8:52 a. m.]

[Vesting Order 7561]

Mrs. LUCY GRUENE

In re: Savings share account owned by and debts owing to Mrs. Lucy Gruene. F-28-25210-C-1, F-28-25210-E-1.

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

1. That Mrs. Lucy Gruene, whose last known address is Cascade bei Hildesheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Mrs. Lucy Gruene by First Federal Savings & Loan Association of Augusta, Augusta, Georgia, arising out of a savings share account, Account Number 886, entitled Mrs. Lucy Gruene by Fritz Busche, Agent, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Mrs. Lucy Gruene by Fritz Busche, 373 East Avenue, Mobile, Alabama, in the amount of \$539.21, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

[SEAL] JAMES E. MARSHALL,  
*Alien Property Custodian.*

[F. R. Doc. 46-17615; Filed, Sept. 30, 1946;  
8:52 a. m.]

[Vesting Order 7567]

AUGUSTE HANSEN JURGENSEN

In re: Bank account owned by Auguste Hansen Jurgensen. F-28-23824-C-1; F-28-23824-E-1.

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

1. That Auguste Hansen Jurgensen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 638, entitled California Holding Company, as Trustee for Auguste Hansen Jurgensen, maintained at the branch office of the aforesaid bank located at 1019 Fillmore Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of

ownership or control by, Auguste Hansen Jurgensen, the aforesaid national of a designated enemy country.

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

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

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

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

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

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

[SEAL] JAMES E. MARSHALL,  
*Alien Property Custodian.*

[F. R. Doc. 46-17616; Filed, Sept. 30, 1946;  
8:52 a. m.]

[Vesting Order 7593]

OTHMAR STOSIUS, ET AL.

In re: Debts owing to Othmar Stosius and others.

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

1. That Othmar Stosius, whose last known address is Brunn, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That each partnership, association, corporation or other business organization whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a partnership, association, corporation or other business organization organized under the laws of Germany, or which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

3. That the property described as follows: Those certain debts or other

[Vesting Order 7594]

OLGA STROHMENGER

In re: Debt owing to Olga Strohmenger and others. D-28-10405-C-1.

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

1. That the following persons whose last known addresses are set forth opposite their names

*Names and Addresses*

Olga Strohmenger, Labesweg 19, Danzig-Langfuhr, Germany.

Martha Tietz, Hammerweg Strasse 1053, Number 30, Koenigsberg, Germany.

Alfons Vahl, Berlin-Charlottenburg, Germany.

Beate Gaebel, Berlin-Lichtenberg, Germany.

Erna Heinrich, Berlin, Germany.

Franz Trocholepsey, Berlin, Germany.

Edgar Trocholepsey, Auerbach, Erzgebirge, Germany.

Engelbert Trocholepsey, Auerbach, Erzgebirge, Germany.

Alfons Trocholepsey, Auerbach, Erzgebirge, Germany.

Benno Trocholepsey, Auerbach, Erzgebirge, Germany.

are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of Mississippi Valley Trust Company, St. Louis, Missouri, arising out of a blocked account, entitled Detjen & Detjen, Blocked Account, Attorneys for 10 nationals of Germany as specified in Treasury License No. S. L. 1759, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Olga Strohmenger, Martha Tietz, Alfons Vahl, Beate Gaebel, Erna Heinrich, Franz Trocholepsey, Edgar Trocholepsey, Engelbert Trocholepsey, Alfons Trocholepsey and Benno Trocholepsey, the aforesaid nationals of a designated enemy country;

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

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

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

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

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

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

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

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-17618; Filed, Sept. 30, 1946;  
8:51 a. m.]

[Vesting Order 7600]

KIYOSHI TSUYUKI

In re: Debts owing to Kiyoshi Tsuyuki, Tamakichi Ariga and Tadao Nagashima. F-39-4120-C-1, F-39-5117-C-1, F-39-5043-C-1.

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

1. That each individual whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: Those certain debts or other obligations owing to the individuals listed in Exhibit A, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Mitsubishi Bank, Ltd., 80 Spring Street, New York, New York, in the respective amounts appearing opposite the names of said individuals, as of December 31, 1945, arising out of collection after closing accounts, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

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

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

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

obligations owing to the individual and organizations listed in Exhibit A, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Banca Commerciale Italiana, 80 Spring Street, New York, New York, in the respective amounts appearing opposite the names of said individual and organizations, as of December 31, 1945, arising out of accepted accounts payable, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

## EXHIBIT A

Name and last known address of creditor	Amount of debt	APO File No.
Othmar Stosius, Brunn, Germany	\$290.00	F-28-24925-C-1.
Deutsche Bank, Berlin, Germany	33.55	F-28-852-C-6.
Bankhaus Gebrüder Krieger, Wiesbaden, Germany	151.87	F-28-24924-C-1.
Hecht, Pfeiffer & Co., Berlin, Germany	228.00	F-28-22472-C-1.
Deutsche Effekten und Wechselbank, Frankfurt a/Main, Germany	6.89	F-28-5735-C-1.

[F. R. Doc. 46-17617; Filed, Sept. 30, 1946;  
8:52 a. m.]

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

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

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

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

EXHIBIT A

Name of creditor and last known address	Amount of debt	APC File No.
Kiyoshi Tsuyuki, Japan... Tamakichi Aruga, No. 10-7 Chome, Yokoyamacho, Nihonbashi-ku, Tokyo, Japan.	\$451.50 57.50	F-39-4120-C-1. F-39-5117-C-1.
Tadao Nagashima, Japan...	127.38	F-39-5043-C-1.

[F. R. Doc. 46-17619; Filed, Sept. 30, 1946; 8:51 a. m.]

[Vesting Order 7606]

HANS ZIEGRA

In re: Bank account owned by Hans Ziegler, also known as Hans D. Ziegler. F28-8931-E-1.

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

1. That Hans Ziegler, also known as Hans D. Ziegler, whose last known address is Under der Linden, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Hans Ziegler, also known as Hans D. Ziegler, by Manufacturers Trust Company, 55 Broad Street, New York, New York, arising out of a regular checking account, entitled Hans D. Ziegler, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

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

[F. R. Doc. 46-17620; Filed, Sept. 30, 1946; 8:51 a. m.]

[Vesting Order 7703]

LAURA M. LORENZEN

In re: Estate of Laura M. Lorenzen, deceased. File D-28-9690; E. T. Sec. 13501.

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

That the property described as follows:

A. All the property and estate of any kind or character whatsoever of personal representatives, heirs, next of kin, legatees and distributees, names unknown of Dorothea Loeck, deceased; personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Maria Lorenzen, deceased; personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Asmus Lorenzen, deceased; Erna D. Lorenzen; Heinrich A. Lorenzen; Peter Lorenzen; Anna C. Lorenzen, and Nikolaus Lorenzen, and each of them, in the possession, custody or control of Kathryn M. Wolf, as Executrix of the Estate of Laura M. Lorenzen, deceased;

B. Cash in the sum of \$2,980.25, being the net proceeds received by the decedent during the years 1942, 1943 and 1944 for rentals, etc., from certain real property located in Texas,

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

Nationals and Last Known Address

Personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Dorothea Loeck, deceased, Germany.

Personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Maria Lorenzen, deceased, Germany.

Personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Asmus Lorenzen, deceased, Germany.

Erna D. Lorenzen, Germany.  
Heinrich A. Lorenzen, Germany.  
Peter Lorenzen, Germany.  
Anna C. Lorenzen, Germany.  
Nikolaus Lorenzen, Germany.

That such property is in the process of administration by Kathryn M. Wolf, as Executrix of the Estate of Laura M. Lorenzen, acting under the judicial supervision of the Probate Court in and for the County of San Miguel, State of New Mexico;

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

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

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

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

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

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

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

[F. R. Doc. 46-17621; Filed, Sept. 30, 1946; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-68 and 59-55]

COMMUNITY GAS AND POWER CO. ET AL.

## NOTICE OF AND ORDER FOR HEARING

In the matters of Community Gas and Power Company, American Gas and Power Company, File No. 54-68; Community Gas and Power Company, American Gas and Power Company and the subsidiary companies thereof, respondents, File No. 59-55.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of September 1946.

By order dated April 10, 1946, in these consolidated proceedings this Commission, among other things, approved pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 a plan for compliance with section 11 (b) of the act theretofore filed and modified by Community Gas and Power Company ("Community") and American Gas and Power Company ("American") subject, among other things, to the following terms and conditions:

(1) That the order herein shall not be operative to authorize the consummation of the proposed transactions until an appropriate District Court of the United States, upon application thereto, shall have entered an order enforcing said plan as modified;

(2) That jurisdiction is generally reserved to the Commission to entertain such further proceedings, and to make such supplemental findings and to take such further action as it may deem appropriate in connection with the amended plan, the transactions incident thereto and the consummation thereof; \* \* \*

On April 11, 1946, the Commission applied to the District Court of the United States for the District of Delaware to enforce and carry out the terms and provisions of the plan.

The plan provides, as an integral part thereof, that Minneapolis Gas Light Company will, subject to the consent of the City of Minneapolis as required by the company's franchise, transfer, assign and convey all of its property, franchises and assets to American. On or about April 12, 1946, such consent was given by the City of Minneapolis by motion duly adopted by the City Council of said city. On or about May 18, 1946, said motion was rescinded by action of the City Council, and the City of Minneapolis filed objections to the enforcement of the plan by the District Court.

Under the circumstances, the Commission moved the District Court of the United States for orders adjourning the hearing, first to July 1, 1946, and then to a date to be fixed by further order of said Court, in order to enable the Commission to consider the action taken by the City of Minneapolis, and to hold hearings on and consider possible amendments to the plan and to the Commission's application to said Court. The Court hearing has been adjourned by said Court, with the consent of all persons who had indicated an intention to participate in the Court proceedings.

Notice is hereby given that Community and American have now filed Amend-

ment No. 14 to said plan. All interested persons are referred to said Amendment No. 14, on file in the office of this Commission, for a full statement of the modifications therein proposed, which are summarized as follows:

(a) American proposes to change the par-value of the 1,100,000 shares of new common stock of American to be authorized under the plan from \$3.00 per share to \$1.00 per share, and submits actual and pro forma balance sheets and adjusting entries of American Gas and Power Company, Minneapolis Gas Light Company, and Minneapolis Gas Company (the name to be assumed by American after assignment to it of the property, franchises and assets of Minneapolis Gas Light Company), as at January 1, 1946.

(b) American states that it has requested the City of Minneapolis to give such appropriate consents to the assignment by Minneapolis Gas Light Company to American of property, franchises and assets, and to the issuance or disposition by American of its new common stock, as are required for consummation of the plan, such consents to be conditioned upon American's not exercising the right reserved in the plan to make a public offering of part of its new common stock. American states that it is expected that the City of Minneapolis will give such conditional consents.

Community and American request the Commission to approve the plan as modified by said Amendment No. 14, and to apply to a court to enforce and carry out the terms and provisions of the plan as so modified.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said Amendment No. 14 to the amended plan of Community and American, and that said plan, as modified, should not be approved except pursuant to further order of this Commission;

*It is ordered*, That a hearing on such matters under the applicable provisions of the Act and rules of this Commission thereunder be held on October 15, 1946, at 10:00 a. m., e. s. t., at the offices of the Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

*It is further ordered*, That Robert P. Reeder or any officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated to preside is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

*It is further ordered*, That particular attention will be directed at said hearing to the following matters and questions:

1. Whether the amended plan of Community and American, as modified by said Amendment No. 14, or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

2. Whether the conditional consents requested by American have been given by the City of Minneapolis and whether, on the basis of such conditional consents, the plan as heretofore or hereafter modified is fair and equitable to the persons affected thereby and feasible.

3. Whether the terms and conditions of the proposed issue and sale of securities by American are detrimental to the public interest or the interest of investors or consumers, and whether any further terms or conditions should be required by the Commission.

4. Whether the accounting entries to be made in connection with the amended plan are proper and in conformity with the standards of the act and the rules promulgated thereunder.

5. Whether, in the event that the Commission shall not approve the plan as heretofore or hereafter modified, a plan proposed by the Commission or by any person having a bona fide interest in the reorganization of Community and American should be approved by the Commission for purposes of section 11 (d) and, if proposed by the Commission, what the terms and provisions of such plan should be.

*It is further ordered*, That notice of said hearing is hereby given to Community Gas and Power Company, American Gas and Power Company, Minneapolis Gas Light Company, the City of Minneapolis, The New York Trust Company, Trustee for the American Gas and Power Company debentures, the Committee representing holders of debentures of American Gas and Power Company, George L. Ohrstrom, Michael J. Addiego, Dudley Harde, E. A. Kraehling, G. A. Cowin, Mary A. Cowin and Jerome Hirsch, and all interested persons; said notice to be given to the persons named above by registered mail addressed to them or to their attorneys of record, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

*It is further ordered*, That American Gas and Power Company and Community Gas and Power Company shall give additional notice of said hearing to their respective security holders by causing a copy of this notice and order to be mailed to them at their respective addresses as of a date not more than two weeks prior to the date hereof, said mailing to be made not less than 15 days prior to the date of said hearing. It is requested that any persons desiring to be heard in these proceedings shall file with the Secretary of the Commission on or before October 11, 1946, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 46-17536; Filed, Sept. 30, 1946;  
9:01 a. m.]

[File Nos. 59-11 et al.]

THE UNITED LIGHT AND POWER CO. ET AL.  
ORDER APPROVING APPLICATION

-At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of September A. D. 1946.

The American Light & Traction Company, a registered public-utility holding company, and its wholly-owned subsidiary, Michigan-Wisconsin Pipe Line Company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder regarding the acquisition by American Light & Traction Company of 3,100 shares of \$100 par value common stock of Michigan-Wisconsin Pipe Line Company hearings having been had on such application and declaration at which all interested persons were given the opportunity to appear and be heard, the matter having been taken under consideration, and the Commission having this day issued the findings and opinion herein;

*It is ordered*, On the basis of said findings and opinion, that Application No. 27 as amended be and hereby is granted with respect to the acquisition by American Light & Traction Company of an additional 3,100 shares of \$100 par value of the common stock of Michigan-Wisconsin Pipe Line Company;

*It is further ordered*, That the issuance and sale of the aforesaid securities by Michigan-Wisconsin Pipe Line Company be and the same are hereby exempt from the provisions of section 6 (a) of the said act;

*It is further ordered*, That jurisdiction be, and hereby is reserved over the disposition by American Light & Traction Company of the shares of Michigan-Wisconsin Pipe Line Company now owned by it and any additional shares purchased under this application and declaration.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-17535 Filed, Sept. 30, 1946; 9:01 a. m.]

[File No. 70-1368]

MINNESOTA POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of September, A. D. 1946.

Minnesota Power & Light Company, a subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder regarding the following proposed transactions:

Minnesota Power & Light Company which has outstanding 125,000 shares of

5% Preferred Stock proposes to redeem through use of treasury cash 9,000 shares of such stock at the redemption price of \$104.50 per share, plus accrued dividends to the redemption date. The shares of stock proposed to be redeemed are to be selected by lot and, upon acquisition, are to be cancelled. The redemption provisions relating to such stock require 30 days' notice of the intention to redeem.

Said declaration having been filed on the 9th day of September, 1946 and a notice of said filing having issued on the 12th day of September, 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 a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective and that the effective date thereof be advanced:

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

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-17538; Filed, Sept. 30, 1946; 9:00 a. m.]

M. S. WIEN & Co.

POSTPONEMENT OF EFFECTIVE DATE OF ORDER REVOKING REGISTRATION, AND EXTENSION OF TIME FOR FILING PETITION FOR REHEARING

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

Proceedings having been instituted to determine whether or not the registration of M. S. Wien & Co. as broker and dealer should be revoked, pursuant to section 15 (b) of the Securities Exchange Act of 1934, and whether or not M. S. Wien & Co. should be suspended or expelled from membership in the National Association of Securities Dealers, Inc. pursuant to section 15A of the said act.

The Commission, after the holding of hearings on appropriate notice and filing of findings and opinion, having on September 16, 1946 entered an order effective September 25, 1946, revoking the registration of M. S. Wien & Co. without prejudice to the right of M. S. Wien & Co. to reapply for registration after 30 days from said effective date if at the time of such reapplication Joseph J. Lann shall have withdrawn from M. S. Wien & Co. and shall have become disassociated from its business;

M. S. Wien & Co. having requested postponement of the effective date of the order for a period of 30 days, and an extension of time in which to file a petition for rehearing;

It appearing that it is appropriate that the effective date of the order be postponed for an additional period of 20 days and that the time in which a petition for a rehearing may be filed be extended for 10 days;

*It is ordered*, That the effective date of the order entered on September 16, 1946 revoking the registration of M. S. Wien & Co. be and the same hereby is postponed to October 15, 1946.

*It is further ordered*, That the time within which M. S. Wien & Co. may file a petition for rehearing in this proceeding be and it hereby is extended to October 2, 1946.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-17537; Filed, Sept. 30, 1946, 9:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[2d Rev. MPE 195, Amdt. 4 to Order 9\*]

TOBACCO HOGSHEAD MATERIAL

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7a of 2d Revised Maximum Price Regulation 195, *It is Ordered*:

Paragraph (c) of Order 9 under section 7a of 2d Revised Maximum Price Regulation 195 is amended to read as follows:

(c) *Maximum prices.* The maximum prices for "Southern Pine Tobacco Hogshead Material", i. o. b. plant, shall be as follows:

	No. 1	No. 2
Jointed and beveled staves 3/4" full.	\$3.75 per MSF.	\$4.50 per MSF.
Unjointed and unbeveled staves 3/4" full.	\$3.85 per MSF.	\$4.20 per MSF.
Jointed and beveled staves 7/8" full.	\$3.15 per MSF.	\$3.30 per MSF.
Unjointed and unbeveled staves 7/8" full.	\$4.25 per MSF.	\$3.40 per MSF.
Circled heads full 3/4" or 3/2"	\$1.23 each.	\$1.06 each.
Beveled crosspieces or battens.	\$6.95 each.	\$6.95 each.
Licks.	\$1.10 each.	
Export tobacco box.	\$3.83 each.	
Unstaked heading material.	\$2.40 per 10' net measure.	

This amendment shall become effective September 30, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator.

\* 9 F. R. 13353, 14340; 10 F. R. 1160, 4247, 4537, 6223.

\* 10 F. R. 7535.

OPINION ACCOMPANYING AMENDMENT NO. 4  
TO ORDER 9 UNDER SECTION 7A OF 2D REV.  
MPR 195

This amendment to Order 9 increases ceiling prices for all Southern Pine tobacco hogshead material by 12 percent, except export tobacco boxes for which no increase is provided. This action is taken at the discretion of the Administrator to assure an adequate supply of these containers which are used in packing, storing and shipping tobacco.

In November 1945 producers of pine tobacco hogsheads were granted a temporary price increase of approximately 10 percent terminating on December 31, 1945, as a means of providing an adequate quantity of these containers for a better-than-average crop of flue-cured tobacco. This large crop accentuated the short supply of hogsheads arising from a decline in production of hogshead material. The increase was reinstated in February of 1946 in order to ensure continued production of a sufficient supply of these hogsheads.

A similar situation faces this Office at the present time. Marketing of the types of tobacco for which these hogsheads are used begins in November. Tobacco producers now find themselves acutely short of containers for storage and shipment of this year's crop. The Department of Agriculture reports that a "material increase" over previous years is expected in the production of the types of tobacco packed in pine hogsheads. The Civilian Production Administration estimates that the supply of hogsheads is 25 percent short of current requirements. Since approximately one-half of the hogsheads required for the crop has already been purchased by the tobacco companies, any increase in prices for hogsheads would be applicable only to the remaining half of this year's needs.

Buyers of pine hogsheads have petitioned this Office to grant an increase in maximum prices in order that they might obtain the containers required. The Department of Agriculture and the Civilian Production Administration have both presented urgent requests that this Office take remedial price action to meet this problem.

In order to assure production of a sufficient quantity of pine hogsheads, therefore, the Administrator is taking discretionary action under the authority of Executive Order 9599 to remove an impediment to an effective transition to a peacetime economy. The new prices are no higher than the buyers of pine hogsheads believe adequate to secure a sufficient supply of containers for this year's tobacco crop. The judgment of the buyers is based upon their knowledge of production difficulties and increases in costs experienced by hogshead manufacturers. This Office is aware that increases in costs of production of pine hogsheads have occurred. While there is no allocation of pine lumber similar to that which is making it difficult for producers of hardwood hogsheads to secure their customary grades of lumber, the demand for construction lumber has had similar effects upon producers of pine hogsheads. Further, price levels for hardwood and pine hogsheads must be

kept in line with each other if the areas of tobacco production which rely upon these containers are both to obtain a satisfactory quantity of hogsheads, and the increase provided in this amendment is parallel to the action taken in the case of hardwood hogsheads. This action is taken to encourage the hogshead manufacturer to maintain production of an essential packaging item for perishable crops. The action will not result in prices higher than those for other wooden box shooks, and buyers of the hogsheads have stated that they are willing to absorb the increased prices.

No increase is provided for export tobacco boxes since the price increase effective July 8, 1946, assured the purchasers of these boxes an adequate supply.

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

[F. R. Doc. 46-17724; Filed, Sept. 30, 1946;  
11:05 a. m.]

HARDWOOD TOBACCO HOGSHEADS AND PARTS  
[2d Rev. MPR 195,<sup>1</sup> Amdt. 2 to Order 14<sup>2</sup>]

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 7a and 2d Revised Maximum Price Regulation 195, *It is ordered*.

Order 14, issued under 2d Revised Maximum Price Regulation 195, is amended in the following respects:

1. Section 3 is amended to read as follows:

Sec. 3. *Maximum prices.* The maximum prices for hardwood tobacco hogsheads and parts meeting the specifications contained in section 4 of this order, shall be as set forth below. *Provided*, That the maximum prices for sellers who have been authorized individual adjustments shall be computed on the basis of the maximum prices which were in effect on the date of such adjustment order. However, such a seller may, of course, sell at the maximum prices established herein if the prices herein established are higher than those permitted by the individual adjustment order.

Staves, per set bundled:	
58" long-----	\$3.08
54" long-----	2.91
48" long-----	2.58
Heads, each: diameter of 46" to 48" inclusive-----	1.12
Liners, each-----	.10
Battens or cross pieces, each-----	.08

The price of a complete hogshead shall be the sum of the prices given above for the various parts furnished.

2. Section 8 is amended by the addition of the following undesignated paragraph:

<sup>1</sup> 9 F. R. 13853, 14340; 10 F. R. 1100, 4347, 4537, 6228.

<sup>2</sup> 11 F. R. 695.

Any such specially approved maximum price which was in effect on September 29, 1946, is increased by 12%, however, this increase may not be added where a seller is selling under the provisions of an individual adjustment order. Of course, a seller who has been selling under such an individual adjustment order may discontinue so selling at any time.

This amendment shall become effective September 30, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING AMENDMENT NO. 2  
TO ORDER 14 UNDER SECTION 7A OF 2D REV.  
MPR 195

This amendment to Order 14 increases ceiling prices for all hardwood tobacco hogsheads and parts by 4.7 percent, except battens, or cross pieces, for which no increase is provided. This action is taken at the discretion of the Administrator to assure an adequate supply of these containers which are used in packing, storing and shipping tobacco.

This order was issued in January 1946. The ceiling prices embodied in the order were increased by 7 percent on August 27, 1946, as a means of giving interim price relief to the producers of hardwood tobacco hogsheads because of known increases in lumber costs.

It is believed that there will continue to be a shortage of these containers, notwithstanding the recent increase in prices. Marketing of the types of tobacco for which these hogsheads are used begins in November. Tobacco producers now find themselves acutely short of these containers for storage and shipment of this year's crop. The Department of Agriculture reports that a "material increase" over previous years is expected in the production of the types of tobacco packed in hardwood hogsheads. The Civilian Production Administration estimates that the supply of hogsheads is 25 percent short of current requirements. Since approximately one-half of the hogsheads required for the crop has already been purchased by the tobacco companies, any increase in prices for hogsheads would be applicable only to the remaining half of this year's needs.

Buyers of hardwood hogsheads have petitioned this Office to grant an increase in maximum prices in order that they might obtain the containers required. The Department of Agriculture and the Civilian Production Administration have both presented urgent requests that this Office take remedial price action to meet this problem.

In order to assure production of a sufficient quantity of hardwood hogsheads, therefore, the Administrator is taking discretionary action under the authority of Executive Order 9599 to remove an impediment to an effective transition to a peacetime economy. The two increases in maximum prices provided by this amendment and by the action taken August 27, 1946, represent a price rise of 12 percent over the levels incorporated in the original Order 14. The new prices

are no higher than the buyers of hardwood hogsheds believe adequate to secure a sufficient supply of containers for this year's tobacco crop. The judgment of the buyers is based upon their knowledge of production difficulties and increases in costs experienced by the hogshed manufacturers. This Office is aware that increases in costs of production of hardwood hogsheds have occurred, and the action of August 27, 1946, was a partial recognition of these cost factors. The allocation of certain grades of oak lumber under the hardwood flooring program has made it increasingly difficult for manufacturers of these containers to obtain their customary grades, with the result that they are using more expensive lumber for their operations. This action is taken to encourage the hogshed manufacturers to maintain production of an essential packaging item for perishable crops. The action will not result in prices higher than those for other wooden box shooks, and buyers of hogsheds have stated that they are willing to absorb the increased prices.

No additional increase is provided for battens, or cross pieces, since the prices established for these items on August 27, 1946, are deemed to be adequate. The price for liners is not changed by this action since the increase provided by Amendment 1 to the order, when rounded to the nearest cent, yields the same result as the calculation of a 12 percent increase.

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

[F. R. Doc. 46-17725; Filed, Sept. 30, 1946; 11:05 a. m.]

[MPR 478, Amdt. 1 to Rev. Order 168]

COATED AND COMBINED FABRICS  
AUTHORIZATION OF SALES AT ADJUSTABLE  
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 17 of Maximum Price Regulation 478, it is ordered:

The last literary sentence in the second paragraph of Revised Order 168 is revoked and the following sentence is substituted therefor:

This order is automatically revoked on October 15, 1946.

This amendment shall become effective September 30, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 1 TO  
REVISED ORDER NO. 168 UNDER MAXIMUM  
PRICE REGULATION 478

The accompanying amendment extends the expiration date of Revised Order 168 to Maximum Price Regulation 478 from September 30, 1946, to October 15, 1946.

Revised Order 168 was originally issued to promote continued distribution of coated fabrics during a period of rising textile prices and pending issuance of price relief from this office. Resultant price relief was granted the coated fabrics industry by recent action from this Office, but since such action took into account increased textile costs experienced only up to August 5, 1946, the industry has not received compensation for several textile cost increases experienced by them since that date.

In view of the frequency with which textile prices are now rising, this Office is considering providing manufacturers of coated and combined fabrics with a method of pricing which will allow them to obtain automatic adjustments of increased fabric costs without the necessity of time consuming studies. However, in order to give equitable consideration to these continued fabric cost increases for which the industry has not been compensated by price action from this Office, and in order to avoid a serious bottleneck to production and distribution of these coated fabrics the accompanying amendment is issued extending the expiration date of Revised Order 168 to October 15, 1946, by which time a decision should be reached regarding the proposed price revision under Maximum Price Regulation 478.

[F. R. Doc. 46-17728; Filed, Sept. 30, 1946; 11:06 a. m.]

[MPR 591, Order 805]

COMPO-MIRACLE PRODUCTS CO.  
AUTHORIZATION OF MAXIMUM PRICES  
Correction

In Federal Register Document No. 46-15274, appearing at page 10097 of the issue for Wednesday, September 11, 1946, the following corrections should be made:

In paragraph (d), the sixth line should read "tended or rendered or would have ex-"

In the first column of page 10098, the unit prices for window glass sizes "20 x 26" "20 x 34", "22 x 22", should read "20.46" "22.71" and "19.81", respectively.

In the second column of page 10098, glass size reading "18 x 15" should read "28 x 15"

[MPR 591, Order 838]

REPUBLIC HEATER CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 838 under section 16 of Maximum Price Regulation No. 591, Docket No. 6123-591.16-305.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 of Maximum Price Regulation No. 591, it is ordered:

(a) *Adjustment of maximum prices for the Republic Heater Corporation of Huntington Park, California.* (1) This order permits the Republic Heater Corporation of Huntington Park, California, to increase by 6.8 percent its properly established maximum net prices in effect

on June 30, 1946, to each class of purchaser for its line of gas-fired water heaters and repair parts.

(2) The maximum net prices set forth in (a) (1) above are subject to discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which the Republic Heater Corporation extended or rendered or would have extended or rendered to each class of purchaser during March 1942, on comparable sales of gas-fired water heaters and repair parts.

(b) *Maximum prices for resellers.* (1) All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their properly established maximum prices in effect on June 30, 1946, the percentage increase in cost to them resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The Republic Heater Corporation shall send the following notice to every purchaser of the commodities covered by the order at or before the first invoice after the effective date of this order.

Order No. 833 under section 16 of Maximum Price Regulation No. 591 provides for a 6.8 percent increase in maximum net prices in effect on June 30, 1946, for sales by the Republic Heater Corporation for its line of gas-fired water heaters and repair parts.

Resellers (but not manufacturers who purchase these items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost to them resulting from the adjustment granted by Order No. 833.

(d) All requests of the application of the Republic Heater Corporation of Huntington Park, California, not herein granted are denied.

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

This order shall become effective October 1, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 838 UNDER SECTION 16 OF MAXIMUM PRICE REGULATION NO. 591

The Republic Heater Corporation of Huntington Park, California, requested an upward adjustment of its maximum prices for its line of gas-fired water heaters and repair parts.

Section 16 of Maximum Price Regulation No. 591 provides that any manufacturer whose supply of a commodity could not be replaced if he discontinued production except at a price equal to or higher than his requested adjusted price is eligible for an adjustment within the limits indicated in this section. This permits an adjustment in an amount sufficient to make the adjusted price equal to total cost plus a reasonable net profit.

The Republic Heater Corporation of Huntington Park, California, submitted cost and financial data. Such data indicate that its current overall return on entire company operations is less than total cost. It has been determined that the supply of these products could not be

replaced except at prices above those after the adjustment granted by this order.

Accordingly, this order authorizes an adjustment in the applicant's maximum prices which will return the applicant total cost plus a reasonable net profit on its line of gas-fired water heaters and repair parts.

Controls over the maximum prices of some of the products may have been, or may be suspended in the future by Supplementary Order 129 (Exemption and suspension from price control of machines, parts, industrial materials and services) In that event, the provisions of this order with respect to those items are also suspended during the period of the price control suspension, subject to reinstatement if the former price controls are restored.

Resellers are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, resellers will continue to realize the same percentage margin over acquisition cost that they realized previous to the issuance of the accompanying order.

After due consideration of the foregoing, the Price Administrator finds that this action is consistent with the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-17569; Filed, Sept. 30, 1946; 8:49 a. m.]

[MPR 591, Order 839]

RED JACKET MFG. 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 9 of Maximum Price Regulation No. 591, *It is ordered.*

(a) The maximum prices for sales by any person to consumers of the following water softeners manufactured by Red Jacket Manufacturing Company of Davenport, Iowa and described in its application dated August 29, 1946 shall be:

<i>Model and diameter</i>		
D30-S	30" water softener.....	\$690.00
D36-S	36" water softener.....	860.00
D42-S	42" water softener.....	1,210.00
D48-S	48" water softener.....	1,450.00
D30-S-SUP-EX	30" water softener.....	820.00
D36-S-SUP-EX	36" water softener.....	1,035.00
D42-S-SUP-EX	42" water softener.....	1,450.00
D48-S-SUP-EX	48" water softener.....	1,780.00

(b) The maximum net LCL prices, f. o. b. point of shipment, for sales by any person shall be the maximum prices specified in (a) above less the following discounts:

1. On sales to dealers, a discount of 25 percent.
2. On sales to jobbers, successive discounts of 25 and 25 percent.

(c) The maximum prices established by this Order are subject to such further cash discounts, transportation allowances and price differentials at least as

favorable as those which each seller extended or rendered or would have extended or rendered during March 1942 on sales of commodities in the same general category.

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

(e) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(f) Red Jacket Manufacturing Company shall attach to each water softener covered by this order a tag containing the following:

OPA Maximum Price Not Installed—\$-----  
(Do Not Detach)

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

This order shall become effective October 1, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
*Acting Administrator*

OPINION ACCOMPANYING ORDER NO. 839 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying Order No. 839 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for water softeners manufactured by Red Jacket Manufacturing Company of Davenport, Iowa.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under sections 7 or 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices must be approved pursuant to the provisions of section 9 of Maximum Price Regulation No. 591.

In its application the company submitted its proposed prices for the commodities covered by this order. An analysis of the information submitted indicated that the prices requested are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591.

In order to avoid any confusion on the part of resellers as to their maximum prices and for the purposes of protecting consumers, the accompanying order establishes dollars-and-cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on

the part of resellers who do not have access to this order, the order provides that the manufacturer attach to each water softener a tag on which will be printed the article's maximum consumer price. In addition, each seller, except on sales to consumers, is required to notify each of his purchasers of his maximum prices as well as purchasers' maximum prices on resale.

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

The Price Administrator has determined, on the basis of the foregoing that the maximum prices established by the order are generally fair and equitable, and are in conformity with the Emergency Price Control Act of 1942, as amended, and Executive orders of the President.

[F. R. Doc. 46-17570; Filed, Sept. 30, 1946; 8:49 a. m.]

[MPR 591, Order 840]

RHEEM MFG. 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 9 of Maximum Price Regulation No. 591, *It is ordered.*

(a) The maximum prices for sales by any person to consumers of the following repair parts for gas fired water heaters manufactured by Rheem Manufacturing Company of New York, New York and described in its application dated September 4, 1946 shall be:

<i>Description of part</i>	<i>Consumer price</i>
Bottom pan with legs, insulation retainer, insulated legs, reflector shield, tank clips, brackets:	
20-gallon.....	\$9.00
30-gallon.....	9.50
40-gallon.....	10.00
Bottom pan—plain:	
20-gallon.....	4.00
30-gallon.....	4.20
40-gallon.....	4.50
Vent hood—spider, base and bolt.....	3.00
Baffle with hanger:	
20-gallon.....	1.20
30- and 40-gallon.....	1.20
Jacket painted:	
20-gallon.....	20.00
30-gallon.....	21.00
40-gallon.....	22.00

Description of part	Consumer price
Inner door with hinge, rivet, and spring	\$2.80
Top pan:	
20-gallon	3.60
30-gallon	3.60
40-gallon	3.90
Pilot shroud and thermo flange	1.00
Outer door with hinge clip and knob	2.40
Burner assembly with cover, air shutter, pilot brackets and grid:	
20-gallon manufactured	12.00
20 gallon natural and mixed and liquid	12.00
30- and 40-gallon manufactured	12.50
30- and 40-gallon natural and mixed and liquid	12.00
Thermostat plain	30.00
Thermostat with thermocouple, pilot, tubing, nipple, orifice, known as controls assembly	36.00
Pilot and pilot tubing	3.60
Pilot tubing	1.00
Orifice plain w/o fitting	1.00
Pilot plain	3.00
Pilot and orifice and orifice fitting	3.90
Tanks:	
20-gallon	24.00
30-gallon	27.00
40-gallon	30.00

(b) The maximum net l. c. l. prices, f. o. b. point of shipment for sales by any person shall be the maximum prices specified in (a) above less the following discounts:

1. On sales to dealers, a discount of 33½ percent.
2. On sales to jobbers, successive discounts of 33½ and 25 percent.

(c) The maximum prices established by this order are subject to such further discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942, on sales of commodities in the same general category.

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

(e) Each seller covered by this order, except on sales to consumers shall notify each of his purchasers, in writing, at or before the time of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

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

This order shall become effective October 1, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 840 UNDER SECTION 9 OF MAXIMUM PRICE REGULATION NO. 591

The accompanying Order No. 840 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for repair parts for gas fired water heaters manufactured by Rheem Manufacturing Company of New York, New York.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under sections 7 or 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices must be approved pursuant to the provisions of section 9 of Maximum Price Regulation No. 591.

In its application the company submitted its proposed prices for the commodities covered by this order. An analysis of the information submitted indicated that the prices requested are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591.

In order to avoid any confusion on the part of resellers as to their maximum prices and for the purposes of protecting consumers, the accompanying order establishes dollars and cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on the part of resellers who do not have access to this order, the order provides that each seller, except on sales to consumers, shall notify each of his purchasers of his maximum prices as well as purchaser's maximum prices on resale.

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

[F. R. Doc. 46-17571; Filed, Sept. 30, 1946; 8:48 a.m.]

[MPR 592, Order 156]

E. L. COOK BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 156 under sec. 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories, E. L. Cook Brick Co., Docket No. 6122-592.16-418.

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 E. L. Cook Brick Company, State Farm, Mass. of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$3.00 per M for standard size brick equivalents or by an amount not in excess of \$1.20 per ton for structural hollow tile.

(b) If the E. L. Cook Brick Company, State Farm, Mass., had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the E. L. Cook Brick Company, State Farm, Massachusetts, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective October 1, 1946.

Issued this 30th day of September, 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 156 UNDER SECTION 16 OF MAXIMUM PRICE REGULATION NO. 592

The E. L. Cook Brick Company, State Farm, Massachusetts, has applied for an adjustment in its maximum selling prices for brick and structural clay tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation No. 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under Section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications,

applying to individual applications determinations which generally accord with the tests set forth in Section 16, and which are in conformance with Office policy. The adjustments granted in the accompanying Order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same-percentage margin. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17572; Filed, Sept. 30, 1946; 8:48 a. m.]

[MPR 592, Order 157]

UNITED CLAY PRODUCTS CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 157 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. United Clay Products Co., Docket No. 6122-592.16-424.

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., of brick and structural clay tile produced at its North Mountain, W Va., plant to its various classes of purchasers may be increased by an amount not in excess of \$1.75 per M for standard size brick equivalents and \$0.70 per ton for structural clay tile.

(b) If the United Clay Products Company had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the United Clay Products Company at its North Mountain, West Virginia, plant for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the man-

ufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective October 1, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO. 157  
UNDER SECTION 16 OF MAXIMUM PRICE  
REGULATION NO. 592

The United Clay Products Company, North Mountain, West Virginia, has applied for an adjustment in its maximum selling prices for brick and structural clay tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17573; Filed, Sept. 30, 1946; 8:48 a. m.]

[MPR 592, Order 158]

MATERIAL SERVICE CORP.

Order No. 158 under sec. 16 of Maximum Price Regulation 592. Specified construction materials and refractories. Material Service Corp., Docket No. 6122-592.16-402.

For reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation 592 and section 18 (c) of General Maximum Price Regulation, *It is ordered.*

(a) The maximum net prices, f. o. b. plant or delivered, for sales of crushed stone, sand and/or gravel by the Material Service Corporation of Chicago, Illinois, to its various classes of purchasers may be increased by an amount not in excess of 20 cents per cubic yard.

(b) Any person purchasing sand and/or gravel or crushed stone described in paragraph (a) above, from the Material Service Corporation for 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 increases permitted the producer 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) All requests of the application not granted herein are denied.

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

This order shall become effective October 1, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO. 158  
UNDER SECTION 16 OF MAXIMUM PRICE  
REGULATION 592

Material Service Corporation, Chicago, Illinois, hereinafter called the applicant, requested an upward adjustment of its maximum prices for sand, gravel, and crushed stone which it produces and sells. This application was filed with the Chicago Regional Office which transmitted the application to the National Office for processing, pursuant to the provisions of section 16 of MPR 592, since the applicant's annual sales exceeded the sum of \$1,000,000. The application was processed pursuant to the provisions of section 16 of MPR 592.

This Office has examined the applicant's over-all financial and cost data for the base period years 1936-1939, inclusive, and for the year 1945. From the foregoing data it appears that the applicant's current over-all profits are not appreciably less than its over-all profits during the average of the years 1936-1939 adjusted for changes in net worth. However, it appears that the applicant's present maximum prices for the sale of sand, gravel, and crushed stone are less than its total costs to produce and sell these commodities. It further appears that the applicant's present maximum prices for the sale of the foregoing com-

modities which it purchases for the purpose of resale are less than its acquisition, handling and selling costs.

Accordingly, the Administrator has determined that an adjustment in an amount sufficient to permit recovery of at least total cost for the production of sand, gravel, and crushed stone is in accordance with Office policy and fulfills the requirements of section 16.

That portion of the application requesting an increase in the maximum prices for the sale of sand, gravel, and crushed stone which it purchases for the purpose of resale was processed pursuant to section 18 (c) of the GMPR which permits an adjustment where: (i) there exists or threatens to exist a local shortage of an essential item; (ii) the adjustment will substantially reduce or eliminate such a shortage; and, (iii) the adjustment will not create or tend to create a shortage or need for a price increase in another locality and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

The Administrator has determined that the foregoing conditions are satisfied, and, accordingly, the accompanying order permits the applicant to recover total cost on the items it purchases for the purpose of resale, thereby removing price as an impediment to its continued supply.

Resellers, purchasing the above named commodities from applicant are permitted to increase their maximum prices by the percentage increase in cost to them resulting from the increase granted applicant. Thus, resellers will continue to realize the same percentage margin. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17574; Filed, Sept. 30, 1946; 8:47 a. m.]

[MPR 592, Order 159]

**BROOKHAVEN PRESSED BRICK AND MFG. CO.  
ADJUSTMENT OF MAXIMUM PRICES**

Order No. 159 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Brookhaven Pressed Brick and Manufacturing Company. Docket No. 6122-592.16-396.

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 Brookhaven Pressed Brick and Manuf. Company, Brookhaven, Mississippi, of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$2.75 per M for standard size brick equivalents or by an amount not in excess of \$1.10 per ton for structural clay tile.

(b) If the Brookhaven Pressed Brick and Manuf. Company had an established

differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Brookhaven Pressed Brick and Manuf. Co., Brookhaven, Miss., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective October 1, 1946.

Issued this 30th day of September 1946.

GEORFFREY BAKER,  
Acting Administrator.

**OPINION ACCOMPANYING ORDER NO. 159  
UNDER SECTION 16 OF MAXIMUM PRICE  
REGULATION 592**

The Brookhaven Pressed Brick and Manufacturing Company, Brookhaven, Miss., has applied for an adjustment in its maximum selling prices for brick and structural clay tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with Office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of

maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-17575; Filed, Sept. 30, 1946; 8:47 a. m.]

[MPR 593, Order 23]

**GENERAL ELECTRIC CO.**

**APPROVAL OF MAXIMUM PRICES**

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 11 of Maximum Price Regulation No. 599; *It is ordered:*

(a) This order establishes ceiling prices for sales and deliveries of "special brand" radios sold by the General Electric Company of Bridgeport, Connecticut.

(1) For all sales and deliveries by General Electric to distributors the ceiling price is that set forth below:

Model No	Brand name	Description	Ceiling price to distributor
110	General Electric	Table radio, 5 tubes, AC/DC, 1 band, clock dial to side of speaker, 1.3 oz. magnet, walnut plastic cabinet, 6 3/4" x 9 3/8" x 5 1/4"	Each \$11.83

Since this price has been finally determined after May 16, 1946, it is not subject to the adjustment provided for in section 10 (a) of Amendment 2 to CFR 599. This maximum price is for the article described in the application of General Electric, dated June 11, 1946.

(2) For sales by General Electric, the ceiling price applies to all sales and deliveries since Maximum Price Regulation 599 became applicable to those sales and deliveries. It is f. o. b. factory, not including Federal excise tax, and is subject to a cash discount of 2% 10 days, net 30 days.

(3) Your ceiling price to classes of purchasers other than distributors shall be determined by applying the differentials which you had in effect between July 15, 1941, and October 15, 1941 as provided by section 6 of Maximum Price Regulation No. 599, as amended. If you did not have an established practice of making sales to dealers during that period your ceiling price to dealers is your distributors ceiling price to the class of dealer to which he sells in the largest

dollar volume as calculated under the provisions of section 10 of Maximum Price Regulation No. 599, as amended.

(4) For sales by persons other than the General Electric Company, General Electric is required to calculate the retail ceiling price of the article in accordance with the provisions of section 9 of the regulation. General Electric is also required to calculate distributors prices for the article in accordance with the provisions of section 10 of the regulation.

(b) General Electric shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order in accordance with the provisions of section 13 of the regulation.

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

(d) This order shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO 29 UNDER SECTION 11, MPR 599

The accompanying order established the ceiling price for certain new "special brand" radios sold by the General Electric Company.

It appears that General Electric is a manufacturer of radios and that General Electric is purchasing the radio covered by the accompanying order from another manufacturer for resale under their own brand name. Accordingly, General Electric is a "special brand" purchaser, and is required to apply for ceiling prices for resales of this radio under the provisions of section 11 of MPR 599. Accordingly, we have compared the specifications, constructions, and design of this radio with those of the most similar articles of competitive manufacturers for which ceiling prices have been properly established under the regulation. The ceiling price established by the accompanying order is in line with those ceiling prices and is, therefore, in line with the level of ceiling prices established by the regulation.

[F R. Doc. 46-17576; Filed, Sept. 30, 1946; 8:47 a. m.]

[MPR 64, Order 319]

FLORENCE STOVE CO.

APPROVAL OF CEILING PRICES

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

(a) This order establishes ceiling prices for sales at retail of the models of gas ranges listed below manufactured by the Florence Stove Company, Gardner, Massachusetts. For sales by retail dealers to ultimate consumers, the ceiling prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below.

Model and article	Ceiling prices for sales to ultimate consumers		
	Zone 1	Zone 2	Zone 3
Combination range:			
A871.....	\$228.25	\$232.50	\$240.00
A873.....	228.25	232.50	240.00
A871-0.....	214.75	219.00	226.25
A873-0.....	214.75	219.00	226.25

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting \$9.00 from the maximum price shown above for his sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside-oven door panel a label which plainly states the applicable OPA retail maximum prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$9.00 less than the price shown on the label.

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

Zone 1: Massachusetts, Connecticut, Rhode Island, Illinois, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Ohio, Michigan, Pennsylvania, New York, Vermont, New Hampshire, Maine, New Jersey, Delaware, Maryland, and District of Columbia.

Zone 2: Florida, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma.

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

(d) The ceiling prices established by this order supersede those established for the same ranges by Amendment No. 1 to Revised Order No. 238 under Maximum Price Regulation No. 64 issued thereunder. All the provisions of Maximum Price Regulation No. 64 continue to apply to sales of articles covered by this order, except to the extent that they are modified by this order. The ceiling prices established by this order have been determined in accordance with section 11b of Maximum Price Regulation No. 64 and may not, therefore, be increased under that section.

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

(f) This order shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO. 319 UNDER MAXIMUM PRICE REGULATION NO. 64

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

The Florence Stove Company, Gardner, Massachusetts, hereinafter referred to as the applicant, has established under Maximum Price Regulation No. 64 both its ceiling prices and the resale ceiling prices of the various gas ranges it is now manufacturing. The resale ceiling prices so established were not fixed until after March 31, 1946. Hence the applicant had no models in his line on March 31, 1946 which he could use to determine a markup factor to be applied to his current ceiling prices for sales to his largest buying class of purchaser to enable him to recompute the retail ceiling prices of his ranges in accordance with section 11b (c) of Maximum Price Regulation No. 64. It is, therefore, necessary to issue an order establishing new retail ceiling prices for each stove now in his line under section 11 of Maximum Price Regulation No. 64 which provides that orders may be issued establishing retail ceiling prices whenever a manufacturer's ceiling prices have been determined under the regulation.

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

In order to avoid confusion the accompanying order specifies that the retail ceiling prices it establishes supersede those previously set for sales of the same ranges under Maximum Price Regula-

tion No. 64 or Amendment No. 1 to Revised Order No. 238 issued thereunder. It also requires compliance with the notification, preticketing, terms of sale and other general provisions of Maximum Price Regulation No. 64.

[F. R. Doc. 46-17594; Filed, Sept. 30, 1946; 8:50 a. m.]

[MPR 64, Order 320]

ANDES RANGE AND FURNACE CORP.

APPROVAL OF CEILING PRICES

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

(a) This order establishes ceiling prices for sales at retail of the models of gas ranges listed below manufactured by the Andes Range and Furnace Corporation, Geneva, New York. For sales by retail dealers to ultimate consumers, the ceiling prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Maximum Prices for Sales to Ultimate Consumers

Model and article

R 53 coal-gas combination range...	\$191.25
RC 53 coal-gas combination range...	221.50
R 54 coal-gas combination range...	212.50
RC 54 coal-gas combination range...	245.25
R 4600 oil-gas combination range...	216.25
RC 4600 oil-gas combination range...	246.25
R 4800 oil-gas combination range...	237.75
RC 4800 oil-gas combination range...	270.25
R 105 bungalow range.....	149.25

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting \$9.00 from the maximum price shown above for his sales on an installed basis. If the retailer sells a stove equipped with either of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	Amount which may be added
Water front.....	\$10.00
Water coil.....	6.20

In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the applicable OPA retail maximum prices established by this order for sales of the range to ultimate consumers. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$9.00 less than the price shown on the label.

(c) The ceiling prices established by this order supersede those established by the same ranges by Order No. 308 under Maximum Price Regulation No. 64 issued

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

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

(e) This order shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 320 UNDER MAXIMUM PRICE REGULATION NO. 64

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

The Andes Range and Furnace Corporation, Geneva, New York, hereinafter referred to as the applicant, has established under Maximum Price Regulation No. 64 both its ceiling prices and the resale ceiling prices of the various gas ranges and accessories it is now manufacturing. The resale ceiling prices so established were not fixed until after March 31, 1946. Hence the applicant had no models in his line on March 31, 1946 which he could use to determine a markup factor to be applied to his current ceiling prices for sales to his largest buying class of purchaser to enable him to recompute the retail ceiling prices of his ranges in accordance with section 11b (c) of Maximum Price Regulation No. 64. It is, therefore, necessary to issue an order establishing new retail ceiling prices for each stove now in his line under section 11 of Maximum Price Regulation No. 64 which provides that orders may be issued establishing retail ceiling prices whenever a manufacturer's ceiling prices have been determined under the regulation.

The retail ceiling prices established by the accompanying order were determined by dividing the retail ceiling price in Zone 1 which would have been established under Maximum Price Regulation No. 64 for the same stove on March 31, 1946 by this applicant's ceiling price to his largest buying class of purchaser as it would have been set under the same regulation on the same date, and applying the resulting markup factor to the applicant's

current ceiling price under Maximum Price Regulation No. 64 to the same class of purchaser. The resulting retail ceiling prices return to retailers a percentage markup equal to the average percentage markup they would have received on March 31, 1946 in connection with sales of the same stove. The retail ceiling prices established are, therefore, in accordance with the requirements of section 2 (b) of the Emergency Price Control Act of 1942, as amended and in line with the level of ceiling prices fixed under Maximum Price Regulation No. 64.

In order to avoid confusion the accompanying order specifies that the retail ceiling prices it establishes supersede those previously set for sales of the same ranges under Maximum Price Regulation No. 64 or Order No. 303 issued thereunder. It also requires compliance with the notification, preticketing, terms of sale and other general provisions of Maximum Price Regulation No. 64.

[F. R. Doc. 46-17595, Filed, Sept. 30, 1946; 8:50 a. m.]

[MPR 64, Order 321]

JAMES GRAHAM MFG. CORP.

APPROVAL OF CEILING PRICES

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

(a) This order establishes ceiling prices for sales at retail of the Model 5186A and 5023A BK gas ranges and accessories manufactured by the James Graham Manufacturing Corporation, Newark, California. For sales in each zone by retail dealers to ultimate consumers, the ceiling prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Ceiling prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
5186A.....	Gas range..	\$144.25	\$142.75	\$143.50	\$157.75
5023A BK.....	Bungalow range.	152.50	159.75	162.25	176.75

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting \$9.00 in the case of bungalow ranges and \$6.00 in the case of gas ranges not of the bungalow type from the maximum price shown above for his sales on an installed basis. If the retailer sells a stove equipped with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	Amount which may be added
Lamp.....	\$ 6.75
Signal timer.....	15.35
Minute minder clock.....	6.20
Automatic clock.....	34.40
Automatic over lighter with safety pilot.....	8.55
Griddle.....	8.55

In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the applicable OPA retail maximum prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$9.00 less than the price shown on the label if the range is of the bungalow type and \$6.00 less than the price shown on the label if the range is not of the bungalow type.

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

Zone 1: Nevada and California except Kern, Santa Barbara, Los Angeles, Ventura, Orange, Riverside, San Diego, Imperial and San Bernardino counties.

Zone 2: All counties in California not included in Zone 1.

Zone 3: Washington and Oregon.

Zone 4: Arizona.

(d) The ceiling prices established by this order supersede those established for the same ranges by Order No. 306 under Maximum Price Regulation No. 64 issued thereunder. All the provisions of Maximum Price Regulation No. 64 continue to apply to sales of articles covered by this order, except to the extent that they are modified by this order. The ceiling prices established by this order have been determined in accordance with section 11b of Maximum Price Regulation No. 64 and may not, therefore, be increased under that section.

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

(f) This order shall become effective as of the 19th day of August, 1946.

Issued this 30th day of September, 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO. 321 UNDER MAXIMUM PRICE REGULATION NO. 64

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

March 31, 1946 retail ceiling price for his most comparable stove in Zone 1.

The James Graham Manufacturing Corporation, Newark, California, hereinafter referred to as the applicant, has established under Maximum Price Regulation No. 64 both its ceiling prices and the resale ceiling prices of the various gas ranges and accessories it is now manufacturing. The resale ceiling prices so established were not fixed until after March 31, 1946. Hence the applicant had no models in his line on March 31, 1946 which he could use to determine a markup factor to be applied to his current ceiling prices for sales to his largest buying class of purchaser to enable him to recompute the retail ceiling prices of his ranges in accordance with section 11b (c) of Maximum Price Regulation No. 64. It is, therefore, necessary to issue an order establishing new retail ceiling prices for each stove now in his line under section 11 of Maximum Price Regulation No. 64 which provides that orders may be issued establishing retail ceiling prices whenever a manufacturer's ceiling prices have been determined under the regulation.

The retail ceiling prices established by the accompanying order were determined by dividing the retail ceiling price in Zone 1 which would have been established under Maximum Price Regulation No. 64 for the same stove on March 31, 1946 by the applicant's ceiling price to his largest buying class of purchaser as it would have been set under the same regulation on the same date, and applying the resulting markup factor to the applicant's current ceiling price under Maximum Price Regulation No. 64 to the same class of purchaser. The resulting retail ceiling prices return to retailers a percentage markup equal to the average percentage markup they

would have received on March 31, 1946 in connection with sales of the same stove. The retail ceiling prices established are, therefore, in accordance with the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended and in line with the level of ceiling prices fixed under Maximum Price Regulation No. 64.

In order to avoid confusion the accompanying order specifies that the retail ceiling prices it establishes supersede those previously set for sales of the same ranges under Maximum Price Regulation No. 64 or Order 306 issued thereunder. It also requires compliance with the notification, preticketing, terms-of-sale and other general provisions of Maximum Price Regulation No. 64.

[F. R. Doc. 46-17596; Filed, Sept. 30, 1946; 8:50 a. m.]

[MPR 64, Order 322]

GLENWOOD RANGE CO.

APPROVAL OF CEILING PRICES

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

(a) This order establishes ceiling prices for sales at retail of Model 10-355 gas range, Models 37-143T, 37-143-OT and 37-243 KH bungalow ranges, and Models 318-83T and 621-8T combination ranges manufactured by the Glenwood Range Company, Taunton, Massachusetts. For sales in each zone by retail dealers to ultimate consumers, the ceiling prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Ceiling prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
10-355	Gas range	\$125.25	\$120.00	\$131.00	\$136.00
37-143-T	Bungalow range	196.25	201.00	204.75	211.00
37-143-OT	do.	226.00	230.00	234.00	239.75
37-243 KH	do.	276.25	280.00	283.75	290.00
318-83 T	Combination range	243.60	248.00	252.25	258.75
621-8 T	do.	245.75	253.00	259.60	265.00

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting \$9.00 in the case of bungalow and combination ranges and \$6.00 in the case of the gas range not of the bungalow or combination type from the maximum price shown above for his sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the applicable OPA retail maximum prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included

in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$9.00 less than the price shown on the label if the range is of the bungalow or combination type and if it is not a bungalow or combination type, the maximum price is \$6.00 less than the price shown on the label.

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

Zone 1: Massachusetts, Connecticut and Rhode Island.

Zone 2: Illinois, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Ohio, Michigan, Pennsylvania, New York, Vermont, New Hampshire, Maine, New Jersey, Delaware, Maryland and the District of Columbia.

Zone 3: Florida, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Missis-

Mississippi, North Dakota, South Dakota, Nebraska, Kansas, Texas and Oklahoma.

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

(d) The ceiling prices established by this order supersede those established for the same ranges by Order No. 19 under Supplementary Order No. 133. All the provisions of Maximum Price Regulation No. 64 continue to apply to sales of articles covered by this order, except to the extent that they are modified by this order. The ceiling prices established by this order have been determined in accordance with section 11b of Maximum Price Regulation No. 64 and may not, therefore, be increased under that section.

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

(f) This order shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 322 UNDER MAXIMUM PRICE REGULATION NO. 64

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

The Glenwood Range Company, Taunton, Massachusetts, hereinafter referred to as the applicant, did not on March 31, 1946 have any ceiling prices and resale ceiling prices for the various gas, combination and bungalow ranges it is now manufacturing established under Maximum Price Regulation No. 64. The only ceiling prices for its sales and for resales of its gas, combination and bungalow ranges in effect on March 31, 1946 were ceiling prices established under Supplementary Order No. 133. Hence the applicant had no models in his line on March 31, 1946 which he could use to determine a markup factor based upon ceiling prices under Maximum Price Regulation No. 64 to be applied to his current ceiling prices for sales to his largest buying class of purchaser to enable him to recompute the retail ceiling prices of his ranges in accordance with section 11b (c) of Maximum Price Regulation No. 64. Since the adjustment the applicant now receives under the industry adjustments

granted by Maximum Price Regulation No. 64 exceeds that which he received under Supplementary Order No. 133, the applicant's ceiling prices for its sales are currently established under Maximum Price Regulation No. 64. It is, therefore, necessary to issue an order establishing new retail ceiling prices for each stove now in his line under section 11 of Maximum Price Regulation No. 64 which provides that orders may be issued establishing retail ceiling prices whenever a manufacturer's ceiling prices have been determined under the regulation.

The retail ceiling prices established by the accompanying order were determined by dividing the retail ceiling price in Zone 1 which would have been established under Maximum Price Regulation No. 64 for the same stove on March 31, 1946 by the applicant's ceiling price to his largest buying class of purchaser as it would have been set under the same regulation on the same date, and applying the resulting markup factor to the applicant's current ceiling price under Maximum Price Regulation No. 64 to the same class of purchaser. The resulting retail ceiling prices return to retailers a percentage markup equal to the average percentage markup they would have received on March 31, 1946 in connection with sales of the same stove. The retail ceiling prices established are, therefore, in accordance with the requirements of

section 2 (t) of the Emergency Price Control Act of 1942, as amended and in line with the level of ceiling prices fixed under Maximum Price Regulation No. 64.

In order to avoid confusion the accompanying order specifies that the retail ceiling prices it establishes supersede those previously set for sales of the same ranges under Supplementary Order No. 133. It also requires compliance with the notification, preticketing, terms of sale and other general provisions of Maximum Price Regulation No. 64.

[F. R. Doc. 46-17597; Filed, Sept. 30, 1946; 8:48 a. m.]

[MPR 120, Amdt. 46 to Order 1548]

ELLIOT COAL MINING CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.212 (c) of Maximum Price Regulation No. 120; *It is ordered:*

Order No. 1548 under Maximum Price Regulation No. 120 is hereby amended in the following respects.

Paragraph (a) is amended by adding thereto the following name of the producer, address, mine name and index number, and preparation plant name, as follows:

Producer and address	Mine name	Mine Index No.	Location and name of preparation plant through which the coals are prepared
Karach & Gearhart—R. D. No. 1—Du Bois, Pa.	K. & G. ....	5899	Anita Coal Mining Co.'s Preparation Plant at Reynoldsville, Pa., on P. R. R.

This Amendment No. 46 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective October 1, 1946.

Issued this 30th day of September, 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 46 TO ORDER NO. 1548 UNDER MAXIMUM PRICE REGULATION NO. 120

Karach & Gearhart—R. D. No. 1—Du Bois, Pennsylvania, filed an application pursuant to § 1340.212 (c) of Maximum Price Regulation No. 120, requesting that its maximum price for strip-mined coal, produced at its K. & G. Mine, Mine Index No. 5899 and prepared at its preparation plant at Reynoldsville, Pennsylvania, in District No. 1, be increased 50¢ per net ton.

It appears that applicant's strip-mined coal receives thorough cleaning and hand-picking at the said preparation plant, and that it is such that it can be prepared to a standard of general acceptability in the coal-consuming market.

The applicant qualifies, therefore, for the requested relief under the provisions of said § 1340.212 (c) All mines of Dis-

trict No. 1, qualifying for an increase of 50¢ per net ton for prepared strip-mined coals under the provisions of § 1340.212 (c) of Maximum Price Regulation No. 120, have been grouped together by Order No. 1548, as amended, under Maximum Price Regulation No. 120. Accordingly, this order is being further amended to include applicant's strip-mined coal.

[F. R. Doc. 46-17593; Filed, Sept. 30, 1946; 8:48 a. m.]

[MPR 120, Amdt. 9 to Order 1716]

EDWARD TOMAJKO ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

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

Order No. 1716 under Maximum Price Regulation No. 10 is hereby amended in the following respects.

Paragraph (a) is amended by adding thereto the following name of the producer, address, mine name and index number, and preparation plant name as follows:

Producer and address	Mine name	Mine index No.	Location and name of preparation plant through which the coals are prepared
C. L. Holman, Partner, C. & J. Coal Company, Bridgeville, Pa.	C. & J.-----	4604	Alex E. Parris Contracting Co. Preparation Plant at Noblestown, Pa., on P.-R. R.

This Amendment No. 9 to Order No. 1716 under Maximum Price Regulation No. 120 shall become effective October 1, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING AMENDMENT NO. 9  
TO ORDER NO. 1716 UNDER MAXIMUM PRICE  
REGULATION NO. 120

Mr. C. L. Holman—Partner—C. & J. Coal Company—Bridgeville, Pennsylvania, filed application pursuant to § 1340.213 (d) of Maximum Price Regulation No. 120, requesting that his maximum prices for strip-mined coal, produced at his C. & J. Mine, Mine Index No. 4604, and prepared at his preparation plant at Noblestown, Pennsylvania, on P. R. R. in District No. 2, be increased 61¢ per net ton for coals delivered by all methods of transportation except truck or wagon shipment and 36¢ per net ton for truck or wagon shipment.

It appears that the applicant's strip-mined coals receive thorough cleaning and hand-picking at his preparation plant and they are such that they can be prepared to a standard of general acceptability in the coal-consuming market.

The applicant qualifies, therefore for the requested relief under the provisions of said § 1340.213 (d). All mines of District No. 2, qualifying for an increase of 61¢ per net ton for prepared strip-mined coal delivered by all methods of transportation except truck or wagon shipment and 36¢ per net ton for truck or wagon shipment under the provisions of § 1340.213 (d) of Maximum Price Regulation No. 120, have been grouped together by Order No. 1716, as amended, under Maximum Price Regulation No. 120. Accordingly, this order is being further amended to include applicant's strip-mined coals.

[F. R. Doc. 46-17599; Filed, Sept. 30, 1946;  
8:48 a. m.]

[MPR 188, Order 139 Under Order A-2]

OWENS-ILLINOIS GLASS Co.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 139 under paragraph (a) (12) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, Narrow-Neck Glass Containers, Owens-Illinois Glass Company, (Docket No. 6122-592.16-411)

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to paragraph (a) (12) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, *It is ordered:*

(a) The maximum list prices, established under Maximum Price Regulation

No. 188, for sales of narrow-neck glass containers by the Owens-Illinois Glass Company, Toledo, Ohio, to its various classes of purchasers, may be increased by an amount not in excess of 8.3 percent.

(b) The Owens-Illinois Glass Company, may round off to the nearest \$0.05 the adjusted maximum list prices resulting from the increase permitted by paragraph (a) above.

(c) Any person purchasing, for the purpose of resale in the same form or forms, narrow-neck glass containers from the Owens-Illinois Glass Company, Toledo, Ohio, may increase his present maximum prices, established under the General Maximum Price Regulation, by an amount not exceeding the percentage increase in acquisition cost resulting to him from the increases permitted the Owens-Illinois Glass Company under paragraphs (a) and (b) above.

(d) All provisions of Maximum Price Regulation No. 188 and the General Maximum Price Regulation not inconsistent with this order shall apply to sales covered by this order.

(e) All requests of the application not granted herein are denied.

(f) This Order may be amended or revoked by the Office of Price Regulation at any time.

This Order No. 139 shall become effective September 30, 1946.

Issued this 30th day of September, 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO. 139  
UNDER PARAGRAPH (a) (12) OF ORDER A-2  
UNDER SECTION 1499.159b OF MAXIMUM  
PRICE REGULATION NO. 188 AND ORDER NO.  
9 UNDER SECTION 1.10 (c) OF MAXIMUM  
PRICE REGULATION NO. 382

The Owens-Illinois Glass Company, Toledo, Ohio, a manufacturer of wide-mouth and narrow-neck glass containers, filed an application for adjustments in the maximum list selling prices of these products. At present, wide-mouth and narrow-neck glass containers are subject to Maximum Price Regulation 382 and Maximum Price Regulation 188, respectively. The individual adjustment provisions in both of these regulations incorporate the provisions of section 16 of Maximum Price Regulation 592 insofar as they are applicable to both of the above products. This application, accordingly, has been processed pursuant to the standards set forth in section 16 of Maximum Price Regulation 592.

This Office has examined the applicant's over-all financial data for the base period years 1936-1939, inclusive, and its segregated financial data for the years 1941, 1945, and its latest quarterly period in 1946. An analysis of the submitted

data indicates: (1) that the applicant's current over-all profit position, adjusted to reflect fully the net effect of legal cost and price increases which occurred during and subsequent to the latest accounting period for which data were submitted, is unfavorable as compared with its average base period earnings, adjusted for subsequent increases in net worth; and (2) that the current sales realization on wide-mouth and narrow-neck glass containers subject to price control does not return to the applicant current costs and a reasonable profit for manufacturing and selling these products. In this action the Price Administrator considers a reasonable profit to be the profit margin earned during 1941 on sales of the product line, limited by the aggregate dollar amount of adjustment required to make current over-all earnings, adjusted for cost increases, equal to base period earnings, adjusted for changes in net worth. Accordingly, it appears appropriate under the standards set forth in section 16 of Maximum Price Regulation 592 to increase the maximum list selling prices of wide-mouth and narrow-neck glass containers by an amount equal to that required to return total costs plus a reasonable profit on these products, subject to the adjusted over-all profit limitation. Based on the above considerations, the accompanying Orders increase the applicant's maximum list prices of wide-mouth and narrow-neck glass containers by 8.3 percent, and establish adjusted maximum net prices for these product lines which will permit the applicant to recover total costs plus a reasonable profit for manufacturing and selling glass containers.

In accordance with the customary trade practice of this industry, the adjusted prices per gross of glass containers permitted by the accompanying Orders may be rounded off to the nearest \$0.05.

Resellers are permitted to increase their existing maximum prices of wide-mouth and narrow-neck glass containers by the percentage increase in their acquisition costs resulting from the adjustments granted the Owens-Illinois Glass Company. Thus, resellers will continue to realize the same percentage margins on these two product lines as were in effect prior to the issuance of the accompanying Orders.

[F. R. Doc. 46-17600; Filed, Sept. 30, 1946;  
8:48 a. m.]

[MPR 188, Amdt. 1 to Order 4832]

NATIONAL PRESSURE COOKER Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:* That Order No. 4832 under § 1499.158 of Maximum Price Regulation No. 188, be amended in the following respects:

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

(1) For all sales and deliveries to the following classes of purchasers by the

sellers indicated below, the maximum prices are those set forth below.

For sales of Martin Outboard Motor No. 60 (Having 2 cylinders, 6.9 Horse Power at 4500 RPM, length 38<sup>3</sup>/<sub>16</sub>"', width 11<sup>3</sup>/<sub>16</sub>" weight 45 pounds.)

	Maximum selling prices (each)
By any seller to:	
Wholesalers (jobbers).....	\$92.51
Retailers (dealers).....	108.46
Consumers located in Zone 1 (Minnesota, Iowa, Wisconsin, Illinois and the Upper Peninsula of Michigan) .....	163.00
Consumers located in Zone 2 (North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Arkansas, Tennessee, Pennsylvania, Indiana, Ohio, Lower Michigan, West Virginia, Virginia, Kentucky, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, District of Columbia, Vermont and New Hampshire).....	163.50
Consumers located in Zone 3—(Montana, Wyoming, Colorado, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, and Maine).....	164.00
Consumers located in Zone 4—(Washington, Oregon, Idaho, Utah, California, Arizona, and Nevada).....	164.50

These prices are for the articles described in the manufacturer's application dated December 12, 1945.

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

(2) Maximum prices to consumers are delivered prices. Maximum prices to purchasers for resale are f. o. b. factory, net 30 days. For sales by the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this amendment.

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

This amendment shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.  
GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. 4832 UNDER MAXIMUM PRICE REGULATION NO. 188

On December 12, 1945, Martin Motors, Division of National Pressure Cooker Company, Eau Claire, Wisconsin, applied to the Office of Price Administration for the establishment of maximum prices for sales by it of an outboard motor, Model #2 which it manufactures.

Order No. 4832 was issued establishing such prices. Since the applicant had not previously manufactured an article the maximum price of which could be used as a basis for pricing the articles described in the application under one of the other pricing methods of Maximum Price Regulation No. 188, it was necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

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

At applicant's request, a review of the prices so established to each class of purchaser was made, and it has been determined that the prices to dealers and jobbers were below the level of maximum prices established by the Regulation to those classes of purchasers, and were, therefore, below the level of maximum prices established by the Regulation. This amendment is, therefore, issued to bring such prices into line with that level.

The only other change made by this amendment is in paragraph (a) (2) which is amended to provide that manufacturers' maximum prices apply to sales and deliveries after the effective date of the amendment. This is done so that there may be no question that the previously established prices apply to sales made while the prices set forth in the original order were in effect.

[F. R. Doc. 46-17601; Filed, Sept. 30, 1946; 8:47 a. m.]

[MPR 188, Order 5210]

RAMERMAN AND SONS

APPROVAL OF MAXIMUM PRICES

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

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ramerman & Sons, 2213 Queen Anne Avenue, Seattle 9, Wash.

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

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Wood table lamp and shade.....	109	Each	Each	Each
	110	\$10.29	\$12.69	\$21.69
	129	10.29	12.69	21.69
	139	10.29	12.69	21.69

These maximum prices are for the articles described in the manufacturer's application dated September 7, 1946.

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

f. o. b. Seattle, Washington, 2% 10 days, net 30 days. The maximum price to consumers is net delivered.

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

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

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, 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) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5210 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated September 7, 1946, Ramerman and Sons, 2213 Queen Anne Avenue, Seattle 9, Washington, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps and shades which it manufactures.

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

The specifications, construction and design of the applicant's product have been compared with those of comparable

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

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17603; Filed, Sept. 30, 1946; 8:46 a. m.]

[MPR 188, Order 5209]

CERTIFIED LIGHTING CO.

APPROVAL OF MAXIMUM PRICES

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

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Certified Lighting Company, 430 So. Green Street, Chicago 7, Ill.

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

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Re-tailers	
Brass plated Jr. floor lamp with silk shade.....	701-A	Each \$15.04	Each \$17.70	Each \$31.86
Bronze plated Jr. floor lamp with silk shade.....	701-B	15.87	18.67	33.61
Brass plated bridge lamp with silk shade.....	701-C	13.71	16.13	29.03
Bronze plated bridge lamp with silk shade.....	701-D	14.43	16.98	30.55
Brass plated swing arm bridge lamp with silk shade.....	701-E	16.69	19.63	35.33
Bronze plated swing arm bridge lamp with silk shade.....	701-F	17.51	20.60	37.00
Brass plated torchiere with glass reflector.....	701-G	12.54	14.75	26.55
Bronze plated torchiere with glass reflector.....	701-H	12.86	15.13	27.23
Brass plated Jr. floor lamp with white onyx insert and silk shade.....	750-A	17.05	20.06	36.11
Brass plated Jr. floor lamp with green onyx insert and silk shade.....	750-B	18.88	22.21	39.98
Bronze plated Jr. floor lamp with white onyx insert and silk shade.....	750-C	17.05	20.06	36.11
Bronze plated Jr. floor lamp with green onyx insert and silk shade.....	750-D	19.55	23.00	41.40
Brass plated bridge lamp with white onyx insert and silk shade.....	750-E	13.38	15.74	28.33
Brass plated bridge lamp with green onyx insert and silk shade.....	750-F	15.40	18.12	32.62
Bronze plated bridge lamp with 8" white onyx insert and silk shade.....	750-G	14.25	16.76	30.17

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Re-tailers	
Bronze plated bridge lamp with 8" green onyx insert and silk shade.....	750-H	Each \$16.27	Each \$19.14	Each \$34.45
Brass plated swing arm bridge lamp with white onyx insert and silk shade.....	750-I	16.28	19.15	34.47
Brass plated swing arm bridge lamp with green onyx insert and silk shade.....	750-J	18.22	21.43	38.57
Bronze plated swing arm bridge lamp with white onyx insert and silk shade.....	750-K	17.00	20.00	36.00
Bronze plated swing arm bridge lamp with green onyx insert and silk shade.....	750-L	19.02	22.38	40.23
Brass plated torchiere with white onyx insert and glass reflector.....	750-M	14.01	16.48	29.66
Brass plated torchiere with green onyx insert and glass reflector.....	750-N	16.03	18.86	33.95
Bronze plated torchiere with white onyx insert and glass reflector.....	750-R	14.73	17.33	31.19
Bronze plated torchiere with green onyx insert and glass reflector.....	750-S	16.57	19.50	35.10
Brass plated Jr. floor lamp with white 8" onyx insert and silk shade.....	780-A	20.35	23.94	43.09
Brass plated Jr. floor lamp with 8" green onyx insert and silk shade.....	780-B	25.84	30.40	54.72
Bronze plated Jr. floor lamp with 8" white onyx insert and silk shade.....	780-C	21.07	24.79	44.62
Bronze plated Jr. floor lamp with 8" green onyx insert and silk shade.....	780-D	26.56	31.25	56.25
Brass plated bridge lamp with 8" white onyx insert and silk shade.....	780-E	18.41	21.66	38.99
Brass plated bridge lamp with 8" green onyx insert and silk shade.....	780-F	23.90	28.12	50.02
Bronze plated bridge lamp with 8" white onyx insert and silk shade.....	780-G	19.16	22.54	40.57
Bronze plated bridge lamp with 8" green onyx insert and silk shade.....	780-H	24.41	28.72	51.70
Brass plated swing-arm bridge lamp with 8" white onyx insert and silk shade.....	780-I	19.79	23.28	41.90
Brass plated swing-arm bridge lamp with 8" green onyx insert and silk shade.....	780-J	25.77	30.32	54.58
Bronze plated swing-arm bridge lamp with 8" white onyx insert and silk shade.....	780-K	20.60	24.23	43.01
Bronze plated swing arm bridge lamp 8" Green onyx insert and silk shade.....	780-L	26.24	30.87	55.57
Brass plated torchiere with 8" white onyx insert and glass reflector.....	780-M	17.18	20.21	36.38
Brass plated torchiere with 8" green onyx insert and glass reflector.....	780-N	22.89	26.93	48.47
Bronze plated torchiere with 8" white onyx insert and glass reflector.....	780-R	18.22	21.43	38.57
Bronze plated torchiere with 8" green onyx insert and glass reflector.....	780-S	23.71	27.89	50.20

These maximum prices are for the articles described in the manufacturer's application dated September 9, 1946.

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

sales and deliveries. For sales to persons other than consumers they are f. o. b. Chicago 7, Illinois, 2% 10 days, net 30 days. The maximum price to consumers is net delivered.

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

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

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number-----  
OPA Retail Ceiling Price—0-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, 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) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO. 5209 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated September 9, 1946, Certified Lighting Company, 430 So. Green Street, Chicago 7, Illinois, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps and shades which it manufactures.

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

The specifications, construction and design of the applicant's product have

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

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17602; Filed, Sept. 30, 1946; 8:46 a. m.]

[MPR 188, Order 5211]

J. B. STETSON MFG. CO.

APPROVAL OF MAXIMUM PRICES

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

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by J. B. Stetson Manufacturing Co., 49 Purchase Street, Boston 10, Mass.

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

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Baked enamel pin-up lamp with hand painted hydrastone ornament and laminated wall paper shade.	1012	Each \$2.20	Each \$2.58	Each \$4.64
Metal pin-up lamp, electroplated pewter, decorated with eagle and brass balls with parchment paper shade	1013	3.00	3.53	\$4.35
Metal pin-up lamp, electroplated pewter, decorated with laurel leaves and parchment paper tele-type shade.	1028	3.00	3.53	6.35
Baked enamel pin-up lamp with hand painted hydrastone ornament and paper parchment shade.	1032	2.39	2.81	5.03
19" hand painted hydrastone table lamp with hand decorated paper parchment shade.	1035-P	4.02	4.72	8.50
19" hand painted hydrastone table lamp with silk shade.	1035-S	6.33	7.50	13.50
18" hand painted hydrastone table lamp with hand decorated parchment paper shade.	1036	3.40	4.00	7.20
18" hand painted hydrastone table lamp with hand decorated parchment paper shade.	1037	3.40	4.00	7.20

These maximum prices are for the articles described in the manufacturer's application dated September 3, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Boston 10, Mass., 2% 10 days, net 30 days. The maximum price to consumers is net delivered.

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

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

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number—  
OPA Retail Ceiling Price—  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, 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) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.

Geoffrey Baker,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5211 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated September 3, 1946, J. B. Stetson Manufacturing Company, 49 Purchase Street, Boston 10, Mass., herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

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

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

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers mark-ups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17604; Filed, Sept. 30, 1946; 8:46 a. m.]

[MPR 382; Order 9]

OWENS-ILLINOIS GLASS CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 9 under section 1.10 (c) of Maximum Price Regulation No. 382, Wide-Mouth Glass Containers, Owens-Illinois Glass Company (Docket 6122-592-16-411).

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 1.10 (c) of Maximum Price Regulation 382, *it is ordered:*

(a) The maximum list prices established under Maximum Price Regulation 382 for sales of wide-mouth glass containers by the Owens-Illinois Glass Company, Toledo, Ohio, to its various classes of purchasers, may be increased by an amount not in excess of 8.3 percent.

(b) The Owens-Illinois Glass Company may round off to the nearest \$0.05 the adjusted maximum list prices resulting from the increase permitted by paragraph (a) above.

(c) Any person purchasing for the purpose of resale in the same form or forms, wide-mouth glass containers from the Owens-Illinois Glass Company, Toledo, Ohio, may increase his present maximum prices, established under the General Maximum Price Regulation, by an amount not exceeding the percentage increase in acquisition costs resulting to him from the increases permitted the Owens-Illinois Glass Company under paragraphs (a) and (b) above.

(d) All provisions of Maximum Price Regulation 382 and the General Maximum Price Regulation not inconsistent with this order shall apply to sales covered by this order.

(e) All requests of the application not granted herein are denied.

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

This Order No. 9 shall become effective September 30, 1946.

Issued this 30th day of September, 1946.

Geoffrey Baker,  
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 139 UNDER PARAGRAPH (A) (12) OF ORDER A-Z UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188 AND ORDER NO. 9 UNDER SECTION 1.10 (C) OF MAXIMUM PRICE REGULATION NO. 382

The Owens-Illinois Glass Company, Toledo, Ohio, a manufacturer of wide-mouth and narrow-neck glass containers, filed an application for adjustments in the maximum list selling prices of these products. At present, wide-mouth and narrow-neck glass containers are subject to Maximum Price Regulation 382 and Maximum Price Regulation 188, respectively. The individual adjustment provisions in both of these regulations incorporate the provisions of Section 16 of Maximum Price Regulation 392 insofar as they are applicable to both of the above products. This application, accordingly, has been processed pursuant to the standards set forth in Section 16 of Maximum Price Regulation 592.

This Office has examined the applicant's over-all financial data for the base period years 1936-1939, inclusive, and its segregated financial data for the years 1941, 1945, and its latest quarterly period in 1946. An analysis of the submitted data indicates: (1) that the applicant's current over-all profit position, adjusted to reflect fully the net effect of legal cost and price increases which occurred during and subsequent to the latest accounting period for which data were submitted, is unfavorable as compared with its average base period earnings, adjusted for subsequent increases in net worth; and (2) that the current sales realization on wide-mouth and narrow-neck glass containers subject to price control does not return to the applicant current costs and a reasonable profit for manufacturing and selling these products. In this action the Price Administrator considers a reasonable profit to be the profit margin earned during 1941 on sales of the product line, limited by the aggregate dollar amount of adjustment required to make current over-all earnings, adjusted for cost increases, equal to base period earnings, adjusted for changes in net worth. Accordingly, it appears appropriate under the standards set forth in Section 16 of Maximum Price Regulation 392 to increase the maximum list selling prices of wide-mouth and narrow-neck glass containers by an amount equal to that required to return total costs plus a reasonable profit on these products, subject to the adjusted over-all profit limitation. Based on the above considerations, the accompanying Orders increase the applicant's maximum list prices of wide-mouth and narrow-neck glass containers by 3.3 percent, and establish adjusted maximum net prices for these product lines which will permit the applicant to recover total costs plus a reasonable profit for manufacturing and selling glass containers.

In accordance with the customary trade practice of this industry, the adjusted prices per gross of glass containers permitted by the accompanying orders may be rounded off to the nearest \$0.05.

Resellers are permitted to increase their existing maximum prices of wide-

mouth and narrow-neck glass containers by the percentage increase in their acquisition costs resulting from the adjustments granted the Owens-Illinois Glass Company. Thus, resellers will continue to realize the same percentage margins on those two product lines as were in effect prior to the issuance of the accompanying orders.

[F. R. Doc. 46-17606; Filed, Sept. 30, 1946; 8:45 a. m.]

[MPR 188, Order 5212]

ATLAS LAMP MFG. CO.

APPROVAL OF MAXIMUM PRICES

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

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Atlas Lamp Manufacturing Company, 37 Fifth Avenue, New York City, N. Y.

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

Article	Model No.	For sales by the manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Fibrous composition juvenile doll lamp, solid maple mounting and paper parchment shade.....	1-C	Each \$3.64	Each \$4.23	Each \$7.70
Fibrous composition juvenile animal lamp, with paper parchment shade.....	1-R	2.24	2.64	4.75
Solid maple juvenile lamp with paper parchment shade.....	1-T	2.80	3.29	5.92
Solid maple juvenile ball lamp with paper parchment shade.....	2-B	3.34	3.93	7.07
Solid maple juvenile block lamp with paper parchment shade.....	3-M	2.69	3.17	5.71
Solid maple juvenile block lamp with paper parchment shade.....	4-M	3.03	3.57	6.43
Solid maple juvenile lamp with paper parchment shade.....	10	2.32	2.73	4.91
18" all polished brass colonial table lamp with metallic foil paper parchment shade.....	100	4.37	5.13	9.23
18" all polished brass colonial table lamp with metallic foil paper parchment shade.....	200	3.82	4.50	8.10
32" Hand painted Royal Worcester finish china table lamp, hand made filigree metal base and finial, with hand sewn washable silk shade—bottom and top ruching trim.....	150	28.64	33.69	60.64
31" hand painted Royal Worcester finish china table lamp, hand made filigree metal base and finial with hand sewn washable silk shade—bottom and top braid trim.....	400	31.41	32.70	66.51
24 1/2" Hand painted Royal Worcester finish china table lamp, hand made filigree metal base and finial, with hand sewn washable silk shade—bottom cord trim and top ruching trim.....	514	28.64	36.95	60.64

These maximum prices are for the articles described in the manufacturer's application dated August 22, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. New York City, New York, 2% 10 days, net 30 days. The maximum price to consumers is net delivered.

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

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

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number—-----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, 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) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 147.

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

(f) This order shall become effective on the 1st day of October 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO. 5212 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated August 22, 1946, Atlas Lamp Mfg. Company, 37 Fifth Avenue, New York City, New York, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to

consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 183.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 183.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers mark-ups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-17605; Filed, Sept. 30, 1946; 8:46 a. m.]

[MPR 120, Amdt. 7 to Order 1343]

**BITUMINOUS COAL IN DISTRICT 8**

**ESTABLISHMENT OF MAXIMUM PRICES**

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120; *It is ordered.*

Order No. 1343 under Maximum Price Regulation No. 120 is hereby amended in the following respects:

The maximum prices established in paragraph (1) for Harlan Central Mine, now known as Totz Mine, Mine Index No. 233, and all references thereto, are deleted.

This amendment shall become effective October 5, 1946.

Issued this 30th day of September 1946.

**GEOFFREY BAKER,**  
*Acting Administrator*

**OPINION ACCOMPANYING AMENDMENT NO. 7 TO ORDER NO. 1343 UNDER MAXIMUM PRICE REGULATION NO. 120**

The accompanying amendment revokes the maximum prices now applicable to Totz Mine, formerly designated as Harlan Central Mine, Mine Index No. 233, in Subdistrict No. 2 of District No. 8. Such action has been taken for the reason that a recent review of the cost and realization data for this mine has disclosed that the representative cost of production no longer exceeds the potential realization from the sale of the applicant's coal at existing schedule maximum prices. Since this is the only basis for the relief originally granted, the adjusted maximum prices must be revoked and the applicant's maximum prices shall hereafter be determined by the schedule of maximum prices for Dis-

trict No. 8 as set forth in Maximum Price Regulation No. 120.

[F. R. Doc. 46-17565; Filed, Sept. 30, 1946; 8:50 a. m.]

[MPR 120, Order 1751]

**S. J. AZZARA ET AL.**

**ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS**

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

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and State. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

**S. J. AZZARA, CRESCON, PENNSYLVANIA, S. J. AZZARA LILLY NO. 6 MINE, B RIDER SEAM, MINE INDEX NO. 233, CAMBRIA COUNTY, PA., SUBDISTRICT 31, RAIL SHIPPING POINT: LILLY, PA., STEEP MINE**

	Size group Nos.				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipment.....	325	325	325	325	325
Railroad locomotive fuel.....	320	320	325	325	325
Truck shipment.....	320	325	325	325	315

Subject to the provisions of order No. 1543 under MPR No. 120, as amended.

**DENNIS BENDER, CARROLLTOWN, PENNSYLVANIA, DENNIS BENDER MINE, D SEAM, MINE INDEX NO. 233, CAMBRIA COUNTY, PA., SUBDISTRICT 24, RAIL SHIPPING POINT: BAREBON, PA., DEEP MINE**

	Size group Nos.				
	E	E	E	E	E
Price classification.....	E	E	E	E	E
Rail shipment.....	427	427	427	427	427
Railroad locomotive fuel.....	412	412	377	377	377
Truck shipment.....	427	422	422	422	412

**M. H. BIGAN COAL CO., WYOMING, PENNSYLVANIA, BIGAN NO. 6 MINE, B SEAM, MINE INDEX NO. 233, SOMERSET COUNTY, PA., SUBDISTRICT 23, RAIL SHIPPING POINT: BEWELL, PA., STEEP MINE**

	Size group Nos.				
	E	E	E	E	E
Price classification.....	E	E	E	E	E
Rail shipment.....	325	325	325	315	315
Railroad locomotive fuel.....	320	320	325	325	325
Truck shipment.....	325	320	320	320	320

**LESTER J. BUTZBAUGH, SEAFORD, PENNSYLVANIA, BUTZBAUGH MINE, B SEAM, MINE INDEX NO. 1102, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT: CLYMER AND DIXONVILLE, PA., DEEP MINE**

	Size group Nos.				
	1	2	3	4	5
Price classification.....	G	G	G	G	G
Rail shipment.....	422	422	427	327	327
Railroad locomotive fuel.....	412	412	327	327	327
Truck shipment.....	427	422	422	412	422

<sup>1</sup> Previously established.

**C. K. S. COAL CO., 617 WALNUT ST., ROARING SPRING, PENNSYLVANIA, C. K. S. NO. 2 MINE, BARNETT SEAM, MINE INDEX NO. 233, HUNTINGDON COUNTY, PA., SUBDISTRICT 23, RAIL SHIPPING POINT: SARTON, PA., STEEP MINE**

	Size group Nos.				
	B	B	B	B	C
Price classification.....	B	B	B	B	C
By all methods of shipment, for all uses.....	425	425	320	325	320

**C. K. S. COAL CO., 617 WALNUT ST., ROARING SPRING, PENNSYLVANIA, C. K. S. NO. 2 MINE, FULLON SEAM, MINE INDEX NO. 233, HUNTINGDON COUNTY, PA., SUBDISTRICT 23, RAIL SHIPPING POINT: SARTON, PA., STEEP MINE**

	Size group Nos.				
	B	B	B	B	C
Price classification.....	B	B	B	B	C
By all methods of shipment, and for all uses.....	425	425	320	325	320

**CONFORT RUN COAL CO., OSCEOLA MILLS, PENNSYLVANIA, CONFORT RUN NO. 10 MINE, D SEAM, MINE INDEX NO. 233, CAMBRIA COUNTY, PA., SUBDISTRICT 18, RAIL SHIPPING POINT: ELLERTON, PA., STEEP MINE**

	Size group Nos.				
	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment.....	325	325	325	325	325
Railroad locomotive fuel.....	320	320	325	325	325
Truck shipment.....	320	325	325	325	315

Subject to the provisions of order No. 1543 under MPR No. 120, as amended.

**CONFORT RUN COAL CO., OSCEOLA MILLS, PENNSYLVANIA, CONFORT RUN NO. 11 MINE, E SEAM, MINE INDEX NO. 232, CAMBRIA COUNTY, PA., SUBDISTRICT 18, RAIL SHIPPING POINT: ELLERTON, PA., STEEP MINE**

	Size group Nos.				
	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment.....	325	325	325	325	325
Railroad locomotive fuel.....	320	320	325	325	325
Truck shipment.....	320	325	325	325	315

Subject to the provisions of order No. 1543 under MPR No. 120, as amended.

This order shall become effective October 1, 1946.

Issued this 30th day of September 1946.

**GEOFFREY BAKER,**  
*Acting Administrator*

**OPINION ACCOMPANYING ORDER NO. 1751 UNDER MAXIMUM PRICE REGULATION NO. 120**

The order which this opinion accompanies establishes maximum prices and price classifications and assigns mine index numbers to mines in District No. 1 which had not been classified and numbered by the former Bituminous Coal Division. This is done in accordance with § 1340.210 (a) (6) of the Regulation which provides for this action.

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

This application was then submitted to the industry advisory committee for District No. 1. The prices and classifications established are those recommended by the committee and those requested by the applicants, if a request was made, and are fair and equitable.

[F. R. Doc. 46-17566; Filed, Sept. 30, 1946; 8:50 a. m.]

[MPR 170, Order 16]

WILLIAM S. GRAY & CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; *It is ordered.*

(a) The maximum delivered prices for sales of "Type F anti-freeze," an anti-freeze compound, composed primarily of 35 percent natural methanol and 65 percent isopropyl alcohol, manufactured by William S. Gray and Company, 342 Madison Ave., New York, N. Y., shall be those set forth below:

On sales to wholesalers	On sales to retailers	On sales to consumers
\$0.605 per gallon, in drums delivered, c. l.	\$0.75 per gallon delivered.	\$1.23 per gallon.
\$0.485 per gallon, delivered tank cars.	-----	\$0.31 per quart.

(b) The price for the contents of a drum must be decreased by the maximum price for a used drum of the same kind, f. o. b. buyer's plant, if the seller requires the return of drums or the buyer furnishes drums. Transportation costs for the return or furnishing of drums must be borne by the seller.

(c) The maximum prices for sales at retail includes installation in the automobile cooling system where the buyer so requests and where anti-freeze was customarily so installed during the six month period ending March 31, 1942 by the seller, or if the seller did not sell anti-freeze during such period, by like sellers.

(d) No extra charge may be made for containers.

(e) With or prior to the first delivery after the effective date of this order the manufacturer or wholesaler shall furnish the buyer with a written notice of the schedule of prices set out in paragraph (a) above together with a statement that they have been approved by the Office of Price Administration.

(f) Prior to making any delivery after the effective date of this order the manufacturer shall mark or cause to be marked on each container the following:

(1) "Type F anti-freeze"

(2) Retail ceiling price—\$\_\_\_\_" The blank shall be filled in by the appropriate price.

(3) A complete anti-freeze protection table.

(g) Every person selling "Type F anti-freeze" at retail shall post the maximum retail price and type in a manner plainly visible to and understandable by the public.

This order shall become effective October 1, 1946.

Issued this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING ORDER NO. 16 UNDER MAXIMUM PRICE REGULATION 170

William S. Gray and Company, 342 Madison Ave., New York, N. Y., has applied under § 1412.13 (j) of Maximum Price Regulation 170 for the establishment of maximum prices at all levels of distribution for "Type F anti-freeze", a new type anti-freeze, composed primarily of 35 percent natural methanol and 65 percent isopropyl alcohol.

In the opinion of this office, the requested prices are in line with the level of maximum prices otherwise established by the regulation. The manufacturer has submitted its unit direct cost to this Office and the margins afforded it and each reseller appear to be fair and equitable.

In view of the foregoing, the Administrator finds that the accompanying order is in accord with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the executive orders of the President.

[F. R. Doc. 46-17568; Filed, Sept. 30, 1946; 8:49 a. m.]

[RMPPR 506, Amdt. 2 to Order 52]

SPECIALTY STITCHING CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment 2 to Order No. 52 under sec. 4 (b) of Revised Maximum Price Regulation 506, Maximum prices for staple work gloves. Docket No. N6657-506-72-7.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered.*

Order No. 52 under section 4 (b) of RMPPR 506 is amended in the following respects:

1. In the first sentence of paragraph (a) the date "August 15, 1944," is amended to read: "May 16, 1944."

2. The first sentence of paragraph (d) is amended by deleting therefrom the words "on or after August 15, 1944."

Issued and effective this 30th day of September 1946.

GEOFFREY BAKER,  
Acting Administrator

OPINION ACCOMPANYING OPA AMENDMENT 2 TO ORDER NO. 5 UNDER SECTION 4 (b) OF REVISED MAXIMUM PRICE REGULATION 506

The order hereby amended provided maximum prices for a work glove manufactured by the Specialty Stitching Company. Prices were established for all sales and deliveries of that glove on and after August 15, 1944, the effective date of the order. Those prices were "in line" with comparable gloves specifically priced under Revised Maximum Price Regulation 506.

It now appears that sales of that glove were made prior to August 15, 1944.

The accompanying amendment extends the coverage of the original order to all sales made prior to August 15, 1944, back to May 16, 1944, the effective date of RMPPR 506 for sales by manufacturers.

[F. R. Doc. 46-17564; Filed, Sept. 30, 1946; 8:51 a. m.]

Regional and District Office Orders.

[Region VIII Rev. Order G-4 Under Gen. Order 68, Amdt. 4]

BUILDING MATERIALS, LOS ANGELES COUNTY, CALIF.

An opinion accompanying this amendment has been issued simultaneously herewith, Order No. G-4 under General Order No. 68 is amended in the following respects:

1. In Appendix A, the provision entitled "Deliveries" is amended to read as follows:

*Deliveries:* For deliveries made to a delivery point within five miles from a seller's nearest place of business, no charge may be made except for sales of less than 1500 square feet of insulation materials or of less than two tons of other kinds of materials; for such sales \$1.00 may be charged. For deliveries made to more distant points a charge at the rate of \$1.50 per half-hour of required delivery time may be made for each necessary truck trip.

A seller may elect in lieu of the delivery provisions above, to make a flat 3% delivery charge if he first informs the Southern California District Office, in writing of this election. A seller having once elected to make a flat 3% charge, all subsequent sales on a delivered basis must be charged at a rate not in excess thereof; *Provided*, That a minimum delivery charge of \$1.50 may be made.

2. In Appendix A, the maximum price of lime putty per 250# bbl., is amended to read 1.70.

Paragraph 1 of this amendment shall be effective as of September 9, 1946; paragraph 2 of this amendment shall become effective upon issuance.

Issued this 17th day of September 1946.

BEN C. DUNIWAY,  
Regional Administrator

OPINION ACCOMPANYING AMENDMENT NO. 4 TO REVISED ORDER NO. G-4 UNDER GENERAL ORDER NO. 68

This amendment makes two substantive changes in Order No. G-4. These changes are as follows: A minimum delivery charge has been established for those sellers who elect to use the flat 3% delivery charge method. It has been brought to the attention of the Regional Office that such was the established practice. An increase of 10¢ has been granted in the price of lime putty per 250# bbl. This increase has been necessitated by the fact that simultaneously herewith, an increase in maximum prices has been permitted the Standard Lime Products Co., Inc., of Los Angeles, California, the major supplier of lime putty to sellers covered by this order.

In view of the foregoing, the Regional Administrator is of the opinion that this amendment is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and with the Executive orders supplementary thereto.

[F. R. Doc. 46-17561; Filed, Sept. 30, 1946; 8:52 a. m.]

[Region VII, Order G-8 Under Gen. Order 68, Amdt. 2]

**CERTAIN BUILDING MATERIALS IN LARAMIE COUNTY, WYO., AREA**

Order No. G-8 under General Order No. 68, Amendment No. 2, Docket No. 7-GO 68-8 (b) Maximum prices for retail sales of certain building and construction materials in the Laramie County, Wyoming Area.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII pursuant to the provisions of General Order 68, Order No. G-8 is amended in the following respects:

(1) Section 1 of Order No. G-8 is amended to read as follows:

**SECTION 1. What this order does.** This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the Laramie County, Wyoming area. The Laramie County, Wyoming area for the purposes of this order includes all of Laramie County, Wyoming.

(2) There is inserted after section 4 the following new section:

**SEC. 4A. Adjustment to reflect increase in supplier's price—(a) Applicability.** This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No. G-8, the maximum prices of the specified building and construction materials covered by Order No. G-8, shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by

Amendment No. 1, effective June 10, 1946.

(4) Insofar as this amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials), it supersedes that order and the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment No. 1 to Order No. G-8, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-8, under General Order 68, shall be effective August 19, 1946.

Issued this 19th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.

TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Cement:		
Portland—paper sacks.....	Per sack—100 pounds.....	\$3.05
Portland—cloth sacks.....	do.....	1.10
Quick-strength.....	do.....	1.20
Waterproof.....	do.....	1.20
Keene.....	do.....	2.60
Atlas or duro white-regular.....	do.....	3.00
Atlas waterproof.....	do.....	3.00
Mortar:		
Masonry—paper sack.....	Per sack—75 to 80 pounds.....	.85
Lime:		
Finishing—Ohiohydrated.....	Per sack—50 pounds.....	.65
Hydrated—Colorado.....	do.....	.65
Hydrated—Missouri.....	do.....	.65
Quick-pulverized (verfat and chebbire).....	Per sack—80 pounds.....	1.25
Plaster:		
Hardwall.....	Per sack—100 pounds.....	1.60
Plaster paris—white.....	do.....	1.60
Plaster paris—less than full sack quantities.....	Per pound.....	.62
Calcium chloride: (Used for building purposes). Less than sack quantities.....	Per cwt.—100 pounds.....	2.00

TABLE II—LATH, GYPSUM AND METAL; CORNER BEADS AND EXPANION CASINGS

Lath:		
Gypsum.....	Per M square feet.....	\$3.50
Metal lath—Flat diamond mesh <sup>1</sup> .....	Square yard.....	.33
2 1/2 pound painted.....	do.....	.40 1/2
3 1/2 pound painted.....	do.....	.44
3 1/2 pound galvanized.....	do.....	.44
Metal lath—Flat ribs.....	do.....	.35 1/2
2 1/2 pound painted.....	do.....	.33
3 1/2 pound painted.....	do.....	.40 1/2
4 1/2 inch painted.....	do.....	.43
Corner beads:		
Expanded open.....	M linear feet.....	64.00
Flat open.....	do.....	23.00
3/4 inch bull nose flat open.....	do.....	64.00
All expansion casings:		
3/4 inch (bull nose—O. G. or square edge).....	do.....	64.00
Corner lath:		
2 x 2.....	do.....	82.00
3 x 3.....	do.....	97.00

<sup>1</sup> Add for metal lath—self furring—1/4 per yard over flat diamond mesh.  
<sup>2</sup> For copper bearing lath, add 1/4 per square yard.

TABLE III—INSULATION MATERIALS, WALL BOARDS AND BUILDING PAPER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Insulation board:		
3/4" x 4' x 8', 7', 8', 9', 10', 12'.....	Per M square feet.....	\$24.00
3/8" x 4' x 8', 7', 8', 9', 10', 12'.....	do.....	43.00
Edges beveled, odd.....	do.....	5.00
Insulation tile 3/4".....	do.....	69.50
Sizes under 16 x 32.....	do.....	69.50
16 x 32 and larger.....	do.....	69.50
Insulation plank 3/4".....	do.....	69.50
All sizes.....	do.....	69.50
Insulation sheathing asphalt coated or impregnated:		
1/2" x 4' x 8', 8'6", 9', 9'6".....	do.....	67.00
10' x 12'.....	do.....	65.00
2 1/2" x 4' x 8', 8'6", 9', 9'6".....	do.....	65.00
10' x 12'.....	do.....	65.00
2 1/2" x 4' x 8', 8'6", 9', 9'6".....	do.....	65.00
10' x 12'.....	do.....	65.00
Insulation lath:		
3/4" x 10 x 48-18 x 48-24 x 48.....	do.....	24.00
Balkam wool sealed blankets:		
Standard.....	do.....	62.00
Double thick.....	do.....	67.50
Wall thick.....	do.....	62.00
Kernal insulation:		
Commercial 1/2".....	do.....	43.00
Standard 1/2".....	do.....	47.00
Double thick 5/8".....	do.....	55.00
Mineral wool insulation:		
Scimitar batts 15 x 45".....	do.....	60.00
Full-thick batts 15 x 45".....	do.....	60.00
Hand-batts full thick 15 x 24".....	do.....	60.00
Jr. Batts 11 1/2 x 15".....	do.....	60.00
Mineral wool blankets:		
1".....	do.....	50.00
2".....	do.....	60.00
3".....	do.....	82.00
Wool and less wool in sacks:		
25 lbs.....	Per sack.....	1.00
33 lbs.....	do.....	1.75
40 lbs.....	do.....	1.80
Building paper:		
Red resin—50 lbs.....	500 square-foot rolls—per roll.....	1.25
Red resin—25 lbs.....	do.....	1.40
Red resin—30 lbs.....	do.....	2.00
Red resin—40 lbs.....	do.....	2.75
Skalkraft.....	Per hundred square feet.....	1.35
Broken rolls of skalkraft.....	do.....	2.00
Presswood:		
3/4 x 48 x 72 and larger plain.....	Per thousand square feet.....	80.00
3/4 x 48 x 72 and larger tempered.....	do.....	100.00
3/4 x 48 x 72 and larger plain.....	do.....	150.00
3/4 x 48 x 72 and larger tempered.....	do.....	160.00
3/4 x 48 x 72 and larger plain.....	do.....	130.00
3/4 x 48 x 72 and larger tempered.....	do.....	150.00
Wallboards:		
Sheetrock—3/4 x 48 x 72 and larger.....	do.....	40.50
Sheetrock—3/4 x 48 x 72 and larger.....	do.....	55.50
Sheetrock—3/4 x 48 x 72 and larger.....	do.....	61.00

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Felt:		
Asphalt and tarred:		
15 lb. 22" wide 432 sq. ft.....	Per roll.....	\$3.40
20 lb. 22" wide 216 sq. ft.....	do.....	3.40
Roll roofing:		
Smooth surfaced:		
35 lb.....	do.....	1.00
45 lb.....	do.....	2.10
55 lb.....	do.....	2.65
65 lb.....	do.....	2.90
75 lb.....	do.....	3.25
77 lb.....	do.....	3.40
Mineral surfaced:		
60 lb.....	do.....	3.35
Split roll 105 lb. diamond point—hexagon edged staggered edge.....	do.....	3.70
Split roll 112 lb. diamond point—hexagon edged staggered edge.....	do.....	3.95

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Shingles:		
Composition shingles:		
Standard individual 250 lb.	Per square	\$9.10
Asphalt shingles:		
Hexagon Standard 3 Tab 167 lb.	do	6.30
Thick butt 3 tab 12" 210 lb.	do	7.90
Asbestos shingles:		
Asbestos shingles 250-200 lb.	do	14.40
Dutch lap 16 x 16	do	16.10
Sliding—Asbestos cement:		
Standard surfaced hard standard colors (12 x 24) (12 x 27).	do	11.05
Standard surfaced hard standard colors white or buff.	do	11.30
Extra hard surfaced white (glatex) (12 x 24) (12 x 27).	do	13.40
Sliding—asphalt:		
Insulated brick:		
14 3/8 x 4 3/8	do	14.00
13 3/8 x 4 3/8 14 x 4 3/8	do	14.00
Roll brick	Per roll	4.75

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-8 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. G-8 under General Order 68, modifies reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172, Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials, in order to reflect the increase in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592; by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regulation No. 466, and otherwise to meet the requirements of section 2 (b) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage markup on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V some of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-8 under General Order 68 is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68 under which Order No. G-8 was issued.

[F. R. Doc. 46-17548; Filed, Sept. 30, 1946; 8:57 a. m.]

[Region VIII Order G-22 Under RMPR 251, Amdt. 3]

PLUMBING SERVICES IN PACIFIC COAST AREA

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-22 under Revised Maximum Price Regulation No. 251 is amended in the following respects:

(a) Appendix A, Table 2, subparagraph (e) (1) (i) is amended to read as follows:

(i) Maximum hourly rate for labor.

	Use whichever is lower	
	Maximum hourly rate	Percent of wage rate
For sellers with one or more employees, per workman:		
Journeyman	\$2.90	166%
Apprentices, helpers, laborers		140

(b) In Appendix (D) Table II, subparagraph (e) (2) the address of the publication "Current Price Service" is amended to read, 55 New Montgomery Street, San Francisco, California.

This order shall be effective as of August 25, 1946.

Issued this 11th day of September, 1946.

BEN C. DUNWAY,  
Regional Administrator

OPINION ACCOMPANYING AMENDMENT 3 TO ORDER G-22 UNDER REVISED MAXIMUM PRICE REGULATION 251

It was intended by Amendment No. 1 to Order No. G-22, to increase the maximum hourly rate for journeymen plumbers in the Southern California Area from \$2.75 to \$2.90. Through inadvertance, this was not done. Consequently it was necessary to issue this amendment, effective as of August 25, 1946. In addition, a minor correction was made in the address of the publication "Current Price Service"

[F. R. Doc. 46-17560; Filed, Sept. 30, 1946; 8:52 a. m.]

[Region VIII 2d Rev. Order G-22 Under 18 (c)]

RAW MILK IN SAN FRANCISCO REGION

For 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 § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered*, That Revised Order No. G-22 under § 1499.18 (c) of the General Maximum Price Regulation be amended and revised so as to read in its entirety as follows:

(a) The adjusted maximum price which may be charged by any contract carrier for the transportation of milk by motor truck in the raw unprocessed form from farm to any milk processor's plant when such farm and plant are located in any of the counties in California named herein shall be that carrier's original maximum price plus an addition equal to 20% or the carrier's maximum price charged the processor as of June 30, 1946, plus 10%, whichever is the high-

er. The addition, however, shall not exceed the rate increase which the milk processor agrees to absorb as provided in paragraph (b)

(b) Before any carrier is entitled to charge the adjusted maximum price determined under Second Revised Order No. G-22, there must be filed with the San Francisco District Office of the Office of Price Administration in duplicate the following:

1. A statement filed by the carrier properly dated, giving his route number (if any) the name and location of the processor's plant he is serving, his original maximum price determined under General Maximum Price Regulation and his current maximum price determined under Revised Order No. G-22 or any individual adjustment order under Supplementary Regulation No. 15 issued by the Office of Price Administration and the proposed adjusted maximum price computed under paragraph (a), and

2. A statement signed by the milk processor certifying that he is willing to pay the higher price proposed by the carrier, and that the processor will not pass on the increase in the carrier's price in any form to any of his customers.

(c) The carrier may charge the adjusted maximum price determined under paragraph (a) immediately after the filing of the statements described in paragraph (b) with the San Francisco District Office of the Office of Price Administration.

(d) This order shall be applicable only to motor contract haulers of raw milk from farm to processor plant located in any of the following counties in the State of California: Alpine, Amador, Butte, Calaveras, Colusa, Eldorado, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba, Monterey, San Benito, and Humboldt.

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

(1) A "processor's plant" includes any plant which uses raw milk purchased for purposes other than resale for human consumption as fluid milk, and/or which trans-ships the milk processed to other plants for any use.

(2) The term "original maximum price" means the maximum price established for the carrier by the General Maximum Price Regulation but does not include any adjustment previously allowed to the carrier under the Revised Order No. G-22 prior to the effective date of this Second Revised Order or under Supplementary Regulation No. 15 to the General Maximum Price Regulation.

(3) The term "carrier's maximum price" means the maximum price established for the carrier under Revised Order No. G-22 or under Supplementary Regulation No. 15 to the General Maximum Price Regulation.

(4) Additions made under (a) shall include such further amount that is necessary to bring a resulting fractional adjusted maximum price to the next higher full cent where the rate is expressed per hundredweight of raw milk, or to the

next higher quarter-cent where the rate is expressed per pound butterfat.

(f) Any adjusted maximum price which has been approved under Revised Order No. G-22 and/or Supplementary Regulation No. 15 prior to the effective date of Second Revised Order No. G-22 shall remain in effect notwithstanding the present revision unless a further adjustment is obtained under the terms of this second revised order.

(g) This order may be revoked, amended, or corrected at any time. This second revised order shall become effective September 13, 1946.

Issued this 13th day of September 1946.

BEN C. DUNNWAY,  
Regional Administrator

OPINION ACCOMPANYING SECOND REVISED ORDER NO. G-22 UNDER § 1499.18 (C) OF THE GENERAL MAXIMUM PRICE REGULATION

On November 20, 1943, the Regional Administrator revised Order No. G-22 under § 1499.18(c) of the General Maximum Price Regulation, providing for an adjustment of contract haulers of manufacturing milk in the Sacramento and San Joaquin Valleys of California. This order generally allowed an increase of 10% over prices established by the General Maximum Price Regulation, and in certain cases an additional 5% increase based upon a showing of increased unit costs by the hauler. The reasons for this action are adequately explained in the opinion accompanying that revision.

Revised Order No. G-22 has remained in effect without substantial change since that date, and has provided a means of alleviating hardship of the vast majority of milk haulers and thus assuring the continuance of a service essential to the milk industry in this area. Those few haulers who did not find the relief provided under the order sufficient were granted further adjustments under Supplementary Regulation No. 15.

It now appears, however, that haulers have been subjected to further cost increases since the date of the Revised Order. Tires, repairs, and fuel have all advanced in price since that time. In addition, the unavailability of new trucks has resulted in the continued operation of older equipment and consequent higher costs for maintenance and repairs than is normal in this field. Wages of labor have also increased substantially, increasing the costs of those who hire labor and opening the possibility of transfer of persons engaged in milk hauling to more profitable fields of activity.

The adjustment granted by Revised Order No. G-22 no longer appears to be adequate. The majority of the haulers in the industry have already filed, or are about to file, individual applications for adjustments under Supplementary Regulation 15. This has created an administrative workload that can be handled only with great difficulty, and at best with considerable delay.

This second revision of the order therefore substitutes a 20% increase for the 10% increase, which is allowed automatically upon the filing of the proper statements with the San Francisco District Office. An analysis of a representative sample of individual applications under Supplementary Regulation 15 in-

dicates that this is the average increase required over March 1942 rates to compensate haulers for increased costs and relieve financial hardship. Such an increase is roughly equal to increases in minimum rates authorized by the California State Railroad Commission for carriers under its jurisdiction. Any haulers who do not find this increase sufficient to permit their continued operation may, of course, apply for a further adjustment under Supplementary Regulation 15. Furthermore, individually adjusted rates higher than those permitted by this order are not affected by this action.

The present order does not make any part of the increase contingent upon a showing of increases in unit costs by each hauler. Experience under both the original and the revised order has indicated that data on base period unit costs are unavailable, primarily because of the turnover of haulers on most routes. Furthermore, such increases in unit direct costs as could be demonstrated frequently bore no relationship to a hauler's need for adjustment. It is therefore felt that any necessary increases in individual cases above the 20% allowed can be handled under Supplementary Regulation 15 rather than under the mechanism previously provided in paragraphs (a) and (d) of the revised order for consideration of increases above 10%.

To take care of the creation of new haulers and routes and to make allowances for those haulers who could not apply their March 1942 maximum price, an alternate increase of 10% over the existing rates of June 30, 1946 has been provided.

This Second Revised Order also redefines the coverage of the order. The revised order applied only to carriers who hauled milk to a plant which "used at least 35% of the milk purchased by it for purposes other than resale for human consumption as fluid milk." Since the issuance of that order, certain of the plants which originally met that definition have been selling more than 65% of the milk received as fluid milk, a few having become almost entirely receiving stations for transshipment of milk to other areas for use as fluid milk. This order extends coverage to haulers for these latter plants, since many were eligible for adjustment under the revised order, when it was issued in 1943, and their operation is in all respects similar to that of haulers covered by the revised order.

The adjustment granted by second revised order is still limited to the amount that the milk processor agrees to absorb, and will therefore not be passed on to the ultimate consumer.

[F. R. Doc. 46-17546; Filed, Sept. 30, 1946; 8:57 a. m.]

[Region VII Order G-9 Under Gen. Order 63, Amdt. 2]

CERTAIN BUILDING AND CONSTRUCTION MATERIALS IN ALBANY COUNTY, WYO., AREA

Order No. G-9 under General Order No. 63, Amendment No. 2, Docket No. 7-GO 63-9 (b) Maximum prices for retail sales of certain building and

construction materials in the Albany County, Wyoming, area.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII pursuant to the provisions of General Order 63, Order No. G-9 is amended in the following respects:

(1) Section 1 of Order No. G-9 is amended to read as follows:

SECTION 1. *What this order does.* This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the Albany County, Wyoming, Area. The Albany County, Wyoming, area for the purposes of this order includes all of Albany County, Wyoming, excepting the town of Rock River.

(2) There is inserted after section 4 the following new section:

SEC. 4A. *Adjustment to reflect increase in supplier's price—*a) *Applicability.* This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 63, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No. G-9, the maximum prices of the specified building and construction materials covered by Order No. G-9 shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by Amendment No. 1, effective June 10, 1946.

(4) Insofar as this amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Reseller's Maximum Prices Established under General Order 63 for Certain Building and Construction Materials) it supersedes that order and the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment No. 1 to Order No. G-9, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-9 under General Order 63 shall be effective August 19, 1946.

Issued this 19th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.

TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Cement:</b>		
Portland—paper sacks...	Per sack 100 pounds.	\$0.95
Portland—cloth sacks.....	do.....	1.10
Quick-Strength.....	do.....	1.25
Waterproof.....	do.....	1.20
Kceno.....	do.....	3.00
Atlas or Duro White—Regular.....	do.....	3.00
Atlas or Duro White—Waterproof.....	do.....	3.75
<b>Mortar:</b>		
Masonry—paper sack.....	Per sack 75 to 80 pounds.	.95
<b>Lime:</b>		
Finishing—Ohio hydrated.....	Per sack 50 pounds.	.95
Hydrated—Other.....	do.....	.95
Quick-Pulverized (verifast and cheshire).....	Per sack 80 pounds.	1.55
<b>Plaster:</b>		
Hardwall.....	Per sack 100 pounds.	.90
Plaster Paris—white.....	do.....	1.00
Plaster Paris—Less than full sack quantities.....	Per lb.....	.01½
<b>Calcium chloride:</b> (Used for building purposes). Less than 100-pound quantities.....	Per cwt. 100-pound sack. Per lb.....	4.50 .05

TABLE II—LATH, GYPSUM AND METAL: CORNER BEADS AND EXPANSION CASINGS

Item	Unit	Maximum prices
<b>Lath:</b>		
Gypsum.....	Per M sq. ft.....	\$33.50
<b>Metal lath—Flat diamond mesh:</b>		
2.5 pound painted.....	Sq. yd.....	.32½
3.4 pound painted.....	do.....	.40½
3.4 pound galvanized.....	do.....	.43½
<b>Metal lath—Flat rib:</b>		
2.7 pound painted.....	do.....	.32½
3.4 pound painted.....	do.....	.38
<b>Metal—High rib:</b>		
3.43½" painted.....	do.....	.40
4.0-36" painted.....	do.....	.43
<b>Corner bead:</b>		
Expanded apron.....	M ln. ft.....	64.00
Flat apron.....	do.....	55.00
¾" bull nose flat apron.....	do.....	64.00
<b>All expansion casing:</b>		
¼ round (bull nose—O. G. or square edge).....	do.....	95.00
<b>Corner lath:</b>		
2 x 2.....	do.....	32.00
3 x 3.....	do.....	37.00

TABLE III—INSULATION MATERIALS, WALL BOARDS AND BUILDING PAPER

Item	Unit	Maximum prices
<b>Insulation board:</b>		
½"-4" x 6", 7", 8", 9", 10", 12".....	Per M sq. ft.....	\$59.50
¾"-4" x 6", 7", 8", 9", 10", 12".....	do.....	45.50
If edges beveled, add.....	do.....	5.00
<b>Insulation tile ½"</b>		
Sizes under 16 x 32.....	do.....	75.00
16 x 32 and larger.....	do.....	77.50
<b>Insulation plank ½"</b>		
All sizes.....	do.....	75.00
<b>Insulation Sheathing—Asphalt coated or impregnated:</b>		
½"-4" x 8' 8" 6" 9' 9" 6", 10', 12".....	do.....	64.00
2½"-4" x 8', 8" 6", 9', 9" 6", 10', 12" and 2' x 8'.....	do.....	91.00
2½"-4" x 8' 2" 9' 4" 10' 8" and 29" x 8'.....	do.....	96.00
<b>Insulation lath: ½", 16 x 48, 18 x 48, 24 x 48.</b>	do.....	59.50
<b>Balsam wool sealed blankets:</b>		
Standard.....	do.....	50.00
Double thick.....	do.....	70.00
Wall thick.....	do.....	96.00
<b>Kimsul insulation:</b>		
Commercial ½".....	do.....	40.00
Standard 1".....	do.....	47.00
Double thick 2".....	do.....	55.00

1 Add for metal lath—self furring—1¢ per yard over flat diamond mesh.  
2 For copper bearing lath, add 1¢ per sq. yd.

TABLE III—INSULATION MATERIALS, WALL BOARDS AND BUILDING PAPER—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Mineral wool insulation:</b>		
Semi-thick batts 15 x 48".....	Per M sq. ft.....	\$50.00
Full-thick batts 15 x 48".....	do.....	90.00
Hand-batts full thick 15 x 24".....	do.....	90.00
Jr. Batts 11½ x 15".....	do.....	90.00
<b>Mineral wool blankets:</b>		
1".....	do.....	50.00
2".....	do.....	60.00
3".....	do.....	80.00
<b>Nodulated and loose wool in sacks:</b>		
35 lbs.....	Per sack.....	1.50
38 lbs.....	do.....	1.60
40 lbs.....	do.....	1.75
<b>Building paper:</b>		
Red resin, 20-lb. 500 sq. ft. rolls.....	Per roll.....	1.25
Red resin, 25-lb. 500 sq. ft. rolls.....	do.....	1.40
Red resin, 30-lb. 500 sq. ft. rolls.....	do.....	1.65
Red resin, 40-lb. 500 sq. ft. rolls.....	do.....	2.25
Sisalcraft.....	Per hundred sq. ft.....	1.60
Sisalcraft, broken rolls.....	do.....	2.00
<b>Presswood:</b>		
½ x 48 x 72 and longer, plain.....	Per M sq. ft.....	80.00
½ x 48 x 72 and longer, tempered.....	do.....	110.00
¾ x 48 x 72 and longer, plain.....	do.....	120.00
¾ x 48 x 72 and longer, tempered.....	do.....	130.00
¾ x 48 x 72 and longer, plain.....	do.....	135.00
¾ x 48 x 72 and longer, tempered.....	do.....	165.00
<b>Wallboard:</b>		
Sheetrock, ¼ x 48 x 72 and longer.....	do.....	43.00
Sheetrock, ¾ x 48 x 72 and longer.....	do.....	55.50
Sheetrock, ¾ x 48 x 72 and longer.....	do.....	66.00

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item	Unit	Maximum prices
<b>Felt:</b>		
Asphalt and tarred:		
15-lb. 36" wide, 432 sq. ft.....	Per roll.....	\$3.40
30-lb. 36" wide, 216 sq. ft.....	do.....	3.40
<b>Roll roofing:</b>		
<b>Smooth surfaced:</b>		
35 lbs.....	do.....	2.10
45 lbs.....	do.....	2.35
55 lbs.....	do.....	2.65
65 lbs.....	do.....	2.90
75 lbs.....	do.....	3.40
<b>Mineral surfaced:</b>		
90 lbs.....	do.....	3.90
Split roll, 105-lb. diamond point, hex. edge, stag. edge.....	do.....	3.95
Split roll, 112-lb. diamond point, hex. edge, stag. edge.....	do.....	4.10
<b>Shingles:</b>		
<b>Asphalt shingles:</b>		
Hex. std., 3 tab 167-lb.....	Per square.....	7.10
Thick butt, 3 tab, 12", 210-lb.....	do.....	8.95
<b>Asbestos shingles:</b>		
Asbestos shingles, 260-290-lb.....	do.....	14.95
<b>Siding—asbestos cement:</b>		
Std. surf., hard std. colors (12 x 24) (12 x 27).....	do.....	12.35
Std. surf., hard std. colors (white or buff).....	do.....	13.15
Extra hard surf. white (glatex) (12 x 12) (12 x 27).....	do.....	14.70
<b>Siding—asphalt:</b>		
<b>Insulated brick:</b>		
14¾ x 43 x 7½.....	do.....	14.00
13¾ x 43 x 7½ 14 x 43".....	do.....	14.00
Roll brick.....	Per roll.....	4.75

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-9 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. G-9 under General Order 68, modifies

reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172; Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials, in order to reflect the increases in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592, by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regulation No. 466, and otherwise to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage markup on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V some of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-9 under General Order 68 is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68 under which Order No. G-9 was issued.

[F. R. Doc. 46-17549; Filed, Sept. 30, 1946; 8:56 a. m.]

[Region VIII Order G-14 Under Rev. Supp. Service Reg. 43 to RMPR 165]

PEPPERMINT DISTILLING IN OREGON AND WASHINGTON AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator by § 1499.676 (b) of Revised Supplementary Service Regulation 43 to Revised Maximum Price Regulation 165, it is hereby ordered.

(a) The maximum prices for custom distilling of oil of peppermint in the States of Oregon and Washington shall be 45¢ per pound of oil distilled, with minimum charge of \$10.00 per tank if yield is less than 22½ pounds. Such maximum prices do not include the service of hauling the peppermint hay to the still, but do include the disposing of the residue and the cleaning of the tank.

(b) If any labor or any part of the distillate is furnished to the distiller as partial payment for the service, an amount equal to the value of such labor or distillate shall be deducted from the maximum price for the service of custom distilling of such oil of peppermint.

(c) Oil of peppermint means the volatile oil distilled by steam or processed by any other means from any variety of the peppermint plant, including but not being limited to the varieties Mentha piperita and Mentha arvensis.

This order shall become effective August 1st, 1946, and shall expire ninety days thereafter.

Issued this 1st day of August 1946.

BEN C. DUNIWAY,  
Regional Administrator.

**OPINION ACCOMPANYING ORDER G-14 UNDER REVISED SUPPLEMENTARY SERVICE REGULATION 43 TO REVISED MAXIMUM PRICE REGULATION 165**

The order is issued pursuant to the authority conferred upon the Regional Administrator by Revised Supplementary Service Regulation 43 to Maximum Price Regulation 165. The purpose of the present order is to re-establish for the 1946 season the price established for the 1945 season for the custom distilling of peppermint oil in the States of Oregon and Washington by Order G-4 under Supplementary Service Regulation 43 to Revised Maximum Price Regulation 165, as amended.

Prior to the issuance of Order G-4 to Supplementary Service Regulation 43 this office made a study of the costs of production generally experienced by the custom distillers in the States of Oregon and Washington. It was determined at that time that the March 1942 prices established by General Maximum Price Regulation and later by Maximum Price Regulation 165 were insufficient to allow total costs and an equitable margin of profit. In line with the study that was made, Order G-4 established adjusted prices which were determined to be generally fair and equitable for the 1945 season.

Order G-4 expired ninety days after issuance, at the end of the 1945 season. The maximum prices for custom distilling of peppermint oil therefore reverted to their March 1942 level as required by Revised Maximum Price Regulation 165. The industry is again entering the normal distilling season. From the information available to the Administrator it has been determined that it is necessary to allow the industry the adjusted prices established in 1945 for the coming distilling season to insure normal production of peppermint oil in the 1946 season. No applications for adjustment have been made for prices higher than these adjusted prices and there is no information to indicate that the 1945 adjusted prices will not insure adequate distilling facilities.

Peppermint oil has been found to be an essential product. Sufficient facilities to distill the 1946 peppermint crop are clearly essential and the prices established in the attached order are necessary to insure full production. The Administrator has found that the prices established by the accompanying order are generally fair and equitable and effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17563; Filed, Sept. 30, 1946; 8:51 a. m.]

[Region VII Order G-10 Under Gen. Order 68, Amdt. 2]

**CERTAIN BUILDING AND CONSTRUCTION MATERIALS IN CASPER, WYO., AREA**

Order No. G-10 under General Order No. 68, Amendment No. 2, Docket No. 7-GO 68-10 (b). Maximum prices for retail sales of certain building and construction materials in the Casper, Wyoming, area.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII pursuant to the provisions of General Order 68, Order No. G-10 is amended in the following respects:

(1) Section 1 of Order No. G-10 is amended to read as follows:

**SECTION 1. What this order does.** This order covers all retail sales by any seller of commodities specified in this order delivered to purchaser in the Casper, Wyoming, area. The Casper, Wyoming, area for the purposes of this order includes all of Natrona County and Converse County in the State of Wyoming.

(2) There is inserted after section 4 the following new section:

**SEC. 4A. Adjustment to reflect increase in supplier's price—(a) Applicability.** This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No. G-10, the maximum prices of the specified building and construction materials covered by Order No. G-10 shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by Amendment No. 1, effective June 10, 1946.

(4) Insofar as this amendment reflects the increase in maximum prices permitted by Supplementary Order 172 (Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials) it supersedes that order and the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment No. 1 to Order No. G-10, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-10, under General Order 68, shall be effective August 19, 1946.

Issued this 19th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.

TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free-delivery zone
<b>Cement:</b>		
Portland, paper sacks.....	Per sack 100 pounds.....	\$1.00
Portland, cloth sacks.....	do.....	1.25
Quick-strength.....	do.....	1.25
Waterproof.....	do.....	1.25
Keoco.....	do.....	3.00
Atlas or duro white, regular.....	do.....	3.25
Atlas or duro white, waterproof.....	do.....	3.50
<b>Mortar:</b>		
Masonry, paper sacks.....	Per sack 75 to 80 pounds.....	.95
<b>Lime:</b>		
Finching, Ohio Hydrated.....	Per sack 50 pounds.....	1.15
Hydrated, Michigan.....	do.....	1.00
Quick pulverized (vermiculite and chesterite).....	Bbl. 150-lb. net.....	4.80
<b>Plaster:</b>		
Hardwall.....	Per sack 100 pounds.....	1.15
Plaster paris, white.....	do.....	1.25
Plaster paris, less than full sack quantities.....	Per lb.....	.02
Calcium chloride (Used for building purposes).....	Per 100 pound sacks.....	4.50
Less than 100 lb. quantities.....	Per pound.....	.05

TABLE II—LATH: GYPSUM AND METAL CORNER BEAD AND EXPANSION CASINGS

<b>Lath:</b>		
Gypsum.....	Per M square fact.....	\$33.50
Metal lath, flat diamond mesh:		
2 1/2 pounds painted.....	Square yards.....	.23
3 1/4 pounds painted.....	do.....	.43
3 1/4 pounds galvanized.....	do.....	.50 1/2
Metal lath rib:		
3/4" painted.....	do.....	.43
Corner beads:		
Expanded apron.....	M linear fact.....	53.00
Flat apron.....	do.....	49.00
3/4" full face flat apron.....	do.....	53.00
All expansion casings:		
1/4 round (half neck, O. G. or square edge).....	do.....	106.00
Corner lath:		
2 x 2.....	do.....	32.00
3 x 3.....	do.....	37.00

NOTE: Add for metal lath, self fastening, 1¢ per yard over flat diamond mesh. For copper bearing lath, add 1¢ per square yard.

TABLE III—INSULATION MATERIALS, WALL BOARDS AND BUILDING PAPER

<b>Insulation board:</b>		
1/2"-4' x 6', 7', 8', 9', 10', 12'.....	Per M square fact.....	\$30.50
3/4"-4' x 6', 7', 8', 9', 10', 12'.....	do.....	45.50
If edges beveled, add.....	do.....	5.00
Insulation tile 1/2".....	do.....	75.00
Slabs under 16 x 32.....	do.....	75.00
16 x 32 and larger.....	do.....	75.00
Insulation plank 1/2".....	do.....	75.00
All sizes.....	do.....	75.00
Insulation sheathing—cork-pulp impregnated or treated.....	do.....	64.00
1/2"-4' x 8', 8'6", 9', 9'6", 10', 12'.....	do.....	85.00
3/4"-4' x 8', 8'6", 9', 9'6", 10', 12', and 2' x 6', 2' x 8', 2' x 10', 2' x 12', 2' x 16', 2' x 24'.....	do.....	90.00
Insulation lath:		
1/2"-16 x 43, 18 x 43, 24 x 43.....	do.....	60.50
Balun wool-celotex blankets:		
Standard.....	do.....	50.00
Double thick.....	do.....	75.00
Wall thick.....	do.....	55.00
Mineral insulation:		
Commercial 1 1/2".....	do.....	40.00
Standard 1".....	do.....	45.00
Double thick 2".....	do.....	55.00

TABLE III—INSULATION MATERIALS, WALL AND BUILDING PAPER—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free-delivery zone
Mineral wool insulation:		
Semithick batts 15 x 48"	do.	\$60.00
Full-thick batts 15 x 48"	do.	90.00
Hand-batts full thick 15 x 24"	do.	90.00
Jr. batts 11½ x 15"	do.	92.50
Mineral wool blankets:		
1"	do.	45.00
2"	do.	55.00
3"	do.	75.00
Nodulated and loose wool in sacks:		
35-lb.	Per sack	1.60
35-lb.	do.	1.75
40-lb.	do.	1.80
Building paper:		
Red resin, 20-lb., 500 sq. ft. rolls.	Per roll	1.25
Red resin, 25-lb., 500 sq. ft. rolls.	do.	1.40
Red resin, 30-lb., 500 sq. ft. rolls.	do.	1.75
Red resin, 40-lb., 500 sq. ft. rolls.	do.	2.25
Sisalkraft.	Per hundred square feet.	1.50
Sisalkraft, broken rolls.	do.	2.00
Presswood:		
¼ x 48 x 72 and longer, plain.	Per M square feet.	85.00
¼ x 48 x 72 and longer, tempered.	do.	100.00
¾ x 48 x 72 and longer, plain.	do.	110.00
¾ x 48 x 72 and longer, tempered.	do.	130.00
¼ x 48 x 72 and longer, plain.	do.	150.00
¼ x 48 x 72 and longer, tempered.	do.	170.00
Wallboard:		
Sheetrock, ¼ x 48 x 72 and longer.	do.	45.50
Sheetrock, ¾ x 48 x 72 and longer.	do.	55.50
Sheetrock, ¼ x 48 x 72 and longer.	do.	58.50

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Felt:		
Asphalt and tarred:		
15-lb. 36" wide 432 sq. ft.	Per roll	\$3.70
30-lb. 36" wide 216 sq. ft.	do.	3.70
Roll roofing:		
Smooth surfaced:		
35-lb.	do.	1.65
45-lb.	do.	2.35
55-lb.	do.	2.90
65-lb.	do.	3.40
Mineral surfaced:		
90-lb.	do.	3.55
Split roll 105-lb. diamond point, hex. edge stag. edge.	do.	4.30
Shingles:		
Asphalt shingles:	Per square	6.85
Hex. std. 3 tab 167-lb.	do.	8.40
Thick butt 3 tab 210-lb.	do.	
Asbestos shingles:		
Asbestos shingles 260-290-lb.	do.	15.55
Siding, asbestos cement:		
Std. surf. hard std. colors (12 x 24) (12 x 27).	do.	12.60
Std. surf. hard std. colors white or buff.	do.	13.15
Extra hard surf. white (clax) (12 x 24) (12 x 27).	do.	15.00
Siding, Asphalt:		
Insulated brick:		
14¾ x 43 x 7½.	do.	14.00
13¾ x 43 x 1½, 14 x 43"	do.	14.00
Roll brick.	Per roll	5.25

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-10 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. G-10 under General Order 68, modifies

reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172, Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials, in order to reflect the increases in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592; by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regulation No. 466, and otherwise to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage mark-up on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V some of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-10 under General Order 68, is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68 under which Order No. G-10 was issued.

[F. R. Doc. 46-17550; Filed, Sept. 30, 1946; 8:56 a. m.]

[Region VII, Order G-1 Under MPR 592, Amdt. 1]

CONCRETE BUILDING PRODUCTS MANUFACTURED IN COLORADO

Order No. G-1 under section 23 of Maximum Price Regulation No. 592, Amendment No. 1, Docket No. 7-592-23-1a; maximum prices for sales by manufacturers of concrete building products manufactured in the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register; and under the authority vested in the Regional Administrator of Region VII of the Office of Price Administration by section 23 of Maximum Price Regulation No. 592, Specified Construction Materials and Refractories, Order No. G-1 is amended as follows:

(1) Section 10 of Order No. G-1 is amended to read:

Sec. 10. *Maximum prices for resellers.* Any reseller purchasing the products subject to this order for resale from any manufacturer who has modified his maximum prices in accordance with the provisions of this order, may increase his maximum prices f. o. b. yard or delivered, established by the General Maximum Price Regulation, by the percentage by which his acquisition cost has been increased by his supplier pursuant to the provisions of this order.

This Amendment No. 1 to Order No. G-1 under section 23 of Maximum Price Regulation No. 592 shall become effective August 28, 1946.

Issued this 28th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G-1 UNDER SECTION 23 OF MAXIMUM PRICE REGULATION NO. 592

This Amendment No. 1 to Order No. G-1 under Section 23 of Maximum Price Regulation No. 592 amends section 10 of the order by modifying the method by which resellers determine maximum prices. The amendment is issued to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended, and provides that the seller may increase his maximum price by the percentage by which his acquisition cost has been increased by his supplier instead of the dollars and cents increase in cost resulting from the increase permitted the manufacturer under the order.

In view of the above considerations, the Regional Administrator finds that this amendment is necessary and proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and section 23 of Maximum Price Regulation No. 592 under which Order No. G-1 was issued.

[F. R. Doc. 46-17555; Filed, Sept. 30, 1946; 8:53 a. m.]

[Region VIII Order G-19 Under MPR 592, Amdt. 1]

CONCRETE MASONRY UNITS IN NORTHERN CALIFORNIA

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-19 under Maximum Price Regulation No. 592 is amended by changing paragraph 2 (1) of the General Notes to read as follows:

(1) Delivery: \$0.05 per ton mile or fraction thereof.

Actual amount of bridge and ferry tolls may be added.

This amendment to Order No. G-19 shall be effective as of September 13, 1946.

Issued this 17th day of September 1946.

BEN C. DUNIWAY,  
Regional Administrator

OPINION ACCOMPANYING AMENDMENT 1 TO ORDER G-19 UNDER MAXIMUM PRICE REGULATION NO. 592

Through inadvertence the word "mile" was omitted in specifying the delivery charge in the General Notes.

This amendment corrects that error and makes the correction retroactive to the date of the issuance of Order No. G-19.

[F. R. Doc. 46-17557; Filed, Sept. 30, 1946; 8:53 a. m.]

Region VIII Order G-12 Under Gen. Order 68, Amdt. 1]

**BUILDING MATERIALS IN SAN FRANCISCO DISTRICT**

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-12 under General Order No. 68 is amended in the following respects:

1. The phrase "Section (a) of General Order No. 68" in the first paragraph of the order, is amended to read "paragraph (a) of General Order No. 68."

2. Paragraph (g) of the order is redesignated paragraph (h) and is amended to read "This order may be corrected, amended, or revoked at any time."

3. A new paragraph (g) is inserted to read as follows:

(g) *Adjustment to reflect increase in suppliers' price*—(1) *Applicability*. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order No. 68) may increase their maximum prices for the commodity in question.

(2) *Maximum price*. You may increase the price listed in this order by the amount permitted for resellers by

the amendment or order increasing your suppliers' price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

4. The effective date of the order is changed from September 14, 1946 to September 22, 1946.

5. In Appendix A, that portion of the appendix beginning with the words "Appendix A—Order No. G-12" and ending with the maximum price of "12.50" for "Eastern" under "Asbestos cement siding" inclusive, is deleted and in its place is inserted the two pages of Appendix A attached to this amendment.

6. In Appendix B, that portion of the appendix beginning with the words "Appendix B—Order No. G-12" and ending with the maximum price of "12.50" for "Asbestos cement siding western", inclusive, is deleted and in its place is inserted the two pages of Appendix B attached to this amendment.

7. In Appendix C, that portion of the appendix beginning with the words "Ap-

pendix C—Order No. G-12" and ending with the maximum price of "1.60" for "6" T" under "Terra cotta chimney pipe" inclusive, is deleted and in its place are inserted the two pages of Appendix C attached to this amendment.

8. In Appendix D, that portion of the appendix beginning with the words "Appendix D—Order No. G-12" and ending with the maximum price of "9.40" for "Asbestos, cement, western" under "Siding", inclusive, is deleted and in its place are inserted the two pages of Appendix D attached to this amendment.

9. In Appendix E, that portion of the appendix beginning with the words "Appendix E—Order No. G-12" and ending with the maximum price of ".42" for 6" vitrified sewer pipe, inclusive, is deleted and in its place are inserted the two pages of Appendix E attached to this amendment.

10. In Appendix F, that portion of the appendix beginning with the words "Appendix F—Order No. G-12" and ending with the maximum price of ".42" for 6" vitrified sewer pipe, is deleted and in its place are inserted the two pages of Appendix F attached to this amendment.

This amendment shall become effective upon issuance.

Issued this 17th day of September 1946.

BEN C. DUNNWAY,  
Regional Administrator.

**APPENDIX A—SAN FRANCISCO COUNTY**

The following are maximum prices for retail sales in San Francisco County of the building materials named below, effective Sept. 22, 1946:

Item	Unit of sale	Maximum price			Item	Unit of sale	Maximum price		
		To contractors		To all others			To contractors		To all others
		Carlots	L. C. L.	L. C. L.			Carlots	L. C. L.	L. C. L.
Masonry, cement, and plaster:				Wall board:					
Plaster:				Gypsum wall board:					
Hard wall	Ton	\$17.50		3/4"	1,000 square feet	\$20.00	\$20.00	\$35.00	
	100-pound sack		\$0.59	1"	do	22.50	24.50	39.20	
Gauging	Ton	18.50		3/4"	do	25.00	27.00	42.80	
	100-pound sack		.95	1"	do				
Casting or molding	Ton	18.50		Gypsum sheathing, 3/4"	do		34.20	39.20	
	100-pound sack		.95	1"	do		37.60	44.60	
Keene cement	Ton	28.00		Waterproof	do		33.00	44.00	
	100-pound sack		1.75	Fiber insulating board:	do				
Cement:				3/4"	do	25.00	28.00	45.00	
Portland, regular	Barrel	2.50		1"	do	33.00	45.00	55.00	
	94-pound sack		.70	Gypsum lath:					
Portland, waterproof	Barrel	2.75		3/4"	Square yard	.50	.20%	.22%	
	94-pound sack		.73	1"	do	.10	.10%	.21	
Portland, early strength	Barrel	3.50		Reading items (fixtures included):					
	94-pound sack		.83	Roll roofing:					
White, regular	do	2.00	1.10	45-pound roll	Roll	1.20	1.40	1.55	
White, waterproof	do	2.00	2.35	75-pound roll	do	1.45	1.65	1.75	
Lime:				105-pound roll	do	1.71	1.85	2.00	
Quicklime	180-pound barrel	2.50	2.50	165-pound roll	do	1.76	1.93	2.13	
Hydrate	60-pound sack	.70	.80	165-pound roll	do	2.37	2.53	2.85	
Processed	60-pound sack	.60	1.00	Asphalt chingles:					
Mortar:				167-pound stl. hex.	Square	3.47	4.03	4.40	
Lime, brick	Cubic yard	6.50		210-pound thick butt.	do	4.47	5.20	5.75	
	Barrel	1.25		180-pound dutchlop	do	2.91	3.33	3.70	
Lime, plaster	Cubic yard	7.50		150-pound interlocking	do	3.34	3.87	4.50	
	Barrel	1.50		6" x 12 3/4" hip and ridge	do	5.42	6.15	6.91	
Sand, white	100-pound sack	.75	.85	Sheathing:					
Metal items:				Asphalt sheathing No. 8 (60 sq. ft.)	Roll	1.24	1.33	1.60	
Metal corner bead, regular	Linear feet	.034	.034	Reinforced sheathing:					
Metal lath:	1,000 linear feet	25.97		20-pound (60 sq. ft.)	do	.63	1.02	1.23	
2.2 diamond, painted, copper bearing	Square yard	.242	.253	20-pound (90 sq. ft.)	do	1.23	1.61	1.85	
2.5 diamond, painted, copper bearing	do	.275	.289	Knit sheathing	do	1.47	1.70	2.00	
3.0 diamond, painted, copper bearing	do	.27	.33	Felt:					
3.4 diamond, painted, copper bearing	do	.347	.353	Asbestos, 15-pound (324 sq. ft.)	do			4.55	
2.5 diamond, galvanized, copper bearing	do	.207	.208	Saturated, 15-pound (324 sq. ft.)	do	1.24	1.35	1.54	
3.4 diamond, galvanized, copper bearing	do	.357	.378	Saturated, 20-pound (315 sq. ft.)	do	1.82	1.90	2.20	
2.75 flat-rib, painted, copper bearing	do	.315	.325	Split sheet (square)	2 rolls	2.63	2.62	3.20	
3.4 3/8" hi-rib, painted, copper bearing	do	.33	.33	Asbestos cement slings:					
				Western	Square		9.05	10.50	
				Eastern	do		11.35	13.12	

APPENDIX B—ALAMEDA COUNTY (ALAMEDA, SAN LEANDRO, OAKLAND, PIEDMONT, EMERYVILLE, BERKELEY AND ALBANY ONLY), AND EL CERRITO (CONTRA COSTA COUNTY).  
The following are maximum prices for retail sales in the above-named area of the building materials specified below, effective September 22, 1946:

Item	Unit of sale	Maximum price			Item	Unit of sale	Maximum price		
		To contractors		To all others			To contractors		To all others
		Carlots	L. C. L.	L. C. L.			Carlots	L. C. L.	L. C. L.
Masonry, cement, and plaster:									
Plaster:									
Hard wall	Ton	\$18.20			Metal lath*—Continued.				
Gauging	100-pound sack		\$1.30	\$1.30	3.4 h-rib painted, copper bearing.	Square yard		\$0.44	\$0.44
Castling or moulding	Ton	19.20			Wall board:				
Keene cement	100-pound sack		1.40	1.40	Gypsum wall board:				
Cement:					3/4".....	1,000 square feet	\$27.00	31.00	31.00
Portland, regular	Barrel	2.59			3/8".....	do.	29.50	33.00	33.00
Portland waterproof	Barrel	2.79			1/2".....	do.	32.50	42.00	42.00
Portland early strength	Barrel	3.58			Gypsum sheathing, 1/2".....	do.		33.00	33.00
White, regular	Barrel	6.40			Plain.....	do.		41.00	41.00
Portland waterproof	Barrel		2.70	2.70	Waterproof.....	do.		42.00	42.00
Lime:					Fiber insulating board:				
Quicklime	180-pound barrel	3.55			3/8".....	do.	26.63	42.00	42.00
Hydrate	90-pound sack		1.90	1.90	1/2".....	do.	37.27	53.25	53.25
Processed	Ton	20.50			Gypsum lath:				
Sand, white	50-pound sack		.95	.95	3/8".....	square yard	.23	.24	.24
Metal items:	60-pound sack		1.28	1.28	5/16".....	do.	.21	.23	.23
Metal corner bead, regular, full bundles.	100-pound sack		.84	.84	Roofing items (including fixtures):				
Metal corner bead, regular, less than full bundles.	line foot		.036	.036	Roll roofing:				
Metal lath:					45-pound roll	Roll	1.29	1.40	1.55
2.2 diamond, painted, copper bearing.	Square yard		.275	.275	55-pound roll	do.	1.48	1.63	1.70
2.5 diamond, painted, copper bearing.	do.		.308	.308	65-pound roll	do.	1.71	1.86	2.08
3.0 diamond, painted, copper bearing.	do.		.308	.308	90-pound roll	do.	1.76	1.93	2.13
3.4 diamond, painted, copper bearing.	do.		.39	.39	105-pound roll	do.	2.37	2.65	2.85
2.5 diamond, galvanized copper bearing.	do.		.34	.34	Asphalt shingles:				
3.4 diamond, galvanized copper bearing.	do.		.42	.42	167-pound stud, hex	Square	3.47	4.03	4.40
2.75 flat-rib, painted copper bearing.	do.		.39	.39	210-pound thick butt	do.	4.47	5.20	5.78
					130-pound dutchlap	do.	2.91	3.39	3.70
					150-pound interlocking	do.	3.34	3.87	4.50
					9" x 12 3/4" hip and ridge	do.	5.42	6.29	6.91
					Sheathing:				
					Asphalt sheathing number 8 (500 sq. ft.)	Roll	1.24	1.30	1.60
					Rosin sized sheathing:				
					20-pound roll (500 sq. ft.)	do.	.93	1.02	1.23
					30-pound roll (500 sq. ft.)	do.	1.38	1.61	1.87
					Kraft sheathing (500 sq. ft.)	do.	1.70	1.85	2.08
					Felt:				
					Asbestos, 15-pound roll (324 sq. ft.)	do.	3.79	4.14	4.55
					Saturated:				
					15-pound roll (324 sq. ft.)	do.	1.24	1.36	1.49
					30-pound roll (216 sq. ft.)	do.	1.82	1.99	2.45
					Split sheet 110-pound (square)	2 rolls	2.68	2.92	3.20
					Brick siding, 100-pound roll	Square		7.40	
					Asbestos cement siding, western	do.	9.08	10.60	13.12

\*Add 5 cents per square yard for sales of less than 1 bundle.

APPENDIX C—CONTRA COSTA COUNTY (CITY OF RICHMOND ONLY)

The following are maximum prices for retail sales in the above-named area, of the building materials named below, effective September 22, 1946:

Item	Unit of sale	Maximum price to contractors, l. c. l.	Item	Unit of sale	Maximum price to contractors, l. c. l.
Masonry, cement, and plaster:			Gypsum lath:		
Plaster:			3/8".....	Square yard	\$0.203
Hard wall	100-pound sack	\$1.09	5/16".....	do.	.193
Gauging	do.	1.25	Roofing items (fixtures included):		
Castling or moulding	do.	1.20	Roll roofing:		
Keene cement	do.	1.90	45-pound roll	Roll	1.40
Cement:			55-pound roll	do.	1.63
Portland:			65-pound roll	do.	1.86
Regular	94-pound sack	.72	90-pound roll	do.	1.93
Waterproof	do.	.77	105-pound roll	do.	2.68
Early strength	do.	1.00	Asphalt shingles:		
White:			167-pound stud, hex	Square	4.03
Regular	do.	2.50	210-pound thick butt	do.	5.20
Waterproof	do.	2.65	130-pound dutchlap	do.	3.39
Lime:			150-pound interlocking	do.	3.87
Quicklime	180-pound barrel	3.36	9" x 12 3/4" hip and ridge	do.	6.29
Hydrate	60-pound sack	1.15	Asphalt sheathing No. 6 (500 sq. ft.)	Roll	1.47
Processed	50-pound sack	.75	Rosin sized sheathing:		
Metal items:	60-pound sack	1.00	20-pound (500 sq. ft.)	do.	1.01
Metal corner bead, regular	Linear feet	.035	30-pound (500 sq. ft.)	do.	1.61
Metal lath:			Kraft sheathing (500 sq. ft.)	do.	1.85
2.2 diamond, painted, copper bearing	Square yard	.247	Felt:		
2.5 diamond, painted, copper bearing	do.	.28	Asbestos, 15-pound roll (324 sq. ft.)	do.	4.14
3.0 diamond, painted, copper bearing	do.	.275	Saturated, 15-pound roll (324 sq. ft.)	do.	1.39
3.4 diamond, painted, copper bearing	do.	.365	Saturated, 30-pound roll (216 sq. ft.)	do.	1.99
2.5 galvanized	do.	.31	Split sheet, 110-pound square	2 rolls	2.92
3.4 galvanized	do.	.335	Pipe and drain tile:		
2.75 flat-rib, painted, copper bearing	do.	.325	Clay drain tile:		
3.4 h-rib, painted, copper bearing	do.	.40	3".....	Linear feet	.03
Wall board:			4".....	do.	.09
Gypsum wall board:			6".....	do.	.14
3/4".....	1,000 square feet	35.00	Vitrified sewer pipe:		
3/8".....	do.	37.50	4".....	do.	.25
1/2".....	do.	40.00	6".....	do.	.35
Gypsum sheathing, 1/2".....	do.		Terra cotta chimney pipe:		
Plain.....	do.	34.50	5" straight	do.	.35
Waterproof.....	do.	39.50	5" bell	do.	.35
Fibre insulating board:			5" "T"	Each	1.40
3/8".....	do.	38.24	6" straight	Linear feet	.40
1/2".....	do.	47.925	6" bell	do.	.40
			6" "T"	Each	1.69

APPENDIX D—SACRAMENTO COUNTY

The following are maximum prices for retail sales in Sacramento County of the building materials named below, effective September 22, 1946:

Item	Unit of sale	Maximum price			Item	Unit of sale	Maximum price		
		To contractors		To all others			To contractors		To all others
		Carlots	L. O. L.	L. O. L.			Carlots	L. O. L.	L. O. L.
<b>Masonry, cement, and plaster:</b>				<b>Wall board:</b>					
<b>Plaster:</b>				<b>Gypsum wall board:</b>					
Hard wall	Ton	\$16.00			1,000 square feet	\$23.00	\$32.50	\$35.00	
Gauging	100 pound sack	17.00	.05	1.00	do.	29.50	33.00	37.50	
Casting or moulding	100 pound sack	18.00	.05	1.00	do.	31.00	37.50	42.00	
Keene cement	100 pound sack	35.00	2.00	2.00	Gypsum sheathing, 3/4"	do.	23.00	23.00	37.50
<b>Cement:</b>				Waterproof					
Portland, regular	Barrel	2.50	.75	.90	Fiber insulating boards:	do.	23.00	49.00	43.75
Portland, waterproof	94-pound sack	2.80	.78	.85	3/4"	do.	23.00	37.27	37.275
Portland, early strength	94-pound sack	3.20	.69	1.07	1/2"	do.	37.27	47.63	47.625
White, regular	do.	2.00	2.25	2.25	Gypsum lath:	Square yard	.105	.225	.225
White, waterproof	do.	2.00	2.00	2.00	3/4"	do.	.185	.205	.205
<b>Lime:</b>				<b>Roofing items (disturbs included):</b>					
Hydrate	50-pound sack	.55	.75	.90	Roll roofing:				
Processed	60-pound sack	.75	.90	1.00	45-pound roll	Per roll		1.45	1.85
Mortar	Cubic yard	5.00	6.25		15-pound roll	do.		1.65	2.14
<b>Metal items:</b>				65-pound roll					
Metal corner bead, regular	Linear foot	.027	.033	.033	90-pound roll	do.		1.94	2.40
Metal lath:					105-pound roll	do.		2.04	2.00
2.2 diamond, painted, copper bearing	Square yard	.300	.33		Asphalt shingles:			2.73	3.22
2.5 diamond, painted, copper bearing	do.	.35	.405		157-pound std. hex	Square		4.22	5.05
3.0 diamond, painted, copper bearing	do.	.34	.33		210-pound thick butt	do.		5.44	6.53
3.4 diamond, painted, copper bearing	do.	.43	.405		150-pound dutch lap	do.		3.35	4.13
2.5 galvanized	do.	.37	.405		150-pound interlocking	do.		3.73	4.27
3.4 galvanized	do.	.445	.433		6" x 12" hip and ridge	do.		6.53	8.16
2.75 flat-rib, painted, copper bearing	do.	.37	.423		Sheathing:				
3.4 hi-rib, painted, copper bearing	do.	.473	.53		Asphalt sheathing # 6 (60 square feet)	Roll		2.00	2.50
					Resin-sed sheathing:				
					20-pound (200 square feet)	do.		1.04	1.33
					30-pound (200 square feet)	do.		1.55	2.04
					Kraft (200 square feet)	do.		1.85	2.13
					Felt:				
					Saturated, 15-pound roll (321 square feet)	do.		1.42	1.84
					Saturated, 30-pound roll (216 square feet)	do.		2.06	2.65
					Siding:				
					Brick, 100-pound	Square			7.50
					Asbestos, cement, Western	do.	8.03	9.09	9.87

APPENDIX E—SAN JOAQUIN COUNTY

The following are maximum prices for all L. C. L. retail sales in San Joaquin County of the building materials named below. The prices are for sales f. o. b. seller's place of business, effective Sept. 22, 1946.

Item	Unit of sale	All pur. classes (L.O.L.)
<b>Masonry, cement, and plaster</b>		
<b>Plaster:</b>		
Hard wall	100-lb. sack	\$1.10
Gauging	100-lb. sack	1.20
Casting or moulding	100-lb. sack	1.20
Keene	100-lb. sack	2.35
<b>Cement:</b>		
Portland:		
Regular	94-lb. sack	.75
Waterproof	94-lb. sack	.85
Early strength	94-lb. sack	1.07
White:		
Regular	94-lb. sack	2.25
Waterproof	94-lb. sack	2.50
<b>Lime:</b>		
Quicklime	160-lb. barrel	3.25
Hydrate	50-lb. sack	.75
Processed	60-lb. sack	.85
Sand, white	100-lb. sack	.85
<b>Metal items</b>		
Metal corner bead, regular	Lin. ft.	.033
Metal lath:		
2.2 diamond, painted, copper bearing	Square yard	.30
2.5 diamond, painted, copper bearing	Square yard	.33
3.0 diamond, painted, copper bearing	Square yard	.325
3.4 diamond, painted, copper bearing	Square yard	.405
2.5 galvanized	Square yard	.35
3.4 galvanized	Square yard	.425
2.75 flat-rib, painted, copper bearing	Square yard	.37
3.4 hi-rib, painted, copper bearing	Square yard	.445

APPENDIX E—SAN JOAQUIN COUNTY—Continued

The following are maximum prices for all L. C. L. retail sales in San Joaquin County of the building materials named below. The prices are for sales f. o. b. seller's place of business, effective Sept. 22, 1946:

Item	Unit of sale	All pur. classes (L.O.L.)
<b>Wallboard</b>		
<b>Gypsum wall board:</b>		
3/4"	1,000 sq. ft.	23.00
3/4"	1,000 sq. ft.	40.00
3/4"	1,000 sq. ft.	42.00
<b>Gypsum sheathing, 3/4":</b>		
Plain	1,000 sq. ft.	37.50
Waterproof	1,000 sq. ft.	43.75
<b>Fiber insulating boards:</b>		
3/4"	1,000 sq. ft.	42.00
1/2"	1,000 sq. ft.	23.25
<b>Gypsum lath:</b>		
3/4"	Sq. yd.	.235
3/4"	Sq. yd.	.235
<b>Roofing items (including fixtures)</b>		
<b>Roll roofing:</b>		
45 lb. roll	Roll	2.00
15 lb. roll	Roll	2.00
65 lb. roll	Roll	2.00
90 lb. roll	Roll	2.75
105 lb. roll	Roll	3.00
<b>Asphalt shingles</b>		
167 lb. standard hexagon	Square	4.05
210 lb. thick butt	Square	7.35
150 lb. dutch lap	Square	4.15
150 lb. interlocking	Square	5.00
6" x 12" hip and ridge	Square	6.00
Asbestos cement shingles	Square	14.00
<b>Sheathing:</b>		
Asphalt, No. 6 (60 sq. ft.)	Roll	2.00
<b>Resin-sed sheathing:</b>		
20-lb. (200 sq. ft.)	Roll	1.03
30-lb. (200 sq. ft.)	Roll	2.10
Kraft (200 sq. ft.)	Roll	2.40
<b>Felt:</b>		
Saturated, 15-lb. roll (321 sq. ft.)	Roll	2.05
Saturated, 30-lb. roll (216 sq. ft.)	Roll	2.85

APPENDIX E—SAN JOAQUIN COUNTY—Continued

The following are maximum prices for all L. C. L. retail sales in San Joaquin County of the building materials named below. The prices are for sales f. o. b. seller's place of business, effective Sept. 22, 1946:

Item	Unit of sale	All pur. classes (L.O.L.)
<b>Siding</b>		
Brick, 100-lb.	Square	6.00
Asbestos cement, western	Square	10.81
<b>Pipe and drain tile</b>		
<b>Clay drain tile:</b>		
2"	Lin. ft.	.11
4"	Lin. ft.	.12
6"	Lin. ft.	.19
<b>Verified sewer pipe:</b>		
4"	Lin. ft.	.20
6"	Lin. ft.	.43

APPENDIX F—FRESNO COUNTY

The following are maximum prices for all L. C. L. retail sales in Fresno County of the building materials named below. The prices stated are for sales f. o. b. seller's place of business, effective September 22, 1946:

Item	Unit of sale	All pur. classes (L.O.L.)
<b>Masonry, cement, and plaster</b>		
<b>Plaster:</b>		
Hard wall	100 lb. sack	\$1.10
Gauging	100 lb. sack	1.20
Casting or moulding	100 lb. sack	1.20
Keene cement	100 lb. sack	2.35
<b>Cement:</b>		
Portland:		
Regular	94 lb. sack	.83
Waterproof	94 lb. sack	.83
Early strength	94 lb. sack	1.13
White:		
Regular	94 lb. sack	2.25
Waterproof	94 lb. sack	2.25

APPENDIX F—FRESNO COUNTY—Continued

The following are maximum prices for all L. C. L. retail sales in Fresno County of the building materials named below. The prices stated are for sales f. o. b. seller's place of business, effective September 22, 1946

Item	Unit of sale	All pur- chasers (L.O.L.)
<i>Masonry, cement, and plaster</i> —Continued		
<b>Lime:</b>		
Quicklime.....	180 lb. bbl.....	\$3.45
Hydrate.....	50 lb. sack.....	.80
Processed.....	60 lb. sack.....	1.10
<b>Mortar:</b>		
Lime, brick.....	Cu. yd.....	6.00
Lime, brick.....	2 cu. yds. or more.....	5.50
Sand, white.....	100 lb. sack.....	.75
<b>Stucco:</b>		
Interior.....	100-lb. sack.....	2.15
Exterior.....	100-lb. sack.....	2.15
<i>Metal items</i>		
Metal, corner bead, regular.....	Lin. ft.....	.03
<b>Metal lath:</b>		
2.2 diamond, painted, copper bearing.....	Sq. yd.....	.28
2.5 diamond, painted, copper bearing.....	Sq. yd.....	.315
3.0 diamond, painted, copper bearing.....	Sq. yd.....	.303
3.4 diamond, painted, copper bearing.....	Sq. yd.....	.387
2.5 diamond, galvanized.....	Sq. yd.....	.335
3.4 diamond, galvanized.....	Sq. yd.....	.407
2.75 flat-rib, painted, copper bearing.....	Sq. yd.....	.353
3.4 hi-rib, painted, copper bearing.....	Sq. yd.....	.425
<i>Wall board</i>		
<b>Gypsum wall board:</b>		
3/4-inch.....	1,000 sq. ft.....	35.00
5/8-inch.....	1,000 sq. ft.....	40.00
1/2-inch.....	1,000 sq. ft.....	42.50
<b>Gypsum sheathing, 1/2"</b>		
Plain.....	1,000 sq. ft.....	37.50
Waterproof.....	1,000 sq. ft.....	42.50
<b>Fiber insulating board:</b>		
3/2"	1,000 sq. ft.....	42.60
1/2"	1,000 sq. ft.....	53.25
<b>Gypsum lath:</b>		
3/8"	Sq. yd.....	.245
5/16"	Sq. yd.....	.225
<i>Roofing items (fixtures included)</i>		
<b>Roll roofing:</b>		
45-lb. roll.....	Roll.....	1.80
55-lb. roll.....	Roll.....	2.10
65-lb. roll.....	Roll.....	2.40
90-lb. roll.....	Roll.....	2.50
105-lb. roll.....	Roll.....	3.35
<b>Asphalt shingles:</b>		
167-lb. standard hex.....	Square.....	4.95
210-lb. thick butt.....	Square.....	6.40
130-lb. dutchlap.....	Square.....	4.15
160-lb. interlocking.....	Square.....	4.45
9" x 12 3/4" hip and ridge.....	Square.....	8.00
Asphalt sheathing No. 8 (500 sq. ft.).....	Roll.....	1.75
<b>Rosin-sized sheathing:</b>		
20-lb. (500 sq. ft.).....	Roll.....	1.30
30-lb. (600 sq. ft.).....	Roll.....	1.92
Kraft sheathing (600 sq. ft.).....	Roll.....	2.25
<b>Felt:</b>		
<b>Saturated:</b>		
15-lb. roll (324 sq. ft.).....	Roll.....	1.75
30-lb. roll (216 sq. ft.).....	Roll.....	2.55
Split sheet, 110-lb. square.....	Square, 2 rolls.....	3.80
<i>Siding</i>		
Brick, 100 pounds.....	Square.....	6.00
Cement, western.....	Square.....	10.81
<i>Pipe and drain tile</i>		
<b>Clay drain tile:</b>		
3".....	Lin. ft.....	.11
4".....	Lin. ft.....	.12
6".....	Lin. ft.....	.19
<b>Vitrified sewer pipe:</b>		
4".....	Lin. ft.....	.30
6".....	Lin. ft.....	.42

OPINION ACCOMPANYING AMENDMENT 1 TO ORDER G-12 UNDER GENERAL ORDER NO. 68

This amendment makes three substantive changes. The changes are as follows:

1. The effective date of the order has been postponed to September 22, 1946.

2. A new paragraph (g) has been inserted for resellers to adjust their prices if their suppliers have had a permitted increase subsequent to September 22, 1946, and this order has not been adjusted to reflect that increase.

3. The maximum prices for metal items, metal lath, fiber insulating board, and asbestos cement siding have been increased in certain instances.

These latter two changes are necessitated by Section 2 (t) of the Emergency Price Control Act of 1942, as amended by the Price Control Extension Act of 1946.

In view of the foregoing, the Regional Administrator is of the opinion that this amendment is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and with the Executive orders supplementary thereto.

[F. R. Doc. 46-17562; Filed, Sept. 30, 1946; 8:51 a. m.]

[Region VIII Order G-19 Under MPR 592]  
CONCRETE MASONRY UNITS IN NORTHERN CALIFORNIA AREA

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 section 23 of Maximum Price Regulation No. 592, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for all sales of heavyweight concrete building blocks and miscellaneous concrete units produced in those counties in California lying north of the counties of San Luis Obispo and Kern, and west and north of the county of Inyo.

(b) *Exemptions.* This order does not apply to the following products:

(1) Products not listed in Appendix A or Appendix B.

(2) Patented building blocks and bricks of the mortarless interlocking type.

(3) Lightweight building blocks or bricks produced from burned clay, cinders, processed slag, and pumice aggregates, the maximum oven dry weight of which is 100 pounds or less per cubic foot of concrete.

(c) *Prohibitions against sales at higher than maximum prices.* No person shall sell, offer to sell, or deliver, and no person shall buy or offer to buy, in the course of trade or business, any of the commodities covered by this order at prices greater than the maximum prices established hereby. Prices lower than the maximum prices may, of course, be charged, demanded, offered or paid.

(d) *Producers' maximum prices.* The maximum prices for sales at retail by producer's, f. o. b. the producer's plant, shall be as follows:

(1) For grade A building blocks, the prices established in Appendix A of this order.

(2) For miscellaneous concrete units, the prices established in Appendix B of this order.

(e) *Records and invoices.* Every person making sales subject to this order shall, for each such sale, furnish the customer with an invoice or sales slip, and shall keep records. Such invoice or sales slip and such records shall contain the following:

(1) A certification that the price charged does not exceed the price permitted by this Order No. G-19.

(2) The names and addresses of the buyer and seller.

(3) Itemized information sufficient to establish the maximum price of the product or products being sold.

(4) The price actually charged and received by the seller.

(5) The date of the sale.

(6) If the sale is on a delivered basis, the invoice or sales slip and the records shall separately state the delivery charge and the place of delivery.

Duplicate copies of invoices or sales slips may be used in place of the records required by this section, but only if they contain all the information required to be in such records. These records and any other records required by this order shall be kept by the seller at his place of business for so long as the Emergency Price Control Act of 1942, as amended, may remain in effect, and shall be available at all times for inspection by the Office of Price Administration.

No charge may be made for the sale of any item covered by this order for which the seller has failed to issue an invoice or sales slip or to keep the records as required by this order.

(f) *Posting.* (1) Every seller making sales covered by this order shall post a copy of this order at his place or places of business in a manner plainly visible to all purchasers.

(2) Every seller shall write on the copy of this order posted at his place or places of business, in the appropriate space provided in Appendix A, the weight of each size heavyweight block or brick sold by him.

(g) *Relation to other regulations.* This order shall supersede Maximum Price Regulation No. 592, Maximum Price Regulation No. 188, General Order No. 68, and The General Maximum Price Regulation, insofar as those regulations or any orders issued thereunder heretofore established maximum prices for sales covered by this Order No. G-19. *Provided, however* That except to the extent indicated in this paragraph, all sections of Maximum Price Regulation No. 592, as heretofore or hereafter amended, shall apply to sales covered by this order, including specifically the following sections of that regulation:

Sec. 2. Prohibitions against dealing at prices above the maximum.

Sec. 4. Evasion.

Sec. 21 (a). Records.

Sec. 22. Licensing.

Sec. 24. Enforcement.

Sec. 27. Federal and State Taxes.

(h) *Definitions.* (1) "Building block" is a block produced from cement and sand, gravel, slag, pebbles, crushed stone, or similar aggregates, the maximum oven dry weight of which exceeds 100 pounds per cubic foot of concrete.

(2) "Producer" means any person who engages in the manufacture and sale of concrete blocks.

(3) "Dealer" means any person who buys concrete blocks for resale, other than on an installed basis.

(4) A "sale at retail" means a sale to a contractor or other user. Any sale in which the purchaser buys for resale, except on an installed basis, is not a sale at retail.

(5) A "grade A building block" is either a hollow concrete block with a compressive strength of 1,000 pounds per square inch gross, in accordance with American Society for Testing Materials Standard Specifications for Hollow Load Bearing Concrete Masonry Units C 90-44, or a solid concrete brick with a compressive strength of 1,800 pounds per square inch gross, in accordance with American Society for Testing Materials Standard Specifications for Solid Load Bearing Concrete Masonry Units C-145-40.

(6) A "grade B building block" is either a hollow concrete block with a compressive strength of 700 pounds per square inch gross, in accordance with American Society for Testing Materials Standard Specifications for Hollow Load Bearing Concrete Masonry Units C-90-44, or a solid concrete brick with a compressive strength of 1,200 pounds per square inch gross, in accordance with American Society for Testing Materials Standard Specifications for Solid Load Bearing Concrete Masonry Units C-145-40.

(i) This order may be corrected, amended or revoked at any time.

This order shall become effective upon issuance.

Issued this 13th day of September, 1946.

BEN C. DUNIWAY,  
Regional Administrator.

APPENDIX A—HEAVYWEIGHT CONCRETE MASONRY UNITS IN NORTHERN CALIFORNIA

Grade A <sup>1</sup> blocks:			Maximum price per M
Size <sup>2</sup> (in inches)			
W	H	L	
4	4	12	\$57.50
4	6	12	78.50
4	8	12	92.00
6	4	12	86.00
6	6	12	115.00
6	8	12	135.00
8	4	12	100.00
8	6	12	135.00
8	8	12	160.00
4	4	16	69.00
4	6	16	92.50
4	8	16	110.00
6	4	16	98.00
6	6	16	125.00
6	8	16	150.00
8	4	16	115.00
8	6	16	142.50
8	8	16	175.00
12	8	16	260.00
12	8	24	330.00
2½" x 4 x 8 (solid)			25.00

<sup>1</sup> Grade B building blocks: The maximum prices of Grade B building blocks shall be

90% of the price established for the same size grade A building block.

<sup>2</sup> Tolerance: A tolerance of 3% is allowable in the dimensions listed.

Additional charges:

Jams, Bull Nose, Steel Sash, Round Corners, Bond Beams	Add 10%
Double Beam units	Add 20%
Sales under 1,000 units	Add 10%
Half blocks	53% of price listed above
Color:	
Hollow units	
Red	Add 5%
Buff	Add 10%
Other	Add 10%
Solid units	
Red	Add 7½%
Buff	Add 15%
Other	Add 15%

APPENDIX B—MISCELLANEOUS CONCRETE PRODUCTS

Item	Maximum price (per block)
Septic tank—upper	\$9.035
Septic tank—lower	0.105
Electric outlet block—6"	0.75
Electric outlet block—8"	0.77
Electric fixture block—6"	0.75
Electric fixture block—8"	0.77
Foundation piers—12" high	
Base Top	
10" x 10" 6" x 6"	0.50
12" x 12" 8" x 8"	0.60
14" x 14" 10" x 10"	0.75
Stepping and Patio Stones (Natural or Colored) Maximum price per stone:	
W H L	
12" 1½" 12"	0.10
8" 2½" 12"	0.10

GENERAL NOTES

The following notes shall apply to Appendix A and to Appendix B.

1. Discounts: The maximum prices for sales of building blocks and miscellaneous concrete units, by a producer to a dealer, f. o. b. the producer's plant, shall be the price established by Appendix A or Appendix B respectively, minus a retailer's discount of not less than 5%.

2. Delivery and handling charges: To the maximum prices established by Appendix A and Appendix B, and General Note No. 1, may be added the following:

(i) Delivery: \$0.05 per ton or fraction thereof. Actual amount of bridge and ferry tolls may be added.

(ii) Handling: \$0.75 per ton, pro-rated for fractions thereof. This includes all loading and unloading of the seller's conveyance; it does not apply to loading the purchaser's conveyance or public carrier for sales f. o. b. plant or yard.

(iii) Minimum charge: \$1.00 per ton to include all handling and delivery charges.

3. Dealers' maximum prices: The maximum prices for sales of building blocks and miscellaneous concrete units by dealers shall be as follows:

(i) For sales f. o. b. the dealer's place of business, the same as the maximum prices of the producer thereof, delivered to the dealer's place of business.

(ii) For sales made and delivered to a place or site, the same as the maximum prices of the producer thereof, delivered to that same place or site.

OPINION ACCOMPANYING ORDER G-19 UNDER MAXIMUM PRICE REGULATION 592

This order puts into effect, primarily for the Northern California district serviced by the San Francisco District Office of the Office of Price Administration, dollars and cents maximum prices for heavy weight concrete building blocks and certain other concrete units enumerated in Appendix B of the order.

The basic prices set up by the order are for sales to users by producers located in the area described in paragraph (a) of the order, f. o. b. the producer's plant. These prices are established in Appendices A and B. The maximum prices for sales by producers to dealers, and for sales by dealers, are provided for in the General Notes. Allowance too, has been made for delivery and handling charges in the General Notes.

In light of the great pressure exerted by the demand for new construction, it seems desirable to issue such a dollar and cents order for the self-protection of both the trade and purchaser or user of the item. Enforcement activities are also facilitated by such a schedule of prices.

The maximum prices established by the order were arrived at from data furnished by producers and from the material available in the publications of the American Concrete Institute and the United States Department of Commerce.

The accompanying order does not change established business practices or methods except insofar as is necessary to assure compliance with the Emergency Price Control Act of 1942, as amended. The action taken is, in the opinion of the Regional Administrator, generally fair and equitable and consistent with the provisions of the Emergency Price Control Act of 1942, as amended, and the Executive orders supplementary thereto.

[F. R., Dec. 46-17553; Filed, Sept. 30, 1946; 8:53 a. m.]

[Region VIII Order G-4 Under Rev. Supp. Service Reg. 50 to EMFR 165]

PARKING LOT SERVICES IN OAKLAND, CALIF.

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator by § 1499.648 (c) (11) of Revised Supplementary Service Regulation No. 50 to Revised Maximum Price Regulation No. 165, it is hereby ordered.

(a) This order applies to parking lots in the area covered by this order. Parking lot means an open, substantially uncovered space, accessible by automobile from the street. Enclosed garages are not covered by this order.

(b) The area covered by this order is downtown Oakland, California, which means that portion of Oakland, including both sides of boundary streets, within the area bounded by 10th Street on the southwest, Jefferson Street from 10th Street to San Pablo Avenue and thence along San Pablo Avenue to 22nd Street on the northwest, 22nd Street and Grand Avenue on the northeast, and on the southeast from Grand Avenue to 10th Street by Harrison, Lakeside, and Oak Streets.

(c) Maximum prices for the service of automobile parking in parking lots in downtown Oakland, California for daytime and nighttime parking (other than on Sundays or holidays) are those listed in the attached Appendix "A" under the headings "Daytime Parking" and "Nighttime Parking."

(d) Maximum prices for the service of automobile parking on Sundays and holidays (January 1, February 22, May

30, July 4, Labor Day, Thanksgiving Day, December 25) are not established or changed by this order. Maximum prices for Sunday and holiday parking are established by Revised Maximum Price Regulation No. 165. This order requires posting of their maximum prices for Sunday and holiday parking by persons subject to the order.

(e) Persons subject to this order may not make any increase in maximum prices established under Revised Maximum Price Regulation No. 165 for monthly parking, weekly parking, or in-out rates. If any combination of maximum prices for daytime, nighttime, and Sunday and holiday parking is more favorable to the customer, that combination is the maximum price of the person subject to this order.

(f) On and after the effective date of this order every person subject to the order must post and maintain a sign setting forth his maximum prices for parking lot service. The sign must contain:

(1) The maximum prices for Daytime Parking and Nighttime Parking as set forth in Appendix A.

(2) The maximum price for Sunday and holiday parking which that person is permitted to charge under Revised Maximum Price Regulation No. 165.

(3) The maximum price for monthly parking, weekly parking, and in-out rates.

The sign must be posted in a place where it is plainly visible to customers of the parking lot.

(g) This order does not apply to parking lots operated by or in connection with retail stores, such as the parking lots operated by the Downtown Merchants Association.

This order shall become effective September 17, 1946.

Issued this 17th day of September 1946.

BEN C. DUNWAY,  
Regional Administrator.

APPENDIX A

MAXIMUM PRICES FOR PARKING LOTS IN DOWNTOWN OAKLAND

Daytime parking (parking at any time between 7:00 a. m. and 6:00 p. m., except on Sundays and holidays)

First two hours.....	Cents	15
Less than three hours.....		20
Less than four hours.....		25
Less than five hours.....		30
Five hours or more.....		35

Nighttime parking (parking after 6:00 p. m., except on Sundays or holidays).

Any length of time..... 25

Sunday and holiday parking (all Sundays, and Jan. 1, Feb. 22, May 30, July 4, Labor Day, Thanksgiving Day, Dec. 25)

Maximum prices established under RMPR 165.

Monthly, weekly, and in-out rates: Maximum prices established under RMPR 165.

However, if any combination of the above maximum prices for daytime, nighttime, and Sunday and holiday parking is more favorable to the customer, that combination of rates is the maximum price.

OPINION ACCOMPANYING ORDER NO. G-4 UNDER REVISED SUPPLEMENTARY SERVICE REGULATION NO. 50 TO REVISED MAXIMUM PRICE REGULATION NO. 165

The accompanying order establishes daytime and nighttime rates for auto parking in downtown Oakland, California. The order sets forth the exact dollar-and-cent prices for daytime and nighttime parking on regular parking days. However, for Sunday, holiday, weekly, monthly, and in-out rates, the order requires that the seller of the service refer to his regular established prices under existing regulations. Persons who have failed to establish or file prices under Revised Maximum Price Regulation No. 165 for these latter services are required to do so.

This order was issued because of the widespread violations in the field, because some operators do not have adequate base period records to substantiate their prices, because many operators are now sellers who have not properly established their prices, and because the March 1942 base period rates generally work a hardship on the operators in the light of our individual adjustment standards. The issuance of this order will insure more adequate enforcement of parking lot rates in downtown Oakland. It will also accomplish the further task of making unnecessary a large number of individual adjustments based upon financial hardship in this area. The rates set by the order for daytime and nighttime parking are at a level which will allow the operators in general a return in line with the returns allowed to this industry by our individual adjustment standards.

The accompanying order is issued under the authority granted by § 1499.648 (c) (11) of Revised Supplementary Service Regulation No. 50 to Revised Maximum Price Regulation No. 165. In conformity with that section, the Regional Administrator of Region VIII has cleared this order with the Service Trades Branch of the Office of Price Administration, Washington, D. C., before issuance. The posting requirements of the order are authorized by § 1499.648 (b) of Revised Supplementary Service Regulation No. 50. The order is considered by the Administrator to be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-17559; Filed, Sept. 30, 1946; 8:52 a. m.]

[Region VI Order G-16 Under RMPR 122, Amtd. 125]

SOLID FUELS IN DANVILLE, ILL., AREA

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G-16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

In Appendix No. 32 to Order No. G-16, the Price Schedules and discounts in paragraph (b) are amended to read as follows:

PRICE SCHEDULE FOR COAL DELIVERED FROM RETAIL YARDS

	Domestic delivered Per ton
(I) Low volatile bituminous coal from district (southern West Virginia and north No. 7 western and central Virginia):	
1. Lump size group No. 1: All lump coal bottom size 3/8", Price Classification A.....	81.31
II. High volatile bituminous coal from district No. 8 (eastern Kentucky, southwest West Virginia, West Virginia, northern Tennessee, and North Carolina):	
1. Lump size group No. 2: All single screened lump coal bottom size larger than 3" but not exceeding 6", Price Classification G through K.....	9.97
2. Stoker size group No. 10: All double screened stoker coals top size not exceeding 1 1/4", and bottom size less than 1/4", Price Classification B through E.....	9.67
III. High volatile bituminous coal from district No. 10 (Illinois):	
A. Southern subdistrict price group Nos. 1, 2, and 8; Deep machine mines:	
1. Lump and egg size group Nos. 1, 2, and 3: All lump and egg coals bottom size larger than 2" washed or raw.....	7.91
2. Egg size group No. 6: All egg coals bottom size larger than 1 1/2" but not exceeding 2" and top size larger than 2" but not exceeding 4" washed or raw.....	7.61
3. Special stoker size group Nos. 21, 22, and 28: All washed or air-cleaned nut and pea coal bottom size larger than 1 millimeter and top size not exceeding 2" also all dry dedusted special stoker bottom size larger than 28 mesh and top size not exceeding 3/8" (including such trade names as G14, Par Fuel, Air Flow, Super V, and DeLuxe S. P. stoker coal).....	7.61
4. Washed screenings size group Nos. 23 and 24: All washed or air-cleaned screenings top size not exceeding 2" (including S. P. stoker coal).....	7.01
B. Central subdistrict, deep machine mines:	
1. Lump and egg size groups Nos. 1, 2, and 3: All lump and egg coals bottom size larger than 2" washed or raw:	
(a) Mine Index No. 21 only.....	6.39
2. Washed screenings size group Nos. 23 and 24: All washed or air-cleaned screenings top size not exceeding 2".....	6.21
(a) Mine Index No. 189 only.....	6.21
IV. High volatile bituminous coal from district No. 11 (Indiana):	
1. Lump and egg, size group Nos. 1, 2, and 3: All lump and egg coals bottom size larger than 2" washed or raw:	
(a) Mine Index No. 40 only.....	7.70
(b) Price group No. 14.....	8.16
(c) Price group No. 15.....	7.31
(d) Mine Index No. 116 only.....	7.00
(e) Price group No. 5.....	6.91
(f) Price group Nos. 7 and 18.....	6.83
2. Stoker size group Nos. 9-12, inclusive: All raw nut and pea coal bottom size larger than 10 mesh or 3/8" and top size not exceeding 2".....	
(a) Mine Index No. 40 only.....	6.99
(b) Price group No. 14 only.....	7.45
(c) Mine Index No. 116 only.....	6.81
(d) Price group No. 5.....	6.49
3. Dry dedusted screenings size group Nos. 26 and 27: All dry dedusted screenings, top size not exceeding 2" price group No. 16.....	6.15
4. Water dedusted screenings size group Nos. 30 and 31: All water dedusted screenings top size not exceeding 2" price group No. 10.....	6.40
V. Byproduct coko—Terre Haute:	
Egg, stove, nut.....	15.93
VI. Pennsylvania anthracite:	
1. Egg, stove, and nut.....	17.98

(11) Discounts. The maximum prices set forth in paragraph (b) (1) (1) above shall be subject to the following discounts:

	Per ton
1. On sales to other dealers of coal picked up at the seller's yard.....	\$1.09
2. On sales to domestic consumers of coal picked up at the dealer's yard.....	76

PRICE SCHEDULE FOR COAL TRUCKED IN FROM LOCAL MINES

	Domestic delivered Per ton
I. High volatile bituminous coal from district No. 10 (Illinois):	
A. Central subdistrict, deep mines:	
1. Lump size group No. 1: All lump and egg coals bottom size larger than 4" washed or raw:	
(a) Price group No. 13A.....	\$5.73
(b) Price group No. 13B.....	5.23
2. Egg size group Nos. 2 and 3: All lump and egg coals bottom size larger than 2" but not exceeding 4" washed or raw:	
(a) Price group No. 13A.....	5.73
(b) Price group No. 13B.....	5.23
3. Egg and nut size group Nos. 4 and 5: All egg and nut coals bottom size larger than 1½" but not exceeding 2" and top size larger than 2" washed or raw:	
(a) Price group No. 13A.....	5.53
(b) Price group No. 13B.....	5.03
4. Egg size group No. 6: All egg coal bottom size 1½" and smaller and top size larger than 2" washed or raw:	
(a) Price group No. 13A.....	5.43
(b) Price group No. 13B.....	4.93
5. Mine run size group No. 7: Straight mine run from which no fines have been removed, modified mine run modified by the removal of an intermittent size or sizes, no fines removed resultants larger than 2" x 0; no fines removed:	
(a) Price group No. 13A.....	5.03
(b) Price group No. 13B.....	4.53
6. Stove size group No. 8: All stove coal bottom size larger than ¾" and top size larger than 1½" but not exceeding 2½" washed or raw:	
(a) Price group No. 13A.....	5.03
7. Raw chestnut, pea, and stoker size group Nos. 9-12, inclusive: All raw nut and pea coal bottom size larger than 10 mesh or ¾" and top size not exceeding 2" price group No. 13A.....	4.83
8. Dedusted screenings: Size group Nos. 25 and 27: All dry dedusted screenings top size not exceeding 2" Price group No. 13A.....	4.43

The maximum prices set forth above for sales of the solid fuels subject to this amendment reflect all increases in maximum prices for such sales granted in the past by the Office of Price Administration. Therefore, the above prices may not be increased except pursuant to future adjustments made by this office.

This Amendment No. 125 to Order No. G-16 under Revised Maximum Price Regulation No. 122 shall become effective September 16, 1946.

Issued this 9th day of September 1946.

EARL W. CLARK,  
Regional Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 125 TO ORDER NO. G-16 UNDER REVISED MAXIMUM PRICE REGULATION NO. 122

Under § 1340.260 of Revised Maximum Price Regulation No. 122 the Regional Administrator for Region VI of the Office of Price Administration may by order establish specific maximum prices in line with those established by that regulation for deliveries of solid fuels made, or for services rendered in connection therewith, or both, by a dealer or group of dealers in an area or locality. In connection with such prices, appropriate reporting, record keeping or other requirements may be made of the dealer or dealers involved. If, after such specific maximum prices are established by order, the maximum prices of the dealers'

suppliers are increased or decreased by the Price Administrator, the order may be amended to reflect such increase or decrease.

The maximum prices in the accompanying amendment supersede and reflect price increases granted by the following documents or actions:

1. Regional Order No. G-35 under Revised Maximum Price Regulation No. 122, reflecting increases to producers of certain solid fuels, granted by Amendment No. 158 to Maximum Price Regulation No. 120.

2. Regional Order No. G-37 under Revised Maximum Price Regulation No. 122, reflecting increases to producers of Anthracite, granted by Amendment No. 23 to Maximum Price Regulation No. 112.

3. Regional Order No. G-39 under Revised Maximum Price Regulation No. 122, reflecting the increases granted by Amendment No. 5 to Maximum Price Regulation No. 29, By-Product and Retort Gas Coke.

4. Amendments Nos. 46, 47, and 48 to Revised Maximum Price Regulation No. 122

[F. R. Doc. 46-17552; Filed, Sept. 30, 1946; 8:55 a. m.]

[Region VII Order G-2 Under Gen. Order 63, Amdt. 2]

BUILDING AND CONSTRUCTION MATERIALS IN DENVER, COLO., AREA

Order No. G-2 under General Order 68, Amendment No. 2, Docket No. 7-GO-68-2(b) maximum prices for retail sales of certain building and construction materials in the Denver, Colorado Area.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII, pursuant to the provisions of General Order 68, Order No. G-2 is amended in the following respects:

(1) Section 1 of Order No. G-2 is amended to read as follows:

SECTION 1. *What this order does.* This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the Denver, Colorado, area. The Denver, Colorado, area for the purposes of this order consists of the City and County of Denver, Colorado, and all of the area within a radius of 10 miles from the City and County Building in the City and County of Denver, Colorado.

(2) There is inserted after section 4 the following new section:

Sec. 4a. *Adjustment to reflect increase in supplier's price.*—(a) *Applicability.* This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* A seller may increase the price listed in this order by the amount permitted for resellers by an

amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No. G-2, the maximum prices of the specified building and construction materials covered by Order No. G-2 shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by Amendment No. 1, effective June 10, 1946.

(4) In so far as this amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials) it supersedes that order and the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment 1 to Order No. G-2, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-2, under General Order 68 shall be effective August 19, 1946.

Issued this 19th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.

TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Cement:		
Portland—paper sacks	Per sack—100 pounds.....	\$2.85
Portland—cloth sacks	do.....	1.00
Quickstrength	do.....	1.10
Waterproof	do.....	1.10
Keene	do.....	1.75
Atlas or duro white	do.....	2.75
Mortar:		
Masonry—paper sack	Per sack—75 to 80 pounds.....	.80
Lime:		
Finishing—Ohio hydrated	Per sack—50 pounds.....	.85
Hydrated—Colorado	do.....	.70
Hydrated—Michigan	do.....	.75
Pebble	Per cwt.....	1.50
Quick-pulverized (Widband Check-rol)	Per cwt.—1,000 pounds and over.....	1.50
Quick-pulverized	Per cwt.—less than 1,000 pounds.....	1.70
Plaster:		
Hardwall	Per sack—100 pounds.....	.85
Plaster Paris—white	do.....	.85
Plaster Paris—less than full sacks	Per pound.....	.02
Calcium chloride:		
Used for building purposes	Per cwt.—100 pound sack.....	3.50
Less than 100-pound quantities	Per pound.....	.05

TABLE II—LATH, GYPSUM AND METAL; CORNER BEADS AND EXPANSION CASINGS

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>LATH</b>		
Gypsum	Per M square feet.	\$30.50
Metal lath—flat diamond mesh:		
2.5 pounds painted	Square yard	.30
3.4 pounds painted	do	.39½
3.4 pounds galvanized	do	.44
Metal lath—flat rib:		
2.75 pounds painted	do	.32½
3.4 pounds painted	do	.39
Metal—high rib:		
3.4—¾" painted	do	.44
4.0—¾" painted	do	.47
Corner Bead:		
Expanded apron	M linear feet	48.00
Flat apron	do	38.00
¾" bull nose flat apron	do	48.00
All expansion casing: ½ round (bull nose—O. G. or square edge.	do	96.00
Corner lath:		
2 x 2	do	32.00
3 x 3	do	37.00

NOTE: Add for metal lath—self furring—1¢ per yd. over flat diamond mesh. For copper bearing lath, add 1¢ per sq. yd.

TABLE III—INSULATION MATERIALS, WALL BOARDS AND BUILDING PAPER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Insulation board:		
¾"-4' x 6', 7', 8', 9' 10', 12'	Per M square feet.	\$54.00
¾"-4' x 6', 7', 8', 9' 10', 12'	do	43.00
If edges leveled, add	do	5.00
Insulation tile—½"	do	69.50
Sizes under 16 x 32	do	64.00
16 x 32 and larger	do	69.50
Insulation plank—¾"	do	69.50
All sizes.		
Insulation sheathing, asphalt coated or impregnated:		
¾"-4' x 8', 8'6" 9' 9'6" 10', 12'	do	61.50
2½"-4' x 8', 8'6" 9' 9'6" 10', 12' and 2' x 8', 4' x 8'2", 9'4", 10'8", and 2½' x 8'	do	86.00
Insulation lath: ¾"-16 x 48—18 x 48—24 x 48.	do	54.00
Balsam wool sealed blankets:		
Standard	do	46.50
Double thick	do	67.50
Wall thick	do	90.00
Kiesel insulation:		
Commercial ½"	do	40.00
Standard 1"	do	47.00
Double thick 2"	do	55.00
Mineral wool insulation:		
Semi-thick batts 15 x 48"	do	55.00
Full-thick batts 15 x 48"	do	75.00
Handi-batts full thick 15 x 24"	do	75.00
Jr. batts 11½ x 15"	do	75.00
Mineral wool blankets:		
1"	do	46.00
2"	do	57.00
3"	do	80.00
Nodulated and loose wool in sacks:		
35 lb.	Per sack	1.60
38 lb.	do	1.75
40 lb.	do	1.80
Expanded mica:		
Coverage—30 sq. ft.—2" thick.	do	1.90
Coverage—17 sq. ft.—3½" thick.	do	1.90

1 Net.

TABLE III—INSULATION MATERIALS, WALL BOARDS AND BUILDING PAPER—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Building paper:		
Red resin—20 lb.—500 sq. ft. rolls.	Roll	\$1.25
Red resin—30 lb.—500 sq. ft. rolls.	do	1.75
Red resin—40 lb.—500 sq. ft. rolls.	do	2.50
Sisalcraft	Per 100 square feet.	1.25
Presswood:		
¾ x 48 x 72 and longer—Plain.	Per 1,000 square feet.	70.00
¾ x 48 x 72 and longer—Tempered.	do	90.00
¾ x 48 x 72 and longer—Plain.	do	87.00
¾ x 48 x 72 and longer—Tempered.	do	107.00
¾ x 48 x 72 and longer—Plain.	do	117.00
¾ x 48 x 72 and longer—Tempered.	do	137.00
Wallboard:		
Sheetrock—¾ x 48 x 72 and longer.	do	39.00
Sheetrock—¾ x 48 x 72 and longer.	do	48.00
Sheetrock—¾ x 48 x 72 and longer.	do	54.00

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Felt:		
Asphalt and tarred:		
15-pound 36" wide 432 sq. ft.	Per roll	\$3.20
20-pound—36" wide 216 sq. ft.	do	3.20
Roll roofing:		
Smooth surfaced:		
35-pound	do	1.75
45-pound	do	2.20
55-pound	do	2.50
65-pound	do	2.95
75-pound	do	3.35
77-pound	do	3.50
Mineral surfaced:		
90-pound	do	3.35
Split roll 105-pound diamond point—hex. edge—stag. edge.	do	3.95
Split roll 112-pound, diamond point—hex. edge—stag. edge.	do	4.10
Shingles:		
Composition shingles: Std. individual 200-pound.	Per square	9.10
Asphalt shingles:		
Hex. std. 3 tab 167-pound.	do	6.15
Thick butt 3 tab 12" 210-pound.	do	7.95
Asbestos shingles:		
Asbestos shingles 260-290-pound.	do	13.55
Dutch lap 16 x 16.	do	14.15
Siding—asbestos cement:		
Std. surf. hard std. colors (12 x 24) (12 x 27).	do	11.05
Std. surf. hard std. colors (white or buff).	do	11.30
Extra hard surf. white (glatex) (12 x 24) (12 x 27).	do	18.40
Siding—asphalt:		
Insulated brick:		
14¾ x 43 x ¾	do	14.00
13¾ x 43 x ¾, 14 x 43"	do	14.00
Roll brick	Per roll	4.60

TABLE V—METAL PRODUCTS

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone	
		Painted	Galvan. Lined
Valley tin:			
10" 23 gage	Per 100 linear feet	\$8.00	
14" 23 gage	do	11.00	
20" 23 gage	do	14.00	
10" 23 gage	do		\$8.00
14" 23 gage	do		10.00
20" 23 gage	do		13.00
Ash pit doors:			
8" x 8"	Each	\$1.25	\$1.00
10" x 12"	do	2.00	1.70

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-2 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. G-2 under General Order 68, modifies reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172, Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials, in order to reflect the increases in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592; by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regulation No. 466, and otherwise to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage mark-up on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V some of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-2 under General Order 68, is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68, under which Order No. G-2 was issued.

[F. R. Doc. 46-17545; Filed Sept. 30, 1946; 8:58 a. m.]

[Region VI Order G-16 Under RMPR 122, Amdt. 122]

**SOLID FUELS IN CEDAR RAPIDS, IOWA, AREA**

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G-16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

I. In Appendix No. 6 to Order No. G-16, paragraph (b) subparagraphs I to VIII are amended to read as follows:

PRICE SCHEDULE	
	Domestic delivered per ton
I. Low volatile bituminous coal from district No. 3 (West Virginia):	
1. Lump and egg, size group Nos. 1 and 2, Price Classification A.....	\$13.34
II. Low volatile bituminous coals from district No. 7 (West Virginia and Virginia):	
1. Lump and egg, size group Nos. 1 and 2, Price Classification A.....	14.04
2. Stove, size group No. 3, Price Classification A.....	13.54
III. High volatile coals from district No. 8 (East Kentucky and West Virginia):	
1. Lump and egg, size group Nos. 1, 2, and 3, Price Classification A.....	13.27
2. Lump, size group No. 2, Price Classifications G through H.....	12.97
3. Lump, size group No. 2, Price Classifications K through N.....	12.82
4. Egg, size group No. 4, Price Classifications K through O, and size group No. 6, Price Classifications E through K.....	12.52
5. Stoker, size group No. 10, Price Classification A.....	12.12
IV. High volatile coals from district No. 9 (Western Kentucky):	
1. No. 6 seam, stoker, size groups 8 to 12, inclusive.....	10.01
2. No. 14 seam, lump and egg, size groups 1 through 6.....	10.01
3. No. 14 seam, stoker, size groups 17 through 22.....	9.11
V. High volatile coal from district No. 10 (Illinois):	
A. Southern subdistrict (deep machine mines):	
1. Lump and egg, size groups 1, 2, and 3; price groups 1, 2, and 8.....	10.11
2. Egg and nut, size groups 4, 5, 6, and 8; price groups 1, 2, and 8.....	9.81
3. Prepared stoker, size groups 22 and 28; price groups 1, 2, and 8.....	9.51
B. Central subdistrict (deep machine mines):	
1. Lump and egg, size groups 1, 2, and 3; price groups 12, 13, and 23.....	8.16
2. Egg and nut, size groups 4, 5, 6, and 8; price groups 12, 13, and 23.....	8.11
C. Fulton-Peoria subdistrict (strip mines):	
1. Lump and egg, size groups 1, 2, and 3; price groups 24, 25, and 29.....	8.31
2. Egg and nut, size groups 4, 5, 6, and 8; price groups 24 to 28, inclusive.....	7.33
D. Northern subdistrict (strip mines):	
1. Lump and egg, size groups 1, 2, and 3; price group 34.....	8.31
2. Egg and nut, size groups 4, 5, 6, and 8; price group 34.....	7.71
VI. High volatile coal from district No. 11 (Indiana):	
1. Lump and egg, size groups 1, 2, and 3; price groups 15 and 16.....	10.49
2. Lump and egg, size groups 1, 2, and 3; price groups 6 and 14.....	10.89
3. Egg and stove, size groups 4, 5, 6, and 8; price groups 6 and 14.....	9.89
4. Stoker, size groups 9 through 12; price groups 16 and 14.....	9.64
VII. Byproduct coke:	
1. Egg, stove, and nut.....	18.23
VIII. Briquettes, Berwind.....	14.69

2. In Appendix No. 6 to Order No. G-16, paragraph (e) is amended to read as follows:

(e) *Discounts.* The maximum prices provided for in the schedule in section (b) shall be subject to the following discounts:

	Per ton
1. If payment is made on delivery or within 15 days from the date of delivery.....	\$0.25
2. If physical delivery of the coal sold to a consumer is made at the yard of the dealer.....	75
3. If physical delivery of the coal sold to a purchaser for resale is made at the yard of the dealer.....	1.69

The maximum prices set forth above for sales of the solid fuels subject to this amendment reflect all increases in maximum prices for such sales granted in the past by the Office of Price Administration. Therefore, the above prices may not be increased except pursuant to future adjustments made by this office.

This Amendment No. 122 to Order No. G-16 under Revised Maximum Price Regulation No. 122 shall become effective September 16, 1946.

Issued this 5th day of September 1946.

EARL W. CLARK,  
Regional Administrator.

**OPINION ACCOMPANYING AMENDMENT NO. 122 TO ORDER NO. G-16 UNDER REVISED MAXIMUM PRICE REGULATION NO. 122**

Under § 1340.260 of Revised Maximum Price Regulation No. 122 the Regional Administrator for Region VI of the Office of Price Administration may by order establish specific maximum prices in line with those established by that regulation for deliveries of solid fuels made, or for services rendered in connection therewith, or both, by a dealer or group of dealers in an area or locality. In connection with such prices, appropriate reporting, record keeping or other requirements may be made of the dealer or dealers involved. If, after such specific maximum prices of the dealers' suppliers are increased or decreased by the Price Administrator, the order may be amended to reflect such increase or decrease.

The maximum prices in the accompanying amendment supersede and reflect price increases granted by the following documents or actions:

1. Regional Order No. G-32 under Revised Maximum Price Regulation No. 122, reflecting an increase granted by Amendments 40, and provisions of Amendment 42 to that regulation.

2. Regional Order No. G-35 under Revised Maximum Price Regulation No. 122, reflecting increases to producers of certain solid fuels, granted by Amendment No. 158 to Maximum Price Regulation No. 120.

3. Regional Order No. G-37 under Revised Maximum Price Regulation No. 122, reflecting increases to producers of Anthracite, granted by Amendment No. 23 to Maximum Price Regulation No. 112.

4. Regional Order No. G-39 under Revised Maximum Price Regulation No. 122, reflecting increases granted by Amendment No. 5 to Maximum Price Regulation No. 29.

5. Amendments Nos. 46 and 48 to Revised Maximum Price Regulation No. 122.

6. A report filed with the National Office of the Office of Price Administration relating to briquettes.

[F. R. Doc. 46-17551; Filed, Sept. 30, 1946; 8:55 a. m.]

[Region VI, Order G-16 Under RMPR 122, Amdt. 124]

**SOLID FUELS IN GALESBURG, ILL., AREA**

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G-16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

In Appendix No. 29 to Order No. G-16, paragraph (b) sub-paragraphs I to VI are amended to read as follows:

PRICE SCHEDULE	
	Delivered per ton
I. Low volatile bituminous coal from district No. 7 (southern West Virginia and northwestern and central Virginia):	
1. Egg, size group No. 2; All egg coal top size larger than 3" bottom size no limit; price classification A.....	\$12.44
2. Pea, size group No. 6; All pea or deducted screenings top size not exceeding 1 1/2", bottom size smaller than 3/4"; price classification A.....	11.09
II. High volatile bituminous coal from district No. 8 (eastern Kentucky, southwestern West Virginia, western Virginia, northern Tennessee, and North Carolina):	
1. Lump, size group No. 2; All single screened lump coal bottom size larger than 3" but not exceeding 5"; price classification A, mine index Nos. 49 and 50 only.....	11.81
2. Lump, size group No. 2; All single screened lump coal bottom size larger than 2" but not exceeding 6"; price classifications E through H, inclusive.....	10.62
3. Stoker, size group No. 10; All double screened stoker coals, top size not exceeding 1 1/2" and bottom size less than 1 1/4".....	11.23
(a) Price classification A, mine index Nos. 49 and 50 only.....	10.67
(b) Price classification B through E, inclusive, except mine index Nos. 27 and 73.....	
III. High volatile bituminous coal from district No. 9 (western Kentucky):	
1. Lump and egg, size group Nos. 1-6, inclusive; All single screened lump coals and all double screened raw washed or air-charged egg coals top size larger than 2".....	7.98
(a) No. 6 seam.....	7.71
(b) No. 14 and stray seams.....	
2. Stoker, size group Nos. 8-12, inclusive; All raw double screened nut stoker and pea coals top size not exceeding 2" and bottom size larger than 10 mesh or 3/4"; (a) No. 6 seam.....	8.05
IV. High volatile bituminous coal from district No. 10 (Illinois):	
A. Southern subdistrict, price group Nos. 1, 2, and 8; deep machine mines:	
1. Lump and egg, size group Nos. 1, 2, and 3; All lump and egg coals bottom size larger than 2" washed or raw.....	8.23
2. Special stoker, size group Nos. 21, 22, and 23; All washed or air-charged nut and pea coal bottom size larger than 1 millimeter and top size not exceeding 2"; also all dry deducted special stoker bottom size larger than 23 mesh and top size not exceeding 3/4".....	8.01
3. Washed screenings, size group Nos. 23 and 24; All washed or air-charged screenings top size not exceeding 2"; common trade name S. P. stoker.....	7.71
B. Belleville subdistrict, price group Nos. 1-22, inclusive; Deep machine mines:	
1. Lump and egg, size group Nos. 1, 2, and 3; All lump or egg coals bottom size larger than 2" washed or raw.....	7.41
C. Fulton-Peoria subdistrict—Strip mines:	
1. Price group No. 24:	
(a) Lump and egg, size group Nos. 1 and 2 (including 6" lump, 6" x 4" egg, and 8" x 4" egg).....	8.64
(b) Size group Nos. 4 and 5 (including 6" x 2" and 4" x 2").....	8.54



PRICE SCHEDULE—Continued

	2	3	4	5	6	7
	4 tons or more domestic delivered, per ton	1-2-3 tons domestic delivered, per ton	1/2 ton domestic delivered, per 1/2 ton	1/4 ton domestic delivered, per 1/4 ton	Yard sales to dealers, per ton	Commercial, per ton
<b>IV. High volatile coal from District No. 10 (Illinois):</b>						
<b>A.</b>						
1. Lump and egg, size groups 1, 2, and 3: All lump or egg coal bottom size larger than 2" washed or raw, price groups 1, 2, and 3.....	\$9.83	\$10.33	\$5.71	\$3.33	\$3.12	
2. Egg and stove, size groups 4, 5, 6, and 8: All egg and stove coals bottom size 2" and smaller, washed or raw, price groups 1, 2, and 8 (including 4" x 2", 3" x 2" and 2" x 1 1/4").....	9.53	10.03	5.53	3.23	7.82	
3. Mine run, size group 7: Price group 1, 2, and 8.....	8.23	8.83	4.63	2.63	6.97	
4. Special stoker, size groups 21, 22, and 23: Washed or air-cleaned nut and pea coal, bottom size larger than 1 millimeter, top size not exceeding 2", and dry dedusted special stoker, bottom size larger than 23 mesh and top size not exceeding 1/4", price groups 1, 2, and 8.....	8.83	9.33	5.19	3.11	7.47	
5. Washed or dedusted screenings, size groups 23, 24, 25, and 27: Washed, air cleaned, and dedusted screenings, top size not exceeding 2", price groups 1, 2, and 8.....						\$7.71
6. Raw and washed chestnut, size groups 10 and 18: Raw washed or air cleaned nut coal, bottom size larger than 10 mesh, top size not exceeding 2", price groups 1, 2, and 8.....						7.61
7. Raw and washed pea, size groups 12 and 20: Raw washed or air cleaned pea coal, bottom size larger than 10 mesh, top size not exceeding 1"; price groups 1, 2, and 8.....						8.11
<b>B. Central—Duquoin, Bellaville sub districts:</b>						
1. Lump or egg, size groups 1, 2, and 3: All lump or egg coals, bottom size larger than 2" washed or raw, price groups 10, 12, 13, 16-23, inclusive:						
a. Deep machine mines.....	8.61	9.41	5.21	3.13	7.22	
b. Strip mines.....	8.71	9.21	5.11	3.03	7.02	
2. Egg and stove, size groups 4, 5, 6, and 8: All egg and stove coals bottom size 2" and smaller, washed or raw, price groups 10, 16-23 inclusive, 12, 13, and 23 (including 4" x 2" and 3" x 2" and 2" x 1 1/4"):						
a. Deep machine mines.....	8.70	9.20	5.10	3.03	7.07	
b. Strip mines.....	8.75	9.03	5.03	3.03	6.87	
3. Washed chestnut, size group 18, washed or air cleaned nut coal, bottom size larger than 10 mesh, top size not exceeding 2", price groups 10, 16-22, inclusive, 12, 13, and 23:						
a. Deep machine mines.....						7.31
b. Strip mines.....						7.11
4. Washed pea, size group 20: Washed or air cleaned pea coal, bottom size larger than 10 mesh, top size not exceeding 1", price groups 10, 16-22, inclusive, 12, 13, and 23:						
a. Deep machine mines.....						7.33
b. Strip mines.....						7.13
5. Washed screenings, size groups 22 and 24: Washed or air cleaned screenings, top size not exceeding 2", price groups 10, 16-22, inclusive, 12, 13, and 23:						
a. Deep machine mines.....						7.23
b. Strip mines.....						7.03
<b>C. Northern subdistrict:</b>						
1. Washed screenings, size groups 23 and 24: Washed or air cleaned screenings, top size not exceeding 2", price group 23, Mine Index No. 159 only:						
a. Strip mines.....						7.03
<b>V. High volatile bituminous coal from district No. 11 (Indiana):</b>						
1. Lump and egg, size groups 1, 2, and 3: All lump and egg coals, bottom size larger than 2" washed or raw, price groups 5, 6, 13, 14, 15, 16, and 20.....	10.14	10.64	5.63	3.41	63.40	
2. Egg and stove, groups 4, 5, 6, and 8: All egg and stove coals, bottom size 2" and smaller, washed or raw, price groups 5, 6, 13, 14, 15, 16, and 20, inclusive, 4" x 2", 3" x 2" and 2" x 1 1/4".....	9.44	9.94	5.43	3.23	7.70	
3. Mine run, size group 7, price groups 5, 6, 13, 14, 15, 16, and 20.....	8.04	8.54	4.73	2.91	6.03	
4. Stoker nut, size groups 9-12, inclusive: Raw nut and pea coal, bottom size larger than 10 mesh, top size not exceeding 2", price groups 6 and 14.....	8.74	9.04	5.03	3.01	7.15	
5. Lump and egg, size groups 1, 2, and 3: All lump and egg coals, bottom size larger than 2" washed or raw, price groups 7, 9-12, inclusive, 18 and 19.....	9.03	9.23	5.33	3.16	7.33	
6. Egg and stove, size groups 4, 5, 6, and 8: All egg and stove coals, bottom size 2" and smaller, washed or raw, price groups 7, 9-12, inclusive, 18 and 19, inclusive, 4" x 2", 3" x 2" and 2" x 1 1/4".....	8.91	9.44	5.23	3.11	7.29	
7. Screenings, washed and dedusted, size groups 23, 24, 25, and 27.....						7.29
<b>VI. Low volatile Smithing coal from district No. 1 (Pennsylvania):</b>						
<b>VII. A. Pennsylvania anthracite:</b>						
1. Egg, stove, nut.....	10.33	10.83	10.45	5.74	17.23	
2. Pea.....	17.43	17.63	9.50	5.27	15.43	
3. Buckwheat.....	14.63	15.43	8.24	4.63	12.63	
4. Rice.....	13.63	14.63	7.57	4.32	11.63	
<b>VIII. Cannel coal from district No. 8:</b>						
1. Lumps and chunks.....	15.67	16.67	8.24	4.80	13.83	
<b>IX. Briquettes:</b>						
1. District No. 7, low volatile:						
(a) Glen Rogers.....	14.09	14.63	7.82	4.41	12.23	
(b) Berwind.....	14.45	14.63	8.01	4.50	12.62	
<b>X. Chicago manufactured coke (Koppers or Solvay):</b>						
1. Egg, stove, nut.....	\$10.63	\$17.45	9.23	5.14	14.93	
2. Pea.....	15.63	16.45	8.73	4.69	13.63	

NOTE: The maximum prices for Pennsylvania anthracite sold in Evanston, Skafis, and Merion Grove shall be the maximum prices established in the above schedule, plus the following amounts, whichever is applicable:

	Cents
1 or more tons.....	63
1/2 ton, egg, stove, and nut.....	35
1/2 ton, all other sizes.....	30
1/4 ton, egg, stove, and nut.....	20
1/4 ton, all other sizes.....	15

The maximum prices set forth above for sales of the solid fuels subject to this amendment reflect all increases in maximum prices for such sales granted in the past by the Office of Price Administration. Therefore the above price may not be increased except pursuant to future adjustments made by this office.

This Amendment No. 4 to Revised Order No. G-11 under Revised Maximum Price Regulation No. 122 shall become effective September 20, 1946.

Issued this 12th day of September 1946.

EARL W CLARK,  
Regional Administrator

OPINION ACCOMPANYING AMENDMENT NO. 4 TO REVISED ORDER NO. G-11 UNDER REVISED MAXIMUM PRICE REGULATION NO. 122

Under § 1340.260 of Revised Maximum Price Regulation No. 122 the Regional Administrator for Region VI of the Office of Price Administration may by order establish specific maximum prices in line with those established by that regulation for deliveries of solid fuels made, or for services rendered in connection therewith, or both, by a dealer or group of dealers in an area or locality. In connection with such prices, appropriate reporting, record keeping, or other requirements may be made of the dealer or dealers involved. If, after such specific maximum prices are established by order, the maximum prices of the dealers' suppliers are increased or decreased by the Price Administrator, the order may be amended to reflect such increase or decrease.

The maximum prices in the accompanying amendment supersede and reflect price increases granted by the following documents or actions:

1. Regional Order No. G-35 under Revised Maximum Price Regulation No. 122, reflecting increases to producers of certain solid fuels granted by Amendment No. 158 to Maximum Price Regulation No. 120, or any other of the amendments patterned after it.
2. Regional Order No. G-37 under Revised Maximum Price Regulation No. 122, reflecting increases to producers of Anthracite granted by Amendment No. 23 to Maximum Price Regulation No. 112.
3. Regional Order No. G-39 under Revised Maximum Price Regulation No. 120, reflecting the increases granted by Amendment No. 5 to Maximum Price Regulation No. 29, By-Product and Retort Gas Coke.
4. Amendment Nos. 46, 47 and 48 to Revised Maximum Price Regulation No. 122.
5. Order No. L-48 under Revised Maximum Price Regulation No. 122 issued by the National Office, effecting prices for Berwind briquettes.

The accompanying amendment excepts certain solid fuels from Mines Index Nos. 49 and 50 from the coverage of Revised Order No. G-11 because of high costs of these fuels to dealers. They will establish their maximum prices for sales

of such coals under Revised Maximum Price Regulation No. 122.

[F. R. Doc. 46-17554; Filed, Sept. 30, 1946; 8:54 a. m.]

[Region VII Order G-2 Under MPR 592, Amdt. 1]

CLAY BUILDING BRICK MANUFACTURED IN COLORADO

Order No. G-2 under section 23 of Maximum Price Regulation No. 592, Amendment No. 1, Docket No. 7-592-23-2a; maximum prices for sales by manufacturers of certain clay building brick manufactured in the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII of the Office of Price Administration by section 23 of Maximum Price Regulation No. 592, Specified Construction Materials and Refractories, Order No. G-2 is amended as follows:

(1) Section 9 of Order No. G2 is amended to read:

SEC. 9. *Maximum prices for resellers.* Any reseller purchasing the products subject to this order for resale from any manufacturer who has modified his maximum prices in accordance with the provisions of this order, may increase his maximum prices f. o. b. yard or delivered, established by the General Maximum Price Regulation, by the percentage by which this acquisition cost has been increased by his supplier pursuant to the provisions of this order.

This Amendment No. 1 to Order No. G-2 under section 23 of Maximum Price Regulation No. 592 shall become effective August 28, 1946.

Issued this 28th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator

OPINION ACCOMPANYING AMENDMENT NO. 1 TO ORDER NO. G-2 UNDER SECTION 23 OF MAXIMUM PRICE REGULATION NO. 592

This Amendment No. 1 to Order No. G-2 under section 23 of Maximum Price Regulation No. 592 amends section 9 of the order by modifying the method by which resellers determine maximum prices. The amendment is issued to meet the requirements of section 2 (f) of the Emergency Price Control Act of 1942, as amended, and provides that the seller may increase his maximum price by the percentage by which his acquisition cost has been increased by his supplier instead of the dollars and cents increase in cost resulting from the increase permitted the manufacturer under the order.

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

23 of Maximum Price Regulation No. 592 under which Order No. G-2 was issued.

[F. R. Doc. 46-17556; Filed, Sept. 30, 1946; 8:53 a. m.]

[Region VII Order G-1 Under Gen. Order 68, Amdt. 2]

SCREEN DOORS AND COMBINATION STORM AND SCREEN DOORS IN DENVER REGION

Order No. G-1 under General Order 68, amendment No. 2, Docket No. 7-GO 68-1 (b), maximum prices for retail sales of stock screen doors and combination storm and screen doors in Region VII.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII pursuant to the provisions of General Order 68, Order No. G-1 under General Order 68 is amended in the following respects:

(1) Section 1 of Order No. G-1 is amended to read as follows:

SECTION 1. *What this order does.* This order covers all retail sales by any seller of stock screen doors and combination storm and screen doors delivered to a purchaser in Region VII of the Office of Price Administration, which includes the States of Colorado, Montana, New Mexico, Utah, and Wyoming, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(2) Section 4 of Order No. G-1 is amended to read as follows:

SEC. 4. *Authorized maximum prices.* Upon and after the effective date of this order No. G-1, as amended by Amendment No. 2, the maximum prices for stock screen doors and combination storm and screen doors shall be the prices set forth in Appendices A and B, respectively, of this order as amended.

(3) There is inserted after section 4 of Order No. G-1 the following new section:

SEC. 4a. *Adjustment to reflect increase in supplier's price—(a) Applicability.* This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an

amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(4) Appendices A and B incorporated in Order No. G-1 by Amendment No. 1,

effective June 20, 1946, is hereby revoked and Appendices A and B, attached hereto and dated August 19, 1946, are substituted in lieu of the appendices in the original order as amended by Amendment No. 1.

(5) This Amendment No. 2 to Order No. G-1 shall become effective August 19, 1946.

Issued this 19th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.

APPENDIX A—PONDEROSA PINE STOCK SCREEN DOORS

[In the white, in quantities of 1 to 5 doors (prices listed are per door). For prices of doors in larger quantities, see footnote]

TABLE I—1 1/2 INCH THICK PONDEROSA PINE SCREEN DOORS

Description	Sizes and prices per door						Description	Sizes and prices per door					
	2-8 x 6-6	2-6 x 6-8 2-8 x 6-8	2-8 x 7-0	2-10 x 6-10	2-10 x 7-0 3 x 6-8	3 x 7		2-8 x 6-6	2-6 x 6-8 2-8 x 6-8	2-8 x 7-0	2-10 x 6-10	2-10 x 7-0 3 x 6-8	3 x 7
<b>A-2 4" stiles and top rail, 12" bottom rail:</b>							<b>F-24" stiles and top rail, 6" bottom rail, 4" cross rail—Continued.</b>						
12 mesh black wire.....	\$4.45	\$4.60	\$4.75	\$4.85	\$4.90	\$5.05	16 mesh aluminum wire.....	\$3.95	\$3.25	\$3.45	\$3.55	\$3.65	\$3.90
14 mesh galvanized wire.....	4.55	4.80	4.90	5.00	5.05	5.20	14 x 19 galvanized wire.....	4.65	4.60	5.00	5.10	5.15	5.20
16 mesh galvanized wire.....	4.75	4.95	5.05	5.15	5.20	5.40	14 x 19 bronze wire.....	5.80	6.10	6.25	6.40	6.50	6.70
16 mesh bronze wire.....	5.60	5.95	6.15	6.25	6.35	6.60	<b>G-1 3" stiles and top rail, 6" bottom rail, 2" cross rails:</b>						
16 mesh aluminum wire.....	5.95	6.25	6.45	6.60	6.70	6.95	12 mesh black wire.....	3.80	3.95	4.05	4.10	4.15	4.25
14 x 18 mesh galvanized wire.....	4.80	5.00	5.15	5.20	5.30	5.45	14 mesh galvanized wire.....	3.60	4.10	4.20	4.25	4.30	4.45
14 x 18 mesh bronze wire.....	5.80	6.10	6.30	6.45	6.55	6.80	16 mesh galvanized wire.....	4.05	4.25	4.40	4.45	4.55	4.65
<b>C-1 3" stiles and top rail, 6" bottom rail, 3" cross rail:</b>							16 mesh bronze wire.....	5.65	5.35	5.25	5.35	5.40	5.60
12 mesh black wire.....	4.00	4.15	4.25	4.30	4.35	4.45	16 mesh aluminum wire.....	5.65	5.35	5.25	5.35	5.40	5.60
14 mesh galvanized wire.....	4.10	4.25	4.35	4.45	4.45	4.60	14 x 18 mesh galvanized wire.....	4.15	4.35	4.45	4.55	4.60	4.80
16 mesh galvanized wire.....	4.30	4.45	4.55	4.65	4.75	4.90	14 x 18 mesh bronze wire.....	5.25	5.55	5.70	5.80	6.00	6.20
16 mesh bronze wire.....	5.25	5.55	5.70	5.85	5.95	6.20	<b>H-1 3" stiles and top rail, 6" bottom rail, 2" cross rail, 1" mullions:</b>						
16 mesh aluminum wire.....	5.25	5.55	5.70	5.85	5.95	6.20	12 mesh black wire.....	4.00	4.15	4.25	4.30	4.35	4.45
14 x 18 mesh galvanized wire.....	4.35	4.55	4.65	4.75	4.80	4.95	14 mesh galvanized wire.....	4.10	4.20	4.40	4.45	4.50	4.60
14 x 18 mesh bronze wire.....	5.45	5.70	5.90	6.05	6.15	6.40	16 mesh galvanized wire.....	4.50	4.45	4.55	4.65	4.75	4.90
<b>C-2 4" stiles and top rail, 6" bottom rail, 4" cross rail:</b>							16 mesh bronze wire.....	5.25	5.55	5.70	5.80	6.00	6.20
12 mesh black wire.....	4.45	4.60	4.75	4.80	4.85	5.00	16 mesh aluminum wire.....	5.25	5.55	5.70	5.80	6.00	6.20
14 mesh galvanized wire.....	4.55	4.75	4.85	4.95	5.00	5.10	14 x 18 mesh galvanized wire.....	4.35	4.50	4.65	4.80	4.85	4.95
16 mesh galvanized wire.....	4.80	4.95	5.05	5.15	5.20	5.25	14 x 18 mesh bronze wire.....	5.45	5.70	5.95	6.10	6.15	6.35
16 mesh bronze wire.....	5.70	6.05	6.20	6.30	6.40	6.70	<b>I-1 3" stiles and top rail, 6" bottom rail, 3" cross rail, 3" mullions:</b>						
16 mesh aluminum wire.....	6.15	6.40	6.55	6.70	6.80	7.05	12 mesh black wire.....	4.45	4.60	4.75	4.85	4.90	5.00
14 x 18 mesh galvanized wire.....	4.85	5.05	5.15	5.20	5.25	5.40	14 mesh galvanized wire.....	4.55	4.60	4.60	4.60	5.05	5.20
14 x 18 mesh bronze wire.....	5.95	6.20	6.35	6.50	6.60	6.80	16 mesh galvanized wire.....	4.80	5.00	5.10	5.20	5.25	5.40
<b>D-1 3" stiles and top rail, 6" bottom rail, 3" cross rails:</b>							16 mesh bronze wire.....	5.90	6.20	6.25	6.30	6.60	6.80
12 mesh black wire.....	4.20	4.35	4.45	4.55	4.55	4.75	16 mesh aluminum wire.....	5.90	6.20	6.25	6.30	6.60	6.80
14 mesh galvanized wire.....	4.30	4.50	4.60	4.75	4.80	4.90	14 x 18 mesh galvanized wire.....	4.85	5.05	5.15	5.25	5.35	5.45
16 mesh galvanized wire.....	4.50	4.75	4.85	4.95	5.00	5.15	14 x 18 mesh bronze wire.....	6.10	6.40	6.55	6.70	6.85	7.10
16 mesh bronze wire.....	5.60	5.85	6.10	6.25	6.35	6.60	<b>I-2 4" stiles and top rail, 6" to 8" bottom rail, 4" cross rails, 4" mullions:</b>						
16 mesh aluminum wire.....	5.60	5.85	6.10	6.25	6.35	6.60	12 mesh black wire.....	5.65	5.20	5.35	5.40	5.45	5.60
14 x 18 mesh galvanized wire.....	4.55	4.80	4.90	5.00	5.05	5.20	14 mesh galvanized wire.....	5.20	5.35	5.40	5.60	5.65	5.80
14 x 18 mesh bronze wire.....	5.85	6.15	6.30	6.45	6.55	6.85	16 mesh galvanized wire.....	5.20	5.30	5.65	5.80	5.85	6.00
<b>D-2 4" stiles and top rail, 6 to 8" bottom rail, 3" cross rail:</b>							16 mesh bronze wire.....	6.20	6.60	6.85	7.00	7.05	7.30
12 mesh black wire.....	5.05	5.20	5.35	5.40	5.45	5.60	16 mesh aluminum wire.....	6.65	7.00	7.20	7.35	7.40	7.65
14 mesh galvanized wire.....	5.20	5.35	5.50	5.60	5.65	5.80	14 x 18 mesh galvanized wire.....	5.40	5.60	5.70	5.85	5.95	6.10
16 mesh galvanized wire.....	5.30	5.50	5.65	5.80	5.85	6.00	14 x 18 mesh bronze wire.....	6.45	6.80	7.00	7.15	7.25	7.50
16 mesh bronze wire.....	6.30	6.60	6.85	7.00	7.05	7.20	<b>N-2 4" stiles and top rail, 6" to 8" bottom rail, 4" cross rail:</b>						
16 mesh aluminum wire.....	6.65	7.00	7.20	7.35	7.40	7.65	12 mesh black wire.....	4.65	4.60	5.00	5.05	5.15	5.25
14 x 18 mesh galvanized wire.....	5.40	5.60	5.70	5.85	5.95	6.10	14 mesh galvanized wire.....	4.85	5.00	5.15	5.25	5.30	5.45
14 x 18 mesh bronze wire.....	6.45	6.80	7.00	7.15	7.25	7.50	16 mesh galvanized wire.....	4.65	5.15	5.20	5.40	5.45	5.60
<b>F-1 3" stiles and top rail, 6" bottom rail, 3" cross rail:</b>							16 mesh bronze wire.....	5.80	6.10	6.20	6.40	6.50	6.70
12 mesh black wire.....	3.95	4.10	4.20	4.25	4.30	4.40	16 mesh aluminum wire.....	6.15	6.45	6.60	6.80	6.90	7.10
14 mesh galvanized wire.....	4.05	4.25	4.35	4.40	4.45	4.60	14 x 18 mesh galvanized wire.....	5.65	5.25	5.35	5.45	5.50	5.65
16 mesh galvanized wire.....	4.25	4.40	4.55	4.60	4.75	4.85	14 x 18 mesh bronze wire.....	6.95	6.25	6.45	6.60	6.70	6.95
16 mesh bronze wire.....	5.20	5.60	5.65	5.85	5.95	6.15	<b>P-2 4" stiles and top rail, 8" bottom rail, 3" cross rail:</b>						
16 mesh aluminum wire.....	5.20	5.60	5.65	5.85	5.95	6.15	12 mesh black wire.....	5.20	5.45	5.55	5.60	5.70	5.90
14 x 18 mesh galvanized wire.....	4.30	4.50	4.60	4.75	4.80	4.95	14 mesh galvanized wire.....	5.50	5.55	5.65	5.80	5.85	6.05
14 x 18 mesh bronze wire.....	5.40	5.70	5.90	6.05	6.15	6.35	16 mesh galvanized wire.....	5.45	5.70	5.85	5.95	6.05	6.20
<b>F-2 4" stiles and top rail, 6" bottom rail, 4" cross rail:</b>							16 mesh bronze wire.....	6.20	6.60	6.85	7.10	7.10	7.30
12 mesh black wire.....	4.30	4.45	4.55	4.60	4.65	4.80	16 mesh aluminum wire.....	6.60	7.00	7.15	7.40	7.45	7.65
14 mesh galvanized wire.....	4.45	4.60	4.75	4.85	4.85	5.00	14 x 18 mesh galvanized wire.....	5.50	5.80	5.90	6.00	6.10	6.25
16 mesh galvanized wire.....	4.60	4.85	4.95	5.00	5.10	5.20	14 x 18 mesh bronze wire.....	6.45	6.85	7.00	7.25	7.25	7.50
16 mesh bronze wire.....	5.55	5.90	6.10	6.20	6.30	6.50							

TABLE II—7 1/2 INCH THICK PONDEROSA PINE STOCK SCREEN DOORS

Description	Sizes and prices per door						Description	Sizes and prices per door					
	2-6 x 6-6	2-6 x 6-8 2-8 x 6-8	2-8 x 7-0	2-10 x 6-10	2-10 x 7-0 3 x 6-8	3 x 7		2-6 x 6-6	2-6 x 6-8 2-8 x 6-8	2-8 x 7-0	2-10 x 6-10	2-10 x 7-0 3 x 6-8	3 x 7
<b>CC-1 3" stiles and top rail, 6" bottom rail, 3" cross rail:</b>							<b>GG-1 3" stiles and top rail, 6" bottom rail, 2" cross rail, 1" mullions:</b>						
12 mesh black wire.....	\$3.50	\$3.70	\$3.80	\$3.85	\$3.90	\$4.00	12 mesh black wire.....	\$3.25	\$3.45	\$3.55	\$3.60	\$3.70	\$3.80
14 mesh galvanized wire.....	3.60	3.80	3.90	4.00	4.00	4.15	14 mesh galvanized wire.....	3.40	3.75	3.75	3.80	3.85	3.95
16 mesh galvanized wire.....	3.80	4.00	4.10	4.20	4.25	4.40	16 mesh galvanized wire.....	3.75	3.80	3.80	4.00	4.05	4.20
16 mesh bronze wire.....	4.80	5.05	5.20	5.35	5.45	5.70	16 mesh bronze wire.....	4.75	4.80	5.05	5.20	5.30	5.50
16 mesh aluminum wire.....	4.80	5.05	5.20	5.35	5.45	5.70	16 mesh aluminum wire.....	4.75	4.80	5.05	5.20	5.30	5.50
14 x 18 mesh galvanized wire.....	3.90	4.05	4.15	4.25	4.30	4.45	14 x 18 mesh galvanized wire.....	3.70	3.90	4.00	4.05	4.15	4.25
14 x 18 mesh bronze wire.....	5.00	5.25	5.40	5.55	5.65	6.00	14 x 18 mesh bronze wire.....	4.75	5.10	5.25	5.40	5.45	5.70



supplier's prices when made industry-wide by permitting pass-throughs until such time as the area pricing order is amended.

In view of the facts set forth herein the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-1 under General Order 68 is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68 under which Order No. C-1 was issued.

[F. R. Doc. 46-17544; Filed, Sept. 30, 1946; 8:58 a. m.]

[Region VII Order G-7 Under Gen. Order 68, Amdt. 2]

**BUILDING AND CONSTRUCTION MATERIALS IN PUEBLO COUNTY, COLO., AREA**

Denver Regional Office, Region VII, Order No. G-7 under General Order 68, Amendment No. 2, Docket No. 7-GO-68-7 (b) maximum prices for retail sales of certain building and construction materials in the Pueblo County, Colorado, area.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII, pursuant to the provisions of General Order 68, Order No. G-7 is amended in the following respects:

(1) Section 1 of Order No. G-7 is amended to read as follows:

**SECTION 1. What this order does.** This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the Pueblo County, Colorado, area. The Pueblo County, Colorado, area, for the purposes of this order, includes all of Pueblo County, Colorado.

(2) There is inserted after section 4 the following new section:

**Sec. 4a. Adjustment to reflect increase in supplier's price—(a) Applicability.** This section is applicable only where an amendment or order grants a supplier an increase in his maximum price and provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** A seller may increase the price listed in this order by the amount permitted for resellers by an amendment or order increasing a supplier's maximum price. A seller can do this, however, only if the effective date of the action increasing a supplier's maximum price is later than the date stated in the price tables incorporated in this order. Thus, if a supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, an amendment to this order will supersede the increase originally granted a seller by the amendment or order increasing the supplier's maximum price.

(3) Upon and after the effective date of this Amendment No. 2 to Order No. G-7, the maximum prices of the specified building and construction materials covered by Order No. G-7 shall be the prices listed in the tables annexed to and incorporated in this Amendment No. 2, which tables supersede the tables annexed to the original order, as amended by Amendment No. 1, effective June 10, 1946.

(4) In so far as this amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials) it supersedes that order and the maximum prices established by this amendment cannot be increased under that order.

(5) Amendment No. 1 to Order No. G-7, effective June 10, 1946, is hereby revoked.

This Amendment No. 2 to Order No. G-7 under General Order 68 shall be effective August 19, 1946.

Issued this 19th day of August 1946.

ARTHUR S. BRODHEAD,  
Regional Administrator.

TABLE I—CEMENT, LIME AND PLASTER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Cement:</b>		
Portland:		
Paper sacks.....	Per sack, 100 lbs.	\$9.85
Cloth sacks.....	Per sack, 100 lbs.	1.09
Quick-Strength.....	Per sack, 100 lbs.	1.10
Waterproof.....	Per sack, 100 lbs.	1.10
Keene.....	Per sack, 100 lbs.	2.00
Atlas or Duro White:		
Regular.....	Per sack, 100 lbs.	2.85
Waterproof.....	Per sack, 100 lbs.	3.70
Mortar:		
Masonry—paper sack.	Per sack, 75 to 80 lbs.	.89
<b>Lime:</b>		
Finishing—Ohio Hydrated.....	Per sack, 50 lbs.	.85
Hydrated—Colorado.....	Per sack, 50 lbs.	.70
Hydrated—Missouri.....	Per sack, 50 lbs.	.70
Quick-Pulverized (Verifast and Chemura).....	Per sack, 50 lbs.	.95
Quick-Pulverized.....	Per sack, 50 lbs.	.95
<b>Plaster:</b>		
Hardwall.....	Per sack, 100 lbs.	.85
Plaster Paris—White.....	Per sack, 100 lbs.	.65
Plaster Paris—Less than full sack quantities.....	Per lb.	.62
Calcium chloride: (Used for building purposes). Less than 100-lb. quantities.....	Per cwt. 100-lb. sack.	3.20
	Per lb.	.03

TABLE II—LATH, GYPSUM AND METAL CORNER BEADS AND EXPANSION CASINGS

Lath	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Gypsum.....	Per M sq. ft.	\$33.50
Metal lath—Flat diamond mesh:		
2.5-lb., painted.....	Sq. yd.	.22½
3.4-lb., painted.....	Sq. yd.	.37
3.4-lb., galvanized.....	Sq. yd.	.43
Note: Add for metal lath—self furring—1¢ per yd. over flat diamond mesh.		
Metal lath—flat rib:		
2.7-lb., painted.....	Sq. yd.	.29½
3.4-lb., painted.....	Sq. yd.	.37

TABLE II—LATH, GYPSUM AND METAL CORNER BEADS AND EXPANSION CASINGS—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Metal—high rib:		
3.4-7/8", painted.....	Sq. yd.	\$9.30
4.0-7/8", painted.....	Sq. yd.	.42
Note: Per copper bearing lath, add 1¢ per sq. yd.		
Corner beads:		
Expanded open.....	M lin. ft.	43.00
Flat open.....	M lin. ft.	35.00
5/8" ball nose flat open.....	M lin. ft.	43.00
All-expansion casings:		
1/4-round (bull nose—O. G. or square edge).....	M lin. ft.	91.00
Corner lath:		
2x2.....	M lin. ft.	23.00
3x3.....	M lin. ft.	23.00

TABLE III—INSULATION MATERIALS, WALL BOARDS AND BUILDING PAPER

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
<b>Insulation boards:</b>		
1/2"-4" x 6', 7', 8', 9' 10', 12'.....	Per M sq. ft.	\$24.00
3/8"-4" x 6', 7', 8', 9' 10', 12'.....	Per M sq. ft.	43.00
1/2"-ins. rigid, cell.....	Per M sq. ft.	5.00
Insulation 4th 1/2".....		
Sizes under 16 x 32.....	Per M sq. ft.	69.50
16 x 32 and larger.....	Per M sq. ft.	69.50
Insulation plank 1/2".....	Per M sq. ft.	69.50
All sizes.....		
Insulation sheathing—		
asphalt coated or impregnated:		
1/2"-4" x 8', 8'6" 9' 6'6", 10', 12'.....	Per M sq. ft.	60.50
2 1/2"-4" x 8', 8'6" 9' 6'6", 10', 12', 2' x 8', 4' x 8'6" 9'6", 10'8" and 12' x 8'.....	Per M sq. ft.	60.00
Insulation lath: 1/2".....	Per M sq. ft.	54.00
10 x 48, 18 x 48, 24 x 48.		
Balkam wool sealed blankets:		
Standard.....	Per M sq. ft.	52.50
Double thick.....	Per M sq. ft.	70.00
Wall thick.....	Per M sq. ft.	60.00
Kimsul insulation:		
Commercial, 1/2".....	Per M sq. ft.	42.00
Standard, 1".....	Per M sq. ft.	47.00
Double thick, 2".....	Per M sq. ft.	53.00
Mineral wool insulation:		
Semi-thick batts 15 x 48".....	Per M sq. ft.	50.00
Full-thick batts 15 x 48".....	Per M sq. ft.	75.00
Mineral wool blankets:		
1".....	Per M sq. ft.	47.00
2".....	Per M sq. ft.	52.00
3".....	Per M sq. ft.	75.00
Needled and loose wool in sacks:		
35-lb.....	Per sack	1.55
38-lb.....	Per sack	1.75
43-lb.....	Per sack	1.00
<b>Building paper:</b>		
Red roan:		
29-lb., 600 sq. ft. rolls.....	Per roll	1.50
30-lb., 600 sq. ft. rolls.....	Per roll	1.60
43-lb., 600 sq. ft. rolls.....	Per roll	2.25
Standard.....	Per 100 sq. ft.	1.25
Standard—less than rolls.....	Per sq. ft.	.62
Pressed:		
1/2 x 48 x 72 and longer plain.....	Per M sq. ft.	75.00
1/2 x 48 x 72 and longer tempered.....	Per M sq. ft.	65.00
3/4 x 48 x 72 and longer plain.....	Per M sq. ft.	65.00
3/4 x 48 x 72 and longer tempered.....	Per M sq. ft.	110.00
1 x 48 x 72 and longer plain.....	Per M sq. ft.	125.00
1 x 48 x 72 and longer tempered.....	Per M sq. ft.	142.00
<b>Wallboard:</b>		
Electrocks:		
1/2 x 48 x 72 and longer.....	Per M sq. ft.	33.50
3/8 x 48 x 72 and longer.....	Per M sq. ft.	43.50
1/2 x 48 x 72 and longer.....	Per M sq. ft.	54.00

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Felt—Asphalt and tarred:		
16-lb, 36" wide, 432 sq. ft.	Per roll.....	\$3.15
20-lb, 36" wide, 216 sq. ft.	Per roll.....	3.15
Roll roofing:		
Smooth surfaced:		
35-lb.....	Per roll.....	1.35
45-lb.....	Per roll.....	2.00
55-lb.....	Per roll.....	2.40
65-lb.....	Per roll.....	2.65
Mineral surfaced:		
90-lb.....	Per roll.....	3.10
Split roll, 105-lb. diamond point—Hex. edge—stag. edge.	Per roll.....	3.70
Split roll, 112-lb. diamond point—Hex. edge—stag. edge.	Per roll.....	3.70
Shingles:		
Composition shingles: Standard individual, 250-lb.	Per square.....	10.50
Asphalt shingles: Hex. standard 3-tab, 167-lb.	Per square.....	5.75
Thick butt 3-tab 12" 210-lb.	Per square.....	7.35
Asbestos shingles: Asbestos shingles, 200-230-lb.	Per square.....	13.25

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING—Continued

Item	Unit	Maximum prices for yard sales and delivered sales within the free delivery zone
Siding—asbestos cement:		
Standard surface hard standard colors:		
12 x 24, 12 x 27. (White or buff)	Per square.....	\$10.80
Extra hard surface, white (Glatex), 12 x 24, 12 x 27.	Per square.....	11.85
	Per square.....	12.70
Siding—asphalt:		
Insulated brick: 14 $\frac{3}{4}$ x 43 x $\frac{7}{8}$ .	Per square.....	14.00
Roll brick.....	Per roll.....	4.45

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. G-7 UNDER GENERAL ORDER 68

This Amendment No. 2 to Order No. G-7 under General Order 68 modifies reseller's maximum prices heretofore established under that order. This action has been taken pursuant to Supplementary Order 172, Modification of Reseller's Maximum Prices Established under General Order 68 for Certain Building and Construction Materials, in order to re-

flect the increases in producer's maximum prices for certain commodities permitted by Amendments 44, 51, and 53 to Order No. 1 under Maximum Price Regulation No. 592; by Amendment 8 to Revised Price Schedule No. 45, and by Amendment 6 to Maximum Price Regulation No. 466, and otherwise to meet the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended. These changes will permit resellers to realize the same average percentage markup on the commodities in question as was in effect on March 31, 1946. Certain minor changes in the wording and set-up of the price tables have been made for purposes of clarification. While no changes in price were necessary to be made in Table V, some of the items therein listed have been deleted.

In view of the facts set forth herein, the Regional Administrator is of the opinion that the accompanying Amendment No. 2 to Order No. G-7 under General Order 68 is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the provisions of General Order 68 under which Order No. G-7 was issued.

[F. R. Doc. 46-17547; Filed, Sept. 30, 1946; 8:57 a. m.]