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Washington, Saturday, November 17, 1945

The President

EXECUTIVE ORDER 9656

TRANSFER OF SHIPBUILDING STABILIZATION COMMITTEE

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

The Shipbuilding Stabilization Committee of the Civilian Production Administration, established by General-Administrative Order No. 2-57 of the Chairman of the War Production Board, effective August 1, 1942, and its functions, including those under Executive Order No. 9250 of October 3, 1942, and so much of the records, property, personnel, and funds of the Civilian Production Administration as relates primarily to such functions, are transferred to the Department of Labor and shall be administered under the supervision and direction of the Secretary of Labor. The Secretary shall fill any vacancies which may occur in the appointive membership of the Committee. Such measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate. All prior regulations, rulings, and other directives relating to any function transferred by this order shall remain in effect except as they are hereafter amended or revoked under proper authority.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 15, 1945.

[F. R. Doc. 45-20929; Filed, Nov. 15, 1945; 4:34 p. m.]

Regulations

TITLE 7—AGRICULTURE

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

[WFO 111, Partial Suspension]

PART 1470—FOOD STORAGE FACILITIES

PARTIAL SUSPENSION OF RESTRICTIONS ON REFRIGERATED FOOD STORAGE FACILITIES

The provisions of paragraphs (b) (1) and (b) (2) of War Food Order No. 111 (9 F.R. 10761) are hereby suspended until further order of the Secretary: *Provided, however,* That with respect to nuts in the shell, such suspension shall not apply in the following cities and in all territory within 20 miles of the corporate limits of such cities: New York, N. Y., Jersey City, New Jersey, Newark, New Jersey, Philadelphia, Pennsylvania, Baltimore, Maryland, Norfolk, Virginia, San Francisco, California, Los Angeles, California, Portland, Oregon, and Seattle, Washington.

This order shall become effective at 12:01 a. m., e. s. t., October 31, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 111, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

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

Issued this 13th day of November 1945.

[SEAL] J. B. HUTTON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-20839; Filed, Nov. 14, 1945; 3:20 p. m.]

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER:	Page
Shipbuilding Stabilization Committee, transfer from Civilian Production Administration to Labor Department.	14173

REGULATIONS AND NOTICES

AGRICULTURE DEPARTMENT:	
Food storage facilities, refrigerated (WFO 111, partial suspension)	14173
ALIEN PROPERTY CUSTODIAN:	
Vesting order; Tamotsu Hata	14212
CIVIL AERONAUTICS ADMINISTRATOR:	
Designation of airport approach zones; Seattle, Washington	14175
CIVIL AERONAUTICS BOARD:	
American Export Airlines, Inc., hearing	14212
Special regulations, repeal of	14175
Cross references to portions of Code affected:	
Airworthiness certificates, duration	14175
Flying school rating, quality of instruction	14175
Mechanic certificates; parachute repairs by Forest Service	14175
Pilot certificates; holders of airman certificates serving in foreign countries	14175
Scheduled air carrier rules; military or naval personnel as crew members	14175
CIVILIAN PRODUCTION ADMINISTRATION:	
Cans (M-81)	14180
Blackplate, when chargeable to quotas (M-81, revocation of Int. 1)	14183
Modification of paragraph (e) (M-81, revocation of Dir. 8)	14183
Priorities system operation:	
Priorities critical list, abolition (FR 6, revocation)	14183



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NOTICE

1944 Supplement

The following books of the 1944 Supplement to the Code of Federal Regulations are now available from the Superintendent of Documents, Government Printing Office, at \$3 per copy:

Book 1: Titles 1-10, including Presidential documents in full text.

Book 2: Titles 11-32.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

CONTENTS—Continued

CIVILIAN PRODUCTION ADMINISTRATION—Continued.	Page
Priorities system operation—Con. Reports (PR 8).....	14183
FEDERAL POWER COMMISSION:	
Pennsylvania Water & Power Co., hearing.....	14212
FOOD AND DRUG ADMINISTRATION:	
Federal Food, Drug, and Cosmetic Act enforcement; drugs and devices, exemption.....	14175
Penicillin-containing drugs, certification of batches.....	14176
INTERIOR DEPARTMENT. See also	
Solid Fuels Administration for War.	
Bonneville Power Administration; disposition of power from certain projects, etc....	14211
OFFICE OF DEFENSE TRANSPORTATION:	Page
Common carriers; operation of barges "Lake Farge" and "Lake Frumet".....	14213
Direction of traffic movement; transportation of coal between U. S. ports on Atlantic Ocean.....	14211
OFFICE OF PRICE ADMINISTRATION:	
Adjustments and pricing orders:	
Altorfer Bros. Co.....	14213
American Trailer & Mfg. Co....	14215
Aponte, John F.....	14219
Artez-Pascoe.....	14217
Bradfield, W. T.....	14219
Cardiff Cigar Co.....	14218
Central Elkhorn Coal Co. et al.....	14216
Columbian Metal Craftsmen.....	14217
Craig, Howard, et al.....	14224
Electric Household Utilities Corp.....	14213
Empire Lamp Corp.....	14218
General Motors Corp.....	14220
Globe Controls Co.....	14220
Lake Refrigeration Sales and Service Co.....	14220
Landers, Frary, & Clark.....	14214
Mayer China Co.....	14215
Merit-Made, Inc.....	14216
Reichard, H. L.....	14218
Roseman, Paul, Cigar Co.....	14218
Southern Furniture Mfg. Co.....	14216
United States Air Compressor Co.....	14215
Voss Bros. Mfg. Co.....	14214
Waitt and Bond, Inc.....	14218
Bolts, nuts, screws and rivets (RMFR 147, Am. 1).....	14184
Gypsum sheathing, water-repellent (MPR 592, Order 5).....	14221
Lumber:	
Hardwood, Southern (RMFR 97, Am. 20).....	14187
Logs, West Coast; approved graders and scalers (RMFR 161, Am. 8 to Order 53).....	14216
Millwork, stock (MPR 525, Am. 9).....	14183
Softwood:	
Cedar, Western red (MPR 402, Am. 3).....	14187
Cypress, Tidewater red (MPR 412, Am. 2).....	14187
Distribution yards sales (2d Rev. MPR 215, Am. 12).....	14187
Fir, Douglas, and other West Coast (RMFR 26, Am. 20).....	14186
Mouldings (MPR 601).....	14188
Northern (2d Rev. MPR 222, Am. 3).....	14186
Pine:	
Southern (2d Rev. MPR 19, Am. 13).....	14186
Western, and associated species (RMFR 94, Am. 3).....	14186
Redwood and millwork (MPR 253, Am. 10).....	14187
Paper, waxed (MPR 307, Am. 4).....	14184
Regional and district office orders. See also Adjustments.	
Community ceiling prices, list of orders filed (5 documents).....	14221, 14222, 14227, 14229, 14230

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Regional and district office orders—Continued.	
Re-siding and re-roofing, installed, and related and incidental construction work:	
Colorado area.....	14224
Harrisburg, Altoona, and Williamsport, Pa., area.....	14227
Philadelphia, Pa., area.....	14226
Sawdust, Seattle, Wash., area.....	14223
Solid fuels:	
Denver region.....	14223
New York region.....	14223
Pennsylvania.....	14224
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
American Power & Light Co....	14231
Commonwealth & Southern Corp. (Del.).....	14230
Kressley & Campbell, and Paul W. Judd.....	14230
Long Island Lighting Co. et al.....	14231
Memphis Street Railway Co....	14237
Midland Utilities Co., et al....	14230
SELECTIVE SERVICE SYSTEM:	
Classification; registrants with three or more children, classes discontinued.....	14178
Classification procedure; consideration of classes.....	14178
Parole; recommendations for.....	14179
Physical examination; postponement of preinduction examination.....	14179
Special panel local boards in penal or correctional institutions; classification of registrants.....	14179
Volunteers; classification.....	14178
SOLID FUELS ADMINISTRATION FOR WAR:	
Bituminous coal, distribution in U. S.....	14178
Solid fuels, distribution by retail dealers of available supply.....	14177
SURPLUS PROPERTY ADMINISTRATION:	
Airport property, surplus.....	14204
Compliance.....	14203
Office of Civilian Defense property loaned to State or local governments, exemption....	14202
Personal property, surplus, disposal to Government agencies and State and local governments.....	14200
Refunds to purchasers, special accounts.....	14203
Strategic minerals, metals and materials, stock piling.....	14207
U. S. MARITIME COMMISSION:	
Vessels; sale, lease, charter, delivery, or transfer to aliens and agreements therefor, etc.....	14210
WAR SHIPPING ADMINISTRATION:	
Labor; medical examinations for crews of vessels.....	14210

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations amended or added by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

TITLE 3—THE PRESIDENT:	Page
Chapter II—Executive orders:	
9656	14173
TITLE 14—CIVIL AVIATION:	
Chapter I—Civil Aeronautics Board:	
Part 01—Airworthiness certificates	14175
Part 20—Pilot certificates	14175
Part 24—Mechanic certificates	14175
Part 50—Flying school rating	14175
Part 61—Scheduled air carrier rules	14175
Chapter II—Administrator of Civil Aeronautics:	
Part 601—Designation of airway traffic control areas, airport approach zones, airport traffic zones and radio fixes	14175
TITLE 21—FOOD AND DRUGS:	
Chapter I—Food and Drug Administration:	
Part 2—Regulations for enforcement of Federal Food, Drug, and Cosmetic Act	14175
Part 146—Certification of batches of penicillin-containing drugs	14176
TITLE 30—MINERAL RESOURCES:	
Chapter VI—Solid Fuels Administration for War:	
Part 602—General orders and directives (2 documents)	14177, 14178
TITLE 32—NATIONAL DEFENSE:	
Chapter VI—Selective Service System:	
Part 622—Classification	14178
Part 623—Classification procedure	14178
Part 624—Volunteers	14178
Part 629—Physical examination; postponement of pre-induction examination	14179
Part 643—Parole	14179
Part 662—Special panel local boards in penal or correctional institutions	14179
Chapter IX—Civilian Production Administration:	
Part 944—Regulations applicable to operation of priorities system (2 documents)	14183
Chapter XXIII—Surplus Property Administration:	
Part 8302—Disposal of surplus personal property to Government agencies and State and local governments (2 documents)	14200, 14202
Part 8311—Proceeds and expenses	14203
Part 8315—Compliance	14203
Part 8316—Surplus airport property	14204
Part 8317—Stock piling of strategic minerals, metals, and materials	14207

CODIFICATION GUIDE—Continued

TITLE 46—SHIPPING:	Page
Chapter II—United States Maritime Commission:	
Part 221—Documentation, transfer or charter of vessels	14210
Chapter III—War Shipping Administration:	
Part 304—Labor	14210
TITLE 49—TRANSPORTATION AND RAILROADS:	
Chapter II—Office of Defense Transportation:	
Part 502—Direction of traffic movement	14211

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board
[Regs., Serial No. 349]

REPEAL OF CERTAIN SPECIAL CIVIL AIR REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of November 1945. Effective November 13, 1945, Special Civil Air Regulations Serial Numbers 216 (7 F.R. 2775), 221 (7 F.R. 3763), 223 (7 F.R. 4215), 232 (7 F.R. 5476), 271 (8 F.R. 5135) and 272 (8 F.R. 5621) are hereby repealed.

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

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-20363; Filed, Nov. 15, 1945; 11:07 a. m.]

PART 01—AIRWORTHINESS CERTIFICATES
DURATION

CROSS REFERENCE: For revocation of Regulation 223, noted under 14 CFR, Cum. Supp., 01.13, see Regulation 348, *supra*.

PART 20—PILOT CERTIFICATES

HOLDERS OF AIRMAN CERTIFICATES SERVING IN FOREIGN COUNTRIES

CROSS REFERENCE: For revocation of Regulation 272, noted under 14 CFR, Cum. Supp., Part 20, see Regulation 348, *supra*.

PART 24—MECHANIC CERTIFICATES

PARACHUTE REPAIRS BY FOREST SERVICE

CROSS REFERENCE: For revocation of Regulation 221, noted under 14 CFR, Cum. Supp., 24.52, see Regulation 348, *supra*.

PART 50—FLYING SCHOOL RATING

QUALITY OF INSTRUCTION

CROSS REFERENCE: For revocation of Regulation 216, noted under 14 CFR, Cum. Supp., 50.50, see Regulation 348, *supra*.

PART 61—SCHEDULED AIR CARRIER RULES

MILITARY OR NAVAL PERSONNEL AS CREW MEMBERS

CROSS REFERENCE: For revocation of Regulations 232 and 271, noted under 14 CFR, Cum. Supp., 61.5 and 61.7893, respectively, see Regulation 348, *supra*.

Chapter II—Administrator of Civil Aeronautics
[Amdt. 124]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

DESIGNATION OF AIRPORT APPROACH ZONES
OCTOBER 29, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking § 601.200322 (*Seattle, Washington Airport Approach Zone*) and substituting in lieu thereof the following:

§ 601.200322 *Seattle, Washington Airport Approach Zone*. The area lying within civil airways between the Seattle, Washington radio range station and a point five miles southwest of the Seattle, Washington radio range station, from Boeing Field to a point ten miles east of the Seattle, Washington radio range station, from Boeing Field to a point seventeen miles north of Boeing Field, and that area lying within five miles on either side of the center line of the on course signal of the northwest course of the Seattle, Washington radio range from Boeing Field to a point ten miles northwest.

2. By deleting from § 601.2000 the following:

Washington, D. C.— Washington National Airport.

3. By adding a new § 601.200108 as follows:

§ 601.200108 *Washington, D. C. Airport Approach Zone*. Within a 25 mile radius of Washington National Airport, Washington, D. C.

This amendment shall become effective 0001 E. S. T., December 1, 1945.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 45-20323; Filed, Nov. 15, 1945; 4:32 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DRUGS AND DEVICES; EXEMPTIONS

By virtue of the authority vested in the Federal Security Administrator by

the provisions of section 503 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 ff, 21 U.S.C. 301 et seq.); the Reorganization Act of 1939 (53 Stat. 561 ff, 5 U.S.C. 133-133v); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); the regulation promulgated pursuant to section 503 (a) of the act (21 CFR, Cum. Supp., § 2.107) is hereby amended by adding thereto the following paragraphs (e) to (h) inclusive.

§ 2.107 *Drugs and devices; exemptions.*

(e) Except as provided in paragraphs (g) and (h) of this section, a shipment or other delivery of a drug which is subject to section 507 of the act and which is, in accordance with the practice of the trade, to be processed or repacked in a substantial quantity at an establishment other than that where originally processed or packed shall be exempt from compliance with the labeling requirements of section 502 (f) of the act during the time such drug is also exempt from the requirements of section 502 (l) of the act under the provisions of § 146.20 or 146.21 of this chapter.

(f) Except as provided by paragraphs (g) and (h) of this section, a shipment or other delivery of a drug which is subject to section 507 of the act and which is, in accordance with the practice of the trade, to be labeled in substantial quantity at an establishment other than that where originally processed or packed shall be exempt from compliance with the labeling requirements of section 502 (b), (e) and (f) of the act during the time such drug is also exempt from the requirements of section 502 (l) of the act under § 146.18 of this chapter, if the words, statements, and other information required by section 502 (b) and (e) of the act appear on each shipping container of such drug.

(g) In case the person who introduced such shipment or other delivery into interstate commerce is the operator of the establishment where such drug is to be processed, labeled, or repacked, an exemption of such shipment or delivery under paragraph (e) or (f) of this section shall become void ab initio at the beginning of the act of removing such shipment or delivery or any part thereof from such establishment if the drug comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(h) In case the person who introduced such shipment or delivery into interstate commerce is not the operator of the establishment where such drug is to be processed, labeled, or repacked, an exemption of a shipment or other delivery of such drug under paragraph (e) or (f) of this section shall expire at the beginning of the act of removing such shipment or delivery or any part thereof from such establishment of the drug comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

The foregoing amendments to the regulation under section 503 (a) of the

act and shall become effective upon their publication in the FEDERAL REGISTER.

(Sec. 503 (a); 21 U.S.C. 301 et seq.)

Dated: November 14, 1945.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 45-20945; Filed, Nov. 16, 1945;
10:44 a. m.]

PART 146—CERTIFICATION OF BATCHES OF
PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 ff, 21 U.S.C. 301 et seq., as amended by Public Law 139, 79th Cong., 1st Sess., July 6, 1945), the regulations for the certification of batches of penicillin-containing drugs (10 F.R. 11227) are hereby amended as indicated below:

1. Section 146.1 (l) is amended by substituting "146.18" for "146.19".

2. Section 146.4 (b) is amended by striking "or" at the end of subparagraph (4), changing the period to a semicolon at the end of subparagraph (5) and adding "or", and adding the following new subparagraph:

(6) With respect to any immediate container, if such regulations require its labeling to bear a caution against dispensing otherwise than on prescription, at the beginning of the act of dispensing or offering to dispense it otherwise than:

(i) By a physician, dentist, or veterinarian, in his professional practice, who is licensed by law to administer drugs; or

(ii) On his prescription issued in his professional practice.

3. Section 146.8 (b) is amended by changing the period to a comma at the end of the sentence, and adding: "except that, in case of a supplemental request submitted pursuant to the provisions of § 146.18, the fee shall be \$1.00."

4. A new § 146.18 is added as follows:

§ 146.18 *Exemptions for labeling.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be labeled at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from the requirements of section 502 (l) of the act if the labeling of each shipping container bears the batch mark of the drug and the number of units per package, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for labeling in such establishment.

(b) (1) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such labeling is to be done.

(2) In case the applicant is the operator of such establishment, the application shall include a written agreement signed by him that he will request cer-

tification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801 (d) of the act or § 146.23; that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt, or if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(3) In case the applicant is not the operator of such establishment such application shall include or be accompanied by:

(i) A written agreement signed by the applicant that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801 (d) of the act or § 146.23; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery; and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery; and

(ii) A written agreement signed by the operator of such establishment that he will submit a request, supplemental to that of the applicant, for the certification of each batch or portion thereof comprised in any such shipment or delivery received by him unless it is exempt under section 801 (d) of the act or § 146.23; that he will specify in his request the number of packages of each size in such shipment or delivery, the batch mark thereof, and the batch mark he will use therefor; that the batch marks to be used (if different from those of the applicant) will be only those of which the key is specified in this agreement; that the labeling to be used for such packages will be only that of which specimens are attached to this agreement (including specimens of all brochures and other printed matter, except readily available medical publications, referred to in such labeling); that when any change is made in such key or labeling he will promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes; that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep com-

plete records of the disposition of each shipment and delivery; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(4) When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

5. Section 146.19 (b) (1), (c), and (d) are amended by inserting "146.18," before "146.21".

6. Section 146.20 (b) (3), (c), and (d) are amended by inserting "146.18," before "146.19".

7. Section 146.21 is amended to read:

§ 146.21 *Exemptions for repacking.*
(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be repacked at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act if the labeling of each container bears the batch mark of the drug and the number of units per package, and if the person who introduced such ship-

ment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for repacking in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such repacking is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such repacking; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the repacking is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.19 or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt or is returned to him for labeling or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19 or 146.23 or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocess-

ing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19 or 146.23 or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

8. Section 146.22 (b) (3) is amended by inserting "146.18," before "146.19".

9. Section 146.27 is amended:

a. By changing the second sentence of paragraph (a) to read: "It is tableted with or without the addition of one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings."

b. By changing paragraph (d) (1) to delete the last 20 words and to substitute the following: "and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section."

10. Section 146.30 (e) (1) is amended to read:

(1) \$0.75 for each troche without masticatory substance in the sample submitted in accordance with paragraph (d) (3) (i), \$1.50 for each troche with masticatory substance in such sample, \$3.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

The foregoing amendments shall become effective on the date of the publication of this order in the FEDERAL REGISTER.

(Sec. 507; 21 U. S. C. 301 et seq.)

Dated: November 14, 1945.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 45-20344; Filed, Nov. 16, 1945; 10:44 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

DISTRIBUTION BY RETAIL DEALERS OF AVAILABLE SUPPLY OF VARIOUS KINDS AND SIZES OF SOLID FUELS

The following direction is issued:

Although SFAW Regulation No. 26 has been revoked, it continues to be the policy

of the Solid Fuels Administration for War to encourage retail dealers to supplement their supplies of anthracite, by-product coke and high grade bituminous coals with other solid fuels such as reclaimed or run-of-oven beehive coke and lower grades of bituminous coal to the end that the space heating requirements of all communities may be met without undue hardship this winter. It continues to be necessary that domestic consumers be ready to accept the kinds and sizes of solid fuel which their dealers have available and which can be used in the consumer's burning equipment. It is part of the policy of the Solid Fuels Administration for War to encourage consumers to follow that course.

Wherever, in the exercise of a reasonable discretion incident to equitable distribution of his available fuel supply, a dealer deems it necessary or appropriate to condition the delivery of anthracite, by-product coke or high grade bituminous coal upon acceptance by the consumer of some other solid fuels, he should do so.

Pursuant to SFAW Regulation No. 1, as amended, each retail dealer is hereby directed to distribute his available supply of solid fuels in accordance with the policy stated in this direction.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 14th day of November 1945.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-21007; Filed, Nov. 16, 1945;
11:46 a. m.]

[SFAW Reg. 27, Amdt. 5]

PART 602—GENERAL ORDERS AND DIRECTIVES
DISTRIBUTION OF BITUMINOUS COAL PRODUCED
IN U. S.

It is appropriate and necessary to issue the following amendment to SFAW Regulation No. 27:

Subparagraphs (2) and (3) of § 602.710 (c), governing domestic consumers, are revoked.

Section 602.716 is revoked in its entirety.

This amendment shall become effective immediately. It shall not affect any civil or criminal liability incurred under the provisions of the regulation previously in effect.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 14th day of November 1945.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-21008; Filed, Nov. 16, 1945;
11:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 358]

PART 622—CLASSIFICATION

REGISTRANTS WITH THREE OR MORE CHILDREN; CLASSES DISCONTINUED

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 622.31 to read as follows:

§ 622.31 *Class III-A: Registrants with three or more children.* (a) In Class III-A shall be placed any registrant not otherwise deferred who has three or more children.

(b) The term "children" as used in paragraph (a) of this section shall include legitimate or illegitimate children from the date of their conception, children legally adopted, stepchildren, foster children, and persons who are supported in good faith by the registrant in a relationship similar to that of parent and children but shall not include persons 18 years of age or over unless they are physically or mentally handicapped.

2. Amend paragraph (a) of § 622.87 to read as follows:

§ 622.87 *Classes discontinued.* (a) The following classes have been discontinued effective on the date shown opposite each class:

Class I-B	August 18, 1942
Class I-B-O	August 18, 1942
Class I-D	August 31, 1941
Class I-D-O	August 31, 1941
Class I-E	August 31, 1941
Class I-E-O	August 31, 1941
Class I-H	November 19, 1942
Class II-B	August 31, 1945
Class III-A	December 11, 1943
Re-established	November 15, 1945
Class III-B	April 12, 1943
Class III-C	February 17, 1944
Class IV-E-H	December 24, 1941
Class IV-E-LS	August 18, 1942
Class IV-E-S	August 31, 1941
Class IV-H	March 6, 1943

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 14, 1945.

[F. R. Doc. 45-20919; Filed, Nov. 15, 1945;
2:41 p. m.]

[Amdt. 359]

PART 623—CLASSIFICATION PROCEDURE
CONSIDERATION OF CLASSES

Pursuant to authority contained in the Selective Training and Service Act of

1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend paragraph (a) of § 623.21 to read as follows:

§ 623.21 *Consideration of classes.* (a) Upon undertaking to classify any registrant, consideration shall be given to the following classes in the order listed and the registrant shall be classified in the first class for which grounds are established:

Class I-C	Class II-C
Class I-G	Class II-A
Class IV-D	Class III-D
Class IV-B	Class IV-C
Class IV-A	Class IV-F (moral)
Class III-A	

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 14, 1945.

[F. R. Doc. 45-20920; Filed, Nov. 15, 1945;
2:41 p. m.]

[Amdt. 360]

PART 624—VOLUNTEERS

CLASSIFICATION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 624.4 to read as follows:

§ 624.4 *Classification of volunteers.* When a man files an Application for Voluntary Induction (Form 165) under the provisions of § 624.1, he shall be classified as soon as possible and placed in a class immediately available for military service unless:

(a) He is "necessary to and regularly engaged in" and is indispensable and irreplaceable in an activity in support of the national health, safety, or interest;

(b) He is "necessary to and regularly engaged in" an agricultural occupation or endeavor essential to the war effort for whom a satisfactory replacement cannot be obtained;

(c) Disregarding all other grounds for deferment, he would be classified in Class III-A;

(d) His induction would result in undue hardship to his dependents;

(e) He is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, or a judge of a court of record of the United States or of a State, required to be deferred by law; or

(f) He is found to be disqualified for any military service or to be qualified for limited military service only, or for any

reason other than physical or mental condition, he is found to be unacceptable for service in the land or naval forces of the United States.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 14, 1945.

[F. R. Doc. 45-20921; Filed, Nov. 15, 1945;
2:41 p. m.]

[Amdt. 361]

PART 643—PAROLE

RECOMMENDATIONS FOR PAROLE

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 643.6 to read as follows:

§ 643.6 *Classification of selective service violators before recommending parole.* (a) Each selective service violator who has reached the eighteenth anniversary of the date of his birth, who is not beyond the age currently acceptable to the armed forces as a volunteer, who does not have three or more children, and who has served 60 days or more of his sentence after commitment shall be classified by the special panel local board in the following manner:

(1) If the registrant is found by the special panel local board to have a disqualifying physical defect, which is manifest as listed in the List of Defects (Form 220), he shall be placed or retained in the first class listed in § 662.4 for which he is eligible.

(2) If it determines that the registrant should be considered for parole for induction into the land or naval forces of the United States, he shall be placed in Class I-A.

(3) If it determines that the registrant should be considered for parole for induction into the land or naval forces of the United States for noncombatant service, he shall be placed in Class I-A-O.

(4) If it determines that the registrant should be considered for parole for assignment to work of national importance under civilian direction in lieu of induction into the land or naval forces of the United States, he shall be placed in Class IV-E.

(5) If it determines that the registrant should be considered for parole for assignment to any special service established by the Attorney General pursuant to the Selective Training and Service Act of 1940, as amended, he shall be placed in Class IV-E followed by the identification "Spec."

(b) Each selective service violator beyond the age currently acceptable to the

armed forces as a volunteer, and each selective service violator having three or more children, who has served 60 days or more of his sentence after commitment shall, unless he is already so classified, be placed in the first class listed in § 662.4 for which he is eligible.

2. Amend paragraph (e) of § 643.11 to read as follows:

§ 643.11 *Recommendations for parole by special panel local board.* * * *

(e) Each selective service violator beyond the age currently acceptable to the armed forces as a volunteer, and each selective service violator having three or more children, who has served 60 days or more of his sentence after commitment, and who has requested assignment to special service established by the Attorney General, may be recommended by the special panel local board for parole by the Attorney General for such special service.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 14, 1945.

[F. R. Doc. 45-20922; Filed, Nov. 15, 1945;
2:41 p. m.]

[Amdt. 362]

PART 662—SPECIAL PANEL LOCAL BOARDS
IN PENAL OR CORRECTIONAL INSTITUTIONS

CLASSIFICATION OF REGISTRANTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 662.4 to read as follows:

§ 662.4 *Consideration of classes for registrants confined in penal institutions having a special panel local board.* Except when classified by a special panel local board for purposes of parole as provided in Part 643, and except when classified by a special panel local board within 90 days from the date of eligibility for release as provided in this part, a registrant confined in a penal or correctional institution having a special panel local board shall be placed in the first class listed below for which he is eligible:

Class I-O under § 622.15.
Class IV-E under § 622.51 (d).
Class IV-A under § 622.41.
Class III-A under § 622.31.
Class IV-F under § 622.62.
Class IV-F under § 622.61.

2. Amend paragraph (a) of § 662.10 to read as follows:

§ 662.10 *Classification of registrants other than selective service violators when eligible for release within 90 days.*

(a) When a registrant of an age currently acceptable to the armed forces as a volunteer, other than a selective service violator and other than a registrant who has three or more children, is an inmate of an institution having a special panel local board, and such registrant is, or within 90 days will be, eligible for parole, pardon, or conditional or other release, the special panel local board, if it determines to forward such registrant for consideration by the armed forces, shall reopen his classification and place him in Class I-A or Class I-A-O; or if it determines to forward such registrant for consideration for work of national importance, place him in Class IV-E; *Provided*, That any such registrant who is found to have a disqualifying physical defect which is manifest as listed in the List of Defects (Form 220) shall be placed or retained in the first class listed in § 662.4 for which he is eligible.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 14, 1945.

[F. R. Doc. 45-20923; Filed, Nov. 15, 1945;
2:41 p. m.]

[Amdt. 363]

PART 629—PHYSICAL EXAMINATION

POSTPONEMENT OF PREINDUCTION EXAMINATION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend the regulations by adding a new section to be known as § 629.2-1 to read as follows:

§ 629.2-1 *Postponement of preinduction physical examination.* The issuance of an Order to Report—Preinduction Physical Examination (Form 215) may be delayed or forwarding of a registrant under such an order may be postponed to the same extent and in the same manner as provided in § 633.2-1, § 633.2-2, or § 633.2-3 with reference to an Order to Report for Induction (Form 150), *provided*, That any such delay or postponement under the provisions of this section shall terminate whenever the local board determines that the induction or assignment of the registrant is imminent; and the local board shall thereupon proceed to order the registrant to report for preinduction physical examination.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th

day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 15, 1945.

[F. R. Doc. 45-20924; Filed, Nov. 15, 1945;
2:41 p. m.]

Chapter IX—Civilian Production Administration

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

PART 3270—CONTAINERS

[Conservation Order M-81, as Amended Nov. 16, 1945]

CANS

Section 3270.31 *Conservation Order M-81* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials entering into the manufacture of cans for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3270.31 *Conservation Order M-81*—

(a) *What this order does.* This order places limitations upon cans made of tinplate or terneplate. Cans made exclusively of blackplate, electrolytic tinplate waste-waste, terneplate waste-waste, terneplate waste and tinplate waste are no longer restricted by this order. This order no longer sets any quotas. This order lists in Schedule A the only products which may be packed in tinplate or terneplate cans with certain exceptions set forth in the order.

(b) *Definitions specifically for the purpose of this order.* (1) "Can" means any unused container, made in whole or in part of tinplate or terneplate, which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tinplate or terneplate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers.

(2) "Tinplate" means steel sheets coated with tin (including primes and seconds) and includes (i) electrolytic tinplate in which the tin coating is applied by electrolytic deposition, and (ii) hot dipped tinplate in which the tin coatings are applied by immersion in molten tin. The term includes hot dipped tinplate waste-waste, but not electrolytic tinplate waste-waste or tinplate waste.

(3) "Terneplate" means steel sheets coated with terne metal (including primes and seconds). The term does not include terneplate waste-waste or terneplate waste. "Terne metal" means the lead-tin alloy used as the coating for terneplate but does not include lead recovered from secondary sources which

contains not more than 2½ percent residual tin.

(4) "SCMT" means special coated manufacturers' terneplate.

(5) "Waste" means scrap tinplate and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans and tinplate and terneplate strips produced in the ordinary course of manufacturing tinplate and terneplate. The term also includes tinplate and terneplate parts recovered from used cans.

(6) "Waste-waste" means hot dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(c) *General restrictions on manufacture, sale and delivery.* No person shall sell, manufacture or deliver any cans which he knows, or has reason to believe, will be accepted or used in violation of any provision of this order.

(d) *General restrictions on use of tinplate or terneplate cans.* No person may use a tinplate or terneplate can for any purpose other than for packing the products listed in Schedule A in accordance with the size and material limitations set forth in that schedule. The only exceptions to this rule are set forth in paragraphs (e) through (i).

(e) *Exceptions for SCMT for soldered parts of cans to pack unlisted non-food products.* Cans made without using any tinplate or terneplate except soldered parts made of SCMT may be used for packing any non-food products not listed in Schedule A, without restriction as to size.

(f) *Exception for small users.* Any person whose total use of cans for packing in any calendar year requires less than 250 base boxes of tinplate and terneplate may use cans with the soldered parts made from 0.25 electrolytic tinplate for packing products not listed on Schedule A, except that he may not use these cans for packing animal food (see paragraph (k)).

(g) *Exception for products which are not to be sold.* Tinplate or terneplate cans may be used to pack any product which is not to be sold in the same or different form, but this does not permit the use of cans contrary to the other provisions of the order for the purpose of advertising or promoting the sale of a product.

(h) *Military exceptions.* The use of tinplate or terneplate cans for packing any products not listed on Schedule A and any listed non-food products is permitted (without any size or material restrictions) when such cans are to be delivered either packed or empty to the Army, Navy, Veterans' Administration, Maritime Commission or War Shipping Administration or to persons operating vessels for the Maritime Commission or the War Shipping Administration for use on the vessels.

(i) *Exception for cans permitted before an amendment.* Whenever can material specifications for a product are changed by an amendment to this order, any person may pack that product in any can which was permitted before the

amendment if the can, or the tinplate or terneplate incorporated in it, was in his inventory, in the inventory of the can manufacturer, or in process or in inventory at a tin mill for the account of the can manufacturer on the date of the amendment.

(j) *Completion and sale of outdated cans.* Whenever can material specifications for a product are changed by an amendment to this order, a can manufacturer must continue to make, sell and deliver cans for that product in accordance with the former specifications and must not make any cans conforming to the new specifications as long as there is available to him tinplate or terneplate made for him which was in process at the tin mill or in its inventory for his account, or in his inventory on the date of the change.

(k) *Prohibition against use of cans for animal food.* No person shall use any tinplate or terneplate cans for packing any food which is not intended and suitable for human consumption. The use of such cans for animal and pet food is not permitted.

(l) *Certificate for deliveries of tinplate or terneplate cans.* No can manufacturer shall make, sell or deliver any tinplate or terneplate cans unless he has received from the purchaser a certificate signed manually or as provided in Priorities Regulation 7. This certificate shall be in substantially the following form and once filed by a purchaser with a supplier, covers all future deliveries from the supplier to that purchaser.

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-81 of the Civilian Production Administration, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with that order.

If a certificate in substantially the above form has been received from a purchaser before November 16, 1945, no additional certificate is required from the purchaser.

(m) *Appeals.* Appeals from this order shall be filed by addressing a letter in triplicate to the Civilian Production Administration, Washington 25, D. C., Ref: M-81. The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provisions appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

(n) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Civilian Production Administration, Washington 25, D. C., Ref: M-81.

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

further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 16th day of November 1945.

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

SCHEDULE A

Column 1. *Listed products.* Listed in this column are the only products, except as provided in paragraphs (e), (f), (g), (h), and (i) of the order, which may be packed in tinplate or terneplate cans.

Column 2. *Can sizes.* This column indicates the permitted sizes of cans, except that any person may use for packing any listed product a can which is larger than the largest listed size for packing that product. The size restrictions in this column also apply to cans

to pack the listed products which are delivered to the agencies and persons listed in paragraph (h). Wherever the can size is specified by weight, the weight referred to shall be net weight of the contents of the can. Other can sizes are described in the terminology common to the industry such as "cylinder", "picnic", "oval", "drawn", "tall", "2", "10", "82", etc.

Columns 3 and 4. *Can materials.* These columns specify the materials permitted for the soldered and nonsoldered parts of the tinplate or terneplate cans for each of the listed products. Any person may also use for packing a listed product such cans with a tin coating lighter than that specified for that product. Hot dipped tinplate waste-waste may be used wherever 0.50 or heavier tinplate is specified. The material restrictions in this column also apply to cans to pack the listed food products which are delivered to the persons specified in paragraph (h). Wherever "CTB" (chemically treated blackplate) is

specified for food products 0.50 electrolytic tinplate may be substituted where such cans are to be delivered to the Army or the Navy for overseas use; however, where in such cases the cans are to pack listed meat products, 1.25 tinplate may be substituted. When only a figure is given in Column 3 or Column 4, this means that only tinplate may be used for the part, and the figure given indicates the maximum weight of tin coating per single base box. Menders arising in the production of electrolytic tinplate, which have been hot dipped with a maximum tin coating of 1.25 pounds per base box, may be used wherever 0.50 or heavier tinplate is specified in this column. Menders arising in the production of electrolytic tinplate which have been converted into SCMT may be used wherever 0.25 or heavier tinplate is specified in this order for nonfood cans. When a scored can is used to pack any of the meat products listed in this schedule, 1.25 tinplate may be used for the body of the can.

Product (1)	Can sizes (2)	Can materials		Product (1)	Can sizes (2)	Can materials	
		Soldered parts (3)	Non-soldered parts (4)			Soldered parts (3)	Non-soldered parts (4)
FRUIT AND FRUIT PRODUCTS				VEGETABLES AND VEGETABLE PRODUCTS—continued			
1. Apples, including crabapples.....	10.....	1.50	0.50	65. Peas, green.....	2, 2 vacuum, 10.....	0.50	0.50
2. Apple butter.....	10.....	1.50	1.50	67. Peas and carrots.....	2, 2 1/2, 10.....	1.25	CTB
3. Apple juice.....	2, 3 cyl., 10.....	0.50	0.50	68. Pickles.....	10.....	1.50	1.50
4. Apple sauce, including sauce from crabapples.....	2 1/2, 10.....	1.50	0.50	69. Pickles and sweet peppers.....	2 1/2, 10.....	1.25	0.50
5. Apricots.....	2 1/2, 10.....	1.50	1.50	70. Potatoes, sweet.....	2 1/2, 3 vacuum.....	1.25	0.50
6. Bananas.....	2, 10.....	1.25	1.25	71. Pumpkin and squash.....	2 1/2, 10.....	1.25	0.50
7. Berries.....	2, 2 1/2, 10.....	1.50	1.50	72. Rhubarb.....	2, 2 1/2, 10.....	1.50	1.50
8. Cherries.....	2, 2 1/2, 10.....	1.50	1.50	73. Rutabagas.....	2, 2 1/2, 10.....	1.25	0.50
9. Citrus concentrates.....	6Z, 1 picnic, 2, 2 1/2, 10.....	1.25	1.25	74. Sauerkraut.....	2 1/2, 10.....	1.50	1.50
10. Citrus pulp and citrus peel.....	5 gal.....	1.25	1.25	75. Sauerkraut juice.....	2, 3 cyl., 10.....	1.50	1.50
11. Cranberries.....	500.....	1.50	1.50	76. Soups.....	1 picnic.....	1.25	0.50
12. Dehydrated fruits, except prunes.....	2.....	0.50	0.50	77. Succatoh.....	2, 2 1/2, 10.....	0.50	CTB
13. Dehydrated prunes.....	2.....	1.25	1.25	78. Tomatoes.....	2, 2 1/2, 10.....	1.25	1.25
14. Figs.....	2 1/2, 10.....	1.50	0.50	79. Tomatoes and okra.....	2, 2 1/2, 10.....	1.25	1.25
15. Fruit cocktail.....	2 1/2, 10.....	1.50	0.50	80. Tomato catsup.....	2 1/2, 3 cyl., 10.....	1.25	1.25
16. Frozen fruits.....	50 lb.....	0.50	0.50	81. Tomato juice.....	2, 3 cyl., 10.....	1.25	0.50
17. Fruits, mixed, and fruits for salad.....	2 1/2, 10.....	1.50	0.50	82. Tomato juice with other vegetable juices.....	2, 3 cyl., 10.....	1.25	1.25
18. Grape juice and grape pulp.....	5 gal.....	1.50	1.50	83. Tomato paste.....	6Z.....	1.25	1.25
19. Grapefruit juice.....	2, 3 cyl., 10.....	1.25	1.25	84. Tomato pulp or purée.....	1 picnic.....	1.25	1.25
20. Grapefruit, orange or mixed segments.....	2, 3 cyl., 10.....	1.25	1.25	85. Tomato sauce including spaghetti sauce.....	6Z short, 1 picnic.....	1.25	1.25
21. Jams, jellies, marmalades and preserves.....	10.....	1.50	1.50	86. Turnips.....	2, 2 1/2, 10.....	1.25	0.50
22. Lemon juice.....	6Z, 8Z Tall, 2, 10.....	1.25	1.25	FISH AND SHELLFISH (PROCESSED, AND IN HERMETICALLY SEALED CANS)			
23. Lime juice.....	6Z, 8Z Tall, 2, 10.....	1.25	1.25	87. Clams.....	1 picnic.....	0.50	0.50
24. Nectars.....	2, 3 cyl., 10.....	1.50	0.50	88. Codfish cakes.....	1 pic.....	0.50	CTB
25. Olives.....	1 tall, 2 1/2, 10.....	1.50	1.50	89. Crabmeat.....	1 picnic.....	0.50	0.50
26. Orange juice.....	2, 3 cyl., 10.....	1.25	1.25	90. Crawfish.....	1 pic.....	0.50	0.50
27. Orange-grapefruit juice.....	2, 3 cyl., 10.....	1.25	1.25	91. Eggs.....	250 (250 x 457)	0.50	0.50
28. Papayas and juice.....	2, 3 cyl., 10.....	1.25	1.25	92. Finnan haddock.....	250.....	0.50	0.50
29. Peaches.....	2 1/2, 10.....	1.50	0.50	93. Fish flakes.....	250 (250 x 457), 2 (257 x 457)	0.50	0.50
30. Pears.....	2 1/2, 10.....	1.50	0.50	94. Fish, ground.....	250 (250 x 457)	0.50	0.50
31. Pectin.....	5 gal.....	1.50	1.50	95. Fish livers and fish liver oils.....	6 gal.....	1.25	1.25
32. Pineapple.....	2, 2 1/2, 3 cyl., 10.....	1.25	1.25	96. Fish roe.....	250 (250 x 457) 1/2 oval (215 x 217 x 105)	0.50	0.50
33. Pineapple juice.....	2, 3 cyl., 10.....	1.25	1.25	97. Herring, Atlantic Sea, including cardines.....	1/2 drawn (250.5 x 461 x 414.5), 3/4 drawn (251 x 463 x 416.7), 5/4 three piece (252 x 412 x 412), 250 (250 x 457)	1.50	0.50
34. Plums.....	2 1/2, 10.....	1.50	1.50	Round cans.....		1.50	0.50
35. Prunes, dried in syrup.....	2.....	1.50	1.50	Oblong cans.....		1.25	0.50
36. Prunes, fresh.....	2 1/2, 10.....	1.50	1.50	Oval cans.....		(34 body)	1.25
37. Prune juice.....	2, 3 cyl., 10.....	1.50	1.50	98. Herring, Pacific Sea.....	1 tall (251 x 411)	0.50	0.50
38. Quinces.....	2, 10.....	1.50	0.50	99. Herring, river, including cardines.....	250 (250 x 457), 2 (257 x 457)	0.50	0.50
VEGETABLES AND VEGETABLE PRODUCTS				100. Lettlers.....	1 picnic.....	0.50	0.50
39. Artichokes.....	2, 2 1/2, 10.....	1.25	0.50	101. Mockers.....	250 (250 x 457)	0.50	0.50
40. Asparagus.....	2 1/2, 10.....	1.25	1.25	102. Mushrooms.....	250 (250 x 457)	0.50	0.50
41. Beans, dried.....	500.....	0.50	CTB	103. Mutt.....	250 (250 x 457)	0.50	0.50
42. Beans, fresh shelled.....	2, 2 1/2, 10.....	0.50	CTB	104. Mushrooms.....	1 picnic (211 x 459), 2 (257 x 459), 10 (253 x 459)	0.50	0.50
43. Beans, green or wax.....	2, 2 1/2, 10.....	1.25	0.50	105. Oysters.....	1 picnic (211 x 459), 1 tall (251 x 411), 2 (257 x 459)	0.50	0.50
44. Bean and bamboo sprouts.....	2, 2 1/2, 10.....	1.25	0.50	106. Pilchards, including cardines.....	6Z short (211 x 459), 1/2 oblong (211 x 553 x 103), cr (250 x 459 x 103), 250 (250 x 457), 1 oval (257 x 459 x 103)	1.25	0.50
45. Beets.....	2, 2 1/2, 10.....	1.25	1.25	Round cans.....		0.50	0.50
46. Broccoli.....	2, 2 1/2, 10.....	1.25	0.50	Oblong cans.....		1.50	1.25
47. Brussels sprouts.....	2, 2 1/2, 10.....	1.25	0.50	Oval cans.....		(body)	1.25
48. Carrots.....	2, 2 1/2, 10.....	1.25	CTB	107. Salmon.....	1/2 flat (257 x 502.5), cr (257 x 502.5), 1 flat (411 x 210.5), cr (411 x 211), 1 tall (251 x 411)	1.25	0.50
49. Carrot juice.....	2, 3 cyl., 10.....	1.25	CTB	108. Shad.....	250 (250 x 457)	0.50	0.50
50. Cauliflower.....	2, 3 cyl., 10.....	1.25	0.50				
51. Celery.....	2, 2 1/2, 10.....	1.25	0.50				
52. Celery juice.....	2, 3 cyl., 10.....	1.25	1.25				
53. Chard.....	2, 2 1/2, 10.....	1.25	0.50				
54. Chili sauce.....	2, 2 1/2, 10.....	1.25	1.25				
55. Corn.....	2, 2 vacuum, 10.....	0.50	0.50				
56. Dehydrated vegetables, including soups.....	Any.....	0.50	CTB				
57. Frozen vegetables.....	50 lb.....	0.50	0.50				
58. Green leafy vegetables.....	2, 2 1/2, 10.....	1.25	0.50				
59. Hominy.....	2, 2 1/2, 10.....	0.50	CTB				
60. Lentils.....	500.....	0.50	CTB				
61. Mixed vegetables, without tomatoes.....	2, 2 1/2, 10.....	1.25	CTB				
62. Mixed vegetables, with tomatoes.....	2, 2 1/2, 10.....	1.25	0.50				
63. Mushrooms.....	2Z, 4Z, 8Z.....	1.25	0.50				
64. Okra.....	2, 2 1/2, 10.....	1.25	0.50				
65. Onions.....	2, 2 1/2, 10.....	1.25	0.50				

SCHEDULE A—Continued

Product (1)	Can sizes (2)	Can-materials		Product (1)	Can sizes (2)	Can materials	
		Soldered parts (3)	Non-soldered parts (4)			Soldered parts (3)	Non-soldered parts (4)
FISH AND SHELLFISH (PROCESSED, AND IN HERMETICALLY SEALED CANS—CON.)				MISCELLANEOUS FOOD PRODUCTS—CON.			
109. Shrimp.....	1 picnic (211 x 400), 5 (502 x 410).....	0.50	0.50	139. Honey.....	2 1/4.....	1.25	1.25
110. Shrimp, fresh cooked Alaska refrigerated.....	1 picnic (211 x 400).....	1.25	0.50	139. Lima bean loaf.....	300.....	0.50	CTB
111. Squid.....	300 (300 x 407).....	0.50	0.50	140. Lobster Newburg.....	300.....	0.50	0.50
112. Tuna.....	1/2 tuna (307 x 113), 1 tuna (603 x 205.5), 4 lb. tuna (603 x 403).....	0.50	0.50	141. Macaroni with cheese or tomato sauce.....	300.....	1.25	0.50
113. Turtle.....	300 (300 x 407).....	0.50	0.50	142. Nuts, salted, for U. S. Army export or U. S. Navy off-shore use only.....	4 oz.....	0.25	CTB
DAIRY PRODUCTS				NONFOOD PRODUCTS			
114. Butter and margarines.....	1 lb.....	0.50	0.50	143. Oils, liquid edible.....	5 gal.....	1.25	1.25
116. Cream, frozen.....	50 lb.....	1.25	1.25	144. Pastes and condiments.....	1 pt., 1 qt., 1 gal.....	0.50	0.50
116. Ice cream and ice cream mix (net).....	1 qt.....	0.50	0.50	145. Peanut butter and other nut butters.....	Any.....	1.25	0.50
117. Liquid modifications of milk.....	6 oz.....	0.75	0.75	145. Peanut butter and other nut butters.....	25 lbs.....	0.50	CTB
118. Milk, condensed.....	14 oz.....	0.75	0.75	146. Ravioli.....	300.....	1.25	0.50
119. Milk, evaporated.....	6 oz.....	0.75	0.75	147. Soda fountain fruit and other acid syrups.....	10.....	1.25	1.25
120. Milk, goat.....	14 1/2 oz.....	1.25	1.25	148. Spaghetti in sauce.....	300.....	1.25	0.50
121. Milk, skimmed, dry or powdered.....	14 1/2 oz.....	1.25	1.25	149. Special dietary foods.....	2, 2 1/4, 10.....	0.50	CTB
122. Milk, whole, dry or powdered.....	50 lb.....	0.50	0.50	150. Syrups, cane, maple, molasses, corn sorghum, and other non-acid syrups.....	2 1/2.....	1.25	1.25
	1 lb., 2 1/2 lb., 5 lb., 25 lb., 50 lb.....	0.50	CTB	151. Syrup, chocolate.....	1 lb.....	0.50	0.50
				152. Syrup, malt.....	404 x 504.....	0.50	0.50
				153. Yeast.....	Any.....	0.50	0.50
MEAT AND MEAT PRODUCTS (PROCESSED AND IN HERMETICALLY SEALED CANS)				NONFOOD PRODUCTS			
123. Meat products as follows:				154. Alcohol, pharmaceutical and chemically pure.....	Any.....	1.25	1.25
a. Bacon.....	24 oz.....	0.50	CTB	155. Antifreeze, Ethylene glycol type.....	do.....	SCMT	SCMT
b. Beef, veal and mutton or pork (corned, roast or boiled):	14 lb.....	1.25	1.25	156. Aniline.....	do.....	1.25	1.25
Cans with all seams soldered.....	Any.....	1.25	1.25	157. Auto supplies only as follows:			
Cans with only side seam soldered.....	do.....	0.50	CTB	a. Radiator antirust compounds, liquid.....	do.....	SCMT	SCMT
c. Beef ala mode.....	2.....	0.50	0.50	b. Carbon removers.....	do.....	SCMT	SCMT
d. Beefsteak and onions.....	2.....	0.50	0.50	c. Radiator stop-leak.....	do.....	SCMT	SCMT
e. Brains.....	2.....	0.50	0.50	158. Bee feeder cans for use in shipping bees.....	do.....	0.50	CTB
f. Chili con carne.....	10 1/2 oz.....	0.50	CTB	159. Blood plasma.....	do.....	0.50	CTB
g. Corned beef hash.....	300.....	0.50	0.50	160. Carbon disulfide.....	do.....	SCMT	SCMT
h. Goulash.....	300.....	0.50	0.50	161. Cements, only as follows:			
i. Hamburger and onions.....	300.....	0.50	0.50	a. Neoprene base rubber cement.....	do.....	1.25	1.25
j. Hams, whole.....	any.....	0.50	0.50	b. Other synthetic rubbers, natural rubber, linoleum, latex types.....	do.....	SCMT	SCMT
k. Liver.....	2.....	0.50	CTB	162. Chemicals, (dry) only as follows:			
l. Luncheon meats.....	12 oz.....	0.50	CTB	a. Phenols.....	do.....	1.50	1.50
m. Meat loaf.....	7 oz.....	0.50	CTB	b. Ammonium salts.....	do.....	1.25	1.25
n. Meat spreads.....	3 oz.....	0.50	CTB	163. Chemicals (liquid) only as follows:			
o. Pickled pigs feet.....	2.....	1.50	1.50	a. Alcohols, aldehyde and halogenated hydrocarbon.....	do.....	SCMT	SCMT
p. Pork and soya links.....	2.....	0.50	CTB	b. Sodium silicate.....	do.....	0.50	0.50
q. Potted meats.....	3 1/4 oz.....	0.50	CTB	164. Cleaners only as follows:			
r. Sausage, bulk.....	24 oz.....	0.50	CTB	a. Wallpaper.....	do.....	SCMT	SCMT
s. Sausage in casings:				b. Window spray.....	do.....	SCMT	SCMT
1. Vienna sausage, frankfurters, pork sausage.....	4 oz., 9 oz., 12 oz., 16 oz., 24 oz., 5, 10.....	0.50	CTB	c. Radiator liquid.....	do.....	SCMT	SCMT
2. Sausage in oil, lard or rendered pork fat.....	5.....	0.50	CTB	165. Chloroform and ether.....	do.....	1.25	1.25
t. Scrapple.....	300.....	0.50	CTB	166. Chloroform, bromacetone, monochloroacetone and acrolein.....	do.....	SCMT	SCMT
u. Stews.....	2.....	0.50	0.50	167. Deodorizers.....	do.....	1.25	1.25
v. Tamales.....	300.....	0.50	0.50	168. Dyes (food).....	do.....	1.25	1.25
w. Tongue.....	6 oz.....	0.50	CTB	169. Fire extinguisher fluid or powders.....	do.....	SCMT	SCMT
x. Tripe.....	2.....	1.25	1.25	170. Glues and adhesives.....	do.....	SCMT	SCMT
POULTRY AND POULTRY PRODUCTS (PROCESSED, AND IN HERMETICALLY SEALED CANS)				NONFOOD PRODUCTS			
124. Chicken and veal with noodles.....	300.....	0.50	CTB	171. Glycerine.....	do.....	1.50	1.50
125. Chicken ala king.....	300.....	0.50	CTB	172. Grain fumigant, liquid.....	do.....	SCMT	SCMT
126. Enchiladas.....	300.....	0.50	0.50	173. Hydraulic brake fluid.....	do.....	SCMT	SCMT
127. Turkey or chicken.....	6 oz.....	0.50	CTB	174. Lacquers and lacquer thinners.....	do.....	SCMT	SCMT
128. Poultry spreads.....	6 oz.....	0.50	CTB	175. Nicotine sulphate.....	do.....	1.50	1.50
MISCELLANEOUS FOOD PRODUCTS				NONFOOD PRODUCTS			
129. Baby foods—Chopped and pureed.....	202 BF (202 x 214).....	1.50	1.50	176. Oils, essential; distilled or cold pressed.....	do.....	1.25	1.25
Liquid milk formula.....	14 1/4 oz.....	1.25	1.25	177. Oils, transformer.....	do.....	0.50	0.50
Soy bean milk, liquid.....	300.....	1.25	0.50	178. Paints:			
Dry or powdered milk formula.....	1 lb.....	0.50	CTB	a. copper bottom or antifouling.....	do.....	1.25	1.25
130. Bakery products containing more than 12 percent moisture.....	Any.....	0.50	0.50	b. paste water paints, including resin emulsion.....	do.....	SCMT	SCMT
131. Beer, packed for U. S. Army export or U. S. Navy offshore use only.....	12 oz.....	0.50	0.50	179. Plastic wood.....	do.....	1.25	1.25
132. Cereal, for export only.....	1 lb.....	0.50	CTB	180. Phosphorus.....	do.....	1.25	1.25
133. Chop suey.....	2.....	1.25	0.50	181. Potassium permanganate, reagent grade.....	do.....	1.25	1.25
134. Chow mein.....	2.....	1.25	0.50	182. Rust preventative.....	do.....	SCMT	CTB
135. Coconut, shredded.....	1 picnic.....	0.50	CTB	183. Shellac.....	do.....	(1)	(1)
136. Eggs, frozen.....	30 lb.....	0.50	0.50	184. Soap, liquid.....	do.....	1.25	1.25
137. Extracts and flavorings.....	Any.....	1.25	1.25	185. Sodium and potassium metals.....	do.....	1.25	1.25
				186. Sodium peroxide.....	do.....	0.50	0.50
				187. Stamp pads.....	do.....		(1)
				188. Turpentine.....	do.....	0.50	0.50
				189. Varnish and paint removers.....	do.....	0.50	0.50
				190. Worm killer, sheep and cattle dip, sheep and horse drench, roost paint, poultry remedies and other liquid disinfectants.....	do.....	1.25	1.25

¹8-lb. terneplate.

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

[Priorities Reg. 6, Revocation]

ABOLITION OF PRIORITIES CRITICAL LIST

Section 944.26, *Priorities Regulation 6* is hereby revoked.

Issued this 16th day of November 1945.

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

[F. R. Doc. 45-21005; Filed, Nov. 16, 1945; 11:45 a. m.]

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

[Priorities Reg. 8, as Amended Nov. 16, 1945]

REPORTS

§ 944.29 *Priorities Regulation 8*—(a) *Purpose of this regulation.* This regulation explains the methods and conditions under which the Civilian Production Administration requires persons to file reports. Many safeguards exist, including the need for Bureau of the Budget approval, to insure that the information requested in reports is really needed. If you are required to file a report in one of the ways explained below, a failure to do so is a violation of this regulation and of any other regulation or order which requires it.

(b) *What "reports" are; difference from applications.* When used in this regulation, the term "report" means any information which must be filed with the Civilian Production Administration or its agent by specific persons or classes of persons at specified times or under specified conditions. It does not include information which the Civilian Production Administration asks you to furnish in connection with any application you make for priorities assistance, for specific authorization, for relief from provisions of orders or regulations or for any other purpose. In such cases the Civilian Production Administration is likely to refuse to act upon your application if you do not file the information in the form specified, but you do not violate any regulation or order by failing to do so.

(c) *Reports under Civilian Production Administration orders and regulations.*

(1) If a published regulation or order of the Civilian Production Administration requires the filing of a report by a specified class of persons you must file the report in accordance with any applicable instructions if you belong to that class. The instructions may be in the regulation or order itself, or on a form or separate instruction sheet. As explained in paragraph (e) below, Bureau of the Budget approval is required and is indicated in the regulation, or order, or on the form or instruction sheet.

(2) When a published regulation or order requiring you to file any reports is revoked, you do not need to file any more reports due after that date unless they are required by another published regulation or order or unless you are notified

to continue to file them in accordance with the rules stated in paragraph (d) below. This does not, however, excuse you from filing any reports due before the regulation or order was revoked.

(d) *Reports not specified in an order or regulation.* The Civilian Production Administration frequently needs information which is not required under a specific regulation or order. In such cases you must file reports when you receive or have received a written notice to do so in one of the following ways:

(1) A letter or other written instrument specifically addressed to you issued in the name of the War Production Board or Civilian Production Administration countersigned or attested by the Recording Secretary, or in accordance with Civilian Production Administration Regulation No. 1 (§ 903.0); or

(2) A report form or instruction sheet with an official form number in the "WPB" or "CPA" series bearing your name or enclosed in an envelope specifically addressed to you.

Approval of the Bureau of the Budget will be indicated on the notice or on a report form or instruction sheet referred to in the notice. The rules governing Bureau of the Budget approval are explained in paragraph (e) below.

(e) *Bureau of the Budget approval.* The Civilian Production Administration obtains the approval of the Bureau of the Budget before reports are required, in accordance with the Federal Reports Act of 1942. It is easy to tell when this approval has been obtained, as all War Production Board and Civilian Production Administration reporting forms or instructions bear a Bureau of the Budget approval number and generally specify the date on which Bureau of the Budget approval expires. In all cases where the date of expiration is shown you need file the report only up to the date specified, unless new or revised forms or instructions are issued having a later expiration date for Bureau of the Budget approval. This does not mean, however, that you are excused after that date from filing a report which was due before it. Where no special form is to be used, the order, regulation or letter will indicate Bureau of the Budget approval.

(f) *Change from War Production Board to Civilian Production Administration makes no change in rules for reports.*

As explained in CPA Regulation 1 (§ 903.0) all actions taken by the War Production Board remain in effect until they expire or are revoked or amended and references in them to the War Production Board are deemed to be references to the Civilian Production Administration. Consequently, you must file under this Regulation all reports which you were required to file under a War Production Board order or regulation or by a written notice from the War Production Board in accordance with the rules stated in paragraph (d), just as if the Civilian Production Administration

had required you to file them in the first place.

Issued this 16th day of November 1945.

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

[F. R. Doc. 45-21006; Filed, Nov. 16, 1945; 11:46 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81, Revocation of Interpretation 1]

WHERE: BLACEPLATE CANS ARE CHARGEABLE TO QUOTAS

Interpretation 1 to Conservation Order M-81 is revoked.

Issued this 16th day of November 1945.

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

[F. R. Doc. 45-21004; Filed, Nov. 16, 1945; 11:45 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81, Revocation of Direction 8]

MODIFICATION OF PARAGRAPH (E)

Direction 8 to Conservation Order M-81 is revoked. This revocation does not affect any liabilities incurred under the direction.

Issued this 16th day of November 1945.

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

[F. R. Doc. 45-21003; Filed, Nov. 16, 1945; 11:45 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 525, Amdt. 9]

JOBBER SALES OF STOCK MILLWORK

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

Maximum Price Regulation 525 is amended in the following respects:

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

(a) *Definition of stock millwork.* The term "stock millwork" as used in this regulation refers to all items of millwork which at the manufacturing level are subject to any of the following maximum price regulations: MPR 44—Douglas Fir Doors; MPR 253—Redwood Lumber and Millwork (Tables 12 and 27); RMPR 293—Stock Millwork; MPR 412—Tide-water Red Cypress Lumber (Table 13); and MPR 569—Douglas Fir Stock Mill-

work. Mouldings are not included in this definition; they are covered by MPR 601—Mouldings. This regulation also does not cover basic lumber patterns which are covered by the applicable mill lumber regulations.

2. Subparagraph (3) of section 3 (c) is amended to read as follows:

(3) For products covered by Maximum Price Regulations 253 and 412 shorten discounts one half point for each four cents of freight rate including transportation tax from the following basing points:

(i) MPR 253 (Redwood Lumber and Millwork) (Tables 12 and 27).

Western area: Eureka, California.

Eastern area: Direct-mill maximum prices are not f. o. b. mill but are delivered on a 57 cents rate. Therefore, for inbound transportation add only the excess of the actual rate from Eureka, California, to the seller's warehouse over the 57 cents rate. If the rate is less than 57 cents deduct the resulting difference in transportation charges from the Eastern area prices in MPR 253.

(ii) MPR 412 (Tidewater Red Cypress Lumber) (Table 13).

Perry, Florida: Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

Ponchatoula, Louisiana: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Jobbers with warehouses located in these states may make the additions allowed for Louisiana producers in calculating mill prices. (See section 24 of MPR 412.)

Albany, Georgia: Georgia and Tennessee.

Sumter, South Carolina: North Carolina and South Carolina.

3. A new subparagraph (4) is added to section 3 (c) to read as follows:

(4) For products covered by MPR 589 inbound transportation shall be figured in accordance with the provisions of the applicable appendices of MPR 589 where maximum prices are established on an f. o. b. mill basis in the regulation.

4. In sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 each subparagraph (3) of paragraph (c) is amended to read as follows:

(3) For stock millwork items priced in any regulation, other than MPR 44 and RMPR 293, named in section 2 (a), the seller may apply for approval of a price under section 3 (a) (2) and 3 (a) (3) of this regulation.

5. In section 13, subdivision (ii) of paragraph (c) (4) is amended to read as follows:

(ii) All items covered by section 13, paragraph (c) (2):

	<i>Percentage mark-up</i>
Douglas fir house doors.....	48½
Douglas fir garage doors.....	48½

6. In section 14, subdivision (ii) of paragraph (c) (4) is amended to read as follows:

(ii) All items covered by section 14, paragraph (c) (2):

43½ percent.

7. In section 15, subparagraph (4) of paragraph (c) is amended to read as follows:

(4) *Mark-ups.* (i) All items covered by section 15, paragraph (c) (1)—for items in:

Bracket #1: 45 percent.
Bracket #2: 50½ percent.
Bracket #3: 56½ percent.

Classification of Items under RMPR

- 293—Bracket #1:
- Blinds and Shutters
- Baluster Stock
- Cabinetwork—Standard Designs
- Door Jambs—Inside
- Frames—Window, Casement and Door
- Garage Doors—Pine (except overhead)
- Glazed Windows
- Glazed Sash (except cupboard sash)
- Glazed Storm Sash
- Hardwood Panel Doors
- W. P. P. Mitred Trim
- Pine Panel Doors
- Pine French Doors

Classification of Items under RMPR

- 293—Bracket #1—Continued.
- Pine Sash Doors
- Window and Sash Screens
- Flush Veneered Doors hollow core

- Bracket #2:
- Pine Front Doors
- Hardwood Front Doors
- Hardwood Sash Doors
- Hardwood Slab Doors
- Hardwood French Doors
- V-grooved and Flush Doors (hardwood and softwood)

- Bracket #3:
- Cupboard Doors
- Cupboard Sash—Open and Glazed
- Gable and Louvre Frames
- Stairwork
- Windows and Sash—Open

(ii) All items covered by section 15, paragraph (c) (2):

57½ percent.

8. In section 19, subdivision (ii) of paragraph (c) (4) is amended to read as follows:

(ii) All items covered by section 19, paragraph (c) (2):

47½ percent.

9. In section 20, subdivision (ii) of paragraph (c) (4) is amended to read as follows:

(ii) All items covered by section 20, paragraph (c) (2):

	<i>Percentage mark-up</i>
Douglas fir panel doors #2 and #3:	
Fast	34
Slow	48½
Douglas fir sash doors #2 and #3:	
Fast	39
Slow	48½
Douglas fir doors #1: All.....	48½

10. In section 21, subdivision (ii) of paragraph (c) (4) is amended to read as follows:

(ii) All items covered by section 21, paragraph (c) (2):

	<i>Percentage mark-up</i>
Fir panel doors:	
Fast	28
Medium	38
Slow	53

	<i>Percentage mark-up</i>
Fir panel doors—Continued.	
Fir sash doors:	
Fast	37
Medium	54
Slow	65
Fir garage doors: All.....	50

11. Subdivision (iii) of section 23 (c) (4) is hereby deleted.

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20963; Filed, Nov. 10, 1945; 11:36 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 307, Amdt. 4]

WAXED PAPER

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

Maximum Price Regulation 307 is amended in the following respect:

In § 1347.612 (a), subparagraph (3) is amended to read as follows:

(3) "Miscellaneous waxed papers" refers to all waxed papers which are not specifically set forth in §§ 1347.615 to 1347.620 inclusive.

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20965; Filed, Nov. 10, 1945; 11:36 a. m.]

PART 1368—FERROUS AND NONFERROUS BOLTS, NUTS, SCREWS AND RIVETS

[RMPR 147, Amdt. 1]

BOLTS, NUTS, SCREWS AND RIVETS

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

Revised Maximum Price Regulation No. 147 is amended in the following respects:

1. Paragraph (b) of section 10 is redesignated paragraph (c) and a new paragraph (b) is added to read as follows:

(b) Any producer may file an application for adjustment of the maximum prices established by this regulation when he can demonstrate that the conditions set forth in subparagraph (2) below are present.

(1) *Form and contents of application.* The application shall be filed in accordance with Revised Procedural

¹⁸ F.R. 1389, 17484; 9 F.R. 945, 7936.

Regulation No. 1, with the Office of Price Administration, Washington, D. C., and must contain the information specified below:

(i) If the applicant requests an over-all company adjustment, the application must contain balance sheets and profit and loss statements covering the applicant's entire operations by years from 1936 through 1939 and for the year 1944, and quarterly profit and loss statements for each of the four quarterly accounting periods preceding the date of application.

(ii) If the applicant requests an adjustment for a single plant or division operated by it, the application must contain the information required in subdivision (i) above, for the entire firm, and in addition thereto the following: Profit and loss statements for the plant or division for which the adjustment is sought covering the year 1944 and each of the four quarterly accounting periods preceding the date of the application.

(iii) If the applicant requests an adjustment for one or more products, he must furnish the information required in subdivision (i) above for the entire firm, and a statement as to the current costs of each product for which an adjustment is sought. The current costs of the product shall be broken down as to material, direct labor, indirect labor, factory overhead, other expenses, and selling, general and administrative expenses.

The filing of over-all profit and loss statements and balance sheets is optional provided reports are available from the Bureau of Internal Revenue. Should the applicant prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue.

Balance sheets and profit and loss statements may be filed on Forms A or B issued by the Office of Price Administration or the applicant may furnish his own customary statement. Applicants who have previously submitted any of the above required data may omit such items from the application and indicate when they were submitted.

Wherever overhead is allocated to a single plant or division operated by applicant, the allocation shall be made in accordance with applicant's customary methods, which method shall be shown in the application.

(2) *When application may be filed.* An application pursuant to this section may be filed when the applicant can demonstrate that:

(i) His over-all financial position is such that an adjustment to the extent described in subparagraph (3) may be granted; and

(ii) Either that the maximum prices of the bolts, nuts, screws and rivets which are the subject of the application impede production necessary to an effective transition to a peacetime economy or that his maximum prices are below the maximum prices at which purchasers are able to obtain the same or similar items from other producers.

(3) *Amount of adjustment which will be granted.* The Office of Price Administration will grant an adjustment upon

application, when it finds that the conditions set forth in subparagraph (2) above are present. The amount of adjustment will not exceed an amount determined in accordance with the criteria set forth below. In applying these criteria, 1936-1939 will be used as "a representative peacetime period" except when the Office of Price Administration finds that those years do not constitute such a period for the applicant. In such case, the Office of Price Administration will select another peacetime period which it deems representative. No adjustment, however, will exceed the maximum prices at which purchasers are able to obtain the same or similar items from other producers unless, in the judgment of the Office of Price Administration, the maximum prices of the nuts, bolts, screws or rivets which are the subject of the application impede production to an effective transition to a peacetime economy.

(i) If applicant requests an over-all company adjustment, the amount of adjustment shall not exceed an amount required to yield a profit equal to the firm's average rate of return on net worth for a representative peacetime period, *Provided, however,* That said adjusted rate of return shall not in any event exceed the industry's average rate of return on net worth for a representative peacetime period or be less than one-half of the industry's average rate of return on net worth for a representative peacetime period.

(ii) If the applicant requests an adjustment for a plant or division operated by it or for one or more products, any adjustment which may be granted will be limited as follows:

(a) If the applicant's current over-all dollar earnings, before Federal income taxes, are appreciably below his average dollar earnings in a representative peacetime period (adjusted for changes in net worth), the adjusted maximum price shall equal total costs of production plus a reasonable margin of profit not to exceed, however, the rate of profit earned by the applicant during a representative peacetime period.

(b) If the applicant's current over-all dollar earnings, before Federal income taxes, are approximately equal to or exceed his average dollar earnings in a representative peacetime period (adjusted for changes in net worth), but are less than 115% of such average earnings, the adjusted maximum price shall not exceed total costs (direct material and labor costs, other manufacturing costs, and other expenses).

(c) If the applicant's current over-all dollar earnings, before Federal income taxes, are more than 115% of its average dollar earnings in a representative peacetime period (adjusted for changes in net worth), the adjusted maximum price shall not exceed manufacturing cost; *Provided,* That if applicant has requested an adjustment for a single plant the adjusted maximum price shall not exceed the sum of manufacturing cost at the plant for which adjustment is sought plus the lesser of the following:

(1) An amount sufficient to cover its properly allocated share of the appli-

cant's general and administrative and selling expenses which is directly related to the operations of the plant in question (exclusive of general and administrative and selling expense incurred at the central office of the company and not customarily shown separately as expense of the plant).

(2) An amount sufficient to permit the plant to break even on the cost of its over-all operations (exclusive of general and administrative and selling expense incurred at the central office of the company and not customarily shown as expense of the plant).

2. Section 13 (a) (3) is amended to read as follows:

(3) Adjustment shall be made for credit terms in accordance with the selling producer's customary practice in effect between October 1 and 15, 1941, and for additional applicable discounts or allowances customarily granted by the selling producer between October 1 and 15, 1941, to other producers, jobbers, dealers, distributors, or specific classes of purchasers such as the railroad, car building or automotive industries, etc., even though the class consisted of one purchaser.

3. Section 13 (c) (2) is amended to read as follows:

(2) Adjustment shall be made for credit terms in accordance with the selling producer's practice in effect between October 1 and 15, 1941, and for additional applicable discounts or allowances customarily granted by the selling producer between October 1 and 15, 1941, to other producers, jobbers, dealers, distributors, or specific classes of purchasers such as the railroad, car building or automotive industries, etc., even though the class consisted of one purchaser.

4. Section 13 (d) (1) is amended to read as follows:

(1) *Specials manufactured in their first operation on equipment other than hand or automatic screw machines.* The maximum price for any item at point of shipment for each producer shall be the price such producer would have charged at point of shipment between October 1 and 15, 1941, for the same quantity of the same item ordered for production and shipment at one time. The maximum price for such item at point of delivery shall be the sum of the maximum price at point of shipment and the actual charges paid to a public carrier for transportation from point of shipment to point of delivery. In computing the maximum price at point of shipment the producer shall use the material cost, straight-time labor rates, overhead rates, applicable markups, method of estimating cost and method of computing selling price for a sale to the same purchaser or to the same class of purchaser, all as in effect for such producer between October 1 and 15, 1941, for sale of the same or a similar item manufactured on like equipment: *Provided, That:*

(i) In a case where it is necessary for a producer to purchase a partly completed item from another manufacturer and such producer performs additional operations to complete the manufacture

of such item, the charge paid for the partly completed item, not in excess of the applicable maximum price, may be used by such producer in lieu of material cost in computing his maximum price for the completed item;

(ii) In a case where it is necessary for the producer to employ another manufacturer to perform one or more secondary operations on an item, the charges paid by such producer for such secondary operations, not in excess of the applicable maximum prices, may be included in the cost used by such producer in computing his maximum price for the completed item.

5. A new paragraph (d) (3) is added to section 13 to read as follows:

(3) *Specials for which a producer desires to issue a price schedule.* A producer who proposes to issue a schedule or list setting forth prices for a group of items which are classified as specials under this regulation shall apply to the Office of Price Administration for approval of such schedule or list. The prices for each item shall be determined in accordance with the formula set forth in subparagraph (1) or (2) (i) of this paragraph (d) or shall be the prices for identical items set forth in the price schedule used by another producer during the period from October 1 to 15, 1941.

A producer desiring approval of such schedule or list shall file an application therefor with the Metals Price Branch, Office of Price Administration, Washington, D. C. Any such application shall contain the following information:

(i) A complete description of the items contained in the schedule or list;

(ii) Proposed net prices or list and discount prices showing proposed quantity differentials; transportation charges, if any, to be paid by the buyer; discounts to classes of purchasers; cash or early payment discounts; and any other factor which will affect the maximum price;

(iii) Typical calculations showing the method by which the proposed net prices were established; or

(iv) The name of the producer, if any, whose schedule the applicant proposes to adopt.

The Office of Price Administration may request such additional information as it deems necessary to determine whether the proposed maximum prices have been properly calculated and are in line with maximum prices as otherwise established by this Regulation. The Office of Price Administration shall approve, disapprove, or modify the prices set forth on such schedule or list within a reasonable time after the receipt of all necessary information.

This amendment shall become effective November 21, 1945.

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

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20966; Filed, Nov. 16, 1945; 11:37 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 19,¹ Amdt. 13]

SOUTHERN PINE LUMBER

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 first paragraph in section 3 of Second Revised Maximum Price Regulation 19 is amended to read as follows:

Sec. 3. *What products are covered.* This regulation covers all items of Southern pine lumber, whether the item is specifically named in the price tables or not, with the exception of the following:

Switch ties and cross ties, which are subject to Third Revised Maximum Price Regulation 216—Eastern Railroad Ties
Mouldings, which are subject to Maximum Price Regulation 601—Softwood Mouldings

This means all lumber of the species included in the following definitions of shortleaf and longleaf yellow pine:

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20955; Filed, Nov. 16, 1945; 11:34 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPP 26,² Amdt. 20]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

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

Revised Maximum Price Regulation 26 is amended in the following respects:

1. In paragraph (a) of section 2 the sentence "the term 'lumber' as used here specifically includes mouldings." is deleted.

2. The second paragraph in paragraph (a) of section 2 is amended to read as follows:

The regulation applies whether the particular item is specifically priced in the price tables or not, with the following exceptions:

Switch ties and cross ties, not covered by Article VI of this regulation, which are covered in Maximum Price Regulation 556—Western Railroad Ties and Wooden Mine Materials

Mouldings, which are covered in Maximum Price Regulation 601—Softwood Mouldings.

This amendment shall become effective November 21, 1945.

¹ 9 F.R. 11486, 12843; 10 F.R. 458, 1146, 3467, 8936, 9084, 10023, 11858, 12846.
² 9 F.R. 1016, 3513, 4227, 7505, 9720, 1112, 12537; 10 F.R. 4661, 5099, 5323, 7528, 9798, 10395, 12744.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20956; Filed, Nov. 16, 1945; 11:34 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPP 94,³ Amdt. 8]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

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

Section 2 (a) of Revised Maximum Price Regulation 94 is amended to read as follows:

(a) *General.* This regulation covers all Western pine and associated species of lumber, whether grades, sizes and specifications are specifically named in the price tables or not. Mouldings, however, are not covered by this regulation, but are covered by Maximum Price Regulation 601—Softwood Mouldings.

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20957; Filed, Nov. 16, 1945; 11:35 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 222,⁴ Amdt. 8]

NORTHERN SOFTWOOD LUMBER

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

Second Revised Maximum Price Regulation 222 is amended in the following respects:

1. Paragraph (a) in section 3 is amended to read as follows:

(a) This regulation covers all items of Northern softwood lumber whether the items are specifically named in the price tables or not. It does not include glued stock, mine material, switch, cross or mine ties, small dimension stock, post, poles or piling, and mouldings. Mouldings are covered by Maximum Price Regulation 601—Softwood Mouldings.

2. Article VI—Appendix B, is amended by deleting Table 8—Northern White Pine Mouldings.

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20959; Filed, Nov. 16, 1945; 11:35 a. m.]

³ 9 F.R. 6634, 12966; 10 F.R. 12118.

⁴ 7 F.R. 7436, 8937; 8 F.R. 3847, 5517, 8362, 9382, 9779, 10937, 14126; 9 F.R. 789, 1054, 10498.

PART 1381—SOFTWOOD LUMBER

[MPR 253,¹ Amdt. 10]

REDWOOD LUMBER AND MILLWORK

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

Maximum Price Regulation 253 is amended in the following respects:

1. The table of contents is amended by deleting "Table 13, Mouldings" from the list of tables under § 1381.412; and deleting "Table 28, Mouldings" from the list of tables under § 1381.413.

2. In § 1381.401, the word "moulding" in paragraph (c) is deleted.

3. Paragraph (a) of § 1381.408 is amended as follows:

a. Delete from subdivision (15), the words "Standard Moulding Book (8000 Series)" Fourth Edition, published by Shattock and McKay Co., revised March 1, 1940;"

b. Add a new subdivision (16) to read as follows:

(16) The terms "lumber" and "mill-work" as used in this regulation do not include mouldings. Mouldings are covered by Maximum Price Regulation 601—Softwood Mouldings.

4. Section 1381.412 is amended by deleting Table 13—Standard Patterns of Mouldings, B and Better, 6' to 16' or 6' to 20' Random Lengths, Bundled Per M Lineal Feet.

5. Section 1381.413 is amended by deleting Table 28—Standard Patterns of Mouldings, B and Better, 6' to 16' or 6' to 20' Random Lengths, Bundled Per M Lineal Feet.

6. Paragraph (b), § 1381.414, is amended by deleting the words "or mouldings."

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20960; Filed, Nov. 16, 1945;
11:35 a.m.]

PART 1381—SOFTWOOD LUMBER

[MPR 402,² Amdt. 3]

WESTERN RED CEDAR LUMBER

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

Maximum Price Regulation 402 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *What products are covered.* This regulation covers all Western red cedar (*Thuja plicata*) lumber produced

¹ 7 F.R. 9230, 10848; 8 F.R. 1139, 4136, 4720, 7197, 11479; 9 F.R. 5482, 12620, 13263; 10 F.R. 11152.

² 8 F.R. 7662; 9 F.R. 5422; 10 F.R. 1548.

in those parts of Oregon, Washington and Canada, lying west of the crest of the Cascades Mountains, and in California and Alaska. Any such lumber produced in these areas is covered, regardless of the kind of mill or plant in which it is produced, with the exception of mouldings. Mouldings are covered by Maximum Price Regulation 601—Softwood Mouldings. As to other items, this regulation applies whether the particular item is specifically priced in the price tables or not.

2. Article V—Price Tables and General Notes is amended by deleting Table 14—Mouldings.

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20961; Filed, Nov. 16, 1945;
11:35 a.m.]

PART 1381—SOFTWOOD LUMBER

[MPR 412,¹ Amdt. 2]

TIDEWATER RED CYPRESS LUMBER

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

Maximum Price Regulation 412 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *What products are covered.* This regulation covers all items of Tidewater red cypress lumber, whether the item is specifically named in the price tables or not, with the following exceptions:

Switch ties and cross ties, which are subject to Third Revised Maximum Price Regulation 216—Eastern Railroad Ties.

Mouldings, which are subject to Maximum Price Regulation 601—Softwood Mouldings.

Tidewater red cypress means the cypress grown in the deep swamps of the coastal plains of the Southeastern states and along the north and Mexico adjacent to Tidewater and is known as the species of *Taxodium distichum*.

2. Article V—Tidewater Red Cypress is amended by deleting Table 12—Mouldings.

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20962; Filed, Nov. 16, 1945;
11:35 a.m.]

PART 1382—HARDWOOD LUMBER

[RMFR 97,² Amdt. 20]

SOUTHERN HARDWOOD LUMBER

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

¹ 8 F.R. 8712, 12406.

² 10 F.R. 10184, 11859.

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

Revised Maximum Price Regulation 97 is amended in the following respects:

1. Subdivision (4), paragraph (b) of § 1382.102 is amended to read as follows:

(4) *Items not covered by this regulation.* Specifically but not exclusively, this regulation does not cover glued stock, risers, step treads, thresholds, hand rails, flooring, switch ties, cross ties, mine ties, mine material, navy oak ship stock (see Maximum Price Regulation 281), small dimension stock and mouldings.

Lath, when produced from any hardwood lumber other than yellow cypress is, likewise, not covered by this regulation. Lath produced from yellow cypress is specifically priced in Sec. 1382.115 of this regulation. Mouldings produced from yellow cypress is covered by Maximum Price Regulation 601—Softwood Mouldings.

2. Section 1382.115 is amended by deleting Table 8—Mouldings.

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20953; Filed, Nov. 16, 1945;
11:35 a.m.]

PART 1425—LUMBER DISTRIBUTION

[2d Rev. MPR 215, Amdt. 12]

DISTRIBUTION YARD SALES OF SOFTWOOD LUMBER

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.

2d Revised Maximum Price Regulation 215 is amended by adding the following paragraph (h) to section 16:

(h) *F. o. b. mill maximum price.* The phrase "f. o. b. mill maximum price" and "f. o. b. mill price" as used in this regulation mean the highest price which a yard could pay a mill, using the dollars-and-cents prices in the mill regulations for lumber of the same condition, grade, size, etc., as the lumber to which the phrase is applicable but without any additions which a mill could make for a particular method of shipment or type of sale. For instance, even if a mill may make an extra charge for mixed car or for LCL shipment or for a retail sale, the yard nevertheless may not use this extra charge in computing the f. o. b. mill maximum price for sales under Revised Maximum Price Regulation 215.

This amendment shall become effective November 21, 1945.

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20964; Filed, Nov. 16, 1945;
11:35 a.m.]

PART 1413—LUMBER PRODUCTS

[MPR 601]

SOFTWOOD MOULDINGS

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

ARTICLE I—SCOPE AND GENERAL PROVISIONS OF THIS REGULATION

Sec.

1. Sales of mouldings at higher than maximum prices prohibited.
2. To what products and transactions this regulation applies.
3. How to compute maximum prices.
4. Definitions.
5. Types of sales and pricing levels.
6. List prices and size tolerances.
7. Special sizes and extras.
8. Cash discounts.
9. Invoicing requirements.
10. Prohibited practices.
11. Adjustable pricing.
12. Petitions for amendment.
13. Records.
14. Enforcement.
15. Licensing.
16. Imports and exports.

ARTICLE II—MAXIMUM PRICES FOR DIRECT MILL SALES

17. Certain basic lumber patterns not priced as mouldings.
18. Maximum prices for direct-mill sales of Western Pine mouldings.
19. Maximum prices for direct-mill sales of Southern Pine mouldings.
20. Maximum prices for direct-mill sales of Douglas Fir mouldings.
21. Maximum prices for direct-mill sales of Cypress (Yellow or Tide Water Red) mouldings.
22. Maximum prices for direct-mill sales of Western Red Cedar mouldings.
23. Maximum prices for direct-mill sales of Northern White Pine mouldings.
24. Maximum prices for direct-mill sales of Redwood mouldings.

ARTICLE III—MAXIMUM PRICES FOR JOBBER SALES

25. General provisions for jobber sales.
26. Maximum prices in the New England Area.
27. Maximum prices in the Metropolitan New York Area.
28. Maximum prices in the Eastern Area.
29. Maximum prices in the North Central Area.
30. Maximum prices in the Mid-Northern Area.
31. Maximum prices in the Minnesota and Western Area.
32. Maximum prices in the Southeastern Area.
33. Maximum prices in the South Central Area.
34. Maximum prices in the Texas Area.
35. Maximum prices in the West Central Area.
36. Maximum prices in the Nebraska Area.
37. Maximum prices in the Denver Area.
38. Maximum prices in the Salt Lake City Area.
39. Maximum prices in the Boise Area.
40. Maximum prices in the Spokane Area.
41. Maximum prices in the Puget Sound Area.
42. Maximum prices in the Portland Area.
43. Maximum prices in the Southern California Area.

Sec.

44. Maximum prices in the Northern California Area.
45. Maximum prices in the Arizona-New Mexico Area.

ARTICLE IV—MAXIMUM PRICES FOR DEALER SALES

46. Maximum prices for dealer sales.

AUTHORITY: § 1413.105 issued under 56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155.

ARTICLE I—SCOPE AND GENERAL PROVISIONS

SECTION 1. *Sales of mouldings at higher than maximum prices prohibited.* On and after November 21, 1945, regardless of any contract or obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any mouldings covered by this regulation at prices higher than the maximum prices fixed by this maximum price regulation and no person shall agree, offer, or attempt to do any of these things.

Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *To what products and transactions this regulation applies—(a) Products covered.* This regulation covers mouldings manufactured from the species of lumber which are covered by the following regulations:

- 2d RMPR 19 (Southern Pine Lumber)
- RMPR 26 (Douglas Fir and Other West Coast Lumber)
- RMPR 94 (Western Pine and Associated Species of Lumber)
- RMPR 97 (Only Yellow Cypress)
- MPR 222 (Northern Softwood Lumber)
- MPR 253 (Redwood Lumber and Millwork)
- MPR 402 (Western Red Cedar Lumber)
- MPR 412 (Tidewater Red Cypress Lumber)

The following products are considered mouldings for the purpose of this regulation only when manufactured precisely to pattern and size and in accordance with the standard moulding grade as defined in the trade association grading rules applicable to the particular species:

(1) *Square-edged (S4S) lumber.* Square-edged lumber, surfaced four sides, less than 2 $\frac{5}{8}$ " in finished thickness and width.

(2) *Moulded patterns.* All moulded patterns for which maximum prices are not established by the mill regulation covering the species of lumber from which the moulded patterns are made.

This regulation also covers mouldings of substandard grade and in jobbers' and dealers' sales only, moulded casing, base, and aprons in all sizes in the species cov-

- | | |
|---|--|
| All Softwood Species..... | 8000 Series Standard Moulding Book, published by Shattock and McKay Company of Chicago, Illinois (4th ed. 1940). |
| | 7000 Series Wood Mouldings, published by Shattock and McKay Company of Chicago, Illinois (1925 ed.). |
| All Species Covered by 2d RMPR 19 (Southern Pine Lumber). | 8000 Series Moulding Book, published by Southern Pine Association (Revised 1925 ed.). |
| All Species Covered by RMPR 26 (Douglas Fir and Other West Coast Lumber). | 7000 Series Standard Wood Mouldings, published by Caslon Press, Inc., Washington, D. C. (Revised 1931 ed.). |
| All Species Covered by MPR 253 (Redwood Lumber and Millwork). | Pages 34, 34-A, and 35 of Standard Patterns of Worked Redwood Lumber (Pattern Book 738, adopted May 24, 1938, revised May, 1941), published by California Redwood Association. |

ered by Maximum Price Regulations 10 and 26, as revised and amended, and S4S mouldings less than 3 $\frac{5}{8}$ " when sold in combination with other mouldings as screen stock.

(b) *Products not covered.* This regulation does not cover the following products:

(1) "Picture frame" mouldings.

(2) Mouldings made for a specific construction project, according to an architect's details or specifications, when any such mouldings are not of a pattern illustrated in one of the Standard Mouldings Books designated in the next section.

(c) *Transactions covered.* This regulation covers all sales and purchases in the continental United States of mouldings covered by the regulation.

SEC. 3. *How to compute maximum prices—(a) General.* The seller shall determine from the definitions in section 4, whether the moulding is Standard or Special, and whether he is classified as a moulding manufacturer, wholesale distribution yard, jobber or dealer. Having determined the type of moulding he wishes to sell and his classification as a seller, he shall then find the type of sale and the selling level of price as specified in section 5.

(b) *Direct mill sale.* To compute the maximum price for a direct-mill sale, apply the discounts set forth in the applicable section (species of lumber) of Article II for the type of moulding (standard or special) and for the type of shipment (straight car or other) to the list prices set forth in section 6 plus or minus any permitted additions or required deductions listed in the same section.

(c) *Jobber sale.* To compute the maximum price for a jobber sale, in Article III find the area into which delivery is being made (as defined in section 25) apply the discounts set forth in the applicable area for the species of lumber to the list prices set forth in section 6 plus or minus any permitted additions or required deductions listed in section 25.

(d) *Dealer sale.* To compute the maximum price for a dealer sale, use the provisions of the General Maximum Price Regulation.

SEC. 4. *Definitions.* For the purpose of this regulation the following definitions shall apply:

(a) *Standard mouldings.* "Standard" mouldings in a given species are mouldings in sizes and patterns illustrated in one of the following moulding books designated for that species:

These books are on file and available for inspection at the Office of Price Administration, Washington, D. C. Copies may be obtained at a small charge by writing the appropriate publisher or trade association.

Although the moulding books are to be used for the purpose of determining which mouldings are standard for a particular species, it should be noted that they are not to be used for determining list prices. All list prices to which discounts are applicable are set forth in section 6 below.

(b) *Special mouldings.* "Special" mouldings in a given species are mouldings in sizes and patterns which are not contained in one of the books designated above for that species.

(c) *Moulding manufacturer.* A moulding manufacturer is an establishment which qualifies as a sawmill, planing mill or concentration yard under any of the lumber mill regulations of the Office of Price Administration; or any establishment which in 1941 manufactured 50 percent or more of the dollar volume of its moulding sales and which sold 50 percent or more of its dollar volume in mouldings to jobbers, dealers or other distributors.

(d) *Wholesale distribution yard.* A wholesale distribution yard is an establishment which is recognized as a lumber wholesale distribution yard under section 16 (a) of 2d Revised Maximum Price Regulation 215.

(e) *Jobber.* A jobber is a distributor, other than a wholesale distribution yard, who operates a warehouse for the purchase, handling, stocking and resale of mouldings, who, during the year 1941, manufactured less than 50 percent of the dollar volume of mouldings that he sold, and over 50 percent of whose dollar volume of mouldings sales during 1941 were purchased by other jobbers, dealers, or other distributors.

(f) *Dealer.* A dealer is a distributor, other than a wholesale distribution yard or jobber, who operates a warehouse for the purchase, handling, stocking and resale of mouldings.

(g) *New sellers and sellers who change methods of handling.* Any seller who commenced the manufacture or distribution of mouldings since the year 1941 shall apply the definitions above to his operations, using the year 1944 as the base period for the determination of his classification as a seller.

Any seller who manufactured or distributed mouldings prior to the year 1945, but has changed his method of handling mouldings so that he no longer performs the same functions in the manufacture or distribution of mouldings as he performed in 1941 (or in 1944 if he commenced business after 1941) or any seller entering the business after January 1, 1944, must apply on or before December 21, 1945, or within 30 days of starting business to the Building Materials and Construction Price Branch, Office of Price Administration, Washington 25, D. C., for his classification as a seller to conform with his current method of operation. The application shall set forth the facts concerning his status as a seller in the base period under the definitions

above and the facts concerning the nature of his current operations with respect to the manufacture and distribution of mouldings. In classifying the applicant, the Office of Price Administration will be guided by the definitions set forth above as applied to the applicant's current operations but they may be modified to the extent required by considerations of local competitive conditions, and

the intent and purposes of the Emergency Price Control Act of 1942, as amended.

Sec. 5. Types of sales and pricing levels. The seller shall determine his classification on the basis of the above definitions. Further, he shall determine the type of sale he is making under this section in order to learn what pricing level governs the sale.

- Type of sale*
1. (a) All sales of moulding manufacturers.....
 - (b) All sales out of distributors' warehouses which are situated in the same locality as a moulding manufacturer's plant and which are controlled by it, or are under common control with it.
 - (c) All sales by distributors which are shipped directly from a moulding manufacturer to the purchaser.
- Pricing level*
- Direct-mill sale.
- Note: For the purpose of this regulation, a sale of mouldings shipped from a moulding manufacturer which has not been received, handled and stocked in the customary manner as an integral part of the stock of any distributor's warehouse, is deemed to be a sale directly from the moulding manufacturer to the purchaser.
2. Sales by wholesale distribution yards, jobbers or dealers to:
 - Wholesale distribution yards.
 - Jobbers.
 - Dealers.
 Jobber sale.
 3. Sales by wholesale distribution yards, jobbers, or dealers to industrial users or ultimate consumers (not for resale). Dealer sale.

Sec. 6. List prices and size tolerances—(a) List prices. The list prices for sizes shown in Table I are to be used for straight car shipments of mouldings in species covered by Revised Maximum Price Regulation 94. The list prices in Table II are to be used for all other transactions.

TABLE I.—LIST PRICES FOR SMALL SIZES OF MOULDINGS IN STRAIGHT CAR SHIPMENTS IN SPECIES COVERED BY RMPR 94 (Per 100 lineal feet)

Finished widths in inches	Finished thicknesses in inches					
	1/4 and thinner	3/8	1/2	5/8	3/4	7/8
5/8 and narrower	\$0.25	\$0.70	\$0.75	\$0.80	\$0.85	\$0.90
3/4	.75	.89	.83	.99	.95	.95
1	.89	.83	.83	.95	1.09	1.29
1 1/8	.85	.89	.85	1.00	1.10	1.29
1 1/4	.89	.83	1.00	1.10	1.29	1.45
1 3/8	.89	.83	1.00	1.29	1.49	1.59
1 1/2	.85	1.09	1.15	1.29	1.75	1.60
1 5/8	1.15	1.29	1.25	1.49	1.79	1.89
1 3/4	1.29	1.25	1.29	1.75	1.85	1.90

TABLE II.—LIST PRICES FOR ALL MOULDINGS EXCEPT THOSE COVERED IN TABLE I

Finished widths in inches	Column								
	1	2	3	4	5	6	7	8	9
	Finished thicknesses in inches								
	1/4 and thinner, 3/8, 5/8	3/4, 1/2	5/8, 5/8, 1 1/8, 1 1/8, 1 1/8, 1 1/8	5/8, 5/8, 1 1/8, 1 1/8, 1 1/8, 1 1/8	1, 1 1/8, 1 1/8	1 1/4, 1 1/8, 1 1/8	1 1/2, 1 1/8, 1 1/4	2, 2 1/8, 2 1/4	2 1/2, 2 1/8, 2 1/4
5/8 and narrower	\$1.00	\$1.00	\$1.00						
3/4	1.00	1.00	1.00						
7/8	1.00	1.29	1.29						
1, 1 1/8	1.00	1.25	1.49						
1 1/4	1.10	1.79	1.79						
1 3/8	1.10	1.79	1.75						
1 1/2	1.40	1.75	1.75						
1 3/4, 1 1/2	1.40	2.09	2.09						
1 5/8, 2	1.69	2.25	2.25						
2 1/8, 2 1/4	1.89	2.59	2.59						
2 3/8, 2 1/2	2.09	2.75	2.75						
2 5/8, 2 3/4			3.09						
2 7/8, 3			3.25						
3 1/8, 3 1/4			3.59						
3 3/8			3.75						
3 1/2			3.75	4.29					
3 3/4			4.09	4.29					
3 7/8			4.25	4.29					
3 5/8, 4			4.69	4.69					
4 1/8, 4 1/4			4.75	5.09					
4 3/8, 4 1/2			5.09	5.25					
4 5/8, 4 3/4, 4 5/8, 5			5.29	5.69					
5 1/8, 5 1/4			5.69	5.69					

See footnote at end of table

TABLE II—LIST PRICES FOR ALL MOULDINGS EXCEPT THOSE COVERED IN TABLE I—Continued

Finished widths in inches	Column								
	1	2	3	4	5	6	7	8	9
	Finished thicknesses in inches								
	¼ and thinner, ⅜, ½, ⅝	⅜, ½	⅝, ¾, ⅞, 1, 1 1/16, 1 1/8	¾, ⅞, 1, 1 1/16, 1 1/8	1, 1 1/16, 1 1/8	1 1/16, 1 1/8, 1 1/4	1 1/8, 1 1/4, 1 1/2	2, 2 1/4, 2 1/2	2 1/2, 2 3/4, 3
5/8, 6/8			\$6.50	\$8.50	\$9.80	\$12.00	\$16.50	\$33.00	\$39.60
5/8, 6/8			6.50	8.50	10.75	13.00	17.90	35.75	42.90
5/8, 6/8			6.50	7.00	10.75	13.00	17.90	35.75	42.90
6/8, 6 1/2			7.00	7.00	11.55	14.00	19.25	33.50	46.20
6/8, 6 1/2			7.00	8.00	11.55	14.00	19.25	33.50	46.20
6 3/8, 6 3/4, 6 7/8			8.00	8.00	13.20	16.00	22.00	44.00	52.80
7, 7 1/8, 7 1/4			8.00	8.00	13.20	16.00	22.00	44.00	52.80

1 Except for items of small lattice, fillet, and screen mouldings which have list prices as follows:

- Lattice 1/4" or less in thickness:
 - 1 1/8" or less in width, list price is \$0.85
 - 1 1/4" or 1 3/8" in width, list price is \$1.00
- Fillet 1/4" or less in thickness:
 - 1 1/8" or less in width, list price is \$1.00
 - 1 1/4" in width, list price is \$1.20
- Screen mouldings 3/8" or less in thickness:
 - 3/4" or less in width, list price is \$0.80

(b) *Size tolerances.* A thickness tolerance no greater than 1/64" is permissible in size and pattern for items priced in Table I. For items priced in Table II, the permissible tolerance is 1/64" for items priced in Columns 1, 2, 3, and 4; and 1/32" for items priced in Columns 5, 6, 7, 8, and 9.

Where mouldings are scant beyond the permissible tolerance, the list price for the next smaller thickness shall be used.

SEC. 7. *Special sizes and extras.* If a seller at any pricing level wishes to sell mouldings covered by this regulation but in sizes, or with special workings, specifications, services, or other extras for which prices or additions are not specified, he must apply in writing to the Building Materials and Construction Price Branch, Office of Price Administration, Washington 25, D. C., for a maximum price.

The seller's application may be for specific approval in reference to a particular order or inquiry; or for general approval in reference to a price or price list which he seeks to set up for general use in the future.

An authorization number will be assigned in every instance where a special price or price list is approved; and this number must appear on all orders accepted and sales made, as well as on all invoices covering shipments.

(a) Where the application is for specific approval in reference to a particular order or inquiry, it shall be made within five days after acceptance of the order. The following information shall be set forth: (1) The requested price; (2) a complete description of the item to be priced, which may be made by reference to a standard item, with an explanation of the differences; (3) the price differential between it and the most comparable item in the price table between January 1 and October 31, 1941, from the seller's own records, or if that is impossible, from such price tables of other comparable sellers in the trade. If no established price differential existed, detailed analysis of comparative cost of manufacture should be furnished; and (4) the purchaser's name, and points of origin and delivery of shipment.

A seller using this pricing method may quote and make sales and deliveries subject to approval of the Office of Price Administration prior to the receipt of official approval. The requested price is subject to revision within 30 days after receipt of the application. If a requested price is not disapproved or modified within 30 days of the date of receipt, it is approved unless the Office of Price Administration requests additional information from the seller. Thereupon, the time within which the requested price may be revised is automatically extended to 30 days after receipt of the requested information.

(b) Where the seller's application is for general approval in reference to a price list which he seeks to set up for general use in the future, he shall set forth the information required for specific approvals by (1), (2), and (3) in paragraph (a) above.

Quotations may not be made, orders taken, or shipments commenced until a maximum price has been officially approved.

(c) The Office of Price Administration may approve, disapprove, revoke, or revise maximum prices proposed or established under this section so as to make them consistent with the general level of prices fixed by this regulation.

SEC. 8. *Cash discounts.* Except for dealers sales on all sales of more than \$25.00 of moulding, the seller shall allow at least the same discount for cash payment which he allowed during the first three months of 1942, except that in no case shall the discount be less than 2 percent of the selling price.

SEC. 9. *Invoicing requirements—(a) When an invoice must be given.* An invoice must be given on all sales of more than \$25.00. In smaller sales, the seller may give either an invoice or a sales slip.

(b) *What the invoice must contain.* All invoices must contain a statement as to type of sale; whether the sale is a "direct-mill sale" a "jobber sale" or a "dealer sale." They must also contain a sufficiently complete description of the mouldings to show whether the price is within the maximum prices permitted by this regulation, including the species of

lumber from which the mouldings are manufactured; the quantity of mouldings sold, in terms of lineal feet, the list price per 100 lineal feet and the pattern number of the mouldings. In addition, any specification, extra, working or quantity which permits an addition to, or requires a deduction from, the maximum prices listed in this regulation must be mentioned in the description.

(c) *Maximum price where improper invoice is given.* Where the seller gives an invoice which fails to specify the type of sale or fails to state the species, size, quantity or any other specification, extra or working for which a charge is made, so that the maximum price permitted by the regulation cannot be determined from the invoice, the maximum price for the sale or shipment covered by such invoice shall be \$0.31 per 100 lineal feet f. o. b. mill or warehouse.

SEC. 10. *Prohibited practices—(a) General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in cash discount practices and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Adding commissions to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating mouldings or for any related services such as "expediting") which does not involve actual physical handling of mouldings if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the mouldings. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of mouldings where the compensation paid is based directly or indirectly on the quantity, price or value of the mouldings in connection with which the service is rendered.

SEC. 11. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. However, when a request for a change in the applicable maximum price is pending, such authorization may be given in writing if it is deemed necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to act on the pending request for a change in price or to grant such authorization has been delegated.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of any

provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 13. *Records.* All sellers must keep records which will show a complete description of the mouldings sold, the name and address of the buyer, the date of sale, and the price. Buyers, except on purchases made from dealers, must keep similar records, including the name and address of the seller. Such records must be kept for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 14. *Enforcement.* Persons violating any portion of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Licensing.* The provisions of Licensing Order No. 1 licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations.

SEC. 16. *Imports and exports*—(a) *Imports.* The maximum price for which mouldings produced outside of the United States of America may be purchased by a buyer covered by this regulation from a seller not covered by this regulation, shall be the maximum price fixed in this regulation for direct-mill sales of mouldings as though the shipment originated in this country, with additions for delivery not to exceed the additions permissible under this regulation if the shipment had originated at the port of entry.

(b) *Exports.* The maximum prices for export sales and sales to exporters of mouldings are governed by the Second Revised Export Price Regulation.

ARTICLE II—MAXIMUM PRICES FOR DIRECT-MILL SALES

SEC. 17. *Certain basic lumber patterns not priced as mouldings.* The mill lumber regulations of the Office of Price Administration fix maximum prices for direct-mill sales of many items with basic lumber patterns. Each of the following sections sets forth examples of basic lumber patterns which must be sold on a board measure basis according to the maximum prices fixed in the mill lumber regulation covering the particular species even though special workings such as matching, beading, grooving, rabbeting, beveling, outgauging, etc., are performed.

SEC. 18. *Maximum prices for direct-mill sales of Western pine mouldings*—(a) *Examples of Revised Maximum Price Regulation 94 lumber items not priced as mouldings.* Following are examples of basic lumber patterns which must be sold on a board measure basis, subject to the maximum prices fixed in Revised

Maximum Price Regulation 94, regardless of variations in the pattern:

Battens	Lath
Ceiling	Partition
Corn cribbing	Pulley stiles
Flooring	Shiplap
Jamb	Siding

(b) *Maximum prices for Standard mouldings*—(1) *Straight cars.* A "straight car" of Western Pine mouldings is a shipment of mouldings whose aggregate list prices total at least \$3,000.00.

The maximum prices f. o. b. mill for a direct mill shipment in straight car quantities for Standard Western Pine mouldings in lengths 4' to 20', not over 15 percent under 10' with each length bundled separately are as follows:

The list prices in Table I of section 6 for the sizes listed in the table less the following discounts:

For patterns with list prices under \$0.95—discount 53%.
For patterns with list prices \$0.95 and over—discount 48%.

For sizes not listed in Table I, the list prices in Table II of section 6, less the following discounts:

Item	Discount for list prices under \$2	Discount for list prices \$2 and over
	Percent	Percent
Casing and base 3/4" and wider, 3/4" thick		23
Other mouldings:		
2 1/2" or less in thickness	53	46
3/2" in thickness	51	44
3 1/4" in thickness	47	40
3 1/2" in thickness	47	40
3 3/4" in thickness	43	36
3 1/2" in thickness	41	34
2 3/4" in thickness	35	31
2 1/2" in thickness	29	27
2 1/4" in thickness	31	24
1" or over in thickness		23

(2) *Other shipments.* The maximum prices f. o. b. mill for a direct mill shipment, other than a straight car shipment, for Standard Western Pine mouldings in lengths 4' to 20', not over 15 percent under 10' with each length bundled separately, are the list prices in Table II of Section 6 less the following discounts:

Casing and base 3 1/2" and wider—discount 31%.
Other mouldings:
List prices under \$2—discount 37%.
List prices \$2 and over—discount 32%.

(c) *Maximum prices for Special mouldings.* The maximum prices f. o. b. mill for a direct mill shipment of Special Western Pine mouldings shall be as follows:

In quantities of more than 10,000 lineal feet per item use the same maximum prices as for Standard Western Pine mouldings.

In quantities of 3,000 to 10,000 lineal feet per item use the same maximum prices for Standard Western pine mouldings and shorten the discounts 1 point.

In quantities less than 3,000 lineal feet per item use the same maximum prices for Standard Western Pine mouldings and shorten the discounts 10 points.

In quantities of less than 500 lineal feet of one pattern use the same maximum prices for Standard Western Pine

mouldings, shorten the discount 10 points and add a set-up charge of \$2.50.

(d) *Deductions and additions to maximum prices.* Additions permitted under this paragraph may be made only when the item or service is specifically ordered by the buyer and shipped by the seller.

(1) *Species.* For Sugar or Idaho Pine the discounts may be shortened 5 points.

(2) *Rabbeting or grooving.* For rabbeting or grooving items such as rails, sash, astragals, back bands and window stools, 25¢ may be added to the list price for each rabbet or groove.

(3) *Length.* For specified lengths, the discounts may be shortened 5 points.

For all 10' to 16' lengths, the discounts may be shortened 3 points.

For all 10' to 16' even lengths, the discounts may be shortened 5 points.

For all even lengths, the discounts may be shortened 1 point.

For cut to lengths, under 5', the discounts must be lengthened 2 points.

For cut to lengths 5' to 10', the discounts may be shortened 3 points.

For cut to specified lengths 10' and over, the discounts may be shortened 5 points.

For short mouldings in excess of the 15 percent allowed in random length shipments or short lengths only, the discounts must be lengthened 10 points. (This does not apply when mouldings are ordered cut to length.)

(4) *Sub-standard mouldings.* For sub-standard mouldings, the discounts must be lengthened 10 points, except that for mouldings which are sub-standard only on account of stain, the seller must lengthen discounts only 5 points.

(e) *Delivered prices.* When a direct mill sale is made on a delivered basis, the seller, regardless of his location and of the place of delivery, may shorten the discounts one-half point for each five cents of freight rate or major portion thereof from the place at which shipment originates.

SEC. 19. *Maximum prices for direct-mill sales of Southern Pine mouldings*—(a) *Examples of Second Revised Maximum Price Regulation 19 lumber items not priced as mouldings.*

Aprons	Lath
Base	O. G. Patterns
Board slate stock	Partition
Casing	Pickets
Car Material	Pulley stiles
Ceiling	Shiplap
Decking	Siding
Flooring	Stepping
Framing	Sill Stock
Jamb Stock	

(b) *Maximum prices for Standard or Special mouldings*—(1) *Straight cars.* A "straight car" shipment of Southern Pine mouldings is a shipment in which the car contains all mouldings or mouldings and no more than 5,000 board feet of lumber.

The maximum prices f. o. b. mill for direct-mill shipment in straight car quantities for Standard or Special Southern Pine mouldings in lengths of 6' to 16' or 6' to 20', not over 5 percent 6' and/or 7' feet lengths, are the list prices in Table II of section 6 less the following discounts:

For patterns with list prices under \$2—discount 40%.

For patterns with list prices \$2 and over—discount 35%.

(2) *Other shipments.* The maximum prices f. o. b. mill for a direct-mill shipment, other than straight car, for Standard or Special Southern Pine mouldings in lengths 6' to 16' or 6' to 20', not over 5 percent of 6' and/or 7' lengths, are the list prices in Table II of section 6, less the following discounts:

For patterns with list prices under \$2—discount 36%
 For patterns with list prices \$2 and over—discount 31%

(c) *Maximum prices for direct-mill sales of soft-texture Southern Pine mouldings—(1) Type of seller.* The prices established by this paragraph (c) apply only to a seller of soft texture moulding who has received approval from the Lumber Branch of the Office of Price Administration to sell soft textured finish lumber at prices higher than those specified for Southern Pine and who has filed a report with the Building Materials and Construction Price Branch showing:

(i) *For a seller in business prior to 1941.* During and prior to 1941, he actively promoted the sale of special soft textured finish moulding by paid advertising, direct mill solicitation or any other recognized form of establishing a trade advantage of this grade, and

He consistently charged for soft textured finish moulding a higher price than the price for regular finish and that the price, allowing for differences in transportation cost to major markets, was comparable to the price charged by mills belonging to the Arkansas Soft Pine Bureau.

(ii) *For a seller who started his business after 1940.* He is using soft textured finish lumber and that he will sell a grade of moulding that will meet the specifications for soft textured finish mouldings.

The Administrator may by letter order deny a seller the right to use the maximum prices established by this paragraph (c) if his report does not show conclusively that he is entitled to charge these prices and that he is not using this paragraph to evade the other provisions of this section.

(2) *Maximum prices.* The maximum prices f. o. b. mill for a direct-mill shipment of Standard or Special soft textured finish Southern Pine mouldings in lengths of 6' to 16' or 6' to 20', not over 5 percent of 6' and/or 7' lengths are the list prices in Table II of section 6 less the following discounts.

Pattern with list prices	Sales totaling \$3,000 (list prices) or more (discount)	Sales totaling less than \$3,000 (list prices) (discount)
	Percent	Percent
\$2.00 and under.....	35	31
\$2.01 through \$3.00.....	30	26
\$3.01 and over.....	25	21

(d) *Deductions and additions to maximum prices.* Additions permitted under this paragraph may be made only when the item or service is specifically ordered by the buyer and shipped by the seller.

(1) *Rabbeting or grooving.* For rabbeting or grooving items such as rails,

sash, astragals, back bands and window stools, 25¢ may be added to the list price for each rabbet or groove.

(2) *Length.* For specified lengths, the discounts may be shortened 5 points. For cutting to lengths shorter than standard lengths (count to be on 6" basis) the discounts may be shortened 2 points.

(3) *Packing and wrapping.* For wrapping and end labelling, the discounts may be shortened 5 points.

(4) *Sanding.* For sanding flat surfaces one side, the discounts may be shortened 4 points.

(5) *Sub-standard mouldings.* For sub-standard mouldings, the discounts must be lengthened 10 points except that for mouldings which are sub-standard only on account of stain, the seller must lengthen discounts by 5 points.

(6) *Small quantities of Standard mouldings.* For lots of less than 5,000 lineal feet of a standard pattern, a machine set-up charge of \$5.00 may be added.

(7) *Small quantities of Special mouldings.* For lots of less than 5,000 lineal feet of a special pattern, the discounts may be shortened 5 points and a machine set-up charge of \$5.00 may be added.

For lots of 5,000 lineal feet or more of a special pattern, a machine set-up charge of \$5.00 may be added.

(8) *Large quantities of mouldings.* For lots of 25,000 lineal feet or more, discounts must be lengthened 2 points.

(e) *Delivered prices.* When a direct mill sale is made on a delivered basis, the seller, regardless of his location and the location of the place of delivery, may shorten the discounts, one point for each eight cents of freight rate or major portion thereof from the place at which shipment originates.

Sec. 20. *Maximum prices for direct mill sales of Douglas Fir mouldings—(a) Examples of Revised Maximum Price Regulation 26 lumber items which are not covered or priced by this regulation.*

- | | |
|--------------|---------------|
| Aprons | Lath |
| Base | Partition |
| Casing | Pickets |
| Ceiling | Pontons |
| Cribbing | Pulley stiles |
| Decking | Railway and |
| Flooring | car material |
| Gutter | Shiplap |
| Jamb stock | Sill stock |
| Ladder stock | Stepping |

(b) *Maximum prices for Standard mouldings—(1) Straight cars.* A straight car shipment of Douglas Fir mouldings is a shipment of mouldings whose aggregates list prices total at least \$3,000.00.

The maximum prices f. o. b. mill, for a direct mill shipment in straight car quantities for Standard Douglas Fir mouldings in lengths 6' to 16' or 6' to 20', bundled, not over 15 percent under 10', are the list prices in Table II of section 6, less the following discounts:

For patterns with list prices under \$2—discount 46%
 For patterns with list prices \$2 and over—discount 41%

(2) *Other shipments.* The maximum prices f. o. b. mill for a direct mill shipment, other than straight car, for standard Douglas Fir mouldings in lengths

6' to 16' or 6' to 20', bundled, not over 15 percent under 10', are the list prices in Table II of section 6, less the following discounts:

For patterns with list prices under \$2—discount 42%
 For patterns with list prices \$2 and over—discount 37%

(c) *Deductions and additions to maximum prices.* Additions permitted under this paragraph may be made only when the item or service is specifically ordered by the buyer and shipped by the seller.

(1) *Rabbeting or grooving.* For rabbeting or grooving items such as rails, sash, astragals, back bands and window stools, 25¢ may be added to the list price for each rabbet or groove.

(2) *Length.* For all 8' to 20' lengths, the basic discounts may be shortened 2 points.

For all 10' and 20' lengths, the basic discounts may be shortened 3 points.

For all 16' to 20' lengths, the basic discounts may be shortened 5 points.

For sales of short mouldings in excess of the 15 percent allowed in random length shipments, or for sales of short lengths only, including 4' to 5' trim back, the basic discounts must be lengthened 10 points. (This differential does not apply when mouldings are ordered cut to length.)

(3) *Packing and wrapping.* For carton packing or paper wrapping, the basic discounts may be shortened 5 points.

(4) *Sub-standard mouldings.* For sub-standard mouldings the basic discounts must be lengthened 10 points, except that for mouldings which are sub-standard only on account of stain, the basic discounts must be lengthened 5 points.

(5) *Set-up charge.* A set-up charge of:

\$3.50 may be made for lots from 1,000 lineal feet to 2,000'.
 \$5.00 may be made for lots from 500 lineal feet to 999'.
 \$7.50 may be made for lots less than 500 lineal feet.

(d) *Maximum prices for Special mouldings.* The maximum prices for special Douglas Fir mouldings shall be the same as for standard Douglas Fir mouldings except that the basic discounts may be shortened one point.

(e) *Delivered prices.* When a direct mill sale is made on a delivered basis, the seller, regardless of his location and the location of the place of delivery, may shorten the basic discounts 1 point for each eight cents of freight rate or major portion thereof from the place at which shipment originates.

Sec. 21. *Maximum prices for direct mill sales of Cypress (Yellow or Tide Water Red mouldings—(a) Examples of Revised Maximum Price Regulation 412 and Yellow Cypress lumber items which are not covered or priced by this regulation.*

- | | |
|--------------|---------------|
| Base | O. G. Pattern |
| Casing | Partition |
| Car material | Pickets |
| Ceiling | Shiplap |
| Decking | Siding |
| Flooring | Stepping |
| Frame stock | Sill stock |
| Jamb | |

(b) *Maximum prices for Standard or Special mouldings.* The maximum prices f. o. b. mill for a direct mill shipment of Standard or Special Cypress mouldings in lengths 6' to 16' or 6' to 20' bundled, not over 15 percent under 10' are the list prices in Table II of section 6, less the following discounts:

For patterns with list prices under \$3—discount 30%.

For patterns with list prices \$3 and over—discount 25%.

(c) *Deductions and additions to maximum prices.* Additions permitted under this paragraph may be made only when the item or service is specifically ordered by the buyer and shipped by the seller.

(1) *Rabbeting or grooving.* For rabbeting or grooving items such as rails, sash, astragals, back bands and window stools, 25¢ may be added to the list price for each rabbet or groove.

(2) *Length.* For specified lengths the discounts may be shortened 3 points.

For exclusion of any standard length or lengths, the discounts may be shortened 3 points.

For cutting to specified lengths shorter than standard lengths, the basic discounts may be shortened 2 points.

For sales of short mouldings in excess of the 15 percent allowed in random length shipments, or for sales of short lengths only, including 4' to 5' trim back, the basic discounts must be lengthened 10 points. (This differential does not apply when mouldings are ordered cut to length.)

(3) *Sub-standard mouldings.* For sub-standard mouldings, the basic discounts must be lengthened 10 points, except that for mouldings which are sub-standard only on account of stain, the basic discounts must be lengthened 5 points.

(4) *Small quantities of Standard mouldings.* For lots of less than 1,000 lineal feet of Standard mouldings, the basic discounts may be shortened 5 points and a machine set-up charge of \$5.00 may be added.

(5) *Small quantities of special mouldings.* For lots of less than 3,000 lineal feet of Special mouldings, the basic discounts may be shortened 5 points and a machine set-up charge of \$5.00 may be added.

(6) *Large quantities of mouldings.* For lots of 25,000 lineal feet or more, the basic discounts must be lengthened 2 points.

(7) *Extra grade.* For clear all heart mouldings, the basic discounts may be shortened 20 points.

(8) *Sanding.* For sanding flat surfaces, one side, the basic discounts may be shortened 3 points.

(d) *Delivered prices.* When a direct mill sale is made on a delivered basis, the seller, regardless of his location and the location of the place of delivery, may shorten the discounts 1 point for each eight cents of freight rate or major portion thereof from the place at which shipment originates.

SEC. 22. *Maximum prices for direct mill sales of Western Red Cedar mouldings—(a) Examples of Maximum Price*

Regulation 402 lumber items which are not covered or priced by this regulation.

Base	Gutter
Battens	Jamb
Capping	Lath
Casing	Partition
Ceiling	Pickets
Decking	Sheathing
Flooring	Siding
Frame stock	

(b) *Maximum prices for Standard or Special mouldings.* The maximum prices f. o. b. mill for a direct mill shipment of Standard or Special Western Red Cedar mouldings in lengths of 6' to 16' or 6' to 20' bundled, not over 15 percent under 10', are the list prices in Table II of section 6, less the following discounts:

For patterns with list price under \$4—discount 45%.

For patterns with list price \$4 and over—discount 40%.

(c) *Discounts and additions to maximum prices.* Additions permitted under this paragraph may be made only when the item, service or working is specifically ordered by the buyer and shipped by the seller.

(1) *Rabbeting and grooving.* For rabbeting or grooving items such as sash, astragals, back bands and window stools, the seller may add 25¢ to the list price for each rabbet or groove.

(2) *Lengths.* For specified lengths the basic discounts may be shortened 5 points.

For short lengths in excess of the 15 percent allowed in random length shipments the basic discounts must be lengthened 10 points.

(3) *Sub-standard mouldings.* For sub-standard mouldings the discounts must be lengthened 10 points, except that for mouldings which are sub-standard only on account of stain, the seller must lengthen the basic discount 5 points.

(4) *Small quantities of Standard mouldings.* For 1,000 lineal feet or less of standard moulding, the basic discounts may be shortened 2 points.

(5) *Small quantities of Special mouldings.* For less than 3,000 lineal feet of special mouldings a machine set-up charge of \$3.00 may be added.

(d) *Maximum prices for lattice.* (1) The maximum prices f. o. b. mill for Red Cedar lattice, dry, regular loading, S4S, bundled, per 100 lineal feet, shall be:

5/16" x 1 1/8"-----	00.41
5/16" x 1 3/8"-----	.46
5/16" x 1 5/8"-----	.54

(2) *Lengths.* For sales of short lattice in excess of the 15 percent allowed in random lengths shipments deduct 5¢ for each 100 lineal feet.

For specified lengths, 5¢ may be added for each 100 lineal feet.

(3) *Thin lattice.* For lattice 9/32" thick, 9¢ must be deducted for each 100 lineal feet.

(e) *Delivered prices.* When a direct mill sale of mouldings is made on a delivered basis, the seller, regardless of his location and the location of the place of delivery, may shorten the basic discounts one point for each 8¢ freight rate, com-

puted to the nearest 1/2 point, from the place at which shipment originates.

SEC. 23. *Maximum prices for direct mill sales of Northern White Pine mouldings—(a) Examples of Maximum Price Regulation 222 lumber items which are not covered or priced by this regulation.*

Base	Lath
Casing	O. G. Patterns
Car material	Partition
Ceiling	Pickets
Flooring	Shiplap
Frame stock	Siding
Jamb	

(b) *Maximum prices for Standard or Special moulding.* The maximum prices f. o. b. mill for a direct mill shipment of Standard or Special Northern White Pine moulding in lengths 6' to 16' or 6' to 20' bundled not over 15 percent under 10', are the list prices in Table II of Section 6, less the following discounts:

For patterns with list prices under \$2—discount 39%.

For patterns with list prices of \$2 and over—discount 25%.

(c) *Delivered prices.* When a direct mill sale is made on a delivered basis, the seller, regardless of his location and the location of the place of delivery, may shorten the basic discounts one point for each 10¢ of freight rate or major portion thereof, from the place at which shipment originates.

SEC. 24. *Maximum prices for direct mill sales of Redwood mouldings—(a) Examples of Maximum Price Regulation 253 lumber items which are not covered by this regulation.*

Base	Jamb
Battens	Lath
Casing	Partitions
Ceiling	Pickets
Decking	Shiplap
Flooring	Siding
Frame stock	Sill stock
Greenhouse stock	Sill staves
Gutter	Stakes

(b) *Maximum prices for Standard or Special moulding.* The maximum prices f. o. b. mill for a direct mill shipment of Standard or Special Redwood mouldings in lengths of 6' to 16' or 6' to 20' bundled, not over 5 percent of 6' and/or 7' lengths, are the list prices in Table II of Section 6 less the following discounts:

For patterns with list price of \$3 and less—discount 44 1/2%.

For patterns with list price over \$3—discount 39 1/2%.

For screen moulding with an 2 3/4 list—discount 51 1/2%.

For lattice and wallboard strips—discount 51 1/2%.

(c) *Deductions and additions to maximum prices.* Additions permitted under this paragraph may be made only when the item or service is specifically ordered by the buyer and shipped by the seller.

(1) *Lengths.* For specified lengths the seller may shorten the basic discounts 5 points.

For omitting 6' to 8' lengths the seller may shorten the basic discounts 3 points.

For random lengths 6' to 8' the seller must lengthen the basic discounts 10 points.

(2) *Special grades.* For clear all heart mouldings, the seller may shorten the basic discount 5 points.

(3) *Small quantities of Special mouldings.* For shipments in lots of less than 3,000 feet a machine set-up charge of \$3.00 may be made.

(4) *Quantity differentials for Standard mouldings.* In lots from 1,000 feet to 9,999 lineal feet the seller must lengthen the basic discounts 2 points. In lots of 10,000 lineal feet and over the seller must lengthen the basic discounts 4 points.

(d) *Delivered prices.* To compute delivered prices, shorten discount 1 point for each 8 cents of freight rate and compute the discount to the nearest ½ point.

ARTICLE III—MAXIMUM PRICES FOR JOBBER SALES

SEC. 25. *General provisions for jobber sales—(a) Areas.* The areas to be used for the purpose of this Article III are delineated below:

(1) *New England.* The New England area includes the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.

(2) *Metropolitan New York.* The Metropolitan New York area includes the counties of Monmouth, Middlesex, Somerset, Morris, Union, Essex, Passaic, Sussex, Hunterdon, Warren, Bergen and Hudson in the State of New Jersey and the counties of Rockland, Westchester, Suffolk, Nassau, Queens, Kings, Orange, Richmond, Bronx and New York in the State of New York.

(3) *Eastern.* The Eastern area includes that part of the State of New York north of the counties of Orange, Rockland and Westchester; that part of New Jersey south of the counties of Hunterdon, Somerset, Middlesex and Monmouth; all of the States of Pennsylvania, Delaware, Maryland, Virginia and West Virginia, and the District of Columbia.

(4) *North Central.* The North Central area includes the States of Ohio, Indiana and Kentucky and Lower Michigan.

(5) *Mid-Northern.* The Mid-Northern area includes the States of Iowa, Illinois, and Wisconsin; the Upper Peninsula of Michigan, and that part of Missouri east of a line starting in Schuyler County just east of Lancaster, and drawn straight south to the western end of the extreme southern line of Miller County and continuing on county lines between Miller and Pulaski, Maries and Pulaski, Phelps and Pulaski, Phelps and Texas, Dent and Texas, Dent and Shannon, Reynolds and Carter, Carter and Wayne, Carter and Butler; Carter and Ripley, and Ripley and Oregon.

(6) *Minnesota and Western.* The Minnesota and Western area includes the States of Minnesota, South Dakota, North Dakota and that part of Montana east of the counties of Toole, Chouteau, Cascade, Meagher and Galatin.

(7) *Southeastern.* The Southeastern area includes the States of Tennessee, Alabama, North Carolina, South Carolina, Georgia and Florida.

(8) *South Central.* The South Central area includes the States of Arkansas, Mississippi and Louisiana.

(9) *Texas.* The Texas area includes all of the State of Texas except the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio and Brewster.

(10) *West Central.* The West Central area includes the States of Kansas and Oklahoma and that part of Missouri west of a line starting in Schuyler County just east of Lancaster, and drawn straight south to the western end of the extreme southern line of Miller County and continuing on county lines between Miller and Pulaski, Maries and Pulaski, Phelps and Pulaski, Phelps and Texas, Dent and Texas, Dent and Shannon, Reynolds and Shannon, Reynolds and Carter, Carter and Wayne, Carter and Butler, Carter and Ripley, and Ripley and Oregon.

(11) *Nebraska.* The Nebraska area consists of the entire State of Nebraska.

(12) *Denver.* The Denver area includes all of the State of Colorado; and the State of Wyoming, except the counties of Teton, Sublette, Lincoln, and Uinta and that portion of Sweetwater County east of a line starting at the point where the boundary line between Sublette and Fremont counties reaches the northern boundary of Sweetwater county and continuing South to and east of the town of Rock Springs, and thence south to the Northern border of Colorado.

(13) *Salt Lake City.* The Salt Lake City area consists of the State of Nevada; the State of Utah; that part of Idaho consisting of the counties of Twin Falls, Gooding, Jerome, Lincoln, Blaine, Butte, Clark, Fremont, Teton, Madison, Jefferson, Bonneville, Bingham, Power, Minidoka, Bannock, Caribou, Oneida, Franklin, Bear Lake, and Cassia, and the part of Wyoming consisting of Teton, Lincoln, Sublette, and Uinta Counties and the part of Sweetwater County west of a line starting at the point where the boundary line between Sublette and Fremont Counties reaches the northern boundary of Sweetwater County, and continuing south to and east of the town of Rock Springs, and thence south to the northern border of Colorado.

(14) *Boise.* The Boise area consists of portions of the States of Idaho and Oregon. The parts of these states included in the Boise area are as follows: Idaho: The counties of Adams, Washington, Payette, Gem, Canyon, Owyhee, Ada, Elmore, Camas, Custer, Boise, and Valley.

Oregon: The county of Malheur.

(15) *Spokane.* The Spokane area consists of portions of the States of Washington, Montana, and Idaho. The parts of these states included in the Spokane area are as follows:

Washington: The counties of Asotin, Whitman, Adams, Grant, Spokane, Lincoln, Pend Oreille, Stevens, Ferry; and the town of Mason City only in Okanogan County.

Montana: The portion of Montana west of the counties of Liberty, Hill, Blaine, Fergus, Judith Basin, Wheatland, and Park.

Idaho: The portion of Idaho lying north of the southern boundaries of Idaho and Lemhi counties.

(16) *Puget Sound.* The Puget Sound area consists of a portion of the State

of Washington. The portion of the State of Washington included in the Puget Sound area is as follows: Pacific County except Long Beach Peninsula and that portion south of a line drawn due west from the northwest corner of Wakiakum County of Long Beach Peninsula; and the counties of Lewis, Yakima, Benton, Kittitas, Douglas, Okanogan (except Mason City), Whatcom, Skagit, Snohomish, Chelan, King, Pierce, Thurston, Grays Harbor, Mason, Jefferson, Kitsap, Chatham, Island, and San Juan.

(17) *Portland.* The Portland area consists of (1) the entire State of Oregon with the exception of the county of Malheur, and (2) a portion of the State of Washington as follows: Long Beach Peninsula in Pacific County and the portion of Pacific County lying south of a line drawn due west from the northwest corner of Wakiakum County to the Long Beach Peninsula, and the Counties of Wakiakum, Cowlitz, Clark, Skamania, Klickitat, Franklin, Walla Walla, Columbia, and Garfield.

(18) *Southern California.* The Southern California area consists of that part of the State of California south of the southern boundaries of the counties of Inyo, Tulare, Kings and Monterey.

(19) *Northern California.* The Northern California area consists of that part of the State of California north of the southern boundaries of the counties of Inyo, Tulare, Kings and Monterey.

(20) *Arizona-New Mexico.* The Arizona-New Mexico area includes all of the State of Arizona, all of the State of New Mexico; and the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, and Brewster in the State of Texas.

(b) *Deductions and additions to maximum prices for jobber sales in all areas.* (1) For specified lengths, the seller may add 10 percent.

(2) For cutting to exact length, the seller may add 10 percent.

(3) For orders of less than 200 lineal feet of a size and kind, the seller may add 10 percent.

(4) For orders of 200 to 500 lineal feet of a size and kind, the seller may add 5 percent.

(5) For sanding flat surfaces, the seller may add 10 percent.

(6) For trim sets cut to length and bundled, separated in sets, the seller may add 20 percent.

(7) For a "straight car" sale out of a jobber's warehouse deduct 15 percent. (A straight car is defined in Article II for each species of lumber. Where it is not defined, a straight car shall mean a shipment of mouldings whose aggregate list prices total at least \$3,000.00.)

SEC. 26. *Maximum prices in the New England Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the New England area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 22%

For patterns with list prices 95 cents and over—discount 15%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Columns	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1, 2	Less 22	Less 12.
3/4"	2	Less 19	Less 9.
5/8"	3	Less 13 1/2	Less 3 1/2.
1/2"	3	Less 13 1/2	Less 3 1/2.
3/8"	3	Less 7 1/2	Plus 2.
1/4"	3	Less 5	Plus 5.
Casing and base 3/4" and wider.	4	Less 5	Plus 6 1/2.
2 3/4"	3	Less 1/2	Plus 9 1/2.
1 3/4"	3	Plus 2	Plus 12.
1 1/2"	3	Plus 9 1/2	Plus 19 1/2
1" and over.	5, 6, 7, 8 or 9.		Less 1/2.

(3) For Douglas fir mouldings, the list prices in Table II of section 6, less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 9%
- For patterns with list prices \$2 and over—discount 2%
- For aprons, casing and base, f. o. b. mill maximum price plus freight in RMFR 26—add 42%

(4) For Yellow Pine mouldings, the list prices in Table II of section 6, less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 7%
- For patterns with list prices \$2 and over—net list
- For aprons, casing and base, f. o. b. mill maximum price plus freight in 2nd RMFR 19—add 42%

(5) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6 plus the following mark-ups:

- For patterns with list prices under \$2—net list
- For patterns with list prices \$2 through \$3—add 7%
- For patterns with list prices \$3.01 and over—add 14 1/2%

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order, and for shipments to any area of 200 pounds or more consisting of mouldings with or without millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

SEC. 27. *Maximum prices in the Metropolitan New York Area.* (a) The maximum prices for a jobber sale of softwood mouldings delivered in the Metropolitan New York area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6, less the following discounts:

- For patterns with list prices under 95 cents—discount 18 1/2%
- For patterns with list prices 95 cents and over—discount 11%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6, less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1, 2	Less 18 1/2	Less 8.
3/4"	2	Less 15 1/2	Less 5 1/2.
5/8"	3	Less 9 1/2	Less 1 1/2.
1/2"	3	Less 9 1/2	Less 1 1/2.
3/8"	3	Less 4	Plus 6 1/2.
1/4"	3	Less 1	Plus 9 1/2.
Casing and base 3/4" and wider.	4		Plus 11.
2 3/4"	3	Plus 3 1/2	Plus 14.
1 3/4"	3	Plus 6 1/2	Plus 17.
1 1/2"	3	Plus 14	Plus 21 1/2.
1" and over.	5, 6, 7, 8 or 9.		Plus 3 1/2.

(3) For Douglas Fir mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 5 1/2%
- For patterns with list prices \$2 and over—add 2%
- For aprons, casing and base, f. o. b. mill maximum price plus freight in RMFR 26—add 48%

(4) For Yellow Pine mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 4 1/2%
- For patterns with list prices \$2 and over—add 3%
- For aprons, casing and base, f. o. b. mill maximum price plus freight in 2d RMFR 19—add 48%

(5) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 5 plus the following mark-ups:

- For patterns with list prices under \$2—add 3%
- For patterns with list prices \$2 through \$3—add 10 1/2%
- For patterns with list prices \$3.01 and over—add 17 1/2%

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 200 pounds or more consisting of mouldings with or without other millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

SEC. 28. *Maximum prices in the Eastern Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Eastern area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6, less the following discounts:

- For patterns with list prices under 95 cents—discount 17 1/2%
- For patterns with list prices 95 cents and over—discount 10%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1, 2	Less 17 1/2	Less 7.
3/4"	2	Less 14 1/2	Less 4.
5/8"	3	Less 8 1/2	Plus 2.
1/2"	3	Less 8 1/2	Plus 2.
3/8"	3	Less 2 1/2	Plus 8.
1/4"	3	Plus 1/2	Plus 11.
Casing and base 3/4" and wider.	4		Plus 12 1/2.
2 3/4"	3	Plus 5	Plus 15 1/2.
1 3/4"	3	Plus 8	Plus 18 1/2.
1 1/2"	3	Plus 15 1/2	Plus 25.
1" and over.	5, 6, 7, 8 or 9.		Plus 5.

(3) For Douglas Fir mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 4%
- For patterns with list prices \$2 and over—add 3 1/2%
- For aprons, casing and base, f. o. b. mill maximum price plus freight in RMFR 26—add 50%

(4) For Yellow Pine mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 4%
- For patterns with list prices \$2 and over—add 3 1/2%
- For aprons, casing and base, f. o. b. mill maximum price plus freight in 2nd RMFR 19—add 50%

(5) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6, plus the following mark-ups:

- For patterns with list prices under \$2—add 3 1/2%
- For patterns with list prices \$2 through \$3—add 11%
- For patterns with list prices \$3.01 and over—add 18 1/2%

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 200 pounds or more consisting of mouldings with or without other millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

SEC. 29. *Maximum prices in the North Central Area.* (a) *Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the North Central area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6, less the following discounts:

- For patterns with list prices under 95 cents—discount 17 1/2%
- For patterns with list prices 95 cents and over—discount 10%

(2) For Western Pine Moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1, 2	Less 17 1/2%	Less 7%
1/2"	2	Less 14 1/2%	Less 4%
5/16"	3	Less 8 1/2%	Plus 2%
3/8"	3	Less 8 1/2%	Plus 2%
1/2"	3	Less 2 1/2%	Plus 8%
3/4"	3	Plus 1 1/2%	Plus 11%
Casing and base 3/4" and wider.	4		Plus 12 1/2%
2 1/2"	3	Plus 5%	Plus 15 1/2%
1 3/4"	3	Plus 8 1/2%	Plus 18 1/2%
7/8"	3	Plus 15 1/2%	Plus 26%
1" and over	5, 6, 7, 8 or 9.		Plus 5%

(3) For Yellow Pine mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 2 1/2 %
 For patterns with list prices \$2 and over—add 5 %
 For aprons, casing and base, f. o. b. mill maximum prices plus freight in 2nd RMFR 19—add 50 %

(4) For Soft Texture Southern Pine mouldings, the list prices in Column 3 of Table II of section 6 plus the following mark-ups:

For patterns with list prices under \$2—add 5 %
 For patterns with list prices \$2 through \$3—add 12 1/2 %
 For patterns with list prices \$3.01 and over—add 20 %

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 150 pounds or more consisting of mouldings with or without other millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

SEC. 30. *Maximum prices in the Mid-Northern Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Mid-Northern Area are as follows:

(1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 19 %
 For patterns with list prices 95 cents and over—discount 11 1/2 %

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1 and 2	Less 19	Less 8 1/2%
1/2"	2	Less 16	Less 6 1/2%
5/16"	3	Less 10	Plus 1 1/2%
3/8"	3	Less 10	Plus 1 1/2%
1/2"	3	Less 4	Plus 6 1/2%
3/4"	3	Less 1	Plus 0 1/2%
Casing and base 3/4" and wider.	4		Plus 11
2 1/2"	3	Plus 3 1/2%	Plus 14
1 3/4"	3	Plus 6 1/2%	Plus 17
7/8"	3	Plus 14	Plus 24 1/2%
1" and over	5, 6, 7, 8 or 9.		Plus 3 1/2%

(3) For Yellow Pine mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 2 1/2 %
 For patterns with list prices \$2 and over—add 5 %
 For aprons, casing and base, f. o. b. mill maximum prices plus freight in 2nd RMFR 19—add 50 %

(4) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6 plus the following mark-ups:

For patterns with list prices under \$2—add 5 %
 For patterns with list prices \$2 through \$3—add 12 1/2 %
 For patterns with list prices \$3.01 and over—add 20 %

(b) *Delivery.* (1) For delivery by company-owned trucks in the jobber's customary delivery zone, for any size order, the maximum prices shall be those computed according to paragraph (a) of this section.

(2) For deliveries made outside the jobber's customary free delivery zone, where a shipment of mouldings with or without other millwork weighing 150 pounds or more is made by common carrier the exact amount of the freight charges paid by consignee shall be deducted from the maximum prices. If shipped by any other means, only the common carrier rate per 100 pounds must be deducted.

SEC. 31. *Maximum prices in the Minnesota and Western Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Minnesota and Western Area are as follows:

(1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 18 1/2 %
 For patterns with list prices 95 cents and over—discount 10 1/2 %

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1, 2	Less 18 1/2%	Less 7 1/2%
1/2"	2	Less 16 1/2%	Less 4 1/2%
5/16"	3	Less 9	Plus 1 1/2%
3/8"	3	Less 9	Plus 1 1/2%
1/2"	3	Less 3	Plus 8
3/4"	3	Net list	Plus 11
Casing and base 3/4" and wider.	4		Plus 12 1/2%
2 1/2"	3	Plus 4 1/2%	Plus 16 1/2%
1 3/4"	3	Plus 8	Plus 18 1/2%
7/8"	3	Plus 16 1/2%	Plus 20 1/2%
1" and over	5, 6, 7, 8 or 9.		Plus 4 1/2%

(3) For Douglas Fir mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 4 1/2 %
 For patterns with list prices \$2 and over—add 3 %
 For aprons, casing and base, f. o. b. mill maximum prices plus freight in RMFR 20—add 54 %

(4) For Yellow Pine mouldings, the list prices in Table II of section 6 plus the following mark-ups:

For patterns with list prices under \$2—add 4 1/2 %
 For patterns with list prices \$2 and over—add 12 1/2 %
 For aprons, casing and base, f. o. b. mill maximum prices plus freight in 2nd RMFR 10—add 54 %

(5) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6 plus the following mark-ups:

For patterns with list prices under \$2—add 12 1/2 %
 For patterns with list prices \$2 through \$3—add 20 %
 For patterns with list prices \$3.01 and over—add 28 %

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order.

For delivery outside the jobber's customary free delivery zone, delivery charges may be added with freight equalized with the nearest of the following competitive points to the customer: Duluth, Minnesota; St. Cloud, Minnesota; Minneapolis, Minnesota; St. Paul, Minnesota; LaCrosse, Wisconsin; Sioux Falls, South Dakota; Watertown, South Dakota; Aberdeen, South Dakota; Fargo, North Dakota; Minot, North Dakota.

SEC. 32. *Maximum prices in the Southeastern Area—(a) Maximum Prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Southeastern Area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 20 %
 For patterns with list prices 95 cents and over—discount 13 %

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
3/16" and thinner	1 or 2	Less 20	Less 10
1/2"	2	Less 17	Less 7
5/16"	3	Less 11 1/2	Less 1 1/2
3/8"	3	Less 11 1/2	Less 1 1/2
13/16"	3	Less 5 1/2	Plus 4 1/2
3/4"	3	Less 3	Plus 7
Casing and base 3/4" and wider	4		Plus 8 1/2
2 1/2"	3	Plus 1 1/2	Plus 11 1/2
1 3/4"	3	Plus 4 1/2	Plus 14 1/2
7/8"	3	Plus 11 1/2	Plus 21 1/2
1" and over	5, 6, 7, 8 or 9		Plus 1 1/2

(3) For Douglas Fir mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 7%

For patterns with list prices \$2 and over—net list

For aprons, casing and base, f. o. b. mill maximum prices plus freight in RMFR 26—add 43%

(4) For Yellow Pine mouldings, the list prices in Table II of section 6 plus the following mark-ups:

For patterns with list prices under \$2—discount 11 1/2%

For patterns with list prices \$2 and over—discount 4%

For aprons, casing and base, f. o. b. mill maximum prices plus freight in 2nd RMFR 19—add 43%

(5) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6 less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 4%

For patterns with list prices \$2 through \$3—add 3%

For patterns with list prices \$3.01 and over—add 10%

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 200 pounds or more consisting of mouldings with or without other millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

Sec. 33. *Maximum prices in the South Central Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the South Central Area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6, less the following discounts:

For patterns with list prices under 95 cents—discount 23 1/2%

For patterns with list prices 95 cents and over—discount 10%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for pattern with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
3/16" and thinner	1, 2	Less 23 1/2	Less 10%
1/2"	2	Less 20 1/2	Less 10 1/2
5/16"	3	Less 16	Less 6
3/8"	3	Less 15	Less 5
13/16"	3	Less 9	Plus 1
3/4"	3	Less 6 1/2	Plus 3 1/2
Casing and base 3/4" and wider	4		Plus 2
2 1/2"	3	Less 2	Plus 8
1 3/4"	3	Plus 1	Plus 11
7/8"	3	Plus 8	Plus 15
1" and over	5, 6, 7, 8 or 9		Less 2

(3) For Yellow Pine mouldings, the list prices in Table II of section 6, less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 11%

For patterns with list prices \$2 and over—discount 4%

For aprons, casing and base, f. o. b. mill maximum prices plus freight in 2nd RMFR 19—add 42%

(4) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6 less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 4%

For patterns with list prices \$2 through \$3—add 3%

For patterns with list prices \$3.01 and over—add 10%

(5) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 150 pounds or more consisting of mouldings with or without other millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

Sec. 34. *Maximum prices in the Texas Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Texas Area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6, less the following discounts:

For patterns with list prices under 95 cents—23 1/2%

For patterns with list prices 95 cents and over—23%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
3/16" and thinner	1 or 2	Less 23 1/2	Less 20
1/2"	2	Less 20	Less 17 1/2
5/16"	3	Less 21 1/2	Less 12
3/8"	3	Less 21 1/2	Less 12
13/16"	3	Less 15	Less 7
3/4"	3	Less 13 1/2	Less 4
Casing and base 3/4" and wider	4		Less 3
2 1/2"	3	Less 9 1/2	Net list
1 3/4"	3	Less 7	Plus 2 1/2
7/8"	3	Net list	Plus 9
1" and over	5, 6, 7, 8 or 9		Less 9 1/2

(3) For Yellow Pine mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 10%

For patterns with list prices \$2 and over—discount 9 1/2%

For aprons, casing and base, f. o. b. mill maximum prices plus freight in 2nd RMFR 19—add 33%

(4) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6 less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 9 1/2%

For patterns with list prices \$2 through \$3—discount 3%

For patterns with list prices \$3.01 and over—add 3 1/2%

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 100 pounds or more consisting of mouldings with or without other millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

Sec. 35. *Maximum prices in the West Central Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the West Central Area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6, less the following discounts:

For patterns with list prices under 95 cents—23%

For patterns with list prices 95 cents and over—19%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of Section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1 or 2.....	Less 26.....	Less 16.
3/8".....	2.....	Less 23.....	Less 13.
9/16".....	3.....	Less 17 1/2.....	Less 7 1/2.
5/8".....	3.....	Less 17 1/2.....	Less 7 1/2.
1 1/16".....	3.....	Less 12.....	Less 2.
3/4".....	3.....	Less 9.....	Plus 1.
Casing and base 3 1/2" and wider.	4.....	.....	Plus 2.
2 5/8".....	3.....	Less 5.....	Plus 5.
1 3/16".....	3.....	Less 2.....	Plus 8.
7/8".....	3.....	Plus 5.....	Plus 15.
1" and over.....	5, 6, 7, 8 or 9.....	.....	Less 5.

(3) For Douglas Fir mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 13%
 For patterns with list prices \$2 and over—discount 6%
 For aprons, casing and base, f. o. b. mill maximum prices plus freight in RMPR 26—add 40%

(4) For Yellow Pine mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 10 1/2%
 For patterns with list prices \$2 and over—discount 3 1/2%
 For aprons, casing and base, f. o. b. mill maximum prices plus freight in 2nd RMPR 19—add 40%

(5) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 3 1/2%
 For patterns with list prices \$2 through \$3—add 3 1/2%
 For patterns with list prices \$3.01 and over—add 10 1/2%.

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 200 pounds or more consisting of mouldings with or without other millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added. If dealers pick up at the jobber's warehouse mouldings and/or other millwork not bundled or crated, weighing 150 pounds or more, an extra 5 percent discount shall be allowed.

Sec. 36. *Maximum prices in the Nebraska Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Nebraska Area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6, less the following discounts:

For patterns with list prices under 95 cents—discount 27%
 For patterns with list prices 95 cents and over—discount 20%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1, 2.....	Less 27.....	Less 17.
3/8".....	2.....	Less 24.....	Less 14 1/2.
9/16".....	3.....	Less 18 1/2.....	Less 9.
5/8".....	3.....	Less 18 1/2.....	Less 9.
1 1/16".....	3.....	Less 13.....	Less 3 1/2.
3/4".....	3.....	Less 10 1/2.....	Less 1 1/2.
Casing and base 3 1/2" and wider.	4.....	.....	Plus 1/2.
2 5/8".....	3.....	Less 6.....	Plus 3 1/2.
1 3/16".....	3.....	Less 3.....	Plus 6 1/2.
7/8".....	3.....	Plus 3 1/2.....	Plus 13.
1" and over.....	5, 6, 7, 8 or 9.....	.....	Less 6.

(3) For Yellow Pine mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 10 1/2%
 For patterns with list prices \$2 and over—discount 3 1/2%
 For aprons, casing and base, f. o. b. mill maximum prices plus freight in 2nd RMPR 19—add 38%

(4) For Soft Texture Southern Pine mouldings, the list prices in Column 3 in Table II of section 6, less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 3 1/2%
 For patterns with list prices \$2 through \$3—add 3 1/2%
 For patterns with list prices \$3.01 and over—add 10 1/2%

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order.

For delivery outside the jobber's customary free delivery zone, delivery charges may be added with freight equalized with the nearest of the following competitive points to the customer: Omaha, Nebraska; Lincoln, Nebraska; Hastings, Nebraska; Sioux City, Iowa; St. Joseph, Missouri; Denver, Colorado; Cheyenne, Wyoming.

Sec. 37. *Maximum prices in the Denver Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Denver Area are as follows:

(1) For small sizes of Western Pine mouldings, the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discounts 27%
 For patterns with list prices 95 cents and over—discounts 20%

(2) For Western Pine moulding patterns not listed in Table I, the list prices

in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1 and 2.....	Less 27.....	Less 17.
3/8".....	2.....	Less 24.....	Less 14.
9/16".....	3.....	Less 18 1/2.....	Less 8 1/2.
5/8".....	3.....	Less 18 1/2.....	Less 8 1/2.
1 1/16".....	3.....	Less 12 1/2.....	Less 2 1/2.
3/4".....	3.....	Less 10.....	Net list.
Casing and base 3 1/2" and wider.	4.....	.....	Plus 1 1/2.
2 5/8".....	3.....	Less 5 1/2.....	Plus 4 1/2.
1 3/16".....	3.....	Less 2 1/2.....	Plus 7.
7/8".....	3.....	Plus 4 1/2.....	Plus 14 1/2.
1" and over.....	5, 6, 7, 8 or 9.....	.....	Less 5 1/2.

(3) For Douglas Fir mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

For patterns with list prices under \$2—discount 14%
 For patterns with list prices \$2 and over—discount 7%
 For aprons, casing and base, f. o. b. mill maximum prices plus freight in RMPR 26—add 42%

(b) *Delivery.* Each seller may add to the maximum prices established by this section his March, 1942, charges for delivery to the same class of purchaser, except that where delivery is made by common carrier outside the seller's customary free delivery zone, actual freight or the freight charges from Cheyenne, Wyoming or Pueblo, Colorado to the point of delivery, whichever is lowest, may be charged.

Sec. 38. *Maximum prices in the Salt Lake City Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Salt Lake City Area are as follows:

(1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:

For patterns with list prices under 95 cents—discount 23%
 For patterns with list prices 95 cents and over—discount 15%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1 and 2.....	Less 23.....	Less 12.
3/8".....	2.....	Less 20.....	Less 9.
9/16".....	3.....	Less 14.....	Less 3.
5/8".....	3.....	Less 14.....	Less 3.
1 1/16".....	3.....	Less 8.....	Plus 3.
3/4".....	3.....	Less 6.....	Plus 6.
Casing and base 3 1/2" and wider.	4.....	.....	Plus 7.
2 5/8".....	3.....	Net list.....	Plus 10.
1 3/16".....	3.....	Plus 3.....	Plus 13.
7/8".....	3.....	Plus 10.....	Plus 21.
1" and over.....	5, 6, 7, 8 or 9.....	.....	Net list.

(3) For Douglas Fir mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 10%
- For patterns with list prices \$2 and over—discount 2½%
- For aprons, casing and base, f. o. b. mill maximum prices plus freight in RMFR 26—add 50%

(b) *Delivery.* Each seller may add to the maximum prices established by this section, his March, 1942 charges for delivery to the same class of purchaser. Where delivery is made by common carrier outside the seller's customary free delivery zone, the actual freight charges may be added to the maximum prices.

Sec. 39. Maximum prices in the Boise Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Boise Area are as follows:

- (1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:
- For patterns with list prices under 95 cents—discount 35%
- For patterns with list prices 95 cents and over—discount 28½%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1 and 2	Less 35	Less 23
1/2"	2	Less 32½	Less 23½
9/16"	3	Less 27½	Less 18½
5/8"	3	Less 27½	Less 18½
11/16"	3	Less 22½	Less 13½
3/4"	3	Less 20	Less 11
Casing and Base 3/4" and wider.	4		Less 10
2 2/3"	3	Less 16	Less 7½
1 3/4"	3	Less 13½	Less 6
1 1/2"	3	Less 7½	Plus 1½
1" and over.	5, 6, 7, 8 or 9		Less 16

(3) For Douglas Fir mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 26%
- For patterns with list prices \$2 and over—discount 20%
- For aprons, casing and base, f. o. b. mill maximum prices plus freight in RMFR 26—add 25%

(b) *Delivery.* Each seller may add to the maximum prices established by this section, his March, 1942 charges for delivery to the same class of purchaser. Where delivery is made by common carrier outside the seller's customary free delivery zone, the actual freight charges may be added to the maximum prices.

Sec. 40. Maximum prices in the Spokane Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Spokane Area are as follows:

- (1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:
- For patterns with list prices under 95 cents—discount 37½%
- For patterns with list prices 95 cents and over—discount 30½%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1 and 2	Less 37	Less 23
1/2"	2	Less 34	Less 23
9/16"	3	Less 29	Less 20
5/8"	3	Less 29	Less 20
11/16"	3	Less 24	Less 15
3/4"	3	Less 21½	Less 12½
Casing and base 3/4" and wider.	4		Less 11
2 2/3"	3	Less 17½	Less 8½
1 3/4"	3	Less 15	Less 6
1 1/2"	3	Less 8½	Plus 7½
1" and over.	5, 6, 7, 8 or 9		Less 17½

(3) For Douglas Fir mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 24%
- For patterns with list prices \$2 and over—discount 17½%
- For aprons, casings and base, f. o. b. mill maximum prices plus freight in RMFR 26—add 29%

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order, and for shipments to any area of 200 pounds or more consisting of mouldings with or without millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

Sec. 41. Maximum prices in the Puget Sound Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Puget Sound Area are as follows:

- (1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:
- For patterns with list prices under 95 cents—discount 28%
- For patterns with list prices 95 cents and over—discount 21%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1, 2	Less 23	Less 13
1/2"	2	Less 20	Less 13
9/16"	3	Less 17½	Less 10½
5/8"	3	Less 17½	Less 10½
11/16"	3	Less 13½	Less 8½
3/4"	3	Less 10½	Less 7½
Casing and base 3/4" and wider.	4		Plus 1
2 2/3"	3	Less 0½	Plus 3½
1 3/4"	3	Less 0½	Plus 0½
1 1/2"	3	Plus 3½	Plus 1½
1" and over.	5, 6, 7, 8 or 9		Less 0½

(3) For Douglas Fir mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 18½%
- For patterns with list prices \$2 and over—discount 11½%
- For aprons, casing and base, f. o. b. mill maximum prices plus freight in RMFR 26—add 44%

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 100 pounds or more consisting of mouldings with or without millwork. For all other shipments where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

Sec. 42. Maximum prices in the Portland Area—(a) Maximum prices. The maximum prices for a jobber sale of softwood mouldings delivered in the Portland Area are as follows:

- (1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:
- For patterns with list prices under 95 cents—discount 28½%
- For patterns with list prices 95 cents and over—discount 21%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
7/16" and thinner.	1 and 2	Less 28½	Less 18
1/2"	2	Less 26	Less 17½
9/16"	3	Less 21	Less 14
5/8"	3	Less 21	Less 14
11/16"	3	Less 17	Less 11½
3/4"	3	Less 14	Less 10½
Casing and Base 3/4" and wider.	4		Plus 1½
2 2/3"	3	Less 0½	Plus 1½
1 3/4"	3	Less 0½	Plus 1½
1 1/2"	3	Plus 3½	Plus 1½
1" and over.	5, 6, 7, 8 or 9		Less 0½

(3) For Douglas Fir mouldings, the list prices in Table II of section 6 less the discounts or plus the mark-ups as follows:

- For patterns with list prices under \$2—discount 19½%
- For patterns with list prices \$2 and over—discount 12½%
- For aprons, casing and base, f. o. b. mill maximum prices plus freight in EMFR 26—add 46%

(b) *Delivery.* Each seller may add to the maximum prices established by this section, his March, 1942 charges for delivery to the same class of purchaser. Where delivery is made by common carrier outside the seller's customary free delivery zone, the actual freight charges may be added.

SEC. 43. *Maximum prices in the Southern California Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Southern California Area are as follows:

(1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:

- For patterns with list prices under 95 cents—discount 40%
- For patterns with list prices 95 cents and over—discount 34%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
¾" and thinner.	1 and 2.	Less 40.	Less 31½.
¾"	2.	Less 37½.	Less 29.
¾"	3.	Less 33.	Less 24½.
¾"	3.	Less 33.	Less 24½.
¾"	3.	Less 28.	Less 19½.
¾"	3.	Less 25½.	Less 17½.
Casing and base 3½" and wider.	4.		Less 16.
2½"	3.	Less 22.	Less 13½.
1¾"	3.	Less 19½.	Less 11½.
¾"	3.	Less 13½.	Less 5½.
1" and over.	5, 6, 7, 8 or 9.		Less 22.

(b) *Delivery.* Each seller may add to the maximum prices established by this section, his March, 1942 charges for delivery to the same class of purchaser. Where delivery is made by common carrier outside the seller's customary free delivery zone, the actual freight charges may be added.

SEC. 44. *Maximum prices in the Northern California Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Northern California Area are as follows:

(1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:

- For patterns with list prices under 95 cents—discount 33%
- For patterns with list prices 95 cents and over—discount 28½%

(2) For Western Pine moulding patterns not listed in Table I, the list prices

in the indicated column in Table II of section 6 less the discounts or plus the mark-ups as follows:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
¾" and thinner.	1 and 2.	Less 33.	Less 23½.
¾"	2.	Less 30½.	Less 21.
¾"	3.	Less 25.	Less 15½.
¾"	3.	Less 25.	Less 15½.
¾"	3.	Less 19½.	Less 10.
¾"	3.	Less 17.	Less 7½.
Casing and Base 3½" and wider.	4.		Less 6.
2½"	3.	Less 13.	Less 3½.
1¾"	3.	Less 10.	Less 1.
¾"	3.	Less 3½.	Plus 6.
1" and over.	5, 6, 7, 8 or 9.		Less 13.

(b) *Delivery.* The maximum prices include delivery within the jobber's customary free delivery zone for any size order and for shipments to any area of 200 pounds or more consisting of mouldings with or without other millwork. For all other shipments, where made by common carrier, the exact amount of freight may be added and where made by any other means, freight at the common carrier rate per 100 pounds may be added.

SEC. 45. *Maximum prices in the Arizona-New Mexico Area—(a) Maximum prices.* The maximum prices for a jobber sale of softwood mouldings delivered in the Arizona-New Mexico Area are as follows:

(1) For small sizes of Western Pine mouldings the list prices in Table I of section 6 less the following discounts:

- For patterns with list prices under 95 cents—discount 36%
- For patterns with list prices 95 cents and over—discount 30%

(2) For Western Pine moulding patterns not listed in Table I, the list prices in the indicated column in Table II of section 6 less the following discounts:

Item	Column	Discounts or mark-ups (percent) for patterns with list prices under \$2	Discounts or mark-ups (percent) for patterns with list prices \$2 and over
¾" and thinner.	1 and 2.	Less 36.	Less 27½.
¾"	2.	Less 33½.	Less 25.
¾"	3.	Less 29½.	Less 20.
¾"	3.	Less 29½.	Less 20.
¾"	3.	Less 24.	Less 16½.
¾"	3.	Less 21½.	Less 13.
Casing and base 3½" and wider.	4.		Less 11½.
2½"	3.	Less 17½.	Less 9.
1¾"	3.	Less 15½.	Less 7.
¾"	3.	Less 9.	Less 1.
1" and over.	5, 6, 7, 8 or 9.		Less 17½.

(b) *Delivery.* Each seller may add to the maximum prices established by this section, his March, 1942 charges for delivery to the same class of purchaser. Where delivery is made by common carrier outside the seller's customary free delivery zone, the actual freight charges may be added.

ARTICLE IV—MAXIMUM PRICES FOR DEALER SALES

SEC. 46. *Maximum prices for dealer sales.* The maximum prices for all dealer sales of softwood mouldings covered by this regulation shall be established under the provisions of the General Maximum Price Regulation.

This regulation shall become effective November 21, 1945.

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

Issued this 16th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20954; Filed, Nov. 16, 1945; 11:34 a. m.]

Chapter XXIII—Surplus Property Administration

[SPA Reg. 2]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO GOVERNMENT AGENCIES AND STATE AND LOCAL GOVERNMENTS

Surplus Property Board Revised Regulation 2, September 21, 1945, entitled "Disposal of Surplus Personal Property to Government Agencies and State and Local Governments" (10 F. R. 12121), is hereby further revised and amended as Surplus Property Administration Regulation 2. New matter is indicated by underscoring. Order 2 under this part, September 7, 1945 (10 F. R. 11672), shall continue in effect as revised and reissued herewith.

- Sec. 8302.1 Definitions.
- 8302.2 Scope.
- 8302.3 Applicability of regulations and directives of War Production Board, Civilian Production Administration, Office of Price Administration, and Secretary of Agriculture; and disposals which may be exempted from this part.
- 8302.4 Information about available property.
- 8302.5 Reservations of surplus property for Government agencies and State and local governments.
- 8302.6 Transfers to Government agencies.
- 8302.7 Transfers of surplus standard administrative and maintenance property to the Treasury Department, and acquisition of such property by Government agencies.
- 8302.8 Disposals to State and local governments.
- 8302.9 Fair value.
- 8302.10 Right of Government agencies and State and local governments to acquire property in competition with others.
- 8302.11 Regulations by disposal agencies to be reported to the Surplus Property Board.
- 8302.12 Amendment or repeal.

AUTHORITY: §§ 8302.1 to 8302.12, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765; 50 U. S. C. App. Sup. 1011 and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8302.1 *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) "Government agency" means any executive department, independent establishment, board, bureau, commission, or other agency, of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(2) "Standard administrative and maintenance property" means all property from time to time listed in stock catalogues issued by the Procurement Division of the Treasury Department. These catalogues normally include, among other items, office supplies, furniture, and equipment, and maintenance operating supplies.

(3) "State and local governments" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

§ 8302.2 *Scope.* This part shall apply only to disposals made by disposal agencies within the United States, its territories or possessions; *Provided*, That § 8302.7 shall apply only within the continental United States. This part shall not apply to any disposals of real property, industrial plants, shipyards and facilities, property designated in classes (1) to (3), inclusive, of section 19 of the Surplus Property Act of 1944, or surplus vessels which the Maritime Commission determines to be merchant vessels or capable of conversion to merchant use.

§ 8302.3 *Applicability of regulations and directives of War Production Board, Civilian Production Administration, Office of Price Administration, and Secretary of Agriculture; and disposals which may be exempted from this part.*—(a) *Applicability of regulations and directives of War Production Board, Civilian Production Administration, Office of Price Administration, and Secretary of Agriculture.* All disposals hereunder shall be subject to applicable regulations and directives of the War Production Board, Civilian Production Administration, the Office of Price Administration, and the Secretary of Agriculture.

(b) *Disposals which may be exempted from this part.* Subject to the provisions of paragraph (a) of this section, disposal agencies may dispose of surplus property without regard for any provisions of this part:

(1) To supply the needs of the armed forces;

(2) When the property is of such nature or in such situation that its immediate disposal is necessary to prevent its deterioration, spoilage, or serious loss or damage, or when its disposal is necessary to relieve critical storage requirements;

(3) When upon application to the Surplus Property Administrator by a disposal agency, the Administrator shall find that it is impracticable or uneconomical to require the disposal of designated property according to the provisions of this part;

(4) When the condition of a surplus agricultural commodity or food is such that it is not usable in its present form without reprocessing or reconditioning;

(5) When the cost (estimated if not known) of all substantially similar items of such property in the possession of the disposal agency at any one location at any one time does not exceed \$300.

§ 8302.4 *Information about available property*—(a) *Availability of records of surplus property; Governmental requirements officers.* Disposal agencies shall establish procedures to insure that designated representatives or procurement officers of Government agencies and State and local governments shall have access to the information on the property records of the disposal agencies, and shall upon request from time to time inform such representatives or procurement officers about surplus property for which declarations have been received or are anticipated. Each disposal agency shall appoint in its central office and in each regional office thereof a government requirements officer or officers, whose duties shall include

(a) transmitting to Government agencies and State and local governments information concerning surplus property which is or may become available for disposal; (b) assisting in programming sales or offerings in such a manner as to afford Government agencies and State and local governments an opportunity to purchase any and all kinds of property they desire; (c) ascertaining the probable needs for all kinds of property of Government agencies and State and local governments within the region served by each regional office to the end that the reservations established under § 8302.5 may be adequate to supply the probable needs of Government agencies and State and local governments within the region served by the office; (d) cooperating with such advisory committees as the Administrator may appoint; and (e) taking all other necessary or desirable steps to see that all requirements of this part are complied with. It shall be the responsibility of Government agencies, in order to avoid making purchases through commercial channels, continuously to consult such records and to determine whether their requirements for all items of property, except standard administrative and maintenance property subject to the provisions of § 8302.7, can be satisfied out of surplus property in the hands of the disposal agencies.

(b) *Notice of offering.* Disposal agencies shall adopt procedures which will allow Government agencies and State and local governments to receive notices of what surplus property is available or offered for sale within the area in which the offering is made. Government agencies and State and local governments

shall have the right upon request to be put on mailing lists for notices in all cases where such lists are used to offer property for disposal, including mailing lists otherwise reserved to special classes of buyers, unless the disposal agency shall find that the giving of such notices to Government agencies and State and local governments shall for any particular type of property become impracticable, unduly expensive to the Government, or unreasonably burdensome on the facilities of the disposal agency. When public advertising is used as the method of offering, no other notice need be given to Government agencies and State and local governments.

§ 8302.5 *Reservations of surplus property for Government agencies and State and local governments.* (a) Each disposal agency, based upon experience and demonstrated demand, shall estimate the quantity of each item of surplus property which it is necessary to hold in reserve in order to provide an adequate supply thereof to satisfy the probable needs for such item of Government agencies and State and local governments. Such quantities shall be reviewed and adjusted periodically by the disposal agency in the light of the changing requirements of Government agencies and State and local governments and the areas in which such requirements exist. There need be no earmarking of specific property, but the quantities of surplus property so estimated shall be reserved for exclusive disposal to Government agencies and State and local governments, and any property in excess of such reserved quantities may be promptly disposed of to others.

(b) In order to assist the disposal agencies to reserve quantities of surplus property adequate to satisfy the needs of Government agencies, including the needs of Smaller War Plants Corporation for small business or veterans in accordance with the Surplus Property Act of 1944 and applicable regulations promulgated thereunder. Smaller War Plants Corporation shall advise the disposal agencies from time to time of the quantities and kinds of surplus property which it needs or may need for such purposes, and the disposal agency shall thereupon take such steps as may be necessary to reserve an adequate supply with which to fill such needs. To the end of rapidly adjusting the reserve so established, prospective purchasers shall have the right to inspect the property they wish to buy.

§ 8302.6 *Transfers to Government agencies.* (a) Subject to the provisions of § 8302.7, disposal agencies shall transfer to a Government agency on its order surplus property in quantities not smaller than the smallest lots consistent with commercial practice and at the fair value of such property as provided in § 8302.9. Disposal agencies shall make such transfer of surplus property to a Government agency without reimbursement or transfer of funds whenever a transfer on such terms by the owning agency by which such property was declared surplus would be authorized by law to be made to the agency desiring such property. Government agencies may place orders with a disposal agency

for surplus property at any time, and such orders shall be filled from any available surplus property. If no property is available or likely to be available, the disposal agency shall notify the claimant, and upon the dispatching of such notification the order shall lapse. Property already advertised for public competitive bids or for sale at auction or for immediate purchase at a fixed time and property specifically selected by a prospective purchaser shall not be considered available.

(b) Disposals to Government agencies under this section shall be accorded priority over disposals to all others. Whenever two or more Government agencies shall claim the same item or items of surplus property, the disposal agency shall fill the orders in the sequence in which they have been received, or on such other equitable basis as the disposal agency may determine in any case when it has reason to believe that the quantity of any type of property available at any time will be insufficient to supply the needs of all interested Government agencies.

§ 8302.7 *Transfers of surplus standard administrative and maintenance property to the Treasury Department, and acquisition of such property by Government agencies.* (a) In order to facilitate the transfer of surplus property from one Government agency to other Government agencies for their use, the Treasury Department may acquire or order earmarked for its future acquisition from the disposal agencies such quantities of surplus standard administrative and maintenance property as the Treasury Department shall estimate may be needed to satisfy the needs and requirements for such property of all Government agencies within the continental United States, other than the War Department and the Navy Department and the Veterans Administration. The periods for which such property may be earmarked shall be established by the disposal agency based upon the estimates of the Treasury Department and the requirements of such Government agencies pursuant to such estimates. Such Government agencies shall cooperate with the Treasury Department in compiling such estimates and shall provide the Treasury Department with such information concerning their requirements as it may need in order to promote the fullest utilization of surplus property.

(b) Disposal agencies shall transfer surplus standard administrative and maintenance property to the Treasury Department in accordance with the provisions of § 8302.6 and at the fair value of the property less an amount which reflects the estimated expenses to be incurred by the Treasury Department in making distribution to Government agencies, and the Treasury Department shall promptly upon such transfer take possession and assume responsibility for the care, handling, and disposition of such property.

(c) It shall be the responsibility of all such Government agencies, in order to avoid making purchases of such property through commercial channels when such property is available from surplus, continuously to consult the stock catalogues issued by the Procurement Division of the Treasury Department.

(d) Except in cases where transfers may be made without reimbursement or transfer of funds, no Government agency other than the War Department and the Navy Department and the Veterans' Administration shall within the continental United States acquire by direct transfer from a disposal agency any surplus standard administrative or maintenance property which is offered for disposal by the Treasury Department and immediately available for acquisition by such Government agency; *Provided*, That Smaller War Plants Corporation shall be entitled to acquire any such property from a disposal agency for resale in accordance with the Surplus Property Act of 1944 and applicable regulations of the Surplus Property Administrator.

§ 8302.8 *Disposals to State and local governments.* (a) Disposal agencies shall dispose of surplus property to State and local governments in quantities not smaller than the smallest lots consistent with commercial practice and at the fair value of such property as provided in § 8302.9. State and local governments may place orders with a disposal agency at any time and such orders shall be filled from any available surplus property. If no property is available or likely to be available, the disposal agency shall notify the claimant, and upon the dispatching of such notification the order shall lapse. Property already advertised for public competitive bids or for sale at auction or for immediate purchase at a fixed time and property specifically selected by a prospective purchaser shall not be considered available.

(b) Disposals to State and local governments shall have priority over disposals to all others except Government agencies under § 8302.6. Whenever two or more State and local governments shall claim the same item or items of surplus property, the disposal agency shall fill the orders in the sequence in which they have been received, or on such other equitable basis as the disposal agency may determine in any case when it has reason to believe that the quantity of any type of property available at any time will be insufficient to supply the needs of all interested State or local governments.

(c) The disposal agencies shall adopt procedures designed to distribute surplus property equitably to State and local governments throughout the country.

(d) No surplus property disposed of hereunder shall be resold by the purchaser thereof within three (3) years of the date of purchase without the con-

sent in writing of the disposal agency. At the request of a disposal agency, any State or local government shall submit a certificate made by a responsible officer setting forth that the property is sought for the use of a State or local government as defined in § 8302.1 (b) (3).

§ 8302.9 *Fair value.* Disposal agencies shall fix the fair value at which property disposed of under §§ 8302.5, 8302.6, and 8302.8 shall be acquired by Government agencies and State and local governments. Such fair value shall not be greater than the lowest price which is offered to any trade level at the time of acquisition by the Government agency or State or local government.

§ 8302.10 *Right of Government agencies and State and local governments to acquire property in competition with others.* In addition to acquiring property under §§ 8302.5, 8302.6, and 8302.8, Government agencies and State and local governments shall be entitled to submit offers whenever surplus property is otherwise offered for sale, without regard for the location of the property, but shall not be entitled to priority and shall acquire such property on the same terms and conditions as others.

§ 8302.11 *Regulations by disposal agencies to be reported to the Surplus Property Administrator.* Each disposal agency shall file with the Surplus Property Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8302.12 *Amendment or repeal.* This part, and any order issued under it, shall be subject to amendment or repeal by the Administrator by any regulation, order, or other action of the Administrator duly published in the FEDERAL REGISTER.

This revision of this part shall become effective on November 16, 1945.

W. STUART SYMINGTON,
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-20946; Filed, Nov. 10, 1945; 11:20 a. m.]

[SPA Reg. 2, Order 2]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO GOVERNMENT AGENCIES AND STATE AND LOCAL GOVERNMENTS

EXEMPTION OF OFFICE OF CIVILIAN DEFENSE PROPERTY LOANED TO STATE OR LOCAL GOVERNMENTS

Surplus Property Board Regulation 2, Order 2, September 7, 1945, (10 F.R. 11672) is hereby revised and amended as herein set forth as Surplus Property Administration Regulation 2, Order 2.

During the war the Office of Civilian Defense loaned to the several States and to their political subdivisions certain items of property for purposes of air raid protection. A large amount of this prop-

erty remains in the custody of the States and the political subdivisions to which it was loaned, and it will entail heavy expense to the Government to require the preparation of inventories and reports and to offer this property to Government agencies and State and local governments in accordance with this part.

The Department of Commerce, as disposal agency, has applied to the Surplus Property Administrator for an exemption from the requirements of this part for this property on the ground that it is impracticable and uneconomical to require its disposal of this property according to such requirements. The Reconstruction Finance Corporation has succeeded the Department of Commerce as a disposal agency for this type of property.

Pursuant to § 8302.3 (b) (3) and in reliance upon the representations of the Department of Commerce referred to above, it is hereby ordered, That:

The Reconstruction Finance Corporation, as successor disposal agency to the Department of Commerce, is hereby authorized to dispose of, without regard for the provisions of this part, to the States or their political subdivisions any items of property originally loaned by the Office of Civilian Defense to such States or political subdivisions.

This order shall become effective November 16, 1945.

W. STUART SYMINGTON,
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-20947; Filed, Nov. 16, 1945; 11:25 a. m.]

[SPB Reg. 11, Rev. Order 1]

PART 8311—PROCEEDS AND EXPENSES
SPECIAL ACCOUNTS FOR REFUNDS TO
PURCHASERS

Surplus Property Board Regulation 11, Order 1, September 21, 1945, entitled "Special Accounts for Refunds to Purchasers" (10 F.R. 12124) is hereby revised and amended as herein set forth. New matter is indicated by underscoring.

Pursuant to the authority of section 30 (c) of the Surplus Property Act of 1944 (50 Stat. 765; 59 U. S. C. App. 1611), and § 8311.8 of this part, it is hereby ordered, That:

The following disposal agencies are hereby authorized, within such limitations as may be indicated below, to deposit in a special account with the Treasurer of the United States amounts from proceeds of dispositions of surplus property and to withdraw from such account the amounts necessary to make appropriate refunds to purchasers of such property when any disposition is rescinded or does not become final, or payments for breach of any warranty:

1. Reconstruction Finance Corporation, as disposal agency for capital and producer goods and as successor disposal agency to the Department of Commerce for consumer goods, Provided, That the amounts on deposit in such account shall at no time exceed \$5,750,000.

2. Maritime Commission, Provided, That the amounts on deposit in such account shall at no time exceed \$500,000.

3. Department of the Interior as disposal agency designated to act in the territories and possessions of the United States, Provided, That the amounts on deposit in such account shall at no time exceed \$75,000.

4. Department of Agriculture, as disposal agency for agricultural commodities and food, Provided, That the amounts on deposit in such account shall at no time exceed \$100,000.

5. Department of Agriculture, as disposal agency for real property, Provided, That the amounts on deposit in such account shall at no time exceed \$600,000.

6. Federal Works Agency, Provided, That the amounts on deposit in such account shall at no time exceed \$200,000.

7. Department of the Interior, as disposal agency for real property in the continental United States, Provided, That the amounts on deposit in such account shall at no time exceed \$100,000.

8. National Housing Agency, Provided, That the amounts on deposit in such account shall at no time exceed \$100,000.

This revised order shall become effective on November 16, 1945.

W. STUART SYMINGTON,
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-20948; Filed, Nov. 16, 1945; 11:25 a. m.]

[SPA Reg. 16]

PART 8315—COMPLIANCE

Sec.	
8315.1	Definitions.
8315.2	Scope.
8315.3	Responsibility of Government agencies.
8315.4	Agency compliance organizations.
8315.5	Functions of agency compliance organizations.
8315.6	Extent of investigations: referral to other Government agencies.
8315.7	Records.
8315.8	Regulations to be reported to the Administrator.

AUTHORITY: §§ 8315.1 to 8315.8, inclusive, issued under the Surplus Property Act of 1944, 58 Stat. 765, 50 U.S.C. App. Sup. 1611, and under Pub. Law 181, 79th Cong. 1st Sess.

§ 8315.1 Definitions. Terms defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

§ 8315.2 Scope. This part applies to all disposal agencies authorized by or pursuant to the Surplus Property Act of 1944 to dispose of surplus property. This part shall also apply to the War and Navy Departments and to all owning agencies which are designated by the Administrator as disposal agencies. This part is directed to the operations of such disposal and owning agencies in disposing of surplus property under the act in the continental United States, its territories and possessions, and in foreign areas. Nothing in this part shall be deemed to affect the jurisdiction of the military services over their own personnel or any

arrangement between such services and the Department of Justice concerning the handling and prosecution of criminal matters.

§ 8315.3 Responsibility of Government agencies. Subject to the supervision and direction of the Surplus Property Administrator, each agency shall be charged with the responsibility of insuring that its disposal activities are in full compliance with the provisions of the act and with all regulations, orders, directions, and policy statements of the Administrator.

§ 8315.4 Agency compliance organizations. To assist in carrying out its responsibilities relating to compliance, each agency shall establish, if not already established, and maintain a compliance organization adequate to carry out its functions hereunder.

§ 8315.5 Functions of agency compliance organizations. Subject to the provisions of § 8315.6 hereof requiring referral of criminal matters to the Department of Justice, the compliance organization of each agency shall perform such investigatory functions as are necessary to insure compliance with the provisions of the act and with the regulations, orders, directions, and policy statements of the Administrator including:

(a) Periodic surveys of field unit disposal operations, to prevent or correct irregularities in the disposition of surplus property;

(b) Such special investigations as the agency or the Administrator may consider necessary to insure the observance of prescribed disposal procedures.

(c) Investigations upon the receipt of complaints or information from any source indicating irregular or improper disposal of surplus property.

§ 8315.6 Extent of investigation: referral to other Government agencies. All information indicating violations by any person of Federal criminal statutes, or violations of section 26 (b) and section 27 of the act, including but not limited to fraud against the Government, mail fraud, bribery, attempted bribery, or criminal collusion, shall be referred immediately to the Department of Justice for further investigation and disposition. Each agency shall make available to the Department of Justice, or to such other governmental investigating agency to which the matter may be referred by the Department of Justice, all pertinent information and evidence concerning the indicated violations; shall desist from further investigation of the criminal aspects of such matters except upon the request of the Department of Justice; and shall cooperate fully with the agency assuming final jurisdiction in establishing proof of criminal violations. After making the necessary referral to the Department of Justice, inquiries conducted by agency compliance organizations shall be limited to obtaining information for administrative purposes. Cases involving unfair trade practices shall be referred promptly by the agency to the Federal Trade Commission. Where irregularities reported or discovered involve wrong-doing on the part of individuals holding positions in Government

agencies other than the agency initiating the investigation, the case shall be reported immediately to the Administrator for an examination in the premises.

§ 8315.7 *Records.* Each agency shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. A written report shall be made of all compliance investigations conducted by each agency compliance organization. Each agency shall maintain centralized files of all such reports at its respective departmental offices. Until otherwise directed by the Administrator, there shall be transmitted promptly to the Administrator one copy of any such report which contains information indicating criminality on the part of any person or indicating non-compliance with the act or with the regulations, orders, directives, and policy statements of the Administrator. In transmitting such reports to the Administrator the agency shall set forth the action taken or contemplated by the agency to correct the improper conditions established by the investigation. Where any matter is referred to the Department of Justice or to the Federal Trade Commission, a copy of the letter of referral shall be transmitted to the Administrator.

§ 8315.8 *Regulations to be reported to the Administrator.* Each agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This part shall become effective November 16, 1945.

W. STUART SYMINGTON,
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-20949; Filed, Nov. 16, 1945;
11:25 a. m.]

[SPA Reg. 16]

PART 8316—SURPLUS AIRPORT PROPERTY

Sec.	
8316.1	Definitions.
8316.2	Scope.
8316.3	Declaration of policy.
8316.4	Surplus airport disposal committee.
8316.5	Declarations.
8316.6	Communications after notice of transmittal.
8316.7	Withdrawals.
8316.8	Permissive use by other Government agency.
8316.9	Disposal of leasehold interests and improvements by owning agencies.
8316.10	Restrictions on use and disposition.
8316.11	Functions of the Civil Aeronautics Administration.
8316.12	Classification of property by Administrator.
8316.13	Disposal as airport property subject to reservations, restrictions, and conditions.
8316.14	Care and handling.
8316.15	Priorities.
8316.16	Permits to operate or use.
8316.17	Valuation.
8316.18	Prices.
8316.19	Submission to Attorney General.
8316.20	Form of transfer.
8316.21	Conditions in instrument of transfer.

Sec.

8316.22	Records and reports.
8316.23	Regulations by agencies to be reported to the Administrator.
8316.24	Exceptions.

AUTHORITY: §§ 8316.1 to 8316.24, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765, 50 U. S. C. App. Sup. 1611, and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8316.1 *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) "Airport property" means the entire interest owned by the Government in any airport.

(2) "Airport" means any area of land or water and the improvements thereon primarily used, intended to be used, or determined by the Administrator to be suitable for use for or in connection with the landing and take-off or navigation of aircraft. The term includes "landing areas", "building areas", "airport facilities", and "non-aviation facilities".

(3) "Airport facilities" means any buildings, structures, improvements, and operational equipment, other than non-aviation facilities, which are used and necessary for or in connection with the operation and maintenance of an airport.

(4) "Building area" means any land, other than a landing area, used or necessary for or in connection with the operation or maintenance of an airport.

(5) "Landing area" means any land, or combination of water and land, together with improvements thereon and necessary operational equipment used in connection therewith, which is used for landing, take-offs, and parking of aircraft. The term includes, but it is not limited to, runways, strips, taxiways, and parking aprons.

(6) "Non-aviation facilities" means any buildings, structures, improvements, and equipment, located in a building area and used in connection with but not required for the efficient operation and maintenance of the landing area or the airport facilities.

(7) "State or local government" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(8) "Surplus airport property" means any airport property which has been determined to be surplus to the further needs and responsibilities of the owning agency in accordance with the act.

§ 8316.2 *Scope.* This part applies to surplus airport property located within the continental United States, its territories and possessions.

§ 8316.3 *Declaration of policy.* It is hereby declared that the national interest requires the disposal of surplus airport property in such a manner and upon such terms and conditions as will encourage and foster the development of civil aviation and provide and preserve for civil aviation and national defense purposes a strong, efficient, and properly maintained nationwide system of public airports, and will insure competition and will not result in monopoly. It is further declared that in making such disposals

of surplus airport property the benefits which the public and the Nation will derive therefrom must be the principal consideration and the financial return to the Government a secondary consideration. Airports which are surplus to the needs of owning agencies may be essential to the common defense of the Nation or valuable in the maintenance of an adequate and economical national transportation system. In such cases and in accordance with the rules established herein such airports may be disposed of to State or local governments for considerations other than cash. Where airports are not desired as such by Government agencies or State or local governments, they shall be classified as airports or otherwise according to their best use and any disposition hereunder shall be for a monetary consideration.

§ 8316.4 *Surplus airport disposal committee.* (a) Pursuant to arrangements made with other interested Government agencies, there is hereby established a Surplus Airport Disposal Committee which shall function as an advisory committee to the Surplus Property Administrator and shall consist of five members, one to be designated by the Secretary of War, one by the Secretary of the Navy, one by the Administrator of the Civil Aeronautics Administration, one by the disposal agency, and one by the Surplus Property Administrator who shall serve as Chairman of the Committee.

(b) It shall be the duty of the Surplus Airport Disposal Committee to advise the Surplus Property Administrator as to the manner in which and the conditions upon which the disposal agency should be authorized to dispose of particular airport properties, and as to all other matters upon which advice may be requested by the Administrator.

§ 8316.5 *Declarations.* (a) Declarations of surplus airport property including leasehold interests under leases or similar rights of occupancy not cancelled by the owning agency pursuant to § 8316.9 hereof, shall be filed with the Surplus Property Administrator as provided in Part 8301.¹ The Administrator will transmit two copies of the declaration to the appropriate disposal agency with directions, and will notify the owning agency thereof.

(b) The owning agency may give to the Surplus Airport Disposal Committee a pre-declaration notice accompanied by a tentative statement of the conditions, reservations, and restrictions which it may request, pursuant to § 8316.10 hereof, to be imposed on the disposal of the airport property.

§ 8316.6 *Communications after notice of transmittal.* After the owning agency receives notice of transmittal to a disposal agency of a declaration of surplus airport property, communications of the owning agency with respect to such airport property shall be addressed to the disposal agency, except where communication with the Administrator is required hereunder.

§ 8316.7 *Withdrawals.* If the owning agency wishes to withdraw surplus air-

¹ SPA Reg. 1 (10 F.R. 14064).

port property before it has received notice of the transmittal of the declaration to the disposal agency, it may do so by filing Form SPB-5 with the Administrator. After the owning agency has received notice of such transmittal, it may withdraw such property by filing the form with the disposal agency. Such withdrawals may be made only with the consent of the Administrator if the property has not been assigned to a disposal agency or with the consent of the disposal agency thereafter, except as hereinafter provided.

§ 8316.8 *Permissive use by other Government agency.* When a Government agency utilizing Government-owned real property for or in connection with an airport, under some form of arrangement with the Government agency having primary jurisdiction over the property, no longer needs the property for airport purposes, such real property and any interest therein shall be returned to the agency having primary jurisdiction in accordance with the arrangement made between such agencies. Where, however, the property has been substantially improved while being so utilized, the agency utilizing the property shall make a report of the facts to the Administrator for his determination as to the disposition of the improvements; and such report shall be treated as a declaration of surplus as to such improvements.

§ 8316.9 *Disposal of leasehold interests and improvements by owning agencies.* (a) At any time after thirty (30) days prior notice to the Surplus Airport Disposal Committee, no objection thereto having been made by such committee, an owning agency may dispose of airport property in the manner provided in this section without declaring it surplus; provided that such property is held only under lease or other similar right of occupancy which is for the duration of the war or the national emergency and six months thereafter, or is for an unexpired period of not more than twelve months and has no renewal or purchase privilege.

(b) Any such leasehold interest or similar right of occupancy shall be terminated or cancelled by the owning agency and any Government-owned improvements disposed of by any one or more of the following methods:

(1) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, provided the lessor or owner shall pay for any excess value.

(2) By disposition in accordance with contractual commitments.

(3) By sale intact.

(4) By transfer to another Government agency intact.

(5) By disposal of all readily severable property in accordance with any other applicable regulations of the Administrator.

(6) By demolition contract let only on competitive bids whereby title to material not readily severable passes to the demolition contractor.

(7) By demolition of property not readily severable and disposal of surplus used building and construction materials by competitive bidding and of other re-

sulting materials in accordance with any other applicable regulations of the Administrator. Any competitive bidding shall be conducted under rules and regulations prescribed by the owning agencies containing provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids.

(8) By abandonment if the owning agency has no obligation to remove such improvements and it finds in writing that such property is without commercial value or that the estimated cost of its care, handling, removal, and disposition would exceed the estimated proceeds of sale.

(c) Disposals of improvements by owning agencies hereunder shall be made at prices that are fair and reasonable under all the circumstances taking into account the limited sale value of the property in place and its special value, if any, to the purchaser. In all cases, prior to disposal a written estimate shall be made of both the value of the improvements for use in place and their salvage value. The disposal agencies for industrial and marine real property shall, upon request, furnish advice and assistance to the owning agencies in the establishment of fair and reasonable prices hereunder.

(d) Where an airport consists of property a portion of which is owned by the Government and the balance of which is property under lease to the Government, such lease shall not be cancelled by the owning agency, but the leasehold interest as well as the Government-owned property shall be declared surplus.

§ 8316.10 *Restrictions on use and disposition.* When an owning agency declares airport property surplus, such owning agency, the Civil Aeronautics Administration, or the Surplus Airport Disposal Committee may submit to the Administrator a request that the disposal be made subject to any or all of the following reservations, restrictions, and conditions:

(a) *Use by the transferee.* (1) That the airport shall be used for public airport purposes on reasonable terms and without unjust discrimination and without grant or exercise of any exclusive right for use of the airport within the meaning of section 303 of the Civil Aeronautics Act of 1938.

(2) That the entire landing area and all improvements, facilities, and equipment of the airport shall be maintained at all times in good and serviceable condition to assure its efficient operation.

(3) That insofar as is within its powers and reasonably possible the transferee shall prevent any use of land either within or outside the boundaries of the airport, including the construction, erection, alteration, or growth, or any structure or other object thereon, which use would be a hazard to the landing, taking off, or maneuvering of aircraft at the airport, or otherwise limit its usefulness as an airport.

(4) That the building areas and non-aviation facilities shall be used, altered, modified, or improved only in a manner which does not interfere with the efficient operation of the landing area and of the airport facilities.

(b) *Use by the Government.* (1) That the Government shall at all times have the right to use the airport in common with others; *Provided, however,* That such use may be limited as may be determined at any time by the Civil Aeronautics Administration or the successor Government agency to be necessary to prevent interference with use by other authorized aircraft, so long as such limitation does not restrict Government use to less than twenty-five (25) per centum of capacity of the airport. Government use of the airport to this extent shall be without charge of any nature other than payment for damage caused by Government aircraft.

(2) That during the existence of any emergency declared by the President or the Congress, the Government shall have the right without charge except as indicated below to the full, unrestricted possession, control, and use of the landing area, building areas, and airport facilities or any part thereof, including any additions or improvements thereto made subsequently to the declaration of the airport property as surplus; *Provided, however,* That the Government shall be responsible during the period of such use for the entire cost of maintaining all such areas, facilities, and improvements, or the portions used, and shall pay a fair rental for the use of any installations or structures which have been added thereto without Federal aid.

§ 8316.11 *Functions of the Civil Aeronautics Administration.* In the disposal of surplus airport property under this part, the disposal agency may avail itself of the services of representatives of the Civil Aeronautics Administration in all negotiations for the disposal of the property and shall consult with and obtain the recommendations of the Civil Aeronautics Administration as to all decisions pertaining to civil aviation. In addition the Civil Aeronautics Administration shall furnish such technical assistance as the Surplus Property Administrator or the disposal agency may request and the Civil Aeronautics Administration is in a position to provide.

§ 8316.12 *Classification of property by Administrator.* (a) Upon receipt of a declaration of surplus airport property, the Surplus Property Administrator shall consider any requests for reservations, restrictions, and conditions submitted by the owning agency, or by the War and Navy Departments, or by the Civil Aeronautics Administration, or by the Surplus Airport Disposal Committee, and shall determine the future uses for which the property is best adapted, how the property can best be disposed of to meet the objectives of the act, and whether any or all of the requests for reservations, restrictions and conditions should be imposed.

(b) If the Administrator classifies the property for disposal as an airport, it shall be disposed of under this part; if the Administrator classifies it for dispo-

sition otherwise than as airport property and the owning agency does not withdraw it as hereinafter provided, it shall be assigned to the appropriate disposal agency and disposed of under other applicable regulations of the Administrator. Where a landing area is used in connection with an industrial installation, the Administrator shall determine whether to classify such landing area and its airport facilities as airport properties for disposal under this part, or whether to classify the landing area otherwise and assign it for disposal by the appropriate disposal agency.

§ 8316.13 *Disposal as airport property subject to reservations, restrictions, and conditions.* (a) If the Administrator classifies the property for disposal as an airport, there shall be imposed on the disposal of the airport property a condition that there shall be no exclusive right for the use of any landing area or air navigation facilities upon which Federal funds have been expended; and there shall also be imposed any or all of the reservations, restrictions, and conditions requested pursuant to § 8316.10 hereof and approved by the Administrator; and the disposal agency shall immediately undertake to so dispose of it as such. Notice of availability shall be given to Government agencies listed in Exhibit A hereto; and to the State and political subdivisions and any municipality in which it is situated and to all municipalities in the vicinity thereof; and to the general public.

(b) In the event—(1) the Administrator does not classify the property for disposal as airport property when so requested, or (2) does not approve any or all of the requested reservations, restrictions, and conditions, or (3) the disposal agency finds that it is unable to dispose of the property with the reservations, restrictions, and conditions imposed under § 8316.10 or as an airport, the owning agency shall be notified, and the owning agency may, if it desires, withdraw such airport property from surplus on making reimbursement for the cost of care and handling, or recommend the elimination or modification of such reservations, restrictions, and conditions, or the disposal of the property otherwise than as an airport. In cases arising under subparagraph (3) above, the disposal agency shall also notify the Administrator.

(c) Where the owning agency has withdrawn the airport property from surplus pursuant to the provisions of paragraph (b), and later re-declares such property surplus, with or without requesting conditions for its disposition, the Administrator shall determine the terms and conditions upon which it shall be disposed of and the proper classification to be given and shall assign it to the appropriate disposal agency for disposal.

(d) The disposal agency shall widely publicize the airport property, giving information adequate to inform interested or prospective transferees as to the general nature of the property, and any reservations, restrictions, or conditions that have been imposed as to its future use. Such publicity shall be by public advertising, and may include press releases, direct circularization to potential trans-

ferees, and personal interviews. The disposal agency shall upon request supply to bona fide prospective transferees all available information. The disposal agency shall establish procedures so that all prospective transferees showing due diligence will be given full and complete opportunity to bid.

(e) All priority holders and any other persons interested in purchasing the airport property shall submit their proposals in writing, setting forth the details of their offers and their willingness to abide by the terms, conditions, and restrictions upon which the property is offered.

§ 8316.14 *Care and handling.* (a) (1) Until the disposal agency is prepared to assume responsibility for care and handling and accountability and so notifies the owning agency, the owning agency shall continue to be responsible therefor. The disposal agency shall have access to the property and the records of the owning agency with respect thereto.

(2) The agency then charged with the responsibility for care and handling shall make or cause to be made repairs necessary for the protection and maintenance of the property. It shall give careful consideration to what improvements or changes may be necessary for the completing, converting, or rehabilitating of the property in order best to attain the applicable objectives of the act, and may make commitments and expenditures within its budgetary allotment for such purposes to effect such improvements or changes; *Provided, however,* That no commitments for more than \$10,000 of any such budgetary allotment shall be made by such agency for any such changes and improvements in connection with any one airport without prior approval of the Administrator in writing.

(3) The agency then charged with the responsibility for care and handling of surplus airport property shall submit to the Administrator for consideration and direction the renewal of leases or the exercise of options relating to surplus airport property, with the recommendations of such agency.

(4) The disposal agency shall pay the owning agency for the cost of care and handling surplus airport property subsequent to its declaration as such under Part 8301, including rental and taxes when due, until accountability and responsibility for such property is assumed by the disposal agency.

(b) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, the owning agency shall immediately supply the disposal agency with the originals or true copies of all information and documents pertaining to the airport property which are in the possession of the owning agency and copies of which have not been filed with the declaration. These shall include appraisal reports, abstracts of title, maps, surveys, tax receipts, deeds, affidavits of title, copies of judgments, declarations of taking in condemnation proceedings, and all other title papers relating to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency

have been satisfied. The disposal agency may transfer to the purchaser of airport property, as part of the disposal transaction, any abstract of title or title guarantee which relates to the property being transferred and which is no longer needed either by the owning or by the disposal agency.

§ 8316.15 *Priorities.* (a) Government agencies shall be accorded first priority, and State and local governments, including any municipality in which the property is located and all municipalities in the vicinity thereof, second priority to acquire surplus airport properties. If the airport is offered for disposition subject to any or all of the conditions contained in § 8316.10, all priorities shall be exercised subject to such conditions.

(b) *Time and method of exercise.* The time for exercise of priorities by Government agencies or State or local governments shall be a period of thirty (30) days after the date of notices of availability given to them respectively, which notices may run concurrently; or such additional period as the disposal agency or the Administrator may allow when necessary or appropriate to complete proposals made, and in order to facilitate disposition of the property. Within such period the priority holder shall indicate his intention to exercise the priority by making an offer or by submitting to the disposal agency a written application requesting that the airport property be held for disposal to it. Such offer or application shall state the terms on which the applicant is willing to acquire the property, or state that a transfer without reimbursement or transfer of funds is authorized by law, and shall contain all pertinent facts pertaining to the applicant's need for the property. If the applicant requires time to acquire funds or to obtain authority to take the property, it shall so state and indicate the length of time needed for that purpose. Upon receipt of an offer or an application, with such a statement, the disposal agency shall review the application, determine what time, if any, shall be allowed the applicant to conclude the acquisition of the property, and advise the applicant of such determination. All priorities shall expire if not exercised within the priority period and such additional time as the disposal agency may allow.

(c) *Determination between claimants having same priority.* Whenever two or more Government agencies or two or more State or local governments, respectively, shall during the priority period make acceptable offers for the same property, the matter shall be determined on the basis of the relative needs of the claimants and the public interest to be served. If the matter cannot be determined by agreement between the claimants, disposal of such property shall not be made until the disposal agency shall have reported the matter in writing to the Administrator, setting forth its recommendations and all the facts, including the basis of the respective claims, together with any statements in writing that the claimants or any of them may wish to file with the Administrator. The Administrator will review the matter and

report his determination to the disposal agency. The Administrator's determination shall be final for all purposes.

§ 8316.16 *Permits to operate or use.* (a) Pending the disposition of surplus airport property by sale or lease, the owning agency, prior to the date accountability is assumed by the disposal agency, and the disposal agency thereafter, may (1) grant a revocable permit to maintain and operate the landing area and airport facilities included within any surplus airport property as a public airport to a Government agency or State or local government evincing an interest in acquiring the property with or without cash payment and on such terms as the accountable agency deems proper, or (2) grant a revocable permit for the landing area and airport facilities to be used for the landing, take-off, servicing, and operation of duly licensed aircraft.

(b) Permits or licenses to operate the property under subparagraph (1) or to use the facilities under subparagraph (2) shall be subject to the approval of the Administrator and to compliance by the licensees with all laws, ordinances, or other applicable regulations.

§ 8316.17 *Valuation.* (a) No appraisal need be made where transfer to a Government agency without reimbursement or transfer of funds or disposal to a State or local government without a cash payment is contemplated. If it is determined that the property will not be so transferred or disposed of, the disposal agency shall establish its estimate of the fair value of the property.

(b) The estimate of fair value shall represent the maximum price which a well-informed buyer, acting intelligently and voluntarily, would be warranted in paying if he were acquiring the property for long-term investment or for continued use in the light of the obligations to be assumed by the buyer.

(c) If at any time prior to the sale of an airport property conditions affecting its value change, the disposal agency shall modify its estimate accordingly.

(d) For the purpose of establishing its estimate of fair value of the property, the disposal agency may utilize the services of its own staff, the staff of another Federal agency or, where deemed necessary, independent appraisers, and shall maintain an adequate written record to support its estimate. Each such appraisal record or report shall contain the appraiser's certificate that he has no interest, direct or indirect, in the property or its sale. In cases where owning agencies submit appraisal reports which contain adequate and reliable information, the disposal agency may use such information in establishing its estimate of the fair value of the property.

§ 8316.18 *Prices.* (a) The disposal agency shall determine the price at which a disposal of an airport property shall be made.

(b) Sale of an airport property as an airport to a buyer entitled to a priority shall be at a price which is substantially the same as the estimate of fair value, except that (1) a transfer to another Government agency without reimbursement

or transfer of funds may be made where authorized by law, or (2) upon the authorization of the Administrator the disposal agency shall dispose of airport property to any State or local government without a cash payment in consideration of the acceptance by such State or local government of all reservations, restrictions, and conditions imposed by the Administrator.

(c) Sale of an airport property as an airport to any purchaser other than a buyer entitled to a priority shall be at a price approximating the estimate of fair value as established by the disposal agency and shall be made at the highest price obtainable, except that the applicable objectives of the act may be taken into consideration in rejecting offers regardless of their amounts or in selecting a buyer from among equal bidders. Sales under this paragraph shall be for a monetary consideration.

§ 8316.19 *Submission to Attorney General.* Whenever any disposal agency shall begin negotiations for the disposition to private interests of an airport property which cost the Government \$1,000,000 or more, the disposal agency shall promptly notify the Attorney General of the proposed disposition and the probable terms or conditions thereof, and of the extent and nature of the facilities installed or provided thereon.

§ 8316.20 *Form of transfer.* Deeds or instruments of transfer shall be in the form approved by the Attorney General. Transfers of title shall be by quit-claim deed where the airport property is transferred without a cash payment. If in other cases the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable, such form of deed may be used where recommended and approved by the Attorney General as provided in the act.

§ 8316.21 *Conditions in instrument of transfer.* Any deed, lease, or other instrument executed to transfer airport property pursuant to any disposal made under this part, containing reservations, restrictions, or conditions as to the future use and maintenance of the property, shall contain provisions in effect:

(1) That upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferee, the title, right of possession, or other right transferred shall at the option of the Government revert to the Government upon demand; and

(2) That any such airport property may be successively transferred only with the approval of the Civil Aeronautics Administration or the successor Government agency and with the proviso that any such transferee assumes all the obligations imposed by the disposal agency in the disposal to the original purchaser.

§ 8316.22 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part as to each disposal transaction. The information in such records shall be available at all reasonable times for public inspection. Reports shall be prepared

and filed with the Surplus Property 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.

§ 8316.23 *Regulations by agencies to be reported to the Administrator.* Each owning agency and each disposal agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which they may issue in furtherance of the provisions, or any of them, of this part.

§ 8316.24 *Exceptions.* Exceptions to any portion of the procedure herein may be made by direction of the Administrator where such exception would not be in violation of the act.

This part shall become effective November 16, 1945.

W. STUART SYMINGTON,
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-20950; Filed, Nov. 16, 1945;
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[SPA Reg. 17]

PART 8317—STOCK PILING OF STRATEGIC MINERALS, METALS, AND MATERIALS

Sec.	
8317.1	Definitions.
8317.2	Scope.
8317.3	Basic policy.
8317.4	Central control of stock piling.
8317.5	Declaration of surplus to Reconstruction Finance Corporation.
8317.6	Functions of Reconstruction Finance Corporation.
8317.7	Functions of Army and Navy Munitions Board.
8317.8	Civilian deficiencies estimated by Civilian Production Administration.
8317.9	Minimum quantities of strategic property.
8317.10	Valueless items.
8317.11	Records and reports.
8317.12	Regulations and reports by affected agencies.

Exhibit I Strategic minerals and metals.
Exhibit II Strategic materials.

AUTHORITY: §§ 8317.1 to 8317.12, inclusive, issued under the Surplus Property Act of 1944, 58 Stat. 785, 50 U.S.C. App. Sup. 1611, and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8317.1 *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) "Strategic minerals and metals" means all minerals and metals listed on Exhibit I, and includes ores, concentrates, alloys, scrap and partially and completely fabricated articles, of which more than fifty (50) per cent by value of the component materials consist of such minerals and metals. This term shall not include fabricated articles which the Army and Navy Munitions Board determines are not suitable to the requirements of the Army or Navy in the form in which fabricated, and which may be disposed of commercially at a price at least ten (10) per

cent in excess of the metal market price of their component strategic minerals and metals.

(2) "Metal market price" of the component strategic minerals and metals in a fabricated article means the net metal market price after deducting the cost of extracting the component minerals and metals from the fabricated article and refining them to the form to which the metal market price applies. It is recognized that in certain cases (such as ferrous alloys) it is contrary to standard commercial practice to extract and refine the component minerals and metals, because the cost is prohibitive, or because extraction and refining are scientifically impracticable. In such instances (and solely for the purpose of determining whether the fabricated article must be transferred to the stock pile), the component minerals or metals may be determined to have no metal market price. In those cases where the scrap price reflects the extracting and refining costs, such scrap price may be taken as the metal market price.

(3) "Strategic materials" means all materials, minerals, and metals listed on Exhibit II. Exhibit II is composed of the materials, minerals, and metals enumerated in Group A and Group B of the List of Strategic and Critical Materials as determined by the Army and Navy Munitions Board on March 6, 1944, as amended (herein referred to as the "List of Strategic and Critical Materials"), but does not include the "strategic minerals and metals" listed on Exhibit I.

(4) "Strategic property" means all the materials, minerals, and metals listed on Exhibits I and II, being composed of both strategic minerals and metals and strategic materials.

(5) "Transfer to the stock pile" means a transfer without reimbursement of Government-owned accumulations of strategic property, when determined to be surplus pursuant to the act, to the account of the Treasury Procurement Division, to be added to the stock pile authorized by the act of June 7, 1939, as amended, and subject to the provisions of such act.

(6) "Civilian Production Administration" is referred to herein in its capacity as successor agency empowered to exercise the functions delegated to the War Production Board under section 22 (b) of the act.

§ 8317.2 *Scope.* This part applies to stock piling, under section 22 of the act, of personal property located in continental United States, when determined to be surplus by the owning agency. This part does not apply to contractor inventory.

§ 8317.3 *Basic policy.* In general stock piling of surplus strategic minerals and metals other than fabricated articles is mandatory and without limitation as to maximum quantity; stock piling of fabricated articles of which the principal components by value consist of strategic minerals and metals, depends chiefly upon whether the Army and Navy Munitions Board determines that such articles are suitable to Army and Navy requirements; and stock piling of strategic ma-

terials is mandatory, except such materials which the Army and Navy Munitions Board determines do not meet the specifications for common defense or are in excess of the needs thereof. There are four exemptions hereunder from the stock piling requirements: (a) contractor inventory, (b) reserves of strategic minerals and metals equal to the civilian deficiencies estimated by the Civilian Production Administration in accordance with § 8317.8, (c) lots less than the minimum quantities shown opposite each item of strategic property listed on Exhibits I and II, and (d) valueless items as provided in § 8317.10. Except for these exemptions, transfers of strategic property for stock piling purposes have priority over all dispositions of property determined to be surplus under the act.

§ 8317.4 *Central control of stock piling.* In order to centralize procedures for determining the classification of surplus property as strategic or non-strategic, and to establish a central control point for (a) the disposition of minerals and metals for the purpose of meeting civilian deficiencies as estimated by the Civilian Production Administration, and (b) the determination of whether strategic materials meet Army and Navy specifications, the Reconstruction Finance Corporation (on behalf of the owning agencies) and the Army and Navy Munitions Board are empowered and directed to exercise the functions delegated to them under this part.

§ 8317.5 *Declaration of surplus to Reconstruction Finance Corporation.* All strategic property shall, when determined to be surplus pursuant to the act, be declared by the owning agency to the Reconstruction Finance Corporation, for disposition under § 8317.6. Unless otherwise directed by the Reconstruction Finance Corporation in specific cases, owning agencies shall declare all surplus strategic property listed on Exhibits I and II to the Reconstruction Finance Corporation, and shall not be required to determine prior to such declaration whether such strategic property meets Army and Navy specifications or is in excess of the quantities called for. Owning agencies shall not declare as surplus strategic property, lots less than the minimum quantities of strategic property determined to be suitable for the stock pile as provided in § 8317.9 (and listed on Exhibits I and II), or items which are determined to be valueless for stock piling purposes under § 8317.10. Such lots and valueless items shall be disposed of by the owning agencies in accordance with the applicable regulations of the Administrator. When declaring strategic property to the Reconstruction Finance Corporation as surplus, owning agencies shall in filling out Form SPB-1, include in the description of the property in column (b), the phrase "strategic property". The description shall be sufficiently complete as to chemical or other composition, specification, size, and amount, to indicate the nature of the strategic property. If scrap is declared as strategic property, columns (c), (d), and (g) shall not be filled in, and column (h) entitled

"Total Cost" shall be filled in with an amount representing "Total Estimated Value". The balance of the form shall be completed in accordance with the instructions on the reverse. Form SPB-1 used in reporting strategic property shall not include any non-strategic property.

§ 8317.6 *Functions of Reconstruction Finance Corporation.* The Reconstruction Finance Corporation will act as a central control for the owning agencies having stock pile functions under section 22 of the act. To this end, the Reconstruction Finance Corporation will make disposition of all strategic property declared to it by the owning agencies under § 8317.5, in accordance with the following policies:

(a) The Reconstruction Finance Corporation shall establish reserves from the strategic minerals and metals so declared, to meet the civilian deficiencies in such minerals and metals estimated by the Civilian Production Administration as provided in § 8317.8. These reserves shall be withheld from the stock pile and shall be sold at the market price in quantities sufficient to meet such deficiencies, as the Reconstruction Finance Corporation is requested or directed to do so by the Civilian Production Administration. Due allowance for civilian deficiencies in strategic materials (as distinguished from strategic minerals and metals) is provided for in § 8317.7 (e).

(b) All remaining strategic minerals and metals (other than reserves for civilian deficiencies) shall be transferred to the stock pile as provided herein.

(c) Wholly or partially fabricated articles of which the principal components by value consist of strategic minerals and metals shall be held for inspection by the Army and Navy Munitions Board, which shall promptly determine whether such fabricated articles are suitable for use by the Army or Navy in the form in which fabricated. A fabricated article is not "suitable" when the Army and Navy Munitions Board determines that it does not meet Army or Navy stock pile requirements. Upon notification by the Army and Navy Munitions Board that such fabricated articles are suitable for Army or Navy use, such fabricated articles shall be transferred to the stock pile as provided herein. If not suitable for Army or Navy use, the Reconstruction Finance Corporation is authorized to sell such articles at the best price obtainable, provided such price is at least ten (10) per cent in excess of the metal market price of the component strategic minerals and metals in such fabricated articles. If the fabricated articles cannot be sold at such price, such fabricated articles shall be transferred to the stock pile as provided herein.

(d) The strategic materials listed on Exhibit II shall be held for inspection by the Army and Navy Munitions Board, which shall promptly determine whether such materials meet Army and Navy specifications or are in excess of Army and Navy needs. Materials which meet such specifications shall, to the extent of the requirements for common defense as determined by the Army and Navy Munitions Board, be transferred to the

stock pile as provided herein. The Reconstruction Finance Corporation shall dispose of the remaining materials in accordance with the applicable regulations of the Administrator. If any of such remaining materials consist of agricultural commodities or food (such as foreign wool and pepper), such materials shall be transferred by the Reconstruction Finance Corporation to the Department of Agriculture for disposal under the applicable regulations of the Administrator, and the Reconstruction Finance Corporation shall forward the declarations of surplus covering such materials to the Department of Agriculture.

(e) The Army and Navy Munitions Board may authorize the Reconstruction Finance Corporation (directly or through the appropriate owning agency) to make the inspections provided for in paragraphs (c) and (d), but all final determinations under those paragraphs as to whether any items are suitable for Army and Navy use, or meet the specifications and requirements for common defense, shall be made by the Army and Navy Munitions Board.

(f) Strategic property held for the stock pile may be converted by the Treasury Procurement Division (or, in the case of strategic minerals and metals, by the agency in possession of the property), into forms which are best suited for storage and which meet the requirements for common defense as determined by the Army and Navy Munitions Board.

(g) The Reconstruction Finance Corporation shall report to the Treasury Procurement Division all strategic property which is to be transferred to the stock pile under this section, and the Treasury Procurement Division shall promptly issue shipping instructions to the agency in possession of the property, which shall comply with such instructions. All shipping and conversion expenses and all expenses after the date of shipment (including transportation, maintenance, and storage) shall be borne by the Treasury Procurement Division as provided in the act of June 7, 1939, as amended, unless the agency in possession of the property elects to bear such expenses.

§ 8317.7 *Functions of Army and Navy Munitions Board.* The Army and Navy Munitions Board has been authorized and directed by the War and Navy Departments to make all determinations and requests under section 22 of the act relating to surplus strategic property for the stock pile, which are authorized by such section to be made by the War and Navy Departments and the Army and Navy. Accordingly, the Army and Navy Munitions Board will:

(a) Determine whether (and in what quantities) any minerals or metals shall be added to the list of strategic minerals and metals enumerated in Exhibit I;

(b) Determine which fabricated articles are suitable for Army or Navy requirements in the form in which fabricated;

(c) Be responsible for all necessary amendments, deletions, and additions to the strategic materials listed in Exhibit

II, and for all specifications and requirements for such materials;

(d) Make such inspections as may be necessary to carry out its functions under this part;

(e) Determine which strategic materials meet Army and Navy specifications or are in excess of the requirements for common defense. In formulating its requests to the Reconstruction Finance Corporation for strategic materials listed in Exhibit II, the Army and Navy Munitions Board shall make due allowance for civilian deficiencies in strategic materials as estimated by the Civilian Production Administration;

(f) Make recommendations to the Administrator under §§ 8317.9 and 8317.10 as to minimum quantities and valueless items of strategic property which are not suitable for the stock pile; and

(g) Establish liaison with the Reconstruction Finance Corporation, and promptly furnish the Reconstruction Finance Corporation and any other interested Government agency designated by the Reconstruction Finance Corporation, with copies of the Army and Navy specifications for strategic materials, all amendments, deletions, and additions to the list of materials on Exhibit II, and all other determinations, requests, and recommendations which the Army and Navy Munitions Board is required to make hereunder.

§ 8317.8 *Civilian deficiencies estimated by Civilian Production Administration.* The Civilian Production Administration has made its statutory estimate as required under section 22 (b) of the act, of the civilian deficiencies in strategic minerals and metals which are likely to exist for the requirements of non-war industry. Upon the request or direction of the Civilian Production Administration, the Reconstruction Finance Corporation shall sell at the market price sufficient quantities of strategic minerals and metals in its reserve supply established under § 8317.6 (a) to meet such civilian deficiencies. The Civilian Production Administration will make appropriate revisions in its estimate of civilian deficiencies, to the extent that the supply of or the civilian requirements for strategic minerals and metals may increase or decrease from time to time. The Civilian Production Administration will promptly notify the Reconstruction Finance Corporation and the Army and Navy Munitions Board of any revision in its estimates, and the Reconstruction Finance Corporation will adjust its reserves accordingly. The Civilian Production Administration will make similar estimates of civilian deficiencies in strategic materials (as distinguished from strategic minerals and metals) in order that the Army and Navy Munitions Board may make due allowance for such deficiencies as required in § 8317.7 (e).

§ 8317.9 *Minimum quantities of strategic property.* Accumulations of strategic property which owning agencies are required to declare to the Reconstruction Finance Corporation for stock piling purposes, do not include such minimum quantities of strategic property

(including scrap) as will render their transfer to the stock pile uneconomic, wasteful, and unsuitable to the requirements of the Army and Navy as determined by the Army and Navy Munitions Board. It is recognized that these minimum quantities will vary according to the nature of the property. Therefore, the Army and Navy Munitions Board will make recommendations to the Administrator from time to time, setting forth standards to be applied in determining minimum quantities of strategic property suitable for stock piling. Upon the basis of such recommendations, lots less than the minimum quantities of the various classes of strategic property listed on Exhibits I and II are hereby declared exempt from stock piling and shall be disposed of by the owning agencies pursuant to the applicable regulations of the Administrator.

§ 8317.10 *Valueless items.* Accumulations of strategic property required to be stock piled do not include fabricated items (such as tin cans) of which the cost of care, handling, and conversion for stock piling purposes exceeds the estimated value of the item, or which would deteriorate and become valueless to the Army and Navy if stored in the stock pile. The determination of which fabricated items fall within this class will be made by the owning agency. The Army and Navy Munitions Board will keep the Administrator, the Reconstruction Finance Corporation, and the owning agencies advised as to fabricated items which it considers fall within this classification and are valueless for stock piling purposes.

§ 8317.11 *Records and reports.* The Reconstruction Finance Corporation and the owning agencies shall prepare and maintain such records as will show full compliance with the provisions of this part. Reports shall be filed with the 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.

§ 8317.12 *Regulations and reports by affected agencies.* The Reconstruction Finance Corporation and the owning agencies shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of this part. The Army and Navy Munitions Board shall file with the Administrator copies of the lists, specifications, determinations, and requests which it is required to file with the Reconstruction Finance Corporation under § 8317.7. The Civilian Production Administration shall file with the Administrator copies of the estimates and determinations which it is required to make under § 8317.8.

This part shall become effective November 20, 1945, and shall be deemed rescinded as of January 3, 1946, unless continued in force and effect or otherwise amended.

W. STUART SYMINGTON,
Administrator.

NOVEMBER 16, 1945.

LIST OF STRATEGIC PROPERTY

EXHIBIT I—STRATEGIC MINERALS AND METALS

Items	Minimum quantity
Antimony.....	25 short tons.
Beryl.....	5 short tons
Cadmium.....	100 pounds.
Chromite:	
Metallurgical grade.....	25 long tons.
Refractory grade.....	Do.
Chemical grade.....	Do.
Cobalt.....	2,000 pounds.
Copper.....	25 short tons.
Diamonds, industrial.....	No minimum.
Fluorspar:	
Acid grade.....	25 short tons.
Metallurgical grade.....	Do.
Graphite:	
Amorphous lump.....	5 short tons.
Flake.....	Do.
Crystalline fines.....	Do.
Lead.....	25 short tons.
Magnesium.....	50,000 pounds.
Manganese:	
Battery grade.....	25 long tons.
Metallurgical grade.....	Do.
Mercury.....	10 flasks.
Mica:	
Muscovite block and film.....	100 pounds.
Muscovite splittings.....	Do.
Phlogopite splittings.....	Do.
Phlogopite block.....	Do.
Molybdenum (contained in molybdenum).	10,000 pounds.
Nickel (including monel).....	Do.
Platinum.....	No minimum.
Quartz crystals.....	100 pounds.
Tantalite (contained tantalite).	Do.
Tin.....	2,000 pounds.
Tungsten (contained tungsten).	10,000 pounds.
Vanadium (contained vanadium).	Do.
Zinc.....	25 short tons.

Note on minimum quantity for ores, concentrates, alloys, scrap and fabricated articles, which consist principally by value of the strategic minerals and metals listed above: Lots of such items that contain not less than the minimum quantity of any one of the minerals or metals listed above, shall be declared as strategic property.

EXHIBIT II—STRATEGIC MATERIALS

Items	Minimum quantity
Agar.....	250 pounds.
Aluminum.....	50,000 pounds.
Asbestos:	
Rhodesian chrysotile.....	5 short tons.
South African amosite.....	Do.
Barite.....	Do.
Bauxite.....	25 long tons.
Bismuth.....	100 pounds.
Castor oil.....	50,000 pounds.
Celestite (strontium).....	25 short tons.
Coconut oil.....	50,000 pounds.
Columbite (columbite content).	500 pounds.
Cordage fibers:	
Manila (1 bale).....	400 pounds.
Sisal (1 bale).....	Do.
Corundum.....	10,000 pounds.
Cryolite, natural.....	25 long tons.
Diamond dies.....	No minimum.
Emery.....	25 short tons.
Emetine.....	100 ounces.
Hyoscine.....	No minimum.
Iodine.....	2,000 pounds.
Jewel bearings:	
Instrument jewels.....	1,000 pieces.
Sapphire and ruby vee jewels.....	Do.
Watch and timekeeping jewels.....	Do.
Kapok.....	100 pounds.
Kyanite, Indian.....	25 short tons.
Monazite.....	5 short tons.

EXHIBIT II—STRATEGIC MATERIALS—continued

Items	Minimum quantity
Opium.....	No minimum.
Palm oil.....	50,000 pounds.
Pepper.....	1,000 pounds.
Platinum group metals:	
Iridium.....	No minimum.
Osmium.....	Do.
Palladium.....	Do.
Rhodium.....	Do.
Ruthenium.....	Do.
Pyrethrum (20% extract).....	1,000 pounds.
Quebracho (extract).....	Do.
Quinidine.....	25 ounces.
Quinine.....	100 ounces.
Rapeseed oil.....	50,000 pounds.
Rubber:	
Crude natural rubber.....	5 long tons.
Natural rubber latex.....	Do.
Rutile.....	5 short tons.
Sapphire and ruby.....	1,000 carats.
Selenium.....	1,000 pounds.
Shellac.....	10,000 pounds.
Sperm oil.....	50,000 pounds.
Talc:	
Steatite block or lava.....	No minimum.
Steatite ground.....	5 short tons.
Tung oil.....	50,000 pounds.
Wool.....	10 bales.
Zirconium ores:	
Baddeleyite.....	5 short tons.
Zircon.....	Do.

[F. R. Doc. 45-20951; Filed, Nov. 16, 1945; 11:25 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Rev. G. O. 58]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

SALE, LEASE, CHARTER, DELIVERY, OR TRANSFER OF VESSELS TO ALIENS AND AGREEMENTS THEREFOR; TRANSFER TO FOREIGN REGISTRY OR FLAG; CONTRACTS FOR CONSTRUCTION OF VESSELS FOR ALIENS; AND DEPARTURE FROM UNITED STATES PORTS OF CERTAIN VESSELS

Effective 12:01 a. m. e. s. t., November 16, 1945, General Order 58 is revised to read:

§ 221.6 *Approval of certain sales, leases, charters, deliveries, or transfers of vessels of less than one thousand gross to aliens or agreements therefor; of transfer to foreign registry and flag; of contracts for construction of such vessels for aliens; and of the departure of such vessels from United States ports before United States documentation.* The United States Maritime Commission hereby approves, under section 37 of the Shipping Act, 1916, as amended (40 Stat. 901; 46 U.S.C. 835).

(a) The sale, mortgage, lease, charter, delivery, or transfer, and agreement for the sale, mortgage, lease, charter, delivery or transfer to any person not a citizen of the United States of any vessel or interest therein, owned in whole or in part by any person a citizen of the United States or by a corporation organized under the laws of the United States or of any State, Territory, District, or possession thereof, which vessel is under one

thousand tons gross and is not documented under the laws of the United States or the last documentation of which was not under the laws of the United States;

(b) The transfer to, or placing under, any foreign registry or flag of any such vessel;

(c) The entrance into any contract, agreement, or understanding to construct a vessel of less than one thousand tons gross within the United States for, or to be delivered to, a person not a citizen of the United States; and

(d) The departure from any port of the United States of any vessel of less than one thousand tons gross which was constructed in whole or in part within the United States, has not been documented under the laws of the United States, and has never cleared for any foreign port.

Note: Paragraph (d) supersedes General Order 40 (amended), § 221.60, approved September 18, 1941; 6 F. R. 4844, 46 CFR Cum. Supp. 11220.

(52 Stat. 964; 40 Stat. 901)

By order of the United States Maritime Commission.

[SEAL]

A. J. WILLIAMS,
Secretary.

NOVEMBER 15, 1945.

[F. R. Doc. 45-20926; Filed, Nov. 15, 1945; 4:01 p. m.]

Chapter III—War Shipping Administration

[G. O. 40, Supp. 2]

PART 304—LABOR

MEDICAL EXAMINATIONS FOR CREWS OF WAR SHIPPING ADMINISTRATION VESSELS

Effective as of November 1, 1945, paragraph (c) of § 304.41 *Purpose and scope of medical examination program* is revised to read:

(c) Sections 304.41 through 304.49 are applicable to the facilities and programs of the United States Public Health Service and the War Shipping Administration which either are available or will be made available to carry out the purposes of §§ 304.41 through 304.49, and further, is applicable to the facilities and medical programs of General Agents, but nothing in §§ 304.41 through 304.49 shall operate to alter accepted practices in such medical programs of General Agents, providing these programs maintain standards at least the equivalent of the minimum standards established under the War Shipping Administration medical program, and comply with such operations regulations and administrative orders as pertain thereto.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL]

E. S. LAND,
Administrator.

NOVEMBER 15, 1945.

[F. R. Doc. 45-20927; Filed, Nov. 15, 1945; 4:01 p. m.]

**TITLE 49—TRANSPORTATION
AND RAILROADS**

**Chapter II—Office of Defense
Transportation**

[Rev. Gen. Order ODT 15, Revocation]

**PART 502—DIRECTION OF TRAFFIC MOVE-
MENT**

**TRANSPORTATION OF COAL BETWEEN UNITED
STATES PORTS ON ATLANTIC OCEAN**

Pursuant to Executive Order 8989, as amended, General Order ODT 15, Revised, §§ 502.30 to 502.39, inclusive (7 F.R. 10487), is hereby revoked effective January 1, 1946.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 16th day of November 1945.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 45-21069; Filed, Nov. 16, 1945;
11:58 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

[Order 2115]

**DISPOSITION BY BONNEVILLE POWER AD-
MINISTRATION OF POWER FROM CERTAIN
PROJECTS, AND RELATED MATTERS.**

1. The Bonneville Power Administrator (hereinafter called the Administrator) is hereby designated the marketing agent for the surplus electric energy of the Lookout Point, Quartz Creek, and Detroit projects, authorized by the Act of December 22, 1944 (Public Law 534, 78th Cong. 2d Sess.) and of the Umatilla and lower Snake River projects, authorized by the act of March 2, 1945 (Public Law 14, 79th Congress, 1st Session), which acts authorize the marketing of such energy by the Secretary of the Interior. The Administrator shall assume the duty of marketing such energy in addition to the marketing of surplus electric energy of the Bonneville Project as directed by the act of August 20, 1937 (50 Stat. 731), as amended, and the Grand Coulee and Hungry Horse projects, for which he has been heretofore designated as marketing agent. In view of the increased responsibilities of the Administrator, this order is issued to define and amplify existing policies and procedures and the relationships of the Administrator with the Department as set forth in applicable departmental orders establishing and defining such relationships and procedures which are hereby reaffirmed without modification.

2. The Administrator is directed, to such extent and in such manner as in his judgment the public interest may require, and as are consistent with applicable statutes and executive orders, (a) to integrate the power facilities of all proj-

ects for which he is the marketing agent of surplus power; *Provided*, That nothing in this order shall be construed as conferring authority over the operation of power producing facilities of such projects; (b) to interconnect such projects with publicly-owned power systems and to exchange electric energy with and purchase and sell electric energy from and to such systems, and (c) to sell and dispose of all electric energy in accordance with the policies of the act of August 20, 1937 (50 Stat. 731), as amended, and the act of December 22, 1944 (Public Law 534, 78th Cong. 2d Sess.), and, with respect to the Columbia Basin Project, in accordance with the policies of the Federal Reclamation laws. The Administrator may exercise such of the powers and functions vested in the Secretary by the act of June 5, 1944 (Public Law 329, 78th Congress), the act of December 22, 1944 (Public Law 534, 78th Congress), and the act of March 2, 1945 (Public Law 14, 79th Congress), as may be necessary or appropriate for the effective marketing of the power and energy available to the Administrator under said acts and this order. In carrying out the integrated operation of the projects for which he is designated the marketing agent, the Administrator, through such employees as he may designate, may exercise any of the functions vested in him with respect to any project.

3. The Administrator is directed to make such surveys, investigations, studies, and informational reports as he may determine to be useful or appropriate in connection with the marketing of power and in carrying out the functions vested in him by law or this order. The Administrator is further directed to undertake or to cooperate or participate in such engineering and research and demonstrational work as he deems necessary or appropriate (a) to develop and to test or demonstrate the results of such surveys, investigations, and studies; (b) to promote the wider and improved use of electric energy for industrial, domestic, and agricultural purposes, and the furtherance of the marketing policies established by the act of August 20, 1937 (50 Stat. 731); and (c) more efficiently to develop and to carry out the functions vested in him by said act of August 20, 1937 (50 Stat. 731), as amended, or entrusted to the Administrator under any other act or under this or any other executive or administrative order. The Administrator so far as practicable shall consult and cooperate with the several Federal departments and agencies having an interest in the resource development of the Pacific Northwest and with the states and public and cooperative agencies in the making of studies, the collecting and dissemination of information and data, the development of plans, and the research and demonstrational work contemplated by this order.

4. For the coordination and integration of the programs, projects, and activities of the agencies in the Department having an interest in developing the resources of the Pacific Northwest

and for the elimination of waste and duplication of effort, the Administrator shall advise those agencies within the Department engaged in activities relating to or affecting power supply or water resources of the Pacific Northwest of the nature, scope, and progress of such activities conducted by the Administrator and shall make available to such agencies such data and information in relation thereto as may be useful to them in the performance of their duties. All agencies within the Department, including field offices thereof, engaged in activities relating to or affecting the power supply or water resources of the Pacific Northwest shall cooperate in like fashion with the Administrator and shall keep him advised of the nature, scope, and progress of their activities in the Pacific Northwest and shall make available to him such data and information in relation thereto as may be useful to the Administrator in the performance of his duties hereunder.

5. The Administrator, or such person as he may designate, is hereby made a member of the Water Resources Committee. The Administrator shall be given an opportunity to participate in the work of any intradepartmental or interdepartmental organization or committee on which the Department now or in the future has representation for the making of surveys, investigations, or studies affecting power matters in or the water resources of the Pacific Northwest.

6. To provide the widest possible use of and reasonable outlets for electric energy marketed by the Administrator and the purchase thereof by the ultimate consumer at the lowest possible rates consistent with sound business principles and to prevent the monopolization of such energy by limited groups, the Administrator is directed, to such extent and in such manner as in his judgment the public interest may require and as are consistent with the act of August 20, 1937 (50 Stat. 731), and other applicable statutes and executive orders (a) to assist public bodies and cooperatives who are purchasers or potential purchasers of electric energy from the Administrator in the acquisition of electrical facilities and distribution systems, or any portion or portions thereof; and (b) to render to purchasers and potential purchasers of electric energy from the Administrator services pertaining to the financing, operation, or maintenance of facilities and equipment for receiving, using, or distributing electric energy or to the sale of such energy.

7. Subject to applicable statutes and executive orders the Administrator is directed to dispose of electric energy to Federal agencies and to sell such energy to other purchasers, under contracts or agreements which contain such terms and conditions as in the judgment of the Administrator the public interest may require. Provision should be made in contracts with privately-owned utilities engaged in the sale of electric energy to the general public, so that such contracts will not adversely affect public bodies and cooperatives which may exist or thereafter be organized and which may desire to

become purchasers of power from the Administrator in the area served by such private utility company. Contracts should contain such terms and conditions as may be necessary to effectuate the policy that electric energy be made available to the ultimate consumer at reasonable rates.

8. The Administrator shall submit promptly to the Secretary through the Division of Power a monthly and annual consolidated report of power operation covering all Federal projects from which the Administrator markets power, and the Administrator's transmission system and showing the income and expenses, including depreciation, the allocation of fixed capital investments, and related financial and statistical information connected with the generation, purchase, and sale of electric power through the Administrator's transmission system. The Administrator shall be held responsible for establishing cooperative arrangements with other Federal agencies for the exchange of such information, records, and accounts as may be necessary for the compilation of the reports, copies of which shall be supplied to such agencies.

9. The powers vested in the Administrator shall be subject to the general supervision and direction of the Secretary of the Interior as provided by law and in applicable departmental orders.

Issued and effective this 16th day of October 1945.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 45-20936; Filed, Nov. 16, 1945;
10:27 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1666]

AMERICAN EXPORT AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and services connected therewith of American Export Airlines, Inc., between the terminal point New York, N. Y., and the terminal point Foynes, Eire.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that public hearing is assigned to be resumed on November 19, 1945, 11:00 a. m. (EST), in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before an examiner of the Board.

Dated Washington, D. C., November 15, 1945.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-20953; Filed, Nov. 16, 1945;
11:47 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5915]

PENNSYLVANIA WATER & POWER CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 9, 1945.

It appearing to the Commission that:

(a) Pursuant to petitions filed by the Public Service Commission of Maryland and by counsel for the Mayor and City Council of Baltimore, Maryland, County Commissioners of Baltimore County, Maryland, Bethlehem-Fairfield Shipyard, Inc., and Rustless Iron & Steel Corporation, the Commission, by order of September 1, 1944, instituted an investigation of Pennsylvania Water & Power Company for the purpose of enabling the Commission to determine whether, in connection with any transmission or sale of electric energy subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges or classifications, are unjust, unreasonable, unduly discriminatory, or preferential;

(b) By order of October 3, 1944, the investigation instituted by the Commission's order of September 1, 1944, was enlarged to include an investigation of Susquehanna Transmission Company of Maryland for the purpose of enabling the Commission to make the same determinations with respect to said company as specified in the Commission's order of September 1, 1944, with respect to Pennsylvania Water & Power Company and as set forth in paragraph (a) hereof;

(c) The said orders of September 1, 1944, and October 3, 1944: *Provided further*, That if the Commission, after hearing has been had, shall find that any of the rates, charges, classifications, rules, regulations, practices, or contracts of Pennsylvania Water & Power Company or Susquehanna Transmission Company of Maryland, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory or preferential, the Commission will determine and fix by order or orders the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force;

(d) Both the Pennsylvania Public Utility Commission and the Public Service Commission of Maryland have heretofore, by order of this Commission, been permitted to become intervenors in this proceeding;

(e) It is appropriate to carry out the provisions of the Federal Power Act that a hearing be held as hereinafter provided;

The Commission orders that: A public hearing be held commencing December 17, 1945, at 10:00 a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-20925; Filed, Nov. 15, 1945;
8:00 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supp. Vesting Order 5303]

TAMOTSU HATA

In re: Claims and bank accounts owned by Tamotsu Hata.

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

1. Having found and determined in Vesting Order Number 3231, dated February 20, 1944, as amended; that Tamotsu Hata is a national of a designated enemy country (Japan);

2. Finding that the property described as follows:

a. All right, title, interest and claim of any name and nature whatsoever of Tamotsu Hata in and to any and all obligations, contingent or otherwise and whether or not matured, which are due and owing to Tamotsu Hata by S. Hata Shoten, Limited, Hilo, Hawaii, T. H., including particularly those obligations which are represented on the books and records of S. Hata Shoten, Limited, as a loan payable to, and as salary payable to, T. Hata, and any and all security rights in and to any and all collateral for all or part of such obligations and the right to enforce and collect the same,

b. That certain debt or other obligation owing to Tamotsu Hata, by the Receiver of the Yokohama Specie Bank, Ltd., Honolulu, T. H., evidenced by Receiver's Liability Number 642, Receiver's Certificate Number 398, entitled Tamotsu Hata, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Tamotsu Hata, by Bank of Hawaii, arising out of a commercial bank account entitled T. Hata, maintained at the Hilo branch office of the aforesaid bank located at Hilo, Hawaii, T. H., and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Tamotsu Hata, by Bank of Hawaii, arising out of a savings account entitled T. Hata, maintained at the Hilo branch office of the aforesaid bank located at Hilo, Hawaii, T. H., 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 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.

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 October 30, 1945.

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

[F. R. Doc. 45-20937; Filed, Nov. 16, 1945; 10:25 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 15, Rev. 2, Revocation]

COMMON CARRIERS

OPERATION OF THE BARGES "LAKE FARGE" AND "LAKE FRUMET"

Pursuant to Executive Order 8989, as amended, Supplementary Order ODT 15, Revised, 2 (10 F.R. 101), is hereby revoked effective November 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 16th day of November 1945.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 45-21010; Filed, Nov. 16, 1945; 11:58 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 86, Order 12]

ELECTRIC HOUSEHOLD UTILITIES CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 9 and 14 of Maximum Price Regulation No. 86; It is ordered:

(a) This order establishes ceiling prices for sales of the Model 400 C Thor Automagic brand automatic washing machine manufactured by the Hurley Machine Division of the Electric Household Utilities Corporation, 54th Avenue and Cermak Road, Chicago, Illinois.

(1) The manufacturer's ceiling price for sales to distributors shall be \$87.24 each. This price is f. o. b. factory.

(2) Distributors' ceiling prices for sales to dealers in each zone are as follows:

Article	Quantity	Selling price for sales to dealers in—		
		Zone 1	Zone 2	Zone 3
Model 400 C.....	6 or more.....	Each \$107.45	Each \$119.76	Each \$113.75
Thor Automagic.....	3 to 5.....	119.35	113.50	116.29
Washer.....	Less than 3.....	112.93	116.00	119.25

These prices are f. o. b. distributor's warehouse.

(3) The ceiling price for sales by dealers in each zone is that set forth below:

Article	Ceiling price for sales to consumers		
	Zone 1	Zone 2	Zone 3
Model 400 C Thor Automagic washer.....	Each \$179.50	Each \$184.50	Each \$182.50

These prices include delivery, installation, and a one year warranty. In all other respects they are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

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

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

Zone 2. Florida, Louisiana, Texas, Oklahoma, Mississippi and Arkansas.

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

(c) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify him of the ceiling prices established by this order for resales by the distributor. This notice may be given in any convenient form.

(d) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that those provisions are modified by this order.

(e) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 86 shall apply to the terms used herein.

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

This order shall become effective on the 16th day of November 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 45-20386; Filed, Nov. 15, 1945; 11:38 a. m.]

[MPR 86, Order 13]

ALTORFER BROS. 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 14 of Maximum Price Regulation No. 86; It is ordered:

(a) This order establishes ceiling prices for sales of eleven models of washing machines and two models of ironers listed below, manufactured by Altorfer Bros. Company, Peoria, Illinois.

(1) Distributors shall determine their ceiling prices for sales to dealers of each of the models listed in subparagraph (2) below in accordance with the provisions of section 15 of Maximum Price Regulation No. 86.

(2) The ceiling prices for sales by dealers in each zone for the models listed below are as follows:

Article	Models	Dealers' ceiling prices to consumers		
		Zone 1	Zone 2	Zone 3
Electric wringer washing machine.	211 S.....	\$42.00	\$51.00	\$39.50
	221 SP.....	47.00	64.00	49.50
	231 S.....	42.00	64.00	49.50
	241 SP.....	42.00	74.00	79.50
	211 SP.....	42.00	74.00	79.50
	211 S.....	42.00	84.00	89.50
	231 S.....	42.00	84.00	89.50
	241 SP.....	42.00	124.00	129.50
Spinner type washing machine.	420 F.....	159.00	144.00	149.50
	177.....	159.00	144.00	149.50
Ironer.....	XF.....	119.00	124.00	129.50
	TG.....	49.00	74.00	79.50

These ceiling prices are subject to each retail seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

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

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

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

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

(c) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify him of the method of determining ceiling prices established by this order for resales by the distributor. This notice may be given in any convenient form.

(d) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that these provisions are modified by this order.

(e) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 86 shall apply to the terms used herein.

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

This order shall become effective on the 16th day of November 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20887; Filed, Nov. 15, 1945; 11:38 a. m.]

[MPR 86, Order 14]

VOSS BROS. MANUFACTURING 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 14 of Maximum Price Regulation No. 86; It is ordered:

(a) This order establishes ceiling prices for sales of the three models of washing machines listed below, and manufactured by the Voss Bros. Manufacturing Company, Dayenport, Iowa.

(1) Distributors shall determine their ceiling prices for sales to dealers of each of the models listed in subparagraph (2) below in accordance with the provisions of section 15 of Maximum Price Regulation No. 86.

(2) The ceiling prices for sales by dealers in each zone for the models listed below are as follows:

Model	Dealer's ceiling prices to consumers		
	Zone 1	Zone 2	Zone 3
41-a	\$54.50	\$59.50	\$64.50
41-b	64.50	69.50	74.50
41-c	74.50	79.50	84.50

If the washing machine is equipped with a water pump, \$10.00 may be added to the ceiling price for the machine shown in the above table.

If the washing machine is equipped with a gasoline motor, instead of an electric motor, \$25.00 may be added to the ceiling price for the machine shown in the above table.

In all other respects those ceiling prices are subject to each retail seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

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

Zone 1: Illinois, Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

Zone 2: Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.

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

(c) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify him of the method of determining ceiling prices established by this order for resales by the distributor. This notice may be given in any convenient form.

(d) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that those provisions are modified by this order.

(e) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 86 shall apply to the terms used herein.

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

This order shall become effective on the 16th day of November 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20888; Filed, Nov. 15, 1945; 11:38 a. m.]

[MPR 64, Order 201]

LANDERS, FRARY, & CLARK

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. 64, it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of certain models of electric cooking ranges manufactured by Landers, Frary & Clark, New Britain, Connecticut, as follows:

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices are those set forth below:

Model	Quantity	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
RA-7854	1 to 4	Each \$202.05	Each \$205.00	Each \$207.05	Each \$209.10
	5 or more	195.33	197.35	199.32	201.23
RA-7852	1 to 4	147.48	149.23	150.98	152.73
	5 or more	142.01	143.69	145.37	147.05
RA-7851	1 to 4	121.43	123.13	124.83	126.53
	5 or more	116.93	118.50	120.10	121.83
RA-7850	1 to 4	103.93	107.51	109.10	110.67
	5 or more	102.01	103.52	105.05	106.50
RA-7849	1 to 4	76.02	77.69	79.18	80.76
	5 or more	73.22	74.73	76.26	77.77
RA-7857	1 to 4	69.13	69.13	70.13	71.13
	5 or more	65.51	66.67	67.63	68.49
RA-7859S	1 to 4	135.67	139.12	140.67	143.02
	5 or more	130.65	133.35	135.35	137.71
RA-7859R	1 to 4	143.73	140.18	143.63	141.09
	5 or more	138.41	140.70	143.11	145.47

These prices are f. o. b. the wholesale distributor's city and include the Federal excise tax. In all other respects, they are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices are those set forth below:

Model	Maximum prices for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
RA-7854	Each \$316.50	Each \$319.95	Each \$323.00	Each \$326.50
RA-7852	229.50	232.50	235.25	238.00
RA-7851	183.95	191.75	194.25	197.00
RA-7850	164.75	167.25	169.95	172.50
RA-7849	118.00	120.50	123.00	125.95
RA-7857	108.00	107.50	109.25	110.75
RA-7859S	211.00	214.95	218.95	222.75
RA-7859R	223.50	227.50	231.50	235.50

These prices include the Federal excise tax, delivery, a one year warranty, and installation where the installation requires only that the range be connected to electric facilities provided by the consumer and such connection does not require any additional materials. If a range cord set (customarily referred to in the industry as a "pigtail") is required and is furnished by the retail dealer he may add \$3.50 to the OPA retail ceiling price of the range as set forth above. In all other respects these maximum prices

are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of, or prior to, the first invoice to each purchaser for resale after the effective date of this order, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Labeling.* The manufacturer, before shipping any range covered by this order to a retail dealer, shall attach securely to the outside panel of the oven door of each range a label which contains the following information:

1. The brand name and model number of the range.
2. Its OPA retail ceiling price in each zone.
3. A statement that the ceiling prices shown include the Federal excise tax, delivery, a one year warranty and installation where the installation requires only that the range be connected to electric facilities provided by the consumer and such connection does not require additional materials.
4. A statement that if the installation requires the use of a range cord set (customarily referred to in the industry as a "pigtail") and such a set is furnished by the retail dealer he may add \$3.50 to his OPA retail ceiling price for the range.
5. A list of the states included in each zone.

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

Zone 1. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland and the District of Columbia.

Zone 2. North Carolina, Virginia, West Virginia, Ohio, Indiana, and Michigan.

Zone 3. South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Wisconsin, Illinois, North Dakota, Minnesota, Iowa, Missouri, Arkansas and Louisiana.

Zone 4. South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon and California.

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

(f) This order shall become effective on the 16th day of November, 1945.

Issued this 15th day of November, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20885; Filed, Nov. 15, 1945; 11:37 a. m.]

[MPR 116, Amdt. 1 to Order 13]

MAYER CHINA CO.

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 § 1362.59c of Maximum Price Regulation No. 116, *It is ordered*, That Order No. 13 issued under § 1362.59c of Maximum Price Regulation No. 116 be amended in the following respects:

1. The first sentence of paragraph (a) is amended as follows: "Mayer China Company, Beaver Falls, Pennsylvania, on and after September 5, 1945, may sell vitrified hotel chinaware of its manufacture to dealers, and industrial and commercial users at prices no higher than its maximum prices to each class of purchaser in effect immediately prior to September 5, 1945, plus an adjustment charge of 4.6% on each price."

2. The first two sentences of paragraph (b) are amended as follows: "A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum prices in effect prior to September 5, 1945, an adjustment charge in the same amount as the adjustment charge herein authorized for and which he pays to his supplier. If such a purchaser did not have an established maximum price for sales of the article prior to September 5, 1945, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation."

This order shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20889; Filed, Nov. 15, 1945; 11:42 a. m.]

[RMPR 136, Order 540]

AMERICAN TRAILER & MANUFACTURING 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 sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136, *It is ordered*:

(a) American Trailer & Mfg. Co., 1011 Santa Fe Avenue, Los Angeles, California, may sell, f. o. b. plant, each American trailer, described in subparagraph (2) below, at a price not to exceed the price contained in subparagraph (1) below plus federal excise tax, and state and local taxes on its sale or delivery of the trailer and the cost of transporting the trailer to the purchaser, if any.

(1) **Prices:**

1 to 12 units.....	\$58.00
13 to 499 units.....	52.00
500 or more units.....	49.00

(2) **Description.** 750 lbs. capacity one-wheel trailer, Model No. 1A, 42" wide x 54" long x 10" deep; with pressed steel body and spring suspension swivel fork; equipped with tire.

(b) American Trailer & Mfg. Co. is authorized to suggest to resellers a resale price for the trailer described in paragraph (a) (2) consisting of the following:

(1) **Prices to dealers:**

1 to 6 units.....	\$63.00
7 to 24 units.....	65.72
50 or more units.....	62.47

(2) **Price to consumer:** \$89.00.

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

(ii) A charge equal to the charge made by American Trailer & Mfg. Co. to cover federal excise taxes.

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

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

(d) All requests not granted herein are denied.

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

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 8 of Revised Maximum Price Regulation 136, due to substantial

changes in design, specifications or equipment of the trailer, the reseller may add to its price under paragraph (b) the increase in price, plus its customary markup on such a cost increase, but in case of a decrease in the price, the reseller must reduce its price under paragraph (b) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20831; Filed, Nov. 15, 1945; 11:37 a. m.]

[RMPR 136, Order 541]

THE UNITED STATES AIR COMPRESSOR CO.

APPROVAL OF MAXIMUM PRICES

Order No. 541 under Revised Maximum Price Regulation 136; machines, parts and industrial equipment. The United States Air Compressor Company. Docket No. 6083-136.21-527.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered*:

(a) The maximum prices for sales of air compressors and lubricating equipment by the United States Air Compressor Company, 5300 Harvard Avenue, Cleveland 5, Ohio, shall be as follows: The manufacturer shall multiply by 110% the maximum price he had in effect to a purchaser of the same class just prior to the issuance of this order.

(b) The maximum prices for sales of these air compressors and lubricating equipment by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) The United States Air Compressor Company shall notify each person who buys these air compressors and lubricating equipment for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, 25, D. C.

(d) All requests not granted herein are denied.

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

This order shall become effective November 15, 1945.

Issued this 15th day of November, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20832; Filed, Nov. 15, 1945; 11:41 a. m.]

[RMPR 161, Amdt. 8 to Order 53]

WEST COAST LOGS

APPROVED GRADERS AND SCALERS

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator by § 1381.158 of Revised Maximum Price Regulation 161; *It is hereby ordered:*

Paragraph (b) is amended by the addition of the name of Adolph Bloom, 2704 Garfield Road, Tacoma, Washington, to the list of approved individual graders and scalers immediately preceding the name of Mac Calavan.

This amendment shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20893; Filed, Nov. 15, 1945; 11:39 a. m.]

[MPR 188, Order 55 Under Order 1052]

SOUTHERN FURNITURE MANUFACTURING CO.

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 paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, it is ordered:

(a) *Manufacturer's maximum prices.* Southern Furniture Manufacturing Co., 210 Main Street, Hackensack, New Jersey, may sell and deliver to retailers the following furniture articles which it manufactures at the following adjusted maximum prices:

Article	Model No.	Current maximum price	Adjusted maximum price	Adjustment charge permitted by par. (d) of order No. 1052	Total adjusted maximum price
Bed.....	200	\$7.96	\$8.94	\$0.40	\$9.34
	201	8.39	9.44	.42	9.86
Dresser.....	200	14.51	16.20	.72	16.92
Chest.....	200	9.38	12.78	.47	13.25

The adjustment charge permitted by paragraph (d) of Order No. 1052 may be made and collected only if it is separately stated on each invoice. The adjusted maximum prices apply on sales to the same class of purchaser as that to which the "current maximum price" applies.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of any article listed above shall determine their maximum resale prices in the following manner:

(1) A retailer who must determine his ceiling prices under Maximum Price Regulation No. 580 by the use of a pricing chart shall compute his ceiling prices in the manner provided by that regulation.

(2) A wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590 shall find his ceiling price in the manner provided by that regulation.

(3) A purchaser for resale who must determine his maximum prices under the General Maximum Price Regulation, and who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of that regulation, except that it need not be currently offered for sale, shall find his ceiling prices according to the method and procedure set forth in that section using as his "cost" his invoice cost, but not including any separately stated adjustment charge. To the price so computed a wholesaler may add the adjustment charge permitted by Order No. 1052 under Maximum Price Regulation No. 188 in the manner and amount provided in that order.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(4) If a purchaser for resale cannot determine his ceiling price under any of the above methods, he shall apply to the Office of Price Administration for the establishment of his ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

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

(d) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form, and is in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 under Maximum Price Regulation No. 188.

(e) All requests not specifically granted by this order are hereby denied.

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

This order shall become effective on the 16th day of November 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20894; Filed, Nov. 15, 1945; 11:39 a. m.]

[MPR 120, Corr. to Order 1474]

CENTRAL ELKHORN COAL CO. ET AL.

ORDER OF ADJUSTMENT

Order No. 1474 under Maximum Price Regulation No. 120 is hereby corrected in the following respect:

In paragraph (a) the mine index number "3960" used therein to identify the Roda Premix Mine of the Stonega Coal and Coke Company is corrected to read "532".

This correction shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20890; Filed, Nov. 15, 1945; 11:37 a. m.]

[MPR 188, Order 4684]

MERIT-MADE, INC.

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 Merit-Made, Inc., 33-37 Franklin Street, Buffalo 2, 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	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (5 units or more)	Retailers (less than 5 units)	Consumers
Electric toaster..	Z	Each \$3.12	Each \$3.69	Each \$3.97	Each \$3.95

These maximum prices are for the articles described in the manufacturer's application dated October 11, 1945. These prices include the Federal Excise Tax.

(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. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within ten days, net 30 days.

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

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the

Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number, and retail prices properly filled in:

Order No. 4684

Model No. _____

OPA Retail Ceiling Price—\$_____

Federal Excise Tax Included

Do Not Detach or Obliterate

OR

Merit-Made, Incorporated

33-37 Franklin Street

Buffalo 2, New York

Model No. _____

OPA Retail Ceiling Price—\$_____

Federal Excise Tax Included

Do Not Detach or Obliterate

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

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

(e) This order shall become effective on the 16th day of November 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20895; Filed, Nov. 15, 1945; 11:36 a. m.]

[MPR 188, Order 4686]

COLUMBIAN METAL CRAFTSMEN
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 Columbian Metal Craftsmen, Metallic Division of Columbian Rope Company, 9 Osborne Street, Auburn, 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.	Maximum prices for sales by any seller to—			
		Jobbers	Chain and department stores	Other retailers	Consumers
Barbecue and grill.....	401	Each \$61.74	Each \$75.09	Each \$82.32	Each \$123.48

These maximum prices are for the articles described in the manufacturer's application dated October 13, 1945.

(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. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(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, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

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

OPA Retail Ceiling Price—\$123.48 Each
Do Not Detach or Obliterate

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Brushed brass or chrome plated double swing arm table lamp with spun aluminum shade painted inside and out, and equipped with opal glass diffusing bowl.	LT 61 C or B.....	\$11.48	\$13.50	\$24.20
Combination double swing arm bridge lamp with telescoping tube extending height from 48" to 67 1/2" equipped with diffusing glass and turned aluminum shade painted inside and out.	LF 60 C or B.....	19.58	19.50	33.10

These maximum prices are for the articles described in the manufacturer's application dated October 4, 1945.

(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. factory, 2% 10 days, net 30. 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

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

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

(e) This order shall become effective on the 16th day of November 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20337; Filed, Nov. 15, 1945; 11:41 a. m.]

[MPR 188, Order 4687]

ARTEX-PASCOE

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 Artex-Pascoe, 730 Fifth Avenue, New York 19, 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:

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 No. _____
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) Jobber's 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 16th day of November 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20898; Filed, Nov. 15, 1945;
11:40 a. m.]

[MPR 188, Order 4685]
EMPIRE LAMP CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 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 Empire Lamp Corporation, 51 Chambers Street, New York, 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 sales by any person to consumers
		Jobbers	Retailers	
Bronze plated steel and white metal floor lamp with onyx insert and diffusing bowl.....	1A	\$6.76	\$7.95	\$14.30
	2A	7.61	8.95	16.10
Bronze plated steel and white metal 3-way junior floor lamp with 10" diffusing bowl.....	3A	6.53	7.68	13.80
Bronze plated steel and white metal student bridge lamp with 8" diffusing bowl.....	3B	6.76	7.95	14.30
Bronze plated steel and white metal 6-way floor lamp with 10" diffusing bowl.....	3C	7.23	8.50	15.30
Bronze plated steel and white metal torchiere (without glass reflector).....	3D	8.06	9.48	17.05

These maximum prices are for the articles described in the manufacturer's application dated August 22, 1945 and September 26, 1945.

(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. factory. 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 No. _____
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) Jobber's 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 16th day of November 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20898; Filed, Nov. 15, 1945;
11:41 a. m.]

[MPR 260, Amdt. 2 to Order 416]

WAITT AND BOND, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered, That:*

The maximum prices for the "Blackstone-Panatela De Luxe" cigars set forth in paragraph (a) of Order No. 416 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
Blackstone.....	Panatela De Luxe.	50	Per M \$93.75	Cents 2 for 25 0

This amendment shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20899; Filed, Nov. 15, 1945;
11:39 a. m.]

[MPR 260, Amdt. 1 to Order 871]

H. L. REICHARD

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered, That:*

The maximum prices for the "H. L. R.—Special Perfecto" cigars set forth in paragraph (a) of Order No. 871 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
H. L. R.....	Special Per- fecto.	50	Per M \$80	Cents 2 for 16

This amendment shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20900; Filed, Nov. 15, 1945;
11:39 a. m.]

[MPR 260, Amdt. 1 to Order 1858]

PAUL ROSEMAN CIGAR CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 230; *It is ordered, That:*

The maximum prices for the "White House-White House" cigar set forth in paragraph (a) of Order No. 1858 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
White House....	White House..	50	Per M \$60	Cents 2 for 16

This amendment shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20901; Filed, Nov. 15, 1945;
11:35 a. m.]

[MPR 260, Order 1969]

CARDIFF CIGAR CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Cardiff Cigar Company, Cardiff, Md. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
El-Demands.....	Club Perfecto.	50	Per M \$75	Cents 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20902; Filed, Nov. 15, 1945; 11:42 a. m.]

[MPR 260, Order 1970]

JOHN F. APONTE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) John F. Aponte, 959 Prospect Avenue, Bronx, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Don Rodriguez...	Cerena 4 1/2"	50	\$75.00	10
	Cerena 3 1/2"	50	\$75.00	13
	Queens.....	50	\$82.00	3 for 23

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20303; Filed, Nov. 15, 1945; 11:42 a. m.]

[MPR 260, Order 1971]

W. T. BRADFIELD

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) W. T. Bradfield, 1001 South Street, Burlington, Iowa (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Green Dragon...	E-3"	50	\$72	9
El-Bur-la.....	D.....	50	49	5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for

which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20904; Filed, Nov. 15, 1945; 11:40 a. m.]

[MPR 591, Order 117]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

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

(a) The maximum net prices, f. o. b. point of shipment, for sales by any persons of the following commercial Reach-In refrigerators manufactured by the Frigidaire Division, General Motors Corporation, Dayton 1, Ohio, and as described in the application dated October 29, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to distributors	On sales to dealers	On sales to consumers
F-20.....	\$242	\$230	\$484
F-120.....	281	337	661
F-30.....	268	322	636
F-130.....	308	369	615
F-50.....	348	417	695
F-60.....	407	488	818

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating, when crating is actually supplied: \$6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business.

Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, 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 upon resale, except retailers, including allowable transportation and crating charges.

(f) The Frigidaire Division, General Motors Corporation, Dayton 1, Ohio, shall stencil on the lid or cover of the commercial Reach-In refrigerators covered by this order, substantially the following:

OPA Maximum Retail Price—\$-----

Plus freight and crating as provided in Order No. 117 under Maximum Price Regulation No. 591.

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

This order shall become effective November 16, 1945.

Issued this 15th day of November, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20905; Filed, Nov. 15, 1945; 11:37 a. m.]

[MPR 591, Order 118]

LAKE REFRIGERATION SALES AND SERVICE 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 net prices, f. o. b. point of shipment, for sales by any person of the following frozen food cabinets manufactured by the Lake Refrigeration Sales and Service Company, 417 West Mitchell Street, Milwaukee 4, Wis., and as described in the application dated October 5, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to distributors	On sales to dealers	On sales to consumers
Model No. 600—6 cu. ft.....	\$155	\$186	\$310
Model No. 1200—12 cu. ft.....	210	252	420
Model No. 1500—15 cu. ft.....	257	297	494
Model No. 1800—18 cu. ft.....	280	336	560

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: \$6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the

same class on comparable sales of similar commodities on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, 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 upon resale, except retailers, including allowable transportation and crating charges.

(f) The Lake Refrigeration Sales and Service Company of Milwaukee, Wisconsin, shall stencil on the lid or cover of the frozen food cabinets covered by this order, substantially the following:

OPA Maximum Retail Price—\$-----

Plus freight and crating as provided in order No. 118 under Maximum Price Regulation No. 591.

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

This order shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20906; Filed, Nov. 15, 1945; 11:40 a. m.]

[MPR 591, Order 119]

GLOBE CONTROLS 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 net prices, f. o. b. point of manufacture, for sales by the Globe Controls Company of Newark, New Jersey, to the Econo Products Company of Boston, Massachusetts, of the following Low-Water Cut-Offs as described in the company's application dated October 5, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model No. P low water cut-offs with quick hook-up fittings.....	\$6.35
Model No. U low water cut-offs built in	3.25
Model No. US low water cut-offs built in	8.25
Model No. PS low water cut-offs complete with draw-off cock and B. X. connector.....	4.25
Model P-1 low water cut-offs complete with draw-off cock and B. X. connector with 1½" female tapping.....	4.25
Model P-2 low water cut-offs complete with draw-off cock and B. X. connector with 2½" female tapping.....	4.25

(b) The maximum net prices, f. o. b. point of shipment for sales by The Econo Products Company of Boston, Massachusetts, of the following Low Water Cut-Offs manufactured by the Globe Controls Company of Newark, New Jersey, shall be:

Model	On sales to boiler manufacturers	On sales to jobbers	Trade price on sales to dealers
Model No. P low water cut-offs with quick hook-up fittings	\$6.63	\$3.50	\$11.00
Model No. U low water cut-offs built in	4.59	6.00	7.50
Model No. US low water cut-offs built in	4.20	6.40	8.00
Model No. PS low water cut-offs complete with draw off cock and B. X. connector	5.51	7.20	9.00
Model No. P-1 low water cut-offs complete with draw off cock and B. X. connector with 1 1/2" female tapping	5.51	7.20	9.00
Model No. P-2 low water cut-offs complete with draw off cock and B. X. connector with 2 1/2" female tapping	5.51	7.20	9.00

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

(d) This order does not establish installed prices which must be determined under the provisions of Revised Maximum Price Regulation No. 251.

(e) Each seller covered by this order, except a dealer, 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 upon resale.

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

This order shall become effective November 16, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20907; Filed, Nov. 15, 1945; 11:41 a. m.]

[MPR 592, Order 5]

**WATER-REPELLENT GYPSUM SHEATHING
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 13 of Maximum Price Regulation 592, it is ordered:

(a) The manufacturer's maximum price to dealers for sales of water-repellent gypsum sheathing as described in

(b) below, shall be \$25.00 per M Sq. Ft. f. o. b. plant for standard size board.

(b) As used in this order water-repellent gypsum sheathing means regular 1/2" gypsum sheathing (meeting Federal Specification No. SS-S-276), whose surface and ends are treated at a manufacturing plant with materials which render them water resistive. All such sheathing is stamped or labelled to indicate that the material is "Water Repellent" as required by the FHA.

(c) Every manufacturer shall continue at least the same allowances, discounts, freight equalizations, and other price differentials as he extended to purchasers of the same class during March 1942. Also, every manufacturer shall, in the case of sales to different classes of purchasers, or in the case of sales of non-standard size board, adjust the maximum prices established pursuant to (a) above, to reflect all allowances, discounts, and other price differentials which he was accustomed to make on sales of regular gypsum sheathing.

(d) Any reseller purchasing water-repellent gypsum sheathing as described in (b) above, from any manufacturer on the basis of the price set forth in (a) above shall adjust his maximum prices established under the General Maximum Price Regulation up or down, as the case may be, by the dollars-and-cents difference in cost to him resulting from the revision of the manufacturer's price pursuant to (a) above.

If the reseller purchases this commodity for resale for the first time after the effective date of this order, he shall establish a price pursuant to section 3 of the General Maximum Price Regulation.

(e) The maximum prices for any manufacturer of water-repellent gypsum sheathing, described in (b) above, which were established or authorized prior to 1945, are hereby revoked.

(f) All provisions of Maximum Price Regulation 592 not inconsistent with this order shall apply to sales covered by this order.

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

This order shall become effective November 15, 1945.

Issued this 15th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-20935; Filed, Nov. 15, 1945; 4:39 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register November 7, 1945.

REGION V

Fort Worth Order 13-F, Amendment 16, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 3:17 p. m.

Fort Worth Order 13-F, Amendment 4, covering fresh fruits and vegetables in Taylor, Tom Green and Wichita Counties, Texas. Filed 3:17 p. m.

Fort Worth Order 21-F, covering fresh fruits and vegetables in Lubbock and Potter Counties, Texas. Filed 3:17 p. m.

Houston Order 4-F, Amendment 16, covering fresh fruits and vegetables in certain cities and towns of Texas. Filed 3:18 p. m.

Houston Order 5-F, Amendment 16, covering fresh fruits and vegetables in Jefferson and Orange Counties, Texas. Filed 3:18 p. m.

Houston Order 1-C, Amendment 10, covering poultry. Filed 3:18 p. m.

Houston Order 2-O, covering eggs in Harris County, Texas. Filed 3:18 p. m.

Houston Order 3-O, covering eggs in Orange and Jefferson Counties, Texas. Filed 3:18 p. m.

Kansas City Order 4-F, Amendment 15, covering fresh fruits and vegetables in Johnson and Wyandotte Counties, Kansas, Jackson County, Missouri and the City of North Kansas City, Missouri. Filed 3:18 p. m.

Kansas City Order 5-F, Amendment 4, covering fresh fruits and vegetables in Buchanan County, Missouri. Filed 3:19 p. m.

Kansas City Order 6-F, Amendment 4, covering fresh fruits and vegetables in Greene County, Missouri. Filed 3:19 p. m.

Kansas City Order 7-F, Amendment 4, covering fresh fruits and vegetables in Jasper County, Missouri. Filed 3:19 p. m.

Little Rock Order 10-F, Amendment 16, covering fresh fruits and vegetables in Garland County, Arkansas. Filed 3:20 p. m.

Little Rock Order 12-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 3:20 p. m.

Little Rock Order 13-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Arkansas, and Bowie, Texas. Filed 3:20 p. m.

Little Rock Order 14-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 3:20 p. m.

Little Rock Order 15-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 3:20 p. m.

St. Louis Order 4-F, Amendment 16, covering fresh fruits and vegetables in the city of St. Louis and County of St. Louis, Missouri. Filed 3:21 p. m.

REGION VI

Green Bay Order 7-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 3:21 p. m.

Green Bay Order 8-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 3:21 p. m.

Green Bay Order 10-F, Amendment 5, covering fresh fruits and vegetables in the cities of Eau Claire and Chippewa Falls, Wisconsin. Filed 3:21 p. m.

Green Bay Order 10-F, Amendment 6, covering fresh fruits and vegetables in the cities of Eau Claire and Chippewa Falls, Wisconsin. Filed 2:53 p. m.

Omaha Order 10-F, Amendment 24, covering fresh fruits and vegetables in the cities of Omaha, Nebraska and Council Bluffs, Iowa. Filed 2:55 p. m.

Omaha Order 11-F, Amendment 35, covering fresh fruits and vegetables in the city of Lincoln, Nebraska. Filed 2:55 p. m.

Omaha Order 13-F, Amendment 6, covering fresh fruits and vegetable in certain cities in Nebraska. Filed 2:57 p. m.

Omaha Order 14-F, Amendment 1, covering fresh fruits and vegetables in Nebraska except within the city of Omaha, Lincoln, Grand Island, Kearney, Hastings, Holdrege, McCook, North Platte, and South Sioux City. Filed 2:57 p. m.

Springfield Order 13-F, Amendment 34, covering fresh fruits and vegetables in Springfield, Illinois. Filed 2:57 p. m.

Springfield Order 14-F, Amendment 35, covering fresh fruits and vegetables in the City of East St. Louis and the townships of Centerville, Sugar Loaf, Canteen and Stites of St. Clair county, Illinois. Filed 2:57 p. m.

Springfield Order 15-F, Amendment 35, covering fresh fruits and vegetables in the city of Decatur, Illinois. Filed 2:58 p. m.

Springfield Order 22-F, Amendment 1, covering fresh fruits and vegetables in the city of Quincy, Illinois. Filed 2:58 p. m.

Twin Cities Order 1-F, Amendment 42, covering fresh fruits and vegetables in St. Paul and Minneapolis and adjoining municipalities. Filed 2:58 p. m.

Twin Cities Order 3-F, Amendment 7, covering fresh fruits and vegetables in the cities of Duluth and Proctor, Minnesota and the city of Superior and town of Superior, Wisconsin. Filed 2:59 p. m.

Twin Cities Order 4-F, Amendment 7, covering fresh fruits and vegetables in the Winona, Minnesota, area. Filed 2:59 p. m.

Twin Cities Order 5-F, Amendment 6, covering fresh fruits and vegetables in the Rochester, Minnesota, area. Filed 2:58 p. m.

REGION VII

Denver Order 4-F, Amendment 21, covering fresh fruits and vegetables in the Denver area. Filed 2:59 p. m.

Denver Order 5-F, Amendment 21, covering fresh fruits and vegetables in the Pueblo area. Filed 2:59 p. m.

Denver Order 6-F, Amendment 21, covering fresh fruits and vegetables in the Colorado Springs-Manitou area. Filed 2:59 p. m.

Denver Order 7-F, Amendment 21, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley area. Filed 3:00 p. m.

Denver Order 82, Amendment 2, covering dry groceries in the Denver area. Filed 3:00 p. m.

Denver Order 83, Amendment 2, covering dry groceries in the Colorado Springs-Pueblo-Trinidad area. Filed 3:00 p. m.

Denver Order 84, Amendment 2, covering dry groceries in the Grand Junction area. Filed 3:00 p. m.

Denver Order 85, Amendment 3, covering dry groceries in the Canon City-Lamar-Rocky Ford-Salida area. Filed 3:00 p. m.

Denver Order 86, Amendment 2, covering dry groceries in the Craig-Leadville area. Filed 3:00 p. m.

Denver Order 88, Amendment 2, covering dry groceries in the Boulder-Fort Collins-Fort Morgan-Greeley area. Filed 3:01 p. m.

Denver Order 89, Amendment 2, covering dry groceries in the Burlington-Julesburg-Limon-Sterling area. Filed 3:01 p. m.

Denver Order 90, Amendment 2, covering dry groceries in the Gunnison-Meeker-Silverton area. Filed 3:01 p. m.

Denver Order 91, Amendment 2, covering dry groceries in the Delta-Montrose-Glenwood Springs area. Filed 3:02 p. m.

Denver Order 92, Amendment 2, covering dry groceries in the Alamosa-Creede-Monte Vista area. Filed 3:02 p. m.

Denver Order 93, Amendment 1, covering dry groceries in Group 4 area No. 1. Filed 3:02 p. m.

Denver Order 94, Amendment 1, covering dry groceries in Group 4 area No. 2. Filed 3:02 p. m.

Denver Order 12-W, Amendment 5, covering dry groceries in the Denver area. Filed 3:02 p. m.

Denver Order 13-W, Amendment 5, covering dry groceries in the Colorado Springs-Pueblo-Trinidad area. Filed 3:03 p. m.

Denver Order 14-W, Amendment 5, covering dry groceries in the Grand Junction area. Filed 3:03 p. m.

REGION VIII

Nevada Order 11-F, Amendment 8A, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 3:03 p. m.

Portland Order 32-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:03 p. m.

Portland Order 33-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:04 p. m.

Portland Order 34-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:04 p. m.

Portland Order 35-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:04 p. m.

Portland Order 36-F, Amendment 3, covering fresh fruits and vegetables in the cities of Bend and Pendleton, Oregon. Filed 3:04 p. m.

Portland Order 37-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:04 p. m.

Portland Order 38-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:04 p. m.

Portland Order 39-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:04 p. m.

Portland Order 40-F, Amendment 2, covering fresh fruits and vegetables in the city of The Dalles, Oregon. Filed 3:04 p. m.

Portland Order 41-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:04 p. m.

Portland Order 42-F, Amendment 3, covering fresh fruits and vegetables in cities of Oregon and Washington. Filed 3:05 p. m.

San Diego Order 1-F, Amendment 61, covering fresh fruits and vegetables in the San Diego Metropolitan area. Filed 3:05 p. m.

San Diego Order 1-F, Amendment 52, covering fresh fruits and vegetables in the San Diego Metropolitan area. Filed 3:05 p. m.

San Diego Order 1-F, Amendment 53, covering fresh fruits and vegetables in the San Diego Metropolitan area. Filed 3:05 p. m.

San Diego Order 1-F, Amendment 54, covering fresh fruits and vegetables in the San Diego Metropolitan area. Filed 3:05 p. m.

San Diego Order 1-F, Amendment 55, covering fresh fruits and vegetables in the San Diego Metropolitan area. Filed 3:06 p. m.

San Diego Order 2-F, Amendment 25, covering fresh fruits and vegetables in the San Diego County, except the San Diego Metropolitan District. Filed 3:06 p. m.

San Diego Order 3-F, Amendment 22, covering fresh fruits and vegetables in the Imperial county, excluding the area within a one mile radius of Bard and Winterhaven. Filed 3:06 p. m.

San Diego Orders 14, Amendment 2, covering dry groceries in the San Diego Area. Filed 3:06 p. m.

San Diego Order 15, Amendment 1, covering dry groceries in the Imperial area. Filed 3:07 p. m.

San Diego Order 16, Amendment 1, covering dry groceries in the San Diego & Imperial area. Filed 3:07 p. m.

San Diego Order 2-O, Amendment 1, covering eggs in the area within San Diego & Imperial counties. Filed 3:08 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-20952; Filed, Nov. 16, 1945; 11:29 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register November 9, 1945.

REGION V

Oklahoma City Order 8-F, Amendment 4, covering fresh fruits and vegetables in Oklahoma, Pottawatomie, Garfield, Tulsa and Muskogee counties, Oklahoma. Filed 3:16 p. m.

Wichita Order 7-F, Amendment 4, covering fresh fruits and vegetables in Sedgwick county, Kansas. Filed 3:15 p. m.

Wichita Order 8-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Kansas. Filed 3:15 p. m.

Wichita Order 9-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Kansas. Filed 3:15 p. m.

Wichita Order 10-F, Amendment 4, covering fresh fruits and vegetables in Reno county, Kansas. Filed 3:16 p. m.

Wichita Order 11-F, Amendment 4, covering fresh fruits and vegetables in Shawnee county, Kansas. Filed 3:16 p. m.

REGION VI

Des Moines Order 4-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Iowa and the City of South Sioux City. Filed 3:18 p. m.

Des Moines Order 5-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Iowa except the cities of Council Bluffs, Ringgold, Cass, Adair, Madison, Warren, Mills, Marion, Decatur, Montgomery, Adams, Union, Clarke, Fremont, Page, Iowa. Filed 3:17 p. m.

Des Moines Order 6-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Iowa. Filed 3:17 p. m.

Des Moines Order 7-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Iowa and the cities of Moline, East Moline, Rock Island, Silvis and Milan in Illinois. Filed 3:17 p. m.

Des Moines Order 1-O, Amendment 2, covering eggs in the cities of Des Moines, West Des Moines and Marshalltown, Iowa. Filed 3:17 p. m.

Des Moines Order 1-O, Amendment 3, covering eggs in the cities of Des Moines, West Des Moines, and Marshalltown, Iowa. Filed 3:17 p. m.

Green Bay Order 9-F, Amendment 6, covering fresh fruits and vegetables in the counties of Florence, Forest and Marinette. Filed 3:17 p. m.

REGION VII

Albuquerque Order 8-F, Amendment 40, covering fresh fruits and vegetables in the Albuquerque area including the City of Albuquerque. Filed 3:18 p. m.

Albuquerque Order 9-F, Amendment 18, covering fresh fruits and vegetables in the Gallup, Santa Fe, Las Vegas and Bernalillo area. Filed 3:18 p. m.

Albuquerque Order 10-F, Amendment 17, covering fresh fruits and vegetables in certain areas in New Mexico. Filed 3:18 p. m.

Albuquerque Order 11-F, Amendment 18, covering fresh fruits and vegetables in certain areas in New Mexico. Filed 3:18 p. m.

Albuquerque Order 12-F, Amendment 17, covering fresh fruits and vegetables in certain areas in New Mexico. Filed 3:19 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-20931; Filed, Nov. 16, 1945; 4:38 p. m.]

[Seattle Rev. Order G-29 Under 18 (c),
Amtd. 1]

SAWDUST IN SEATTLE, WASH., AREA

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Seattle District Director of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and Revised General Order No. 32, Order of Delegation No. 75, issued by the Regional Administrator of Region VIII, and under the authority to amend reserved in Revised Order No. G-29, *It is hereby ordered*, That Revised Order No. G-29 be amended as follows:

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

(c) *Maximum prices.* (1) The maximum prices for sales of sawdust and half and half delivered to the premises of the consumer within the area defined as the Seattle, Washington, area by a seller who produces sawdust and half and half shall be the prices set forth for the appropriate quantities shown below:

½ unit.....	\$3.25
1 unit.....	5.50
1½ units.....	8.00
2 units.....	10.50
2½ units.....	13.00

(2) The maximum prices for sales of sawdust and half and half delivered to the premises of the consumer within the area defined as the Seattle, Washington, area by a seller other than the producer of such sawdust and half and half shall be the prices set forth for the appropriate quantity shown below:

½ unit.....	\$3.50
1 unit.....	6.00
1½ units.....	9.00
2 units.....	11.50
2½ units.....	14.25

(3) The maximum prices for sales at retail of sacked sawdust and sacked half and half within the area defined as the Seattle, Washington, area by a seller other than the producer of such sawdust and half and half shall be the prices set forth for the appropriate sale described below:

	<i>Per sack</i>
Sales f. o. b. dealer's yard.....	\$0.15
Sales delivered to the storage facility of the consumer.....	.18

As used herein the term "sack" means a unit of not less than 3.3 cubic feet.

(4) The maximum prices provided by this amendment to Revised Order No. G-29 are subject to the seller's discounts and differentials in March 1942, including the discount for prompt payment.

(b) This amendment shall become effective on November 9, 1945.

Issued this 8th day of November, 1945.

IRVIN A. HOFF,
District Director.

[F. R. Doc. 45-20843; Filed, Nov. 14, 1945;
4:24 p. m.]

[Region II Order G-68 Under RMPR 122]

SOLID FUELS IN NEW YORK REGION

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 § 1340.260 of Revised Maximum Price Regulation No. 122; *It is ordered*:

(a) A dealer in Pennsylvania anthracite, who did not pay a pocket charge to his supplier during December, 1941, and is now paying a duly authorized pocket charge to his supplier, may add to his maximum price established by area dollars-and-cents orders, enumerated in paragraph (b) below, for such anthracite the amount of such charge: *Provided*, That the dealer separately states the amount of such pocket charge on his invoices: *And provided further*, That the anthracite for which the charge is made is kept separate and is not mixed with anthracite for which no such charge is paid to the supplier.

(b) Area dollars-and-cents orders subject to the increase set out in paragraph (a) above:

The following orders and any subsequent revisions thereof:

Second Revised Order No. G-1 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-3 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-7 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-8 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-9 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-11 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-12 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-13 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-14 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-15 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-16 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-18 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G-19 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-20 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-22 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-24 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-27 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-29 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-32 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-35 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G-36 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-37 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-39 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-39 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-40 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-41 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-42 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-44 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-45 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-46 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-49 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. 59 under Revised Maximum Price Regulation No. 122 (Issued by the National Office).

Order No. G-51 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, (except for sales of bituminous coal in Zone 1 on which no increase is permitted).

Order No. G-52 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-59 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-59 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-61 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-63 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-67 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

(c) This order may be revoked or amended by the Regional Administrator or by the Price Administrator through issuance at any time hereafter of any order or price regulation or supplement thereto provisions of which may be contrary hereto.

This order No. G-63 shall become effective as of October 29th, 1945.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7371 and E.O. 9328, 8 F.R. 4631)

Issued this 2d day of November 1945.

LEO F. GEMNER,
Acting Regional Administrator.

[F. R. Doc. 45-20344; Filed, Nov. 14, 1945;
4:25 p. m.]

[Region VII 3d Rev. Order G-24 Under RMPR 122, Amtd. 9]

SOLID FUELS IN DENVER REGION

Third Revised Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 9. Solid fuels sold and delivered by dealers. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases

in supplier's price under Amendment 74 to Maximum Price Regulation No. 120. Docket No. 7-122-260-11.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 9 is issued.

1. Part I, Mines in District 17, as heretofore amended by Amendment No. 6, is hereby further amended by adding another subparagraph thereto, designated (13), to read as follows:

Operator	Subdistrict	Index No.	Size groups	Amount	Effective date
(13) U. S. Coal Corporation, Webber-Rice.	5	377	All....	Cts. 20	11-1-45

Effective date. This Amendment No. 9 shall become effective on the 2d day of November 1945.

Issued this 2d day of November 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-20845; Filed, Nov. 14, 1945; 4:25 p. m.]

[Region II Order G-56 Under RMPR 122, Amdt. 1]

SOLID FUELS IN PENNSYLVANIA

Pennsylvania anthracite, by-product coke, disco and ambricoal briquettes delivered by dealers in all of Erie County, Pennsylvania, except by-product coke and ambricoal briquettes in the Borough and Township of North East and bituminous coal delivered by dealers in all of Erie County, Pennsylvania, except the City of Corry, the Boroughs of Waterford, Edinboro, North East, Wattsburgh, Mill Village, Union City, Elgin and Wesleyville, and the Townships of Harborcreek, Greene, Waterford, Washington, North East, Greenfield, Venango, Amity, Union, Wayne, Concord and Le Boeuf—Commonwealth of Pennsylvania—Coal Area X.

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 §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Order No. G-56 is amended in the following respect:

1. With respect to bituminous coal the caption of Order No. G-56 is amended by adding the following: "and bituminous coal delivered by dealers in all of Erie County, Pennsylvania, except the City of Corry, the Boroughs of Waterford, Edinboro, North East, Wattsburgh, Mill Village, Union City, Elgin, and the Townships of Harborcreek, Greene, Waterford, Washington, North East, Greenfield, Venango, Amity, Union, Wayne, Concord and Le Boeuf—Commonwealth of Pennsylvania—Coal Area X."

This Amendment No. 1 to Order No. G-56 shall become effective as of November 1, 1945.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of November 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-20846; Filed, Nov. 14, 1945; 4:26 p. m.]

[Region VII Order G-83 Under MPR 183]

HOWARD CRAIG

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-83 under Maximum Price Regulation No. 188. Authorized maximum prices for a rocking horse manufactured by Howard Craig, Drummond, Montana, when sold by the manufacturer and specified resellers. Docket No. 7-188-158-152.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-83 is issued.

(a) *What this order does.* This Order No. G-83 establishes maximum prices for a rocking horse manufactured by Howard Craig of Drummond, Montana, when sold by the manufacturer and specified resellers.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-83, the maximum prices for the rocking horse, designated "Model No. 1", manufactured by Howard Craig of Drummond, Montana, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Each
(1) When sold by the manufacturer to a jobber or a wholesaler.....	\$2.00
(2) When sold by the manufacturer, a jobber or a wholesaler to a retailer.....	2.51
(3) When sold by any seller to an ultimate consumer or user.....	4.19

NOTE: (1) The maximum prices as above set forth for sales other than sales to ultimate consumers are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The above prices are for sales f. o. b. shipping point, and include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale and tagging with maximum price at retail level.* When the manufacturer or any other seller makes a first sale under this Order No. G-83 to a person who purchases it for resale, other than at the retail level, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price as set forth in paragraph (b) above. The manufacturer must attach to each rocking horse sold, by any suitable means, a tag or label plainly marked "Maximum price when sold by any seller to an ultimate consumer or user, \$4.19."

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-83 for sales by the manufacturer or any reseller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-83 for resellers are applicable only to sales made within this Region VII, 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.

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

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-83 shall become effective on the 2d day of November 1945.

Issued this 2d day of November 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-20847; Filed, Nov. 14, 1945; 4:26 p. m.]

[Region VII Order G-1 Under RMPR 251]

RE-ROOFING MATERIALS IN COLORADO

Order No. G-1 under Revised Maximum Price Regulation No. 251. Construction services and sales of installed building materials. Sales of Re-roofing materials on an Installed Basis in the Colorado Area. Docket No. 7-251-9-2.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to the authority vested in the Regional Administrator of Region VII of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and by section 9 of Revised Maximum Price Regulation No. 251, it is ordered:

SECTION 1. What this order does. (a) This order fixes maximum prices for all sales of re-roofing materials on an installed basis into a residential structure, as defined herein, in the area hereinafter described, together with the services required to incorporate such materials into the structure or structures and the re-roofing accessories and extra charges permissible in connection with the installation, whether or not such sales or services are made as a part of a general contract.

(b) The provisions of sections 8 and 9 of this order shall apply to all sellers of re-roofing materials on an installed basis into any type of structure, together with the services, accessories, and extra charges involved.

(c) The term "residential structure" means any building, structure, or part thereof, used entirely or principally for living or dwelling purposes and includes buildings or structures in connection therewith, or adjacent thereto, at the same site, such as garages, barns, milk houses, sheds, granaries, and other out-buildings, but does not include hotels.

(d) The term "re-roofing materials" means any material used for re-roofing a residential structure in whole or in part, including but not limited to wood shingles, asbestos shingles, composition roofing materials such as asphalt shingles, mineral surface roll roofing and smooth surface roll roofing.

Sec. 2. Geographical applicability. This Order No. G-1 applies only to the State of Colorado.

Sec. 3. Relationship of this order to Revised Maximum Price Regulation No. 251. (a) This order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to sales covered by this order. All other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued, except to the extent they are inconsistent with the provisions of this order, shall apply to sales covered by this order.

(b) On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell or offer to sell re-roofing materials on an installed basis covered by this order at prices higher than the maximum prices established by this order: *Provided*, That installations made not more than thirty days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

SEC. 4. Maximum prices for sales of re-roofing materials and accessories on an installed basis. The maximum prices for sales covered by this order shall be as shown in Table I and Table II. Table I covers prices for re-roofing materials on an installed basis and Table II covers prices for re-roofing accessories and other items for which extra charges may be made.

(a) TABLE I—RE-ROOFING PRICES

	Per square
12" (2 tab) asphalt, 210-219 lbs.....	\$12.50
15" (3 in. linethick butt), 210 lbs.....	12.50
12½" Hex asphalt shingle, 187 lbs.....	11.50
11½" hex asphalt shingle, 167 lbs.....	11.00
Re-roofer type shingle, 160-162 lbs....	11.00
Split roll roofing, diamond point or stagger edge, etc., 105 lbs.....	8.50
Roll roofing mineral surfaced, 90 lbs....	7.00
Asbestos shingles, 260-290 lbs.....	25.00
Asbestos Dutch lap, 16" x 16".....	24.00
Standard individual composition shingle, 325 lbs.....	13.50
Wood shingles 5/2-16" (unstained), No. 1.....	12.00

The above prices include nails, mastic and flashing around chimneys and vents.

(b) TABLE II—RE-ROOFING ACCESSORIES AND OTHER ITEMS FOR WHICH AN EXTRA CHARGE MAY BE MADE

- (1) Hip and ridge shingles: 15¢ per ft.
- (2) Slate surface rolls, 90 lbs. (used on valleys, ridges, or other sections of roofs): \$7 per square.
- (3) Yankee gutters relined: 25¢ per ft.
- (4) Box gutters relined: 35¢ per ft.
- (5) Replaced boards on Yankee gutters: 30¢ per ft.
- (6) 75¢ per square if the pitch of the roof is as much as or exceeds a rise measured vertically of 3 feet in each 3 feet of horizontal dimension.
- (7) No additional charges for transportation may be made within a distance of five miles from the corporate limits of the city where the seller's place of business is located. However, an additional charge of 10¢ per square for each mile thereafter may be made, provided the total additions permitted by this sub-paragraph may not exceed \$1 per square.
- (8) Where the re-roofing job is performed at a distance of more than 40 miles from the corporate limits of the city where the seller's place of business is located, the seller may include any additional transportation charges actually incurred for transporting the re-roofing materials from said city to the site of the job but not to exceed the lowest common carrier freight charges therefor.
- (9) A charge of \$5.00 per day may be made for each workman on a re-roofing job when he is required to remain overnight out of the city to complete such job.
- (10) For any re-roofing job requiring less than 5 squares, an additional charge of \$2.00 per square may be made.

Sec. 5. Guaranteed price. A seller may sell a re-roofing job covered by this order on the basis of a guaranteed price, but such guaranteed price must not be higher than the maximum price figured in accordance with the requirements of this order.

Sec. 6. Related and incidental construction work. If on any re-roofing job, any installed building materials are furnished or any construction services performed by the seller for which specific maximum prices are not fixed by this order, such materials and services shall be separately priced and billed on all invoices and sales slips. The maximum prices for such related and incidental construction work shall be determined under Revised Maximum Price Regulation No. 251, or as fixed by any applicable area pricing order issued by the Regional Administrator of Region VII.

Sec. 7. Measurements. It shall be the seller's responsibility to measure with reasonable accuracy the area or footage to be covered. A "measurement with reasonable accuracy" shall be considered to have been made if the price based on such estimate does not vary more than 10% from the maximum price computed under the terms of this order, on the basis of the actual measurement.

Sec. 8. Notification. (a) Each seller making a sale covered by this order shall, upon completion of the work, furnish to the purchaser a statement showing the following:

1. The names and addresses of the seller and purchaser.
2. The location of the job.
3. The date the job was completed.

4. A description of the work performed and the total charged for the job, together with an itemized statement of the accessories and other items included in Table II of section 4 of this order for which an extra charge was made, and the quantities and prices of each, and a separate statement of the related and incidental construction work performed, as provided in section 6 of this order.

(b) If requested by the purchaser, the seller shall furnish the purchaser an itemized statement showing the information contained in sub-paragraphs 1, 2, and 3 of paragraph (a) of this section, together with an itemized statement showing the number of squares, the prices charged per square of re-roofing materials installed, together with an itemized statement of the accessories and other items included in Table II of section 4 of this order, for which an extra charge was made, and the quantities and prices of each, and a separate itemized statement of any related and incidental construction work performed, as provided in section 6 of this order.

(c) Each seller making a sale covered by this order shall, if requested by the purchaser, make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regulation No. 251. Copies for this purpose may be obtained from the office of the Regional Administrator or from the District Office of the Office of Price Administration.

Sec. 9. Records. Each seller must keep and retain, at his principal place of business, records concerning each sale, covered by this order, showing the following:

1. The name and address of the purchaser.
2. The location of the job.
3. A copy of any and all contracts pertaining to each sale.
4. The date the job was completed.
5. A description of the re-roofing materials and services involved.
6. The number of squares and the price charged per square of re-roofing materials.
7. A list of all accessories and other items included in table II of section 4 of this order, for which an extra charge may be made, showing the quantity and price of each.
8. A separate itemized statement of any related and incidental construction work and the prices charged for such work.

All such records shall be kept and made available for inspection by representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

Sec. 10. Erasions. (a) Any practice, scheme or device which results in a higher price to the purchaser of re-roofing materials on an installed basis than is permitted by this order shall be deemed a violation of this order and subjects the seller to all the civil liabilities and the criminal penalties provided by the Emergency Price Control Act of 1942, as amended.

(b) No seller shall, as a part of the consideration or as a condition of a sale of any of the re-roofing materials on an installed basis covered by this order, secretly or otherwise receive, either directly or indirectly, any side payment, commission, fee, consideration or other thing of value whatsoever nor shall the seller, either directly or indirectly, acquire or

receive the benefit of any services, transportation agreements, or other valuable thing, material or property.

(c) No seller shall eliminate or reduce in any form or manner any maintenance or repair service customarily offered or performed as a part of a re-roofing job, nor shall the seller lower the quality of the materials furnished below that called for by the specifications or agreement.

(d) No seller shall, by any of the foregoing plans, schemes, or devices, receive or acquire or attempt to receive or acquire anything of value, service, valuable right, property or property right, money or any other consideration whatsoever in addition to the maximum prices established in this order for the sale of any re-roofing materials on an installed basis.

SEC. 11. *Less than maximum prices.* Prices lower than the maximum prices for sales covered by this order may, of course, be charged and paid.

SEC. 12. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 13. *Revocation or amendment.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

This Order No. G-1 shall become effective November 2, 1945.

Issued this 2d day of November 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-20848; Filed, Nov. 14, 1945; 4:26 p. m.]

[Region II Order 1 Under Basic Order 1 Under RMPR 251]

RE-SIDING AND RE-ROOFING CONSTRUCTION WORK IN PHILADELPHIA, PA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by section 9 of Revised Maximum Price Regulation No. 251 as amended, and by Revised Procedural Regulation No. 1, it is hereby ordered:

(a) *What this order does.* This adopting order under Basic Order No. 1 establishes flat (dollars-and-cents) maximum prices for installed re-siding and re-roofing and related and incidental construction work on residential structures in the Philadelphia, Pa. area consisting of the counties of Philadelphia, Delaware, Bucks, Montgomery, Berks, Chester, Lehigh and Northampton, all in the State of Pennsylvania. This order supersedes sections 6, 7 and 8 of Revised Maximum Price Regulation No. 251 with respect to the sales covered by this order in the territory included in this order. All other provisions of Revised Maximum Price Regulation No. 251 are applicable

to transactions subject to this order unless otherwise provided in this order or in Basic Order No. 1.

(b) *Applicability of Basic Order No. 1 for area pricing of installed re-siding and re-roofing and related and incidental construction work in Region II.* All provisions of Basic Order No. 1 under section 9 of Revised Maximum Price Regulation No. 251 issued by the New York Regional Office, Region II of the Office of Price Administration are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 1 is amended in any respect, the provisions of said order, as amended, shall likewise without further action become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1 and should be familiar with the provisions of said order.

(c) *Maximum prices for sales of composition re-siding and re-roofing on an installed basis.* The maximum prices for sales of composition re-siding and re-roofing, on an installed basis on a residential structure shall be as shown in the following tables known as Table I and II and shall be upon a price per square basis. Table I covers prices for composition re-siding and accessories, and Table II covers prices for re-roofing and accessories.

TABLE I—COMPOSITION RE-SIDING PRICES

	Per square
Asbestos cement re-siding, standard surface hardness, 12 x 24" or 12 x 27".....	\$26.00
Asbestos cement re-siding of extra hard surface, 12 x 24" or 12 x 27".....	30.00
Insulated brick or stone re-siding—14 3/8 x 43 7/8", 13 1/2 x 43 1/8" and 14 x 43".....	32.00
Asphalt strip type re-siding—167 lbs. Giant individual shingle re-siding, laid wide space method 7 1/2" exposure.....	16.00
	17.00

(When this shingle is laid in wide space other than 7 1/2" exposure, American method, Dutch lap method or other methods, the price varies from the above in proportion to the quantity of material used.)

Roll brick re-siding.....	16.00
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The above prices include nails, caulking, joint strips, and lath strips when used to prevent tipping and for nailing purposes. Approximately one bundle of lath required for ordinary house.

RE-SIDING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW

	Per foot
Corner pieces for asphalt brick re-siding.....	\$0.40
Rolled corners on roll brick re-siding.....	.25
Soldier course on insulated brick.....	.15
Soldier course on roll brick.....	.10
Zinc corner bead.....	.15
Woven corners.....	.50
	Per bundle
Lath (400 feet per bundle) after first bundle.....	\$4.00
	Per square
15-pound felt.....	\$1.50
30-pound felt and smooth surface rolls.....	2.50
35-pound felt smooth surface rolls in 12" widths.....	3.00
Building paper.....	1.00
	Per foot
Moulding (quarter round to 3/4" and band up to 1 1/2").....	\$0.05
Rabbitted moulding.....	.14

TABLE I—COMPOSITION RE-SIDING PRICES—Continued

RE-SIDING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW—Continued.	Per square
Backer board.....	\$5.00
Removing stucco.....	5.00
All shingles above the second floor ceiling, extra charge.....	3.00
Applying shingles to the second floor when the first floor is not covered, extra charge.....	2.00

TABLE II—RE-ROOFING PRICES

	Per square
12" (3 in line) strip shingle—210 lbs. 017.50	
11 1/2 hexagon strip shingle—167 lbs. 15.00	
Re-roofer type shingle standard weight—135 to 140 lbs.....	15.00
Re-roofer type heavy weight—160 to 162 lbs.....	10.00
Giant individual dutch lap method—160 to 162 lbs., with clips.....	10.50
(When this shingle is laid in American method or other methods, the price varies from above in proportion to the quantity of material used.)	
Slate surface roll re-roofing—90 lbs. (Apply to roofs having a pitch of 1-5").....	10.00
Slate surface roll re-roofing—90 lbs. (Apply to roofs having a pitch greater than 1-5").....	12.00
Smooth surface roll re-roofing—55 lbs. 9.00	
Smooth surface roll re-roofing—65 lbs. 10.00	
Smooth surface roll re-roofing in plastic slate—55 lbs.....	13.00
Smooth surface roll re-roofing in plastic slate—65 lbs.....	14.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—55 lbs.....	22.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—65 lbs.....	23.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—45 lbs.....	21.00
Cap sheet double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—34 lbs.....	18.50

The above prices include nails, mastic and flashing around chimneys and vents.

RE-ROOFING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW

	Per foot
Hip and ridge shingles.....	\$0.16
	Per square
Slate surface rolls—90 lbs. (used on valleys, ridges or other sections of roofs).....	\$10.00
15 pounds felt.....	1.50
30 pounds felt.....	2.50
35 pounds smooth surface rolls (when cut in 12" widths).....	3.00
	Per bundle
Lath (400 feet per bundle) after first bundle.....	\$4.00
Bevel beads (per 100 lineal feet.....	1.70
	Per square
Backer board.....	\$5.00
	Per foot
Single drip course of wood shingles.....	\$0.25
	Per foot
Double drip course of wood shingles.....	\$0.45
Rake strip for drip course of wood 5/4 x 3" (wider boards price proportionately).....	.25
Yankee gutters relined.....	.25
Box gutters relined.....	.35
Replaced boards on yankee gutters.....	.30
	Per tube
Galvanized tubes without flange.....	\$1.50
Galvanized tubes with flange.....	2.00
	Per foot
Galvanized eave strip or rake strip.....	\$0.15
	Per square
To remove wooden, asphalt, asbestos or slate shingles.....	\$5.00

This order shall become effective November 22, 1945.

Issued this 8th day of November 1945.

LEO F. GENTNER,

Acting Regional Administrator.

[F. R. Doc. 45-20849; Filed, Nov. 14, 1945; 4:27 p. m.]

[Region II Adopting Order 2 Under Basic Order 1 Under RMPPR 251]

RE-SIDING AND RE-ROOFING CONSTRUCTION WORK IN HARRISBURG, ALTOONA AND WILLIAMSPORT, PA. AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by section 9 of Revised Maximum Price Regulation No. 251 as amended, and by Revised Procedural Regulation No. 1, it is hereby ordered:

(a) *What this order does.* This adopting order under Basic Order No. 1 establishes flat (dollars-and-cents) maximum prices for installed re-siding and re-roofing and related and incidental construction work on residential structures in the Harrisburg, Altoona and Williamsport, Pa. area consisting of the counties of York, Cumberland, Dauphin, Lancaster, Adams, Franklin, Juniata, Lebanon, Mifflin, Perry, Cambria, Indiana, Blair, Jefferson, Somerset, Bedford, Clearfield, Fulton, Huntingdon, Northumberland, McKean, Elk, Bradford, Tioga, Cameron, Centre, Clinton, Lycoming, Montour, Potter, Snyder, Sullivan and Union, all in the state of Pennsylvania. This order supersedes sections 6, 7 and 8 of Revised Maximum Price Regulation No. 251, with respect to the sales covered by this order in the territory included in this order. All other provisions of Revised Maximum Price Regulation No. 251 are applicable to transactions subject to this order unless otherwise provided in this order or in Basic Order No. 1.

(b) *Applicability of Basic Order No. 1 for area pricing of installed re-siding and re-roofing and related and incidental construction work in Region II.* All provisions of Basic Order No. 1 under section 9 of Revised Maximum Price Regulation No. 251 issued by the New York Regional Office, Region II of the Office of Price Administration are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 1 is amended in any respect, the provisions of said order, as amended, shall likewise without further action become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1 and should be familiar with the provisions of said order.

(c) *Maximum prices for sales of composition re-siding and re-roofing on an installed basis.* The maximum prices for sales of composition re-siding and re-roofing, on an installed basis on a residential structure shall be as shown in the following tables known as Table I and II and shall be upon a price per square basis. Table I covers prices for

composition re-siding and accessories, and Table II covers prices for re-roofing and accessories.

TABLE I—COMPOSITION RE-SIDING PRICES

	Per square
Asbestos cement re-siding, standard surface hardness 12 x 24" or 12 x 27"	32.60
Asbestos cement re-siding of extra hard surface 12 x 24" or 12 x 27"	27.00
Insulated brick or stone re-siding, 14 3/8 x 43 3/8", 13 3/8 x 43 3/8" and 14 x 43"	30.00
Asphalt strip type re-siding—167 lbs.	15.00
Giant individual chingle re-siding, laid wide space method 7 1/2" exposure	16.00
(When this shingle is laid in wide space other than 7 1/2" exposure, American method, Dutch lap method or other methods, the price varies from the above in proportion to the quantity of material used).	
Roll brick re-siding	10.00

The above prices include nails, caulking, joint strips and one bundle of lath.

RE-SIDING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW

	Per foot
Corner pieces for asphalt brick re-siding	60.40
Rolled corners on roll brick re-siding	.25
Soldier course on insulated brick	.15
Soldier course on roll brick	.19
Zinc corner bead	.15
Woven corners	.50
Per bundle	
Lath (400 ft. per bundle) after 1st bundle	64.00
Per square	
15 lb. felt	61.00
30 lb. felt and smooth surface rolls	2.50
35 lb. felt smooth surface rolls in 12" widths	3.00
Building paper	1.00
Per foot	
Moulding (quarter round to 3/4" and band up to 1 1/2")	60.00
Rabbitted moulding	.14
Per square	
Backer board	64.00
Removing stucco	5.00
All shingles above the second floor ceiling, extra charge	3.00
Applying shingles to the second floor when the first floor is not covered, extra charge	2.00

TABLE II—RE-ROOFING PRICES

	Per square
12" (3 in line) strip shingle—210 lbs	610.00
11 1/2 hexagon strip shingle—167 lbs.	14.00
Re-roofer type shingle standard weight 135 to 140 lbs.	14.00
Re-roofer type heavy weight—160 to 162 lbs	15.00
Giant individual Dutch lap method 160 to 162 lbs. with Clips (when this shingle is laid in American method or other methods, the price varies from above in proportion to the quantity of material used)	15.00
Diamond point roll re-roofing 18" width (apply to roofs having a pitch of 1-5")	11.00
Diamond point roll re-roofing 18" width (apply to roofs having a pitch greater than 1-5")	13.00
Slate surface roll re-roofing—80 lbs. (apply to roofs having a pitch of 1-5")	8.00
Slate surface roll re-roofing—80 lbs. (apply to roofs having a pitch greater than 1-5")	10.00
Smooth surface roll re-roofing—65 lbs	7.00

TABLE II—RE-ROOFING PRICES—Continued

	Per square
Smooth surface roll re-roofing—65 lbs.	63.00
Smooth surface roll re-roofing in plastic slate—55 lbs.	11.00
Smooth surface roll re-roofing in plastic slate—65 lbs.	12.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—55 lbs.	20.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—65 lbs.	21.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—45 lbs.	19.00
Cap sheet double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—34 lbs	16.50

The above prices include nails, mastic and flashing around chimneys and vents.

RE-ROOFING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW

Rip and ridge chingles	15¢ per ft.
Slate surface rolls—80 lbs. (used on valleys, ridges or other sections of roofs).	63.00 per square.
15 lb felt	31.50 per square.
30 lb. felt	62.50 per square.
35 lb. smooth surface rolls (when cut in 12" widths).	63.00 per square.
Lath (400 ft. per bundle) after 1st bundle.	64.00 per bundle.
Bevel boards (per 100 lineal ft.).	61.70.
Backer board	64.00 per square.
Single drip course of wood chingles.	25¢ per ft.
Double drip course of wood chingles.	45¢ per ft.
Rake strip for drip course of wood 3/4 x 3" (wider boards price proportionately).	25¢ per ft.
Yankee gutters relined	25¢ per ft.
Box gutters relined	35¢ per ft.
Replaced boards on Yankee gutters.	30¢ per ft.
Galvanized tubes without flange.	61.50 per tube.
Galvanized tubes with flange.	62.00 per tube.
Galvanized lath strip or rake strip.	15¢ per ft.
To remove wooden, asphalt, asbestos or slate chingles.	65.00 per square.

This order shall become effective November 22, 1945.

Issued this 8th day of November, 1945.

LEO F. GENTNER,

Acting Regional Administrator.

[F. R. Doc. 45-20850; Filed, Nov. 14, 1945; 4:27 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register November 8, 1945.

REGION I

- Augusta Order 3-F, Amendment 21, covering fresh fruits and vegetables in Portland, South Portland, and Westbrook. Filed 9:54 a. m.
- Augusta Order 3-F, Amendment 22, covering fresh fruits and vegetables in Portland,

South Portland, and Westbrook. Filed 9:54 a. m.

Augusta Order 5-F, Amendment 21, covering fresh fruits and vegetables in Bangor and Brewer. Filed 9:54 a. m.

Augusta Order 5-F, Amendment 22, covering fresh fruits and vegetables in Bangor and Brewer. Filed 9:55 a. m.

Montpelier Order 2-F, Amendment 26, covering fresh fruits and vegetables in certain cities in Vermont. Filed 9:38 a. m.

Montpelier Order 3-F, Amendment 12, covering fresh fruits and vegetables in the State of Vermont except: Burlington, Clarendon, Colchester, Essex, Pittsford, Proctor, Rutland, Shelburne, South Burlington, West Rutland, Williston, Winooski. Filed 9:38 a. m.

REGION II

Albany Order 11-F, Amendment 5, covering fresh fruits and vegetables in certain counties in New York except the Cities of Albany, Cohoes, Rensselaer, Schenectady, Troy and Watervliet and the Town of Green Island. Filed 9:52 a. m.

Albany Order 12-F, Amendment 5, covering fresh fruits and vegetables in the counties of Clinton, Essex, Franklin and Hamilton. Filed 9:53 a. m.

Albany Order 10-F, Amendment 21, covering fresh fruits and vegetables in certain cities of New York. Filed 9:53 a. m.

Baltimore Order 1-D, Amendment 2, covering butter and cheese in Maryland. Filed 9:53 a. m.

Baltimore Order 4-F, Amendment 62, covering fresh fruits and vegetables in the Baltimore area. Filed 9:56 a. m.

Baltimore Order 10-F, Amendment 18, covering fresh and vegetables in the entire State of Maryland except Baltimore City and adjoining area. Filed 9:56 a. m.

Camden Order 3-F, Amendment 56, covering fresh fruits and vegetables. Filed 9:55 a. m.

Camden Order 3-F, Amendment 57, covering fresh fruits and vegetables in Camden, Burlington, Gloucester, Salem and Cumberland counties. Filed 9:55 a. m.

Camden Order 4-F, Amendment 57, covering fresh fruits and vegetables in the Atlantic and Cape May counties, New Jersey. Filed 9:55 a. m.

District of Columbia Order 14, Amendment 3, covering dry groceries in the Washington, D. C. area. Filed 9:55 a. m.

District of Columbia Order 6-W, Amendment 2, covering dry groceries in the Washington, D. C. area. Filed 9:56 a. m.

Scranton Order 4-F, Amendment 48, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:56 a. m.

Scranton Order P-3, Amendment 3, covering fresh fish and seafood in Lackawanna and Luzerne counties including the city of Pottsville in Schuylkill county in Pennsylvania. Filed 9:53 a. m.

Syracuse Order 3-F, amendment, 54, covering fresh fruits and vegetables in the cities of Syracuse, Watertown, Utica and their free delivery zones, New York. Filed 9:56 a. m.

Syracuse Order 4-F, Amendment 41, covering fresh fruits and vegetables in certain counties in New York except the cities of Syracuse, Watertown, Utica and their free delivery zones. Filed 9:56 a. m.

Trenton Order 46, Amendment 3, covering dry groceries in certain counties in New Jersey except the Borough of North Plainfield, New Jersey. Filed 9:54 a. m.

Trenton Order 47, Amendment 2, covering dry groceries in certain counties in New Jersey except the Borough of North Plainfield, New Jersey. Filed 9:54 a. m.

Trenton Order 48, Amendment 2, covering dry groceries in certain counties in New Jersey except the Borough of North Plainfield, New Jersey. Filed 9:54 a. m.

Wilmington Order 4-F, Amendment 59, covering fresh fruits and vegetables in the entire State of Delaware. Filed 9:50 a. m.

Williamsport Order 26, Amendment 4, covering dry groceries in certain counties in Pennsylvania. Filed 9:52 a. m.

Williamsport Order 27, Amendment 3, covering dry groceries in certain counties in Pennsylvania. Filed 9:52 a. m.

Williamsport Order 7-W, Amendment 4, covering dry groceries in certain counties in Pennsylvania. Filed 9:52 a. m.

Williamsport Order 4-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:57 a. m.

REGION III

Charleston Order 4-O, Amendment 1, covering eggs in certain counties in West Virginia. Filed 9:39 a. m.

Charleston Order 5-O, Amendment 1, covering eggs in certain counties in West Virginia. Filed 9:39 a. m.

Charleston Order 6-O, Amendment 1, covering eggs in certain counties in West Virginia. Filed 9:39 a. m.

Charleston Order 7-O, Amendment 1, covering eggs in certain counties in West Virginia. Filed 9:39 a. m.

Charleston Order 8-O, Amendment 1, covering eggs in certain counties in West Virginia. Filed 9:39 a. m.

Charleston Order 9-O, Amendment 1, covering eggs in certain counties in West Virginia. Filed 9:40 a. m.

Cincinnati Order 1-D, Amendment 1, covering butter and cheese in certain counties in Ohio. Filed 9:50 a. m.

Cincinnati Order 4-F, Amendment 44, covering fresh fruits and vegetables in Hamilton county, Ohio. Filed 9:50 a. m.

Cincinnati Order 8-F, Amendment 14, covering fresh fruits and vegetables in certain counties excluding Union City and College Corner, Ohio. Filed 9:50 a. m.

Cleveland Order F-1, Amendment 64, covering fresh fruits and vegetables in Cuyahoga county, Ohio. Filed 9:50 a. m.

Cleveland Order 3-F, Amendment 64, covering fresh fruits and vegetables in Mahoning and Trumbull counties, Ohio. Filed 9:51 a. m.

Cleveland Order 4-F, Amendment 64, covering fresh fruits and vegetables in Stark and Summit counties, Ohio. Filed 9:51 a. m.

Columbus Order 10-F, Amendment 17, covering fresh fruits and vegetables in the counties of Franklin, Logan and Muskingum, Ohio. Filed 9:51 a. m.

Columbus Order 11-F, Amendment 17, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:51 a. m.

Indianapolis Order 14-F, Amendment 41, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe counties. Filed 9:40 a. m.

Indianapolis Order 15-F, Amendment 41, covering fresh fruits and vegetables in Wayne, Delaware and Allen counties. Filed 9:48 a. m.

Indianapolis Order 16-F, Amendment 41, covering fresh fruits and vegetables in the County of St. Joseph. Filed 9:48 a. m.

Indianapolis Order 17-F, Amendment 41, covering fresh fruits and vegetables in the County of Vanderburgh. Filed 9:48 a. m.

Saginaw Order 2-D, covering butter and cheese in the counties of the Saginaw District area. Filed 9:50 a. m.

REGION V

New Orleans Order 3-F, Amendment 14, covering fresh fruits and vegetables in the State of Louisiana, Parishes of Orleans, St. Bernard and Jefferson except Grand Isle. Filed 9:59 a. m.

New Orleans Order 5-F, Amendment 6, covering fresh fruits and vegetables in the cities of Shreveport, Bossier City, Monroe, and West Monroe. Filed 9:59 a. m.

New Orleans Order 6-F, Amendment 6, covering fresh fruits and vegetables in certain parishes of Louisiana except the cities

of Shreveport, Bossier City, Monroe and West Monroe, Louisiana. Filed 9:59 a. m.

San Antonio Order 6-F, Amendment 16, covering fresh fruits and vegetables in Bexar county, Texas. Filed 9:59 a. m.

San Antonio Order 7-F, Amendment 16, covering fresh fruits and vegetables in Austin, Texas. Filed 9:59 a. m.

San Antonio Order 8-F, Amendment 16, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 10:00 a. m.

San Antonio Order 9-F, Amendment 4, covering fresh fruits and vegetables in Culberson, El Paso, Hudspeth and Presidio counties, Texas. Filed 10:00 a. m.

REGION IV

Birmingham Order 1-D, covering butter in certain counties in Alabama. Filed 9:49 a. m.

Birmingham Order 2-D, covering butter in certain counties in Alabama. Filed, 9:49 a. m.

Birmingham Order 6-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Alabama. Filed 9:48 a. m.

Birmingham Order 23, Amendment 1, covering dry groceries. Filed 9:49 a. m.

Birmingham Order 24, Amendment 1, covering dry groceries. Filed 9:50 a. m.

Miami Order 7-F, Amendment 1, covering fresh fruits and vegetables in certain specified areas in Florida. Filed 9:37 a. m.

Miami Order 8, Amendment 1, covering dry groceries in the Miami, Florida area. Filed 9:37 a. m.

Montgomery Order 1-D, covering butter in certain areas in Alabama. Filed 9:37 a. m.

Montgomery Order 27-F, Amendment 4, covering fresh fruits and vegetables in Montgomery County. Filed 9:37 a. m.

Montgomery Order 6-W, Amendment 4, covering dry groceries in the Montgomery District. Filed 9:38 a. m.

Roanoke Order 1-D, covering butter in the Roanoke, Virginia District Area. Filed 9:38 a. m.

REGION VI

Chicago Order 1-O, Amendment 4, covering eggs in the Chicago Metropolitan area. Filed 9:53 a. m.

Milwaukee Order 9-F, Amendment 33, covering fresh fruits and vegetables in Sheboygan and Fond Du Lac Counties, Wisconsin. Filed 9:49 a. m.

Milwaukee Order 11-F, Amendment 25, covering fresh fruits and vegetables in the Milwaukee County, cities of Racine, Kenosha, Wisconsin. Filed 9:49 a. m.

Milwaukee Order 12-F, Amendment 6, covering fresh fruits and vegetables in the cities of La Crosse and Sparta, Wisconsin. Filed 9:49 a. m.

REGION VII

Albuquerque Order 4*, Amendment 3, covering dry groceries in the Northwestern, Central and Southwestern New Mexico area. Filed 10:00 a. m.

Salt Lake City Order 11-F, Amendment 21, covering fresh fruits and vegetables in Salt Lake, Davis, Weber, Morgan, Utah and Summit county area, Brigham, Willard and Perry in Box Elder county. Filed 9:57 a. m.

Salt Lake City Order 12-F, Amendment 21, covering fresh fruits and vegetables in certain counties in Utah. Filed 9:57 a. m.

Salt Lake City Order 13-F, Amendment 21, covering fresh fruits and vegetables in Rich, Daggett, Duchesne, Uintah, Grand, Wayne & San Juan county area. Filed 9:57 a. m.

REGION VIII

Spokane Order 8-F, Amendment 40, covering fresh fruits and vegetables in certain areas in Spokane county, Washington, including City of Spokane and area East. Filed 9:57 a. m.

Spokane Order 9-F, Amendment 40, covering fresh fruits and vegetables in certain

areas of Kootenai County, Idaho. Filed 9:57 a. m.

Spokane Order 10-F, Amendment 39, covering fresh fruits and vegetables in certain areas of Shoshone and Kootenai counties, Idaho. Filed 9:58 a. m.

Spokane Order 11-F, Amendment 39, covering fresh fruits and vegetables in certain areas of Latah County, Idaho and Whitman County, Washington. Filed 9:58 a. m.

Spokane Order 12-F, Amendment 40, covering fresh fruits and vegetables in certain areas of Asotin County, Washington and Nez Perce County, Idaho. Filed 9:58 a. m.

Spokane Order 13-F, Amendment 43, covering fresh fruits and vegetables in certain areas of Columbia and Walla Walla Counties, Washington. Filed 9:58 a. m.

Spokane Order 14-F, Amendment 41, covering fresh fruits and vegetables in certain areas of Benton and Franklin counties, Washington. Filed 9:58 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-20874; Filed, Nov. 15, 1945; 11:34 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register November 13, 1945.

REGION I

Boston Order 1-D, Amendment 2, covering butter and cheese in Massachusetts except Dukes and Nantucket counties. Filed 9:55 a. m.

New England Order 7-F, Amendment 27, covering fresh fruits and vegetables in the Boston Area. Filed 9:37 a. m.

New England Order 8-F, Amendment 24, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 9:37 a. m.

New England Order 9-F, Amendment 25, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 9:38 a. m.

New England Order 10-F, Amendment 24, covering fresh fruits and vegetables in certain cities in Massachusetts. Filed 9:55 a. m.

New England Order 11-F, Amendment 24, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 9:55 a. m.

New England Order 13-F, Amendment 6, covering fresh fruits and vegetables in the Brockton area. Filed 9:55 a. m.

Providence Order 3-F, Amendment 26, covering fresh fruits and vegetables in the Providence, Rhode Island Metropolitan area. Filed 9:55 a. m.

Providence Order 8, Amendment 1, covering dry groceries in the State of Rhode Island except Town of New Shoreham. Filed 9:56 a. m.

Providence Order 3-W, Amendment 1, covering dry groceries in the State of Rhode Island except Town of New Shoreham. Filed 9:27 a. m.

REGION II

Baltimore Order 4-F, Amendment 63, covering fresh fruits and vegetables in the Baltimore, Maryland area. Filed 9:33 a. m.

Baltimore Order 10-F, Amendment 19, covering fresh fruits and vegetables in the entire State of Maryland except Baltimore City and adjoining area. Filed 9:34 a. m.

Buffalo Order 3-F, Amendment 35, covering fresh fruits and vegetables in the cities of Buffalo and Lackawanna, Village of Ken-

more and Towns of Amherst, Cheektowaca, Tonawanda and West Seneca, New York. Filed 9:32 a. m.

Buffalo Order 4-F, Amendment 35, covering fresh fruits and vegetables in Rochester, East Rochester, Fairport and Pittsford, New York. Filed 9:32 a. m.

Buffalo Order 5-F, Amendment 2, covering fresh fruits and vegetables in Allegany, Cattaraugus, Chautauqua counties in New York. Filed 9:33 a. m.

Buffalo Order P-1, Amendment 7, covering fresh fish and seafood in the cities of Buffalo and Lackawanna and the Village of Kenmore, New York. Filed 9:33 a. m.

Buffalo Order P-2, Amendment 6, covering fresh fish and seafood in the city of Rochester, New York. Filed 9:33 a. m.

Philadelphia Order 33, Amendment 5, covering poultry in the city and county of Philadelphia. Filed 9:34 a. m.

Philadelphia Order 34, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 9:35 a. m.

Philadelphia Order 35, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 9:36 a. m.

Philadelphia Order 36, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 9:37 a. m.

Philadelphia Order 6-F, Amendment 53, covering fresh fruits and vegetables in the city and county of Philadelphia. Filed 9:29 a. m.

Philadelphia Order 11-F, Amendment 23, covering fresh fruits and vegetables in the entire counties of Bucks, Chester, Delaware and Montgomery in Pennsylvania. Filed 9:34 a. m.

Philadelphia Order 12-F, Amendment 23, covering fresh fruits and vegetables in the entire counties of Berks, Lehigh and Northampton in Pennsylvania. Filed 9:35 a. m.

Syracuse Order 2-F, Amendment 65, covering fresh fruits and vegetables in the cities of Syracuse, Watertown, Utica and their free delivery zones, New York. Filed 9:34 a. m.

Syracuse Order 4-F, Amendment 42, covering fresh fruits and vegetables in certain counties in New York with the exception of the cities of Syracuse, Watertown, Utica and their free delivery zones. Filed 9:57 a. m.

Wilmington Order 4-F, Amendment 69, covering fresh fruits and vegetables in the entire State of Delaware. Filed 9:37 a. m.

Williamsport Order 4-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:57 a. m.

REGION III

Cleveland Order F-1, Amendment 65, covering fresh fruits and vegetables in Cuyahoga county, Ohio. Filed 9:57 a. m.

Cleveland Order 3-F, Amendment 65, covering fresh fruits and vegetables in Mahoning and Trumbull counties, Ohio. Filed 9:57 a. m.

Cleveland Order 4-F, Amendment 65, covering fresh fruits and vegetables in Stark and Summit counties, Ohio. Filed 9:58 a. m.

Cleveland Order 5-F, Amendment 18, covering fresh fruits and vegetables in counties of the Cleveland District except the counties of Cuyahoga, Stark, Summit, Mahoning and Trumbull. Filed 9:58 a. m.

Indianapolis Order 14-F, Amendment 42, covering fresh fruits and vegetables in the counties of Marion, Vigo and Tippecanoe. Filed 9:58 a. m.

Indianapolis Order 15-F, Amendment 42, covering fresh fruits and vegetables in the counties of Wayne, Delaware and Allen. Filed 9:58 a. m.

Indianapolis Order 16-F, Amendment 42, covering fresh fruits and vegetables in the county of St. Joseph. Filed 9:58 a. m.

Indianapolis Order 17-F, Amendment 42, covering fresh fruits and vegetables in the county of Vanderburgh. Filed 9:59 a. m.

Indianapolis Order 18-F, Amendment 13, covering fresh fruits and vegetables in cer-

tain counties in Indiana and College Corner and Union City, Ohio. Filed 9:59 a. m.

Indianapolis Order 19-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Indiana. Filed 10:00 a. m.

Toledo Order 3-F, Amendment 15, covering fresh fruits and vegetables in certain counties and townships in Ohio. Filed 10:03 a. m.

Toledo Order 4-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:03 a. m.

REGION IV

Atlanta Order 11-F, Amendment 1, covering fresh fruits and vegetables in certain counties in the Atlanta area. Filed 10:03 a. m.

Atlanta Order 12-F, Amendment 3, covering fresh fruits and vegetables in the Atlanta-Decatur Metropolitan Trade Area. Filed 10:03 a. m.

Atlanta Order 13-F, Amendment 2, covering fresh fruits and vegetables in certain counties in the Atlanta District Area. Filed 10:04 a. m.

Atlanta Order 14-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Georgia. Filed 10:00 a. m.

Birmingham Order 5-F, Amendment 4, covering fresh fruits and vegetables in Jefferson county. Filed 10:00 a. m.

Birmingham Order 5-F, Amendment 5, covering fresh fruits and vegetables in Jefferson county, Alabama. Filed 10:00 a. m.

Birmingham Order 6-F, Amendment 4, covering fresh fruits and vegetables in the Birmingham area. Filed 10:00 a. m.

Nashville Order 11-F, Amendment 23, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 10:01 a. m.

Nashville Order 12-F, Amendment 45, covering fresh fruits and vegetables in Davidson, Hamilton, Hamblen, Knox, and Sullivan counties in Tennessee and the municipality of Bristol, Virginia. Filed 10:01 a. m.

Nashville Order 13-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 10:01 a. m.

Savannah Order 15-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Georgia. Filed 10:01 a. m.

REGION V

Little Rock Order 5-W, Amendment 1, covering dry groceries in the State of Arkansas. Filed 10:02 a. m.

Little Rock Order 25, Amendment 1, covering dry groceries in the State of Arkansas. Filed 10:02 a. m.

Little Rock Order 26, Amendment 1, covering dry groceries in the State of Arkansas. Filed 10:02 a. m.

Omaha Order 1, Amendment 1, covering dry groceries in the cities of North Platte and McCook, Nebraska. Filed 10:02 a. m.

Omaha Order 3, Amendment 1, covering dry groceries in certain areas in Nebraska. Filed 10:02 a. m.

Omaha Order 4, Amendment 1, covering dry groceries in certain counties except the cities of Crawford and Sheridan in Nebraska. Filed 10:03 a. m.

Omaha Order 2-W, Amendment 1, covering dry groceries in the cities of Hastings, Grand Island, Holdrege, and Kearney, Nebraska. Filed 10:03 a. m.

Sioux Falls Order 2-F, Amendment 14, covering fresh fruits and vegetables in city of Sioux Falls, South Dakota. Filed 10:03 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-20875; Filed, Nov. 15, 1945; 11:34 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register November 7, 1945.

REGION I

Concord Order 9-F, Amendment 27, covering fresh fruits and vegetables in Manchester, Nashua, Concord, Rochester, Somersworth, Dover, Portsmouth. Filed 4:22 p. m.

Concord Order 17, Amendment 2, covering fresh fruits and vegetables in New Hampshire. Filed 4:24 p. m.

Concord Order 1-D, Amendment 2, covering butter in the New Hampshire area. Filed 4:24 p. m.

Concord Order 4-W, Amendment 2, covering dry groceries in New Hampshire. Filed 4:24 p. m.

Massachusetts Order 7-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 4:30 p. m.

Massachusetts Order 8-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 4:31 p. m.

Massachusetts Order 9-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 4:31 p. m.

Massachusetts Order 10-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 4:31 p. m.

Massachusetts Order 12-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 4:31 p. m.

Massachusetts Order 13-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 4:32 p. m.

REGION II

Altoona Order 2-F, Amendment 46, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 4:21 p. m.

New York Order 10-F, Amendment 33-A, covering fresh fruits and vegetables in Nassau and Westchester counties, New York. Filed 4:28 p. m.

New York Order 13-F, Amendment 5-A, covering fresh fruits and vegetables in certain counties in New York. Filed 4:28 p. m.

Pittsburgh Order 3-D, covering butter and cheese in certain counties in Pennsylvania. Filed 4:21 p. m.

Trenton Order 12-F, Amendment 33, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 4:21 p. m.

REGION III

Cleveland Order F-1, Amendment 59, covering fresh fruits and vegetables in Cuyahoga county in Ohio. Filed 4:28 p. m.

Cleveland Order 4-F, Amendment 59, covering fresh fruits and vegetables in Stark and Summit counties in Ohio. Filed 4:29 p. m.

Detroit Order 5-F, Amendment 40, covering fresh fruits and vegetables in Wayne and Macomb counties. Filed 4:25 p. m.

Detroit Order 12, Amendment 7, covering dry groceries. Filed 4:25 p. m.

Detroit Order 14, Amendment 8, covering dry groceries. Filed 4:25 p. m.

Escanaba Order 45, covering dry groceries in certain areas of the Upper Peninsula of Michigan except Mackinac Island in Mackinac county, Michigan. Filed 4:28 p. m.

Escanaba Order 24-W, covering dry groceries in certain areas of Upper Peninsula of Michigan, except Mackinac Island in Mackinac county, Michigan. Filed 4:28 p. m.

Lexington Order 5-F, Amendment 32, covering fresh fruits and vegetables in the Fayette county Kentucky area. Filed 4:25 p. m.

Lexington Order 6-F, Amendment 32, covering fresh fruits and vegetables in Campbell and Kenton counties, Kentucky. Filed 4:25 p. m.

Lexington Order 7-F, Amendment 32, covering fresh fruits and vegetables in Boyd county, Kentucky. Filed 4:26 p. m.

Saginaw Order 1-D, covering butter and cheese in counties of Saginaw District area. Filed 4:26 p. m.

REGION IV

Charlotte Order 21, Amendment 1, covering dry groceries in the counties under the jurisdiction of the Charlotte District Office. Filed 4:32 p. m.

Charlotte Order 6-W, Amendment 1, covering dry groceries in the counties under the jurisdiction of the Charlotte District Office. Filed 4:32 p. m.

Jackson Order 6-F, Amendment 2, covering fresh fruits and vegetables in the Jackson, Miss., area. Filed 4:32 p. m.

Jackson Order 7-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 4:33 p. m.

Jackson Order 6-W, Amendment 1, covering dry groceries in the Mississippi area. Filed 4:33 p. m.

Jackson Order 21, Amendment 1, covering dry groceries in the Mississippi area. Filed 4:33 p. m.

Jackson Order 22, Amendment 1, covering dry groceries in the Mississippi area. Filed 4:33 p. m.

Jackson Order 23, Amendment 1, covering dry groceries in the Mississippi area. Filed 4:33 p. m.

Roanoke Order 13-F, Amendment 4, covering fresh fruits and vegetables in certain cities and counties in Virginia. Filed 4:21 p. m.

REGION V

Dallas Order 4-F, Amendment 14, covering airborne items. Filed 4:26 p. m.

Dallas Order 4-F, Amendment 15, covering fresh fruits and vegetables in Dallas County, Texas. Filed 4:26 p. m.

Dallas Order 6-F, Amendment 4, covering fresh fruits and vegetables in McLennan County, Texas. Filed 4:27 p. m.

St. Louis Order C-1, Amendment 5, covering poultry in the City of St. Louis and the County of St. Louis, Mo. Filed 4:21 p. m.

St. Louis Order C-2, Amendment 5, covering poultry in the State of Missouri lying east of the western boundaries of the counties of Schuyler, Adair, Macon, Chariton, Howard, Cooper, Morgan, Camden, Laclede, Wright, Douglas, and Ozark, except the City of St. Louis and the County of St. Louis, Mo. Filed 4:22 p. m.

REGION VI

Sioux Falls Order 2-F, Amendment 13, covering fresh fruits and vegetables in the City of Sioux Falls, South Dakota. Filed 4:22 p. m.

REGION VII

Albuquerque Order 43, Amendment 2, covering dry groceries in certain areas in New Mexico. Filed 4:29 p. m.

Albuquerque Order 44, Amendment 3, covering dry groceries in the Southern and Eastern New Mexico area. Filed 4:30 p. m.

Albuquerque Order 8-W, Amendment 9, covering dry groceries in certain areas in New Mexico. Filed 4:30 p. m.

Albuquerque Order 9-W, Amendment 9, covering dry groceries in the Clovis, Portales, Hobbs, Carlsbad, Artesia, Roswell, Las Cruces, Deming and Silver City area. Filed 4:30 p. m.

REGION VIII

Spokane Order 1-D, Amendment 1, covering butter in certain areas of Spokane County, Washington. Filed 4:27 p. m.

Spokane Order 2-D, Amendment 1, covering butter in and within 3 miles of Pasco, Prosser, Kennewick and Richland, Washington. Filed 4:27 p. m.

Spokane Order 3-D, Amendment 1, covering butter in the Spokane, Washington District except the Spokane County area and Pasco, Kennewick-Prosser-Richland area. Filed 4:27 p. m.

Spokane Order 4-D, Amendment 1, covering butter in the Spokane, Washington District. Filed 4:27 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-20930; Filed, Nov. 15, 1945; 4:38 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

KRESSLY & CAMPBELL AND PAUL W. JUDD
FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of November, A. D. 1945.

In the matter of Kressly & Campbell, 719 Second Avenue Building, Seattle, Washington, and Paul W. Judd, 611 Washington Building, Tacoma, Washington.

1. Kressly & Campbell, a partnership composed of Roy W. Campbell, Maude B. Kressly, and Betty Meade, is registered as a broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

Paul W. Judd, a sole proprietorship, is registered as a dealer pursuant to said section of said act.

2. The Commission instituted this proceeding to determine whether Paul W. Judd and Kressly & Campbell wilfully violated certain provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 and whether it is in the public interest to revoke their registrations.

3. After appropriate notice a hearing was held, at which there were introduced in evidence "answers and consents to revocation" in which respondents acknowledged receipt and service of adequate notice, waived their opportunity to be heard, admitted and acknowledged, for the purpose of the proceeding and for that purpose only, the existence of the cause of action set forth in the order for proceedings, and consented to the entry of an order by the Commission revoking their registrations.

4. On the basis of the record we find:
a. That during the period extending from about February 2, 1940, to about June 3, 1941, Kressly & Campbell and Paul W. Judd, while registered with this Commission, sold shares of International Metals Development, Inc., which shares were not registered as required by Section 5 of the Securities Act of 1933;

b. That during the same period Kressly & Campbell induced the purchase of shares of said company by agreeing to accept promissory notes from purchasers and representing that on or before maturity of such notes purchasers would have the option of paying the notes and receiving shares or of notifying Kressly & Campbell to sell the shares, in which event Kressly & Campbell would sell such securities at no loss to such persons and divide the profits derived thereby, when in fact said Kressly & Campbell at all

times intended not to and did not sell or dispose of such securities for, and divide the profits with, purchasers or protect them from loss as provided in the terms of the above-mentioned agreement, but, on the contrary, intended to and did compel purchasers to accept said shares by (a) discounting said promissory notes with banks and others who, in turn, demanded and received payment from said persons and (b) thereafter refusing to sell or dispose of said shares notwithstanding the exercise of said option by purchasers;

c. That Paul W. Judd and Kressly & Campbell effected the above-mentioned transactions by use of the mails and instrumentalities of interstate commerce, otherwise than on a national securities exchange;

d. That Paul W. Judd wilfully violated section 5 (a) of the Securities Act of 1933;

e. That Kressly & Campbell wilfully violated provisions of section 15 (c) (1) of the Securities Exchange Act of 1934 as defined in Rule X-15C1-2 (a) and (b) thereunder; that Kressly & Campbell wilfully violated sections 5 (a) and 17 (a) of the Securities Act of 1933; and

f. That it is in the public interest to revoke their registration statements.

Accordingly:

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registrations of Kressly & Campbell and Paul W. Judd be, and the same hereby are, revoked.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-20916; Filed, Nov. 15, 1945;
11:52 a. m.]

[File Nos. 70-618, 54-100]

AMERICAN POWER & LIGHT CO.

NOTICE OF FILING OF SUPPLEMENTAL PLAN,
ORDER RECONVENING HEARING, AND NOTICE
OF RECONVENED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of November, A. D. 1945.

The Commission having on November 8, 1945 entered an order granting an application for approval of an Amended Plan filed on November 7, 1945 pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American"), a registered holding Company subsidiary of Electric Bond and Share Company, also a registered holding company, providing for the retirement of American's outstanding 6% Gold Debenture Bonds, due 2016, at 110% of principal amount and accrued interest; and said Amended Plan further providing for the retirement of Southwestern Power & Light Company's ("Southwestern"), 6% Gold Debenture Bonds, due 2022, at 110% of principal amount plus accrued interest and, in addition, such amount which the Commission shall subsequently determine to be fair and equi-

table on account of the fact that the Southwestern Gold Debentures are not callable until March 1, 1947 (File No. 54-100, Holding Company Act Release No. 6201):

Notice is hereby given that American has filed an application pursuant to section 11 (e) of the act for approval of a Supplemental Plan designed to fix the amount, in addition to 110% of principal amount, to be paid to the holders of the Southwestern Gold Debentures on account of the fact that such debentures are not callable until March 1, 1947.

All interested persons are referred to said Supplemental Plan, which is on file at the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

American proposes to pay to the holders of the Southwestern debentures (in addition to 110% of principal amount and accrued interest payable under the Amended Plan dated November 7, 1945) 1½% of principal amount or such other amount which the Commission shall determine to be fair and equitable, on account of the fact that the Southwestern debentures are not callable until March 1, 1947.

American requests that the Commission apply to an appropriate United States District Court for enforcement of the Supplemental Plan.

It appearing to the Commission that notice should be given and that the record herein previously closed should be opened and that the hearings herein should be reconvened for the purpose of taking testimony in respect of said Supplemental Plan:

It is ordered, That the record herein be opened and that the hearings herein be reconvened under the applicable provisions of the act and the rules of the Commission thereunder on November 30, 1945 at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues previously stated in the Commission's Notice of and Order for Hearing herein of July 24, 1944, attention will be directed at the hearing to the following additional matter and question: Whether the Supplemental Plan, as proposed or as hereafter modified, is fair and equitable to the persons affected thereby and in the interest of investors.

It is further ordered, That notice of this hearing be given to American and to all other persons, said notice to be given to American by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That American shall give notice of this hearing to the holders of the Southwestern Debenture Bonds (insofar as the identity of such debenture bondholders is known or available to American) by mailing to each of said persons a copy of this notice of and order for hearing at his last known address at least ten days prior to the date of this hearing, and by publishing notice of this Hearing in a newspaper of general circulation in each of the Cities of New York, New York; Philadelphia, Pennsylvania; and Boston, Massachusetts.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-23339; Filed, Nov. 16, 1945;
10:25 a. m.]

[File Nos. 54-136, 59-83]

LONG ISLAND LIGHTING CO. ET AL.

NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of November 1945.

In the matters of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, Long Beach Gas Company, Inc., File Nos. 54-136, 59-83. Notice of filing and order for hearing on plan filed under section 11 (e); notice of and order instituting proceedings and for hearing under section 11 (b) (2); and order consolidating such proceedings.

I. Notice is hereby given that Long Island Lighting Company ("Long Island"), a registered holding company, and its subsidiaries, Queens Borough Gas and Electric Company ("Queens"), Nassau & Suffolk Lighting Company ("Nassau") and Long Beach Gas Company, Inc. ("Long Beach") have jointly filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), a plan for the consolidation of such companies, and the recapitalization of the resultant consolidated corporation which is to be called Long Island Lighting Company (the "Consolidated Corporation").

The Long Island Lighting Company holding company system, the nature of the business of each public-utility company, and the degree of ownership of voting securities, are as follows:

Long Island Lighting Co. (electric and gas):	Percent
Queens Borough Gas & Electric Co. (electric and gas)	100
Nassau & Suffolk Lighting Co. (electric and gas)	100
Long Beach Gas Co., Inc. (gas) ..	100
Kings County Lighting Co. (gas) ..	97.738
Kings Appliance Corp. (non-utility)	100
Liland Corp. (non-utility)	100

The plan does not involve Kings County Lighting Company, its subsidiary, Kings Appliance Corporation, or Liland Corporation.

All interested persons are referred to said plan, which is on file at the offices of this Commission for a full statement of the transactions and terms proposed

therein, which may be summarized as follows:

Long Island, Queens, Nassau, and Long Beach are to be consolidated pursuant to the laws of the State of New York, and the Consolidated Corporation is to be recapitalized. In addition to the long-term debt of the constituent corporations, which at August 31, 1945 aggregated \$56,995,000, the Consolidated Corporation will have outstanding, upon the effectuation of the plan, the following amounts and classes of stock:

New preferred stock:
101,520 shares, 4% cumulative,
\$100 par value per share..... \$10,152,000

New common stock:
1,059,036.3 shares without par
value, stated at \$10 per
share..... 10,590,363

Total proposed stated capital..... 20,742,363

As a result of the consolidation of the constituent corporations and the reduction of the par and stated value of their capital stocks, an unearned surplus will be created on the books of the Consolidated Corporation which will be utilized in full to effect certain accounting adjustments. Upon consummation of the consolidation and recapitalization, the Consolidated Corporation will have no balance in its earned surplus account. Upon consummation of the plan, the Consolidated Corporation contemplates the refunding of such of the presently outstanding funded debt of each of the constituent corporations as may be deemed desirable and advantageous.

The plan provides that all of the new preferred stock of the Consolidated Corporation is to be distributed to the preferred stockholders of Long Island, and that the new common stock is to be distributed to the preferred and common stockholders of Long Island and the preferred stockholders of Queens and Nassau.

With respect to the distribution of the stock of the Consolidated Corporation to the stockholders of Long Island, the plan assumes that a certain Certificate of Reduction of Capital which Long Island filed on December 16, 1944, with the Secretary of State of the State of New York, and with the approval of the Public Service Commission of the State of New York, has become effective. This Certificate provided, among other things, that (a) the par value of Long Island's outstanding 253,800 shares of 7% and 6% cumulative preferred stocks was to be reduced from \$100 per share to \$60 per share, and the liquidation, redemption, and dividend rights were to be determined upon such reduced par value, (b) the accumulated dividend arrearages on such cumulative preferred stocks at June 30, 1944, were to remain unaffected, (c) the company was to issue 503,800 shares of new common stock to its preferred and common stockholders on the basis of one share of new common stock for each share of preferred stock and each twelve shares of common stock, and (d) the reduction in capital was to be used to increase the depreciation and other reserves of Long Island. Stock certificates representing shares of the outstanding common or preferred stocks

were no longer to be issued or transferred but, from time to time, as certificates representing shares of such stocks were surrendered or presented to the company or its transfer agent for exchange or transfer, such stock certificates were to be stamped or overprinted with a legend setting forth the amendments, changes and alterations provided in the Certificate of Reduction of Capital, or new stock certificates setting forth the altered rights were to be issued. However, as a result of certain legal proceedings between Long Island and this Commission, and Long Island's registration as a holding company under the act on April 23, 1945, none of the certificates representing the shares of its stock outstanding prior to the filing of its Certificate of Reduction of Capital has been overprinted or exchanged, and none of the accounting entries authorized in connection therewith has been made upon its books.

The shares of the different classes of stock of Long Island, in the form of certificates representing the Series A \$100 par value 7% cumulative preferred stock, the Series B \$100 par value 6% cumulative preferred stock, and the common stock (\$1 stated value), respectively, as they were prior to December 16, 1944 (the date of filing in the office of the Secretary of State of the State of New York by Long Island of its Certificate of Reduction of Capital) are respectively designated in the plan as "Old Series A Stock", "Old Series B Stock", and "Old Common Stock". For convenience and purposes of the plan, it is stated therein that the shares of stock of Long Island are assumed to have been altered and changed in accordance with its Certificate of Reduction of Capital and are designated therein as "Present Series A Stock", "Present Series B Stock", and "Present Common Stock", respectively. The shares of stock of

Long Island Lighting Company (as the Consolidated Corporation) to be issued to effect the consolidation, are designated in the plan as "New Preferred Stock" and "New Common Stock", respectively.

On the basis of the designations which give effect to Long Island's Certificate of Reduction of Capital the plan provides that the holders of its Present Series A 7% Preferred Stock (\$60 par value) will receive for each such share $\frac{2}{3}$ of a share of the New Preferred Stock and 2.9 shares of the New Common Stock, of its Present Series B Preferred Stock (\$60 par value) will receive for each such share $\frac{2}{3}$ of a share of the New Preferred Stock and 2.45 shares of the New Common Stock, and of its Present Common Stock will receive for each such share .22 of a share of the New Common Stock. The plan also provides that the holders of the 6% preferred stock of Queens and the 7% preferred stock of Nassau will receive for each such share 3.4 and 2.4 shares, respectively, of the New Common Stock.

Inasmuch as none of the stock certificates of Long Island outstanding as at December 16, 1944, has been overprinted or stamped, and no stock certificates setting forth the rights as contemplated by the Certificate of Reduction of Capital have been issued, there is set forth in the following tabulation the treatment accorded the stockholders of Long Island on the basis of its capitalization without giving effect to the Certificate of Reduction of Capital, together with the treatment accorded the preferred stockholders of Queens and Nassau. It should be noted that the number of shares of New Preferred and New Common Stock to be received by a shareholder of Long Island, as shown in the following table, is identical with the number of such shares he would receive if effect were given to the Certificate of Reduction of Capital.

Stocks or certificates of deposit therefor held by public	Number of shares outstanding	New preferred stock, 4% series—par value \$100 per share			New common stock without par value—stated value \$10 per share			
		Number of shares per share outstanding	Total number of shares	Total par value	Number of shares per share outstanding	Total number of shares	Total stated value	Percent of new common stock
Long Island:								
Preferred—Old series A 7%.....	74,750	$\frac{2}{3}$	29,900	\$2,990,000	3.12	233,220.0	\$2,332,220	22.02
Preferred—Old series B 6%.....	179,050	$\frac{2}{3}$	71,620	7,162,000	2.67	478,063.5	4,780,635	45.14
Subtotal.....			101,520	10,152,000		711,283.5	7,112,835	67.16
Common—Old.....	3,000,000				.0136	55,000.0	550,000	5.19
Subtotal for Long Island.....			101,520	10,152,000		766,283.5	7,662,835	72.35
Queens—6% preferred.....	66,860				3.4	227,324.0	2,273,240	21.47
Nassau—7% preferred.....	27,262				2.4	65,428.8	654,288	6.18
Totals.....			101,520	10,152,000		1,059,036.3	10,650,363	100.00

Each of the constituent corporations will request that the order or orders of this Commission approving the plan include appropriate provisions meeting the applicable requirements of the Internal Revenue Code, as amended.

The plan will be submitted to the Public Service Commission of the State of New York for its consent and approval and for authorization for the Consoli-

dated Corporation to issue the securities proposed by the plan.

As indicated, the plan states that the constituent corporations propose to consolidate pursuant to the laws of the State of New York which require that the proposed consolidation, and the terms thereof, shall be submitted to and approved, at a stockholders' meeting specially called for such purpose, by the holders of record

of two-thirds of the outstanding shares of each such constituent corporation as may be entitled to vote thereon. The plan further provides that in the event the required percentage of stockholders of each of the constituent corporations does not approve the plan, each of the constituent corporations reserves the right to request this Commission to apply to a court of competent jurisdiction for an appropriate decree enforcing and carrying out the terms and provisions of the plan.

The plan also provides that it will become effective upon the filing of the Certificate of Consolidation in the office of the Secretary of State of the State of New York, and thereupon all rights, privileges and preferences (including the right to dividend arrearages with respect to the shares of Old or Present Preferred Stocks of Long Island and the preferred stocks of each of the other constituent corporations) appertaining to the respective stocks of the constituent corporations shall cease and come to an end, and the rights, privileges, and preferences of the New Preferred Stock and New Common Stock of the Consolidated Corporation shall become effective.

II. (a) *Long Island Lighting Company.* The Commission having examined the corporate structure of Long Island Lighting Company, a registered holding company, and certain of its direct and indirect subsidiary companies, the relationship among such companies in said holding company system, and the character of the interests thereof, and said examination having disclosed data establishing, or tending to establish, that:

(1) Long Island is a holding company within the meaning of section 2 (a) (7) of the act, having registered as a holding company on April 23, 1945. In addition, it is a public-utility company, as defined in section 2 (a) (5) of the act. It maintains its principal office for the doing of business in the City of Mineola, New York. It is engaged in the manufacture and purchase of gas and electricity and in the sale and distribution thereof for light, heat and power to consumers in the counties of Nassau and Suffolk in the State of New York. The names of the subsidiary companies embraced in the holding company system of Long Island, the corporate relationship, the degree of ownership of voting securities of the companies within the system, and the nature of the business of each public-utility company are as indicated in Part I hereof.

(2) On December 16, 1944, Long Island filed in the office of the Secretary of State of the State of New York a Certificate of Reduction of Capital for the purpose of effecting a revision of its capital and changing the rights and privileges of the holders of its capital stocks. As indicated in Part I hereof, no certificates representing the rights of shareholders as set forth in the Certificate of Reduction of Capital have been issued, nor have any of the accounting adjustments authorized in connection therewith been entered upon the books of Long Island.

(3) As at August 31, 1945, the utility plant of Long Island, stated at original

cost as determined by the Public Service Commission of the State of New York, amounted to \$70,537,693. At the same date, the reserve for depreciation of utility plant, per books, amounted to \$14,017,604, or 19.9% of the utility plant. Thus, the net utility plant, per books, amounted to \$56,520,089.

(4) On December 14, 1944, the Public Service Commission of the State of New York, in approving Long Island's Certificate of Reduction of Capital ordered, among other things, that Long Island increase its reserve for depreciation by \$6,000,000. The effect of such adjustment would be to increase the reserve for depreciation of utility plant, as at August 31, 1945, to \$20,017,604, or 28.4% of the total utility plant; the net utility plant, as so adjusted, would amount to \$50,520,089.

(5) As at August 31, 1945, Long Island carried its investments in associated companies at \$7,486,722. On December 14, 1944, the Public Service Commission of the State of New York, in approving Long Island's Certificate of Reduction of Capital, ordered Long Island to create a "Special Reserve for Depreciation and Investments in Securities of Associated Companies" in the amount of \$4,979,320. The order further provided, in this connection, that such portion of this special reserve not required to be added to the reserve for depreciation be transferred to a "Reserve for Investments in Securities of Associated Companies", or otherwise disposed of as directed by that Commission.

(6) As at August 31, 1945, Long Island carried on its books, in the sum of \$2,554,950, a Reserve Appropriated from Net Income for Sinking Fund and Unsecured Notes. Accumulations in such reserve are being made currently out of appropriations from net income in the amounts of (a) \$600,000 per year which is required to be used to reacquire its 3¾% sinking fund debentures, plus (b) the interest on such reacquired debentures which have been held alive in the sinking fund, which interest is also to be used to reacquire debentures. Long Island proposed, in the proceedings before the Public Service Commission of the State of New York relating to its Certificate of Reduction of Capital, that the amount in such reserve plus all future appropriations of \$600,000 per year out of net income, together with the interest on the debentures reacquired and held alive in the sinking fund, be maintained exclusively as a future reserve against any permanent impairment in the value of the stocks of subsidiary companies. The Public Service Commission of the State of New York, in approving Long Island's Certificate of Reduction of Capital, did not pass upon this proposal.

(7) At August 31, 1945, without giving effect to its Certificate of Reduction of Capital, Long Island had outstanding 74,750 shares of \$100 par value Series A 7% cumulative preferred stock, or certificates of deposit therefor; 179,050 shares of \$100 par value Series B 6% cumulative preferred stock, or certificates of deposit therefor; and 3,000,000 shares of common stock without par value, having a stated value of \$1.00 per share, or certificates of deposit therefor.

(8) As at August 31, 1945, if effect be given to its Certificate of Reduction of Capital, Long Island would have outstanding 74,750 shares of \$60 par value Series A 7% cumulative preferred stock; 179,050 shares of \$60 par value Series B 6% cumulative preferred stock; and 503,800 shares of common stock without par value, having a stated value of \$5.00 per share.

(9) No dividends have been paid on the cumulative preferred stocks of Long Island since 1938. Without giving effect to Long Island's Certificate of Reduction of Capital, the accumulated dividend arrearages, as at August 31, 1945, on its preferred stocks aggregated \$11,848,495, equivalent to \$51.91¾ per share on the 7% Series and \$44.50 per share on the 6% Series. If effect be given to Long Island's Certificate of Reduction of Capital, the accumulated dividend arrearages on its preferred stocks would aggregate \$11,102,973, equivalent to \$48.65 per share on the 7% Series and \$41.70 per share on the 6% Series.

(10) No dividends have been paid on the common stock of Long Island since 1933.

(11) As at August 31, 1945, without giving effect to its Certificate of Reduction of Capital, the unearned (capital) surplus of Long Island was stated at \$3,214, and the earned surplus at \$1,645,308. At the same date, if effect be given to Long Island's Certificate of Reduction of Capital, there would be no balance in the unearned (capital) surplus, and the earned surplus would amount to \$1,307,078.

(12) Set forth below is the capital structure, including surplus and reserve for sinking fund and unsecured notes payable, of Long Island on a corporate basis as at August 31, 1945, per books without giving effect to the Certificate of Reduction of Capital, and as adjusted to give effect to adjustments totaling \$25,382,766, representing: (a) A provision of \$6,000,000 for the estimated minimum deficiency in the reserve for depreciation, (b) the creation of a special reserve of \$4,979,320, being the amount ordered by the Public Service Commission of the State of New York to be set up with respect to Long Island's investments and depreciation reserve, (c) the application of the \$2,554,950 reserve for sinking fund and unsecured notes payable as additional reserve for investments, and (d) undeclared dividend arrearages of \$11,848,496 on the cumulative preferred stocks. There is also set forth, in the same table, the capital structure, including surplus and reserve for sinking fund and unsecured notes payable, of Long Island on a corporate basis as at August 31, 1945, as it would appear if effect were given to the Certificate of Reduction of Capital, and as further adjusted to give effect to adjustments totaling \$13,657,923, representing: (1) the adjustment described in (c) above, and (2) undeclared dividend arrearages of \$11,102,973 on the reduced par values of the cumulative preferred stocks.

	Without giving effect to certificate of reduction of capital				Giving effect to certificate of reduction of capital			
	Per books		Adjusted as described above		Amount	Per cent	Further adjusted as described above	
	Amount	Per cent	Amount	Per cent			Amount	Per cent
Long-term debt:								
First mortgage 3 1/4's due 1972	\$30,146,000	42.8	\$30,146,000	53.0	\$30,146,000	50.9	\$30,146,000	53.2
Sinking fund debentures—3 3/4% due 1950	7,510,000	10.7	7,510,000	13.3	7,510,000	12.6	7,510,000	13.2
Total	37,656,000	63.5	37,656,000	66.3	37,656,000	63.5	37,656,000	66.4
Preferred stock and undeclared dividend arrearages:								
Series A—7% cum.—74,750 shs.: \$100 p. v. per sh.	7,475,000	10.6	7,475,000	13.1	4,485,000	7.6	4,485,000	7.9
Series B—6% cum.—170,050 shs.: \$100 p. v. per sh.	17,905,000	25.5	17,905,000	31.5	10,743,000	18.1	10,743,000	18.9
Paid-in premiums on 6% and 7% series	153,164	.2	153,164	.3				
Total par value and paid-in premiums	25,533,164	36.3	25,533,164	44.9	15,228,000	25.7	15,228,000	26.8
Undeclared dividend arrearages applicable to:								
7% pfd.—\$51.91 2/3 or \$48.65 per sh. on applicable basis			3,880,771	6.8			3,636,588	6.4
6% pfd.—\$44.50 or \$41.70 per sh. on applicable basis			7,967,725	14.0			7,466,385	13.2
Total undeclared dividend arrearages			11,848,496	20.8			11,102,973	19.6
Total preferred stock and undeclared dividend arrearages	25,533,164	36.3	37,381,660	65.7	15,228,000	25.7	26,330,973	46.4
Total long-term debt and preferred stock plus undeclared dividend arrearages	63,189,164	89.8	75,037,660	132.0	52,884,000	89.2	63,986,973	112.8
Common stock and surplus and reserves appropriated from net income:								
Common stock:								
3,000,000 shs., n. p. v.	3,000,000	4.3	3,000,000	5.3	2,519,000	4.3	2,519,000	4.4
603,200 shs., n. p. v.	3,214		3,214		1,307,078	2.2	1,307,078	2.3
Unearned surplus	1,645,308	2.3	1,645,308	2.9	2,554,950	4.3	2,554,950	4.5
Earned surplus	2,554,950	3.6	2,554,950	4.5	6,381,028	10.8	6,381,028	11.2
Reserves appropriated from net income for sinking fund and unsecured notes payable	7,203,472	10.2	7,203,472	12.7	(25,382,760)	(44.7)	(13,657,923)	(24.0)
Total	7,203,472	10.2	7,203,472	12.7				
Less, adjustments as described above			(25,382,760)	(44.7)			(13,657,923)	(24.0)
Net common stock and surplus and reserves appropriated from net income	7,203,472	10.2	(18,179,294)	(32.0)	6,381,028	10.8	(7,276,896)	(12.8)
Total capitalization and surplus	70,392,636	100.0	56,858,366	100.0	59,265,028	100.0	56,710,078	100.0

() Denotes red figures.

(13) As indicated in Paragraph 12 above, on the basis of the adjustments indicated therein, the common stock equity, as adjusted and without giving effect to the Certificate of Reduction of Capital, reflects a deficiency of \$18,179,294. If effect were given to the Certificate of Reduction of Capital, the common stock equity, as adjusted on the basis indicated in Paragraph 12 above, would reflect a deficiency of \$7,276,895.

(14) As at August 31, 1945, the capital stock expense account, per books without giving effect to the Certificate of Reduction of Capital, and as adjusted to give effect thereto, was stated at \$1,050,733 and \$902,445, respectively. If these amounts were eliminated, the adjusted deficiencies in the common stock equity, before and after giving effect to the Certificate of Reduction of Capital, would amount to \$19,230,027 and \$8,179,340, respectively.

(15) Other than the difference in the dividend rates, the 7% and 6% series of cumulative preferred stock of Long Island are alike and both have a preference over the common stock to cumula-

tive dividends, upon an equal and ratable basis, and, in the event of any liquidation or dissolution, whether voluntary or involuntary, have a preference, on an equal and ratable basis, over the common stock, to the extent of their par value, plus all accumulated and unpaid dividends. The cumulative preferred stocks are redeemable, in whole or in part, at 110% of their par value plus accumulated dividends.

(16) Voting power in Long Island is lodged exclusively in the common stock despite the accumulation of dividend arrearages on the preferred stocks except in proceedings under New York law as to which a statute requires the vote of a specific proportion of all the stock or of all classes of stock.

(17) In addition, Long Island controls Queens, Nassau, and Long Beach through direct or indirect ownership of all their outstanding common stocks which comprise their sole voting securities. Thus, the control of Long Island and its three above-named subsidiaries is lodged exclusively in the common stock of Long Island.

(b) Queens Borough Gas and Electric Company.

(18) Queens is a public-utility corporation organized under the laws of the State of New York. All its outstanding common stock is owned by Long Island. It has its principal office in Far Rockaway, New York. It is engaged in the manufacture and purchase of gas and electricity and in the sale and distribution thereof for light, heat, and power to consumers in the Borough of Queens, City of New York, and in Nassau County, New York. It is also a holding company as defined in section 2 (a) (7) of the act and has filed an exemption statement pursuant to Rule U-2 of the General Rules and Regulations promulgated under the Act.

(19) As at August 31, 1945, the utility plant of Queens was stated at \$25,986,158. Included in this amount is the sum of \$3,129,338 classified by the company, under the Uniform System of Accounts prescribed by the Public Service Commission of the State of New York, as Plant Acquisition Adjustments Account 105. At the same date, the reserve for depreciation of utility plant amounted to \$6,053,247, or 23.3% of the utility plant, per books, and 26.5% of the utility plant at the original cost thereof as determined by the company. Thus, the net utility plant, per books, amounted to \$19,932,911, and the estimated net original cost of utility plant amounted to \$16,803,573.

(20) At August 31, 1945, Queens carried on its books as investments in associated companies the sum of \$6,821,949. This amount is comprised of \$3,762,220 of investments in the common stocks of Nassau and Long Beach, \$2,336,342 of open account advances to Nassau, Long Beach and Liland Corporation, and \$723,387 of interest on open account advances to Nassau and Long Beach. In 1938, the Public Service Commission of the State of New York ordered Queens to reduce the carrying value of its investments in the common stocks of Nassau and Long Beach by \$3,744,220 to a balance of \$18,000, such reduction representing, as alleged by that Commission, the excess of the cost of such securities to Queens over the book values thereof at the dates of acquisition. The reduction was ordered to be effected by a charge of \$1,744,220 to earned surplus and \$2,000,000 to other deferred debits, to be amortized by annual charges of \$250,000 commencing July 1, 1938, to an income account—Miscellaneous Amortization. The company petitioned that Commission for rehearing requesting correction of errors alleged to have been made by that Commission in its determination, and that the amount of the reduction be \$2,750,000. The question of the final disposition of these items is pending.

(21) At August 31, 1945, Queens had outstanding 66,860 shares of \$100 par value 6% cumulative preferred stock and 200,000 shares of common stock without par value, having a stated value of \$10 per share.

(22) No dividends have been paid on the preferred stock of Queens since 1938. As at August 31, 1945, the accumulated dividend arrearages on its preferred stock aggregated \$3,075,560, or \$46 per share.

(23) No dividends have been paid on the common stock of Queens since 1933. (24) As at August 31, 1945, the earned surplus of Queens was stated at \$4,510.242. Queens had no unearned (capital) surplus.

(25) Set forth below is the capital structure, including surplus, of Queens on a corporate basis as at August 31, 1945, per books, and as adjusted to give effect to adjustments totaling \$9,949,118, representing: (a) the elimination from

(c) Nassau & Suffolk Lighting Company. (31) Nassau is a public-utility corporation organized under the laws of the State of New York. All its outstanding common stock is owned by Queens. It has its principal office in Mineola, State of New York. It is engaged in the manufacture and purchase of gas and in the sale and distribution of gas and electricity for light, heat and power to consumers within Nassau County, New York. Nassau purchases the electricity distributed to its consumers from Queens.

(32) As at August 31, 1945, the utility plant of Nassau, per books, was stated at \$9,703,592. Included in this amount is \$752,547 of items classified by the company as Plant Acquisition Adjustments—Account 105. At the same date, the reserve for depreciation of utility plant amounted to \$1,571,192, representing 16.2% of the total utility plant per books, and 17.6% of the utility plant less the amounts classifiable in Account 105. The net utility plant, per books, amounts to \$8,132,400, and if the amounts in Account 105 were eliminated, it would amount to \$7,379,853.

(33) As at August 31, 1945, Nassau carried on its books its investment in the entire issue of preferred stock of Long Beach at its par value of \$322,500. On the books of Long Beach, the earned surplus deficit exceeds the aggregate of the

the utility plant of \$3,129,338 representing amounts classifiable as Plant Acquisition Adjustments—Account 105, (b) the reduction of \$3,744,220 in the carrying values of the investments of Queens in the common stocks of its subsidiaries, as ordered by the Public Service Commission of the State of New York in 1938, and (c) undeclared dividend arrearages of \$3,075,560 on the cumulative preferred stock.

par values of its common and preferred stocks. No dividends have ever been paid by Long Beach on its preferred stock since its issuance in 1926.

(34) At August 31, 1945, Nassau had outstanding 27,262 shares of \$100 par value 7% cumulative preferred stock, and 10,000 shares of \$100 par value common stock.

(35) From 1934 to 1937, inclusive, only partial dividends were paid on the 7% cumulative preferred stock of Nassau, and since the latter date no dividends have been paid thereon. As at August 31, 1945, the accumulated dividend arrearages on the preferred stock aggregated \$1,899,263, or \$69.66% per share.

(36) No dividends have been paid on the common stock of Nassau since 1933. (37) As at August 31, 1945, the earned surplus of Nassau, per books, was stated at \$413,843. At the same date Nassau had no unearned (capital) surplus.

(38) There follows below the capital structure, including surplus, of Nassau as at August 31, 1945, per books, and as adjusted to give effect to adjustments totaling \$2,974,300, representing: (a) the elimination from utility plant of \$752,547 of Account 105, (b) the setting up of a reserve of \$322,500 for the full amount of Nassau's investment in the preferred stock of Long Beach, and (c) undeclared dividend arrearages of \$1,899,263 on the cumulative preferred stock of Nassau.

	Per books		As adjusted	
	Amount	Percent	Amount	Percent
Long-term debt:				
Gen. mfgs. 5% due 1952.....	\$1,000,000	5.5	\$1,000,000	7.3
Ref. mfgs. 3 1/2% due 1951.....	1,215,000	4.3	1,215,000	6.7
Ref. mfgs. 4 1/2% due 1951.....	9,350,000	32.0	9,350,000	42.7
Debentures—6 1/2% due 1957.....	3,393,000	11.8	3,393,000	15.6
Total.....	15,958,000	54.2	15,958,000	71.2
Preferred stock and undeclared dividends arrearages:				
6% cum. pd.—\$9,950 shs., \$100 p. v. per sh.....	6,030,000	23.2	6,030,000	30.5
Undeclared dividend arrearages—\$40 per sh.....			3,075,560	14.0
Total.....	6,030,000	23.2	9,105,560	44.5
Total long-term debt and preferred stock plus undeclared arrearages.....	22,988,000	77.4	25,063,560	115.7
Common stock and surplus:				
Common stock—250,000 shs., n. p. v.....	2,000,000	6.0	2,000,000	9.1
Earned surplus.....	4,510,242	15.7	2,470,242	20.5
Less, adjustments as described above.....			(9,949,118)	(45.3)
Total.....	6,510,242	22.0	(5,468,876)	(15.7)
Total capitalization and surplus.....	23,514,242	100.0	21,970,634	100.0

	Per books		As adjusted	
	Amount	Percent	Amount	Percent
Long-term debt:				
Gen. mfgs. 5% due 1952.....	\$1,000,000	5.5	\$1,000,000	7.3
Ref. mfgs. 3 1/2% due 1951.....	1,215,000	4.3	1,215,000	6.7
Ref. mfgs. 4 1/2% due 1951.....	9,350,000	32.0	9,350,000	42.7
Debentures—6 1/2% due 1957.....	3,393,000	11.8	3,393,000	15.6
Total.....	15,958,000	54.2	15,958,000	71.2
Preferred stock and undeclared dividends arrearages:				
6% cum. pd.—\$9,950 shs., \$100 p. v. per sh.....	6,030,000	23.2	6,030,000	30.5
Undeclared dividend arrearages—\$40 per sh.....			3,075,560	14.0
Total.....	6,030,000	23.2	9,105,560	44.5
Total long-term debt and preferred stock plus undeclared arrearages.....	22,988,000	77.4	25,063,560	115.7
Common stock and surplus:				
Common stock—250,000 shs., n. p. v.....	2,000,000	6.0	2,000,000	9.1
Earned surplus.....	4,510,242	15.7	2,470,242	20.5
Less, adjustments as described above.....			(9,949,118)	(45.3)
Total.....	6,510,242	22.0	(5,468,876)	(15.7)
Total capitalization and surplus.....	23,514,242	100.0	21,970,634	100.0

	Per books		As adjusted	
	Amount	Percent	Amount	Percent
Long-term debt:				
Gen. mfgs. 5% due 1952.....	\$1,000,000	5.5	\$1,000,000	7.3
Ref. mfgs. 3 1/2% due 1951.....	1,215,000	4.3	1,215,000	6.7
Ref. mfgs. 4 1/2% due 1951.....	9,350,000	32.0	9,350,000	42.7
Debentures—6 1/2% due 1957.....	3,393,000	11.8	3,393,000	15.6
Total.....	15,958,000	54.2	15,958,000	71.2
Preferred stock and undeclared dividends arrearages:				
6% cum. pd.—\$9,950 shs., \$100 p. v. per sh.....	6,030,000	23.2	6,030,000	30.5
Undeclared dividend arrearages—\$40 per sh.....			3,075,560	14.0
Total.....	6,030,000	23.2	9,105,560	44.5
Total long-term debt and preferred stock plus undeclared dividend arrearages.....	22,988,000	77.4	25,063,560	115.7
Common stock and surplus:				
Common stock—250,000 shs., \$100 p. v. per sh.....	2,000,000	6.0	2,000,000	9.1
Earned surplus.....	4,510,242	15.7	2,470,242	20.5
Less, adjustments as described above.....			(9,949,118)	(45.3)
Total.....	6,510,242	22.0	(5,468,876)	(15.7)
Total capitalization and surplus.....	23,514,242	100.0	21,970,634	100.0

(29) Voting power in Queens is lodged exclusively in the common stock despite the accumulation of dividend arrearages on the preferred stock, except that, without the affirmative vote of the holders of at least two-thirds of the outstanding preferred shares, the company cannot (1) create or issue any class of stock having any preference or priority as to dividends or assets superior to the preferred stock, or (2) alter or amend its rights so as to diminish or impair its preference or priority as to dividends or assets or its redemption price, or voting rights.

(30) Queens controls each of its public-utility subsidiaries through its direct ownership of all of their outstanding common stocks which comprise their sole voting securities. Thus, control of Queens, and the Queens holding company system, is lodged in the common stock of Queens.

(26) As indicated in Paragraph 25 above, on the basis of the adjustments indicated therein, the common stock equity of Queens, as adjusted, reflects a deficiency of \$3,438,876.

(27) As at August 31, 1945, the capital stock expense account was stated at \$250,473. If this amount were eliminated, the adjusted deficiency in the common stock equity would be increased from \$3,438,876 to \$3,689,349.

(28) The \$100 par value 6% cumulative preferred stock of Queens has a priority over the common stock as to cumulative dividends, and, in the event of any liquidation or dissolution, whether voluntary or involuntary, to the extent of its par value and all accumulated and unpaid dividends. It is redeemable in whole or in part, at 110% of its par value, plus all accumulated and unpaid dividends.

() Denotes red figures.

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(39) As indicated in Paragraph 38 above, on the basis of the adjustments indicated therein, the common stock equity of Nassau, as adjusted, reflects a deficiency of \$1,560,457.

(40) As at August 31, 1945, the capital stock expense account of Nassau was stated at \$321,177. At the same date, there was included in the utility plant of the company, in addition to the amounts classified in Account 105, a total of \$502,237 of miscellaneous intangibles, the disposition of which is at present in issue in pending proceedings before the Public Service Commission of the State of New York. If these amounts were eliminated, the adjusted deficiency in the common stock equity would be increased from \$1,560,457 to \$2,383,871.

(41) The \$100 par value 7% cumulative preferred stock of Nassau has a preference over the common stock as to dividends, and, on dissolution, to the extent of its par value and accumulated dividends. It is redeemable at \$112 per share, plus accumulated dividends.

(42) Voting power in Nassau is lodged exclusively in the common stock despite the accumulation of dividend arrearages on the preferred stock, except as the right to vote is expressly granted the holders of the preferred stock by statute.

(d) *Long Beach Gas Company Inc.*

(43) Long Beach is a public-utility corporation organized under the laws of the State of New York and has its principal office in Mineola, New York. It is engaged in the purchase, distribution and sale of manufactured gas for light, heat or power to consumers in Nassau County, State of New York. The gas distributed to its consumers is purchased from Queens.

(44) As at August 31, 1945, the gas utility plant of Long Beach, stated at

original cost as classified by the company, amounted to \$1,828,799. At the same date, the reserve for depreciation amounted to \$99,518, or 5.4% of the total utility plant. Thus, the net gas utility plant, per books, amounted to \$1,729,281.

(45) At August 31, 1945, Long Beach had outstanding 3,225 shares of \$100 par value 7% cumulative preferred stock, and 1,000 shares of \$100 par value common stock.

(46) No dividends have ever been paid on the cumulative preferred stock of Long Beach since the date of its issuance in 1926. As at August 31, 1945, the accumulated dividend arrearages on the preferred stock aggregated \$421,400, or \$130.66% per share.

(47) No dividends have ever been paid on the common stock of Long Beach since the date of organization in 1916.

(48) All of the outstanding preferred stock of Long Beach is held by Nassau, and all of the outstanding common stock of Long Beach is held by Queens.

(49) As at August 31, 1945, Long Beach was indebted to Queens for advances on open account in the amount of \$1,236,411, to Nassau in the sum of \$2,029, and to Long Island in the sum of \$2,416, such amounts being inclusive of accrued interest.

(50) As at August 31, 1945, there was an earned surplus deficit on the books of Long Beach in the amount of \$656,218. At the same date, there was no unearned (capital) surplus on the books of the company.

(51) There is set forth below the capital structure, including deficit, of Long Beach as at August 31, 1945, per books, and as adjusted to give effect to undeclared dividend arrearages of \$421,400 on the cumulative preferred stock.

(54) The 7% cumulative preferred stock of Long Beach has a preference over the common stock to cumulative dividends, and, in the event of liquidation or dissolution, whether voluntary or involuntary, has a preference over the common stock to the extent of its par value plus accumulated and unpaid dividends. The cumulative preferred stock is redeemable, in whole or in part, at 112% of the par value, plus all accumulated and unpaid dividends.

(55) Voting power in Long Beach is lodged exclusively in the common stock, despite the accumulation of dividend arrearages on the preferred stock, except as may be expressly provided by law.

III. It appears to the Commission on the basis of the facts set forth in Part I hereof and the allegations contained in Part II hereof that there are reasonable grounds to believe that voting power is unfairly and inequitably distributed among the security holders of Long Island, Queens, Nassau, and Long Beach in contravention of the provisions of section 11 (b) (2).

IV. It appearing to the Commission in the light of the allegations stated in Part II and Part III hereof that it is appropriate in the public interest and in the interest of investors and consumers to institute proceedings with respect to Long Island, Queens, Nassau, and Long Beach under section 11 (b) (2) of the act in order to determine whether an appropriate order or orders should be entered pursuant to said section; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan jointly filed by Long Island, Queens, Nassau, and Long Beach pursuant to section 11 (e) of the act and that such plan should not be approved except pursuant to further order of the Commission, and that a hearing should be held with respect to the proceedings instituted herein by the Commission under section 11 (b) (2) of the act; and

It further appearing to the Commission that the said proceedings involve common questions of law and fact and that evidence adduced in one proceeding may have a bearing upon the issues presented in the other proceedings; and that a substantial saving of time and expense will result if the proceedings are consolidated:

It is hereby ordered, That proceedings be, and the same hereby are, instituted under section 11 (b) (2) of the act directed to Long Island, Queens, Nassau, and Long Beach, respectively, and that such proceedings be consolidated with the proceedings with respect to the plan herein filed pursuant to section 11 (e) and that a hearing on such consolidated proceedings under the applicable provisions of the said act and rules and regulations promulgated thereunder be held on the 11th day of December, at 11 a. m., e. s. t., at the office of the Securities and Exchange 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. Any persons desiring to be heard

	Per books		As adjusted	
	Amount	Percent	Amount	Percent
Long-term debt:				
First mtg. 5's due 1956.....	\$721,000	41.7	\$721,000	41.7
Advances on open account from:				
Long Island.....	2,416	.1	2,416	.1
Queens.....	1,236,411	71.6	1,236,411	71.6
Nassau.....	2,029	.1	2,029	.1
Total.....	1,961,856	113.5	1,961,856	113.5
Preferred stock and undeclared dividend arrearages:				
7% cum. pfd.—3,225 shs., \$100 p. v. per sh. (all held by Nassau).....	322,500	18.7	332,500	18.7
Undeclared dividend arrearages—\$130.66% per share.....			421,400	24.4
Total.....	322,500	18.7	743,900	43.1
Total long-term debt and preferred stock plus undeclared dividend arrearages.....	2,284,356	132.2	2,705,756	156.6
Common stock and deficit:				
Common stock—1,000 shs., \$100 p. v. per sh.....	100,000	5.8	100,000	5.8
Earned surplus deficit.....	(656,218)	(38.0)	(656,218)	(38.0)
Less, adjustment for preferred dividend arrearages.....			(421,400)	(24.4)
Total.....	(556,218)	(32.2)	(977,618)	(56.6)
Total capitalization and deficit.....	1,728,138	100.0	1,728,138	100.0

() Denotes red figure.

(52) As indicated in Paragraph 51 above, the books of Long Beach, before adjustment, reflect an earned surplus deficit which exceeds by \$556,218 the par value of the common stock; said deficit exceeds by \$233,718 the aggregate of the par values of both the common and preferred stocks. On the basis of the adjustments therein indicated, the com-

mon stock equity, as adjusted, reflects a deficiency of \$977,618.

(53) As at August 31, 1945, the capital stock expense account of Long Beach was stated at \$9,783. If this amount were eliminated, the adjusted deficiency in the common stock equity would be increased from \$977,618 to \$987,401.

or otherwise wishing to participate therein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before December 10, 1945.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said proceedings, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the plan as proposed, or as modified, is necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether the treatment proposed to be accorded to the various persons affected by the plan is in all respects fair and equitable;

3. Whether the issuance by Long Island Lighting Company (the Consolidated Corporation) of the new preferred and new common stock conforms to the standards and requirements of the applicable provisions of the act;

4. Whether the proposed reduction in the stated and par values of the capital stocks of the constituent corporations, and the creation of unearned (capital) surplus in connection therewith, satisfies the applicable standards of the act;

5. The propriety of the proposed accounting treatment on the books of each of the constituent corporations and of Long Island Lighting Company, the Consolidated Corporation;

6. Whether the plan should be modified to include a provision for the payment by Long Island Lighting Company (the Consolidated Corporation) of such expenses, fees, and remunerations in connection with the plan or the proceedings with respect thereto, as the Commission may determine, award or allow;

7. Whether the proposal by the constituent corporations to consolidate pursuant to the laws of the State of New York by obtaining the approval of the record holders of two-thirds of the outstanding shares of each constituent corporation and, if such approval is not obtained, to reserve the right to request this Commission to apply to a court of competent jurisdiction for an appropriate decree enforcing and carrying out the provisions of the plan is in all respects appropriate;

8. Generally, whether the proposed transactions in connection with the plan are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and rules thereunder and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards;

9. Whether the allegations contained in Parts II and III hereof are true and correct; and

10. Whether voting power is unfairly and inequitably distributed among the security holders of Long Island, Queens, Nassau, and Long Beach in contravention of section 11 (b) (2), of the act, and, if so, what steps should be required of each of the companies to insure a fair and equitable distribution of voting power among such security holders.

It is further ordered, That notice of said hearing is hereby given to Long Island, Queens, Nassau, and Long Beach, to the Public Service Commission of the State of New York, to the Secretary of State of the State of New York and to all other interested persons, said notice to be given to Long Island, Queens, Nassau, and Long Beach, to the Public Service Commission of the State of New York, and to the Secretary of State of the State of New York by registered mail, and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of the first seven paragraphs of Part I and all of Part IV of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Long Island, Queens, Nassau, and Long Beach give notice of said hearing to their respective stockholders of record (insofar as the identity of such stockholders is available or known) by mailing, postage prepaid, to each such security holder to his last known address, a copy of this notice and order together with a copy of the plan, at least fifteen (15) days prior to the date of said hearing.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary or appropriate to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-20940; Filed, Nov. 16, 1945;
10:26 a.m.]

[File No. 59-82]

THE MEMPHIS STREET RAILWAY Co.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pennsylvania, on the 13th day of November, A. D. 1945.

The Commission having examined the corporate structure of The Memphis Street Railway Company ("Railway"), a subsidiary of Memphis Generating Company ("Generating"), which in turn is a subsidiary of National Power & Light Company, a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, and the files and records of the Commission relating thereto, and

such examination having disclosed data establishing, or tending to establish, that

1. Railway is a corporation organized under the laws of the State of Tennessee. It is a subsidiary in the Electric Bond and Share holding company system as stated above. It is engaged in supplying surface transportation by electric railway, electric trolley coach, and motor bus in the City of Memphis, Tennessee. In January, 1935, operation of the properties of Railway by trustees appointed by the United States District Court came to an end and a plan and agreement of reorganization of Railway became operative.

2. A balance sheet of Railway as of July 31, 1945, adjusted to give effect to the refunding of Railway's bonds, as approved by the Commission in its orders dated September 14, 1945 and September 25, 1945 (Holding Company Act Release Nos. 6047 and 6073), is as follows:

Assets and Other Debits:	Adjusted
Plant, property, and equipment:	
Railway and general (including "going value" of \$1,039,749)	\$6,970,069
Motor bus	1,810,336
Electric trolley coach	1,435,760
Total plant, property and equipment	10,216,165
Special funds:	
Renewal and replacement	534,038
Injuries and damages	112,603
Total special funds	646,641
Cash and U. S. Government securities	1,634,155
Other current and accrued assets	350,467
Unamortized debt discount and expense (estimated)	86,000
Total assets and other debits	12,933,423
Liabilities and other credits:	
First mortgage 4% serial bonds due Oct. 1, 1946-1963 incl. Preferred stock, \$100 par, 4%, cumulative from Jan. 1, 1933, 21,710 shares	3,500,000
Taxes accrued	1,465,134
Other current and accrued liabilities	179,553
Unredeemed tickets	7,976
Reserve for depreciation	2,931,265
Reserve for deferred maintenance	100,000
Other reserves	148,623
Common stock, \$100 par, 27,593 shares	2,759,399
Earned surplus—deficit	(363,370)
Total liabilities and other credits	12,933,423

() Denotes red figure.

¹As of July 31, 1945, accumulated undeclared dividends on the preferred stock amounted to \$571,637, or \$26.33 a share.

3. As of July 31, 1945, the property of Railway, per books, was stated at \$10,216,165 which included \$1,039,749 of "going value". As of the same date the reserve for depreciation and retirement amounted to \$2,931,265, which is 29.28% of said property including said item of "going value". Net property, per books, amounted to \$7,224,900. No provision is

made for amortization or other disposition of such "going value".

4. Railway's right to operate on the streets of Memphis will be governed by a non-exclusive franchise granted by the City of Memphis, to begin November 21, 1945, upon the expiration of the present franchise. The new franchise provides that the present remaining rail lines of Railway's system shall be replaced by electric trolley coaches, the entire program to be completed by May 20, 1948. This conversion will result in an abandonment within the next two or three years of street railway property having a book value of approximately \$4,000,000. In addition, it appears that Railway must expend some \$700,000 for removal of rails and restoration of streets.

5. In view of such abandonment of railway property and expenditure for removal of rails and restoration of streets, it appears that if said reserve of \$2,991,265 were to be increased now to provide for the prospective charges of \$4,700,000 in respect to such matters it would be necessary, without taking into account any additional amount to reflect depreciation existing in the remaining property not proposed to be abandoned, to charge \$1,708,735 against earned surplus-deficit.

6. No dividends have been paid on the preferred or common stocks of Railway since the company was reorganized in 1935. On July 31, 1945, accumulated and undeclared dividends on the preferred stock amounted to \$571,697 or \$26.33 a share. The preferred stock has a preference as to dividends over the common stock and a preferred claim in liquidation, whether voluntary or involuntary, over the common stock of \$100 a share plus unpaid cumulative dividends.

7. As of July 31, 1945, a surplus deficit of \$389,051 existed on the books of Railway.

8. Set forth below is the capitalization and surplus of Railway together with pertinent ratios as of July 31, 1945, adjusted to reflect the refinancing by Railway mentioned in paragraph numbered 2 above, and to reflect the dividend arrears of \$571,697 on the preferred stock as an addition to the statement of preferred stock and a deduction from the earned surplus-deficit and also adjusted to reflect as a deduction from earned surplus-deficit said amount of \$1,708,735

mentioned in paragraph numbered 5 above. The capitalization and surplus ratios are not adjusted to reflect elimination of the \$1,089,749 of "going value" from the property accounts of Railway.

CAPITALIZATION AND SURPLUS

	Adjusted	
	Amount	Percent
Long-term debt: 1st mortgage 4% serial bonds 1946-65.....	\$3,500,000	55.27
Preferred stock: 4% preferred, 27,593 shares..... Arrearages.....	2,171,000 571,697	34.29 9.02
Total preferred stock.....	2,742,697	43.31
Common stock and surplus: Common stock, 27,593 shares..... Earned surplus-deficit.....	2,759,300 (2,659,802)	43.53 (42.16)
Total common stock and surplus.....	89,498	1.42
Total capitalization and surplus.....	6,332,195	100.00

() Denotes red figure.

RATIOS

	Percent
Debt to net property.....	63.45
Debt and preferred stock to net assets.....	93.15

9. As of July 31, 1945, the common capital stock of Railway, consisting of 27,593 shares having a par value of \$100 a share, was carried on its books at \$2,759,300, which is only \$89,498 more than the earned surplus-deficit after making the adjustments specified in paragraph numbered 8 above. If the item of \$1,089,749 of "going value" is also deducted from the property accounts of Railway and charged to earned surplus-deficit the ratios of debt to net property and of debt and preferred stock to net assets, would then be, respectively, 79.07% and 119.90%, and the earned surplus-deficit would exceed the par value of the common stock by \$1,000,251. If these adjustments were made, the liquidating value including arrears of the preferred stock would not be covered by \$1,000,251.

10. The following table contains earnings data with respect to Railway, for the years 1935 to 1944, inclusive and, for the 12 months ended July 31, 1945, per books and as adjusted to reflect the refinancing by Railway mentioned in paragraph numbered 2 above:

EARNINGS
[Thousands omitted]

Year	Gross revenues	Gross income	Total fixed charges	Net income	Preferred stock dividend requirements	Balance of net income available for common stock	Times earned-total fixed charges and preferred dividend requirements
1935.....	\$2,075	\$273	\$190	\$83	\$87	\$(4)	0.99
1936.....	2,359	297	273	24	87	(63)	.83
1937.....	2,518	170	309	(130)	87	(217)	.44
1938.....	2,513	125	235	(161)	87	(245)	.34
1939.....	2,630	255	233	(28)	87	(115)	.69
1940.....	2,638	304	233	21	87	(66)	.82
1941.....	3,003	467	231	186	87	89	1.27
1942.....	4,033	794	279	515	87	423	2.17
1943.....	5,763	814	239	574	87	487	2.57
1944.....	6,264	707	195	511	87	424	2.50
12 months ended July 31, 1945:							
Per books.....	6,250	733	193	540	87	453	2.62
Adjusted.....	6,256	708	148	552	87	476	3.04

() Denotes red figure.

11. Both the preferred and common stocks of Railway have voting rights for all purposes on the basis of one vote in respect of each share.

12. As of July 31, 1945, the distribution of voting power among the various classes of stockholders of Railway was as follows:

	Shares	Percent
4% preferred.....	27,593	44.03
Common.....	27,593	55.97
Total.....	49,303	100.00

As of said date, all the bonds and preferred stock of Railway were held by the public and Generating owned 27,593 shares, of 100% of the outstanding common stock.

It appearing to the Commission, on the basis of the foregoing, that voting power is not fairly and equitably distributed among the security holders of Railway and that it is appropriate and in the public interest and in the interest of investors and consumers to institute proceedings with respect to Railway under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 to determine whether certain orders should be entered, pursuant to the provisions of said act; and

It further appearing appropriate and in the public interest and in the interest of investors and consumers to institute proceedings with respect to Railway under sections 12 (c), 15 (f), and 20 (a) of said act to determine what orders, if any, should be entered pursuant to said sections;

It is hereby ordered, That proceedings be, and they hereby are, instituted pursuant to sections 11 (b) (2), 12 (c), 15 (f) and 20 (a) of the act with respect to The Memphis Street Railway Company and

It is further ordered, That said Respondent shall file with the Secretary of the Commission on or before the 2d day of January 1946; its answer, in the form prescribed by Rule U-25 of the general rules and regulations under the act, admitting, denying, or otherwise explaining its position with respect to the allegations heretofore made in the above paragraphs numbered 1 to 12 inclusive of this order. Such answer may also include a statement by Respondent of its views as to what action, if any, should be taken to bring about a fair and equitable distribution of voting power among the security holders of The Memphis Street Railway Company, to reflect properly the amounts in Respondent's various accounts, and to make adjustments therein in conformity with the standards of the Public Utility Holding Company Act of 1935, and as to what other action may be necessary or appropriate under the provisions of sections 11 (b) (2), 12 (c), 15 (f), and 20 (a) of said act with respect to said Respondent.

It is further ordered, That a hearing be held upon said matters on the 8th day of January 1946 at 10:30 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. All per-

sons desiring to be heard or wishing to participate otherwise in the proceedings should notify the Commission in the manner provided by Rule XVII of its rules of practice on or before December 24, 1945.

It is further ordered, That, without limiting the scope of the issues presented by these proceedings, particular attention will be directed at the hearings to the following matters and questions:

1. Whether the allegations contained in the above paragraphs numbered 1 to 12 inclusive are true and correct.

2. Whether voting power is unfairly or inequitably distributed among security holders of The Memphis Street Railway Company; and if it is, what action on the part of Respondent is necessary or appropriate, pursuant to section 11 (b) (2) of the act, for the purpose of fairly and equitably distributing voting power among the security holders of Respondent.

3. Whether such action as may be necessary for the purpose of fairly and equitably distributing voting power should include a reorganization of Respondent.

4. What other or further action, if any, may be required to be taken by Respondent to meet the requirements of section 11 (b) (2) and 12 (c) of the act.

5. What orders, if any, should be entered pursuant to sections 15 (f) and 20 (a) of the act with respect to Respondent's accounts.

At the outset of said hearing, consideration will be given to such issues, if any, as may arise from the allegations in the above paragraphs numbered 1 to 12 inclusive, and Respondent's answer hereinbefore provided for. To the extent that any allegations set forth above are not controverted in the Respondent's answer and are not controverted by any other interested person, such facts shall be deemed to be admitted for the purpose of this proceeding.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order and of the hearing aforesaid by mailing a copy of this notice and order forthwith by registered mail to The Memphis Street Railway Company, Respondent, and to the Board of Commissioners of the City of Memphis, Tennessee; and that notice of the entry of this order and of said hearing be given to all security holders of Respondent and to all other persons by a general release of the Commission, and by publication in the FEDERAL REGISTER.

It is further ordered, That The Memphis Street Railway Company shall give notice of said hearing by mailing a copy of this notice and order at least 20 days prior to January 8, 1946, to each of its stockholders at his last known address.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate,

either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-20941; Filed, Nov. 10, 1945;
10:26 a. m.]

[File Nos. 54-75, 70-729]

THE COMMONWEALTH & SOUTHERN CORP.
(DEL.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of November, A. D. 1945.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company.

Notice is further given that any interested person may, not later than November 28, 1945, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of \$1.50 per share, an aggregate of \$2,223,000, on the outstanding shares of its preferred stock. The dividend was declared on November 9, 1945, and is payable on January 2, 1946 to stockholders of record at the close of business on December 7, 1945. The pending application is similar in substance to three applications approved by the Commission in 1943, four applications approved in 1944 and three applications approved in 1945, covering proposed distributions to preferred stockholders (see Holding Company Act Releases Nos. 4383, June 24, 1943; 4560, September 13, 1943; 4709, November 26,

1943; 4933, March 8, 1944; 5034, June 3, 1944; 5263, September 5, 1944; 5508, December 21, 1944; 5659, March 12, 1945; 5833, May 30, 1945 and 6055, September 17, 1945).

Applicant considers sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-20942; Filed, Nov. 16, 1945;
10:26 a. m.]

[File Nos. 54-137, 59-53, 70-1178]

MIDLAND UTILITIES CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING FOR CONSOLIDATION AND REOPENING RECORD

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pennsylvania, on the 14th day of November, A. D. 1945.

In the matter of Midland Utilities Company, File No. 54-137; Indiana Service Corporation, Midland Utilities Company, File No. 59-58; American Gas and Electric Company, File No. 70-1178.

1. Notice is hereby given that Midland Utilities Company ("Midland"), a registered holding company, and a subsidiary of Midland Realization Company, also a registered holding company, has filed with this Commission an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan of corporate simplification, dated October 25, 1945, of Indiana Service Corporation ("Indiana Service"), an operating public utility company subsidiary of Midland.

All interested persons are referred to said document, which is on file in the offices of the Commission, for a statement of the transactions proposed in the plan of corporate simplification, which may be summarized as follows:

(A) *New securities to be issued.* Indiana Service will issue 200,000 shares of common stock without par value, having a stated value of \$20 per share.

(B) *Treatment of outstanding securities—1. Demand notes.* Demand notes payable to Midland in the principal amount of \$2,739,000, together with all accrued interest thereon, amounting to \$1,620,664.90 as of July 31, 1945, are to be cancelled and the holder thereof will receive the amount of cash described below.

(2) *Preferred stock.* The 13,706 shares of 7% cumulative preferred stock of the par value of \$100 per share now issued and outstanding, and the 16,622 shares of the 6% cumulative preferred stock of the par value of \$100 per share now issued and outstanding, are to be cancelled and the holders thereof will receive the amount of cash described below.

(3) *Common stock.* The 738,000 shares of the no par common stock with a stated value of \$10 per share now issued and outstanding, are to be cancelled.

(4) *Distribution of new securities.* The new common stock will be sold and

delivered to American Gas and Electric Company ("American Gas") in accordance with an agreement dated August 24, 1945 between Midland and American Gas. The purchase price to be paid by American Gas for all of the new common stock of Indiana Service is the amount of \$4,500,000, increased by the net increases, if any, or decreased by the net decreases, if any, in each of the following as defined in said agreement dated August 24, 1945:

(a) The Net Current Assets of Indiana Service between December 31, 1944, and the last day of the month immediately preceding the date of payment of the purchase price; and

(b) The Utility Plant Account of Indiana Service between December 31, 1944, and the last day of the month immediately preceding the date of payment of the purchase price;

Provided, however, That the Utility Plant Account of Indiana Service at the date of payment of the purchase price shall not be reduced by retirements of street railway or interurban railway property made after December 31, 1944: *And provided further,* That in no event shall such purchase price be reduced to an amount less than \$4,500,000.

Pending the sale and delivery of the new common stock to American Gas, the new common stock shall be voted by Midland. The purchase price to be realized from the sale of the new common stock to American Gas will be distributed pursuant to a proposed compromise and settlement as follows:

(i) \$3,000,000, plus 50% of the amount by which the balance sheet account of Indiana Service, entitled "Accrued Taxes", as of December 31, 1944, is determined to be overstated in respect of Federal income and excess profits taxes in accordance with the agreement between Midland and American Gas, dated August 24, 1945, will be received and retained by Midland as its own separate property for its own account.

(ii) Of the balance of such purchase price, 53% will be paid, or caused to be paid, by Midland pro rata to the holders of the 16,622 shares of outstanding 6% cumulative preferred stock of Indiana Service, and 47% will be paid, or caused to be paid, by Midland pro rata to the holders of the 13,706 shares of outstanding 7% cumulative preferred stock of Indiana Service, of record on the date of the payment of the purchase price by American Gas to Midland. Such payments shall be made, or caused to be made, by Midland within 45 days after such record date.

(C) *Adjustment of balance sheet accounts.* It is proposed as a part of the plan to make the following adjustments in the balance sheet accounts of Indiana Service, in addition to those required by virtue of the issuance of new securities:

1. To write-off the "Preferred Stock Discount, Commissions, and Expense" account in the amount of \$361,852.01.

2. To reduce the balance sheet account, entitled "Accrued Taxes" by the amount that such account is determined to be overstated in respect of Federal income and excess profits taxes in accord-

ance with the agreement between Midland and American Gas, and to increase surplus by a like amount.

3. To eliminate the deficit in the surplus account of Indiana Service against the net surplus credit to be created by the cancellation of the outstanding demand notes, preferred and common stocks.

Midland has requested the Commission, if it approves the Plan, to apply to a court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the plan.

Midland states that the consummation of the plan will be subject to the prior satisfaction of all of the following conditions:

(a) The entry of an order by this Commission pursuant to said Act and particularly section 11 (e) thereof, approving the plan.

(b) The final approval of the court, upon application therefor, by this Commission in accordance with the provisions of sections 11 (e) and 18 (f) of the act.

(c) The entry of such orders of the Public Service Commission of Indiana with respect to the approval of the plan or the carrying out of any or all of the steps contemplated by the plan, as may be desirable or necessary.

(d) The agreement between American Gas and Midland, dated August 24, 1945, shall not have terminated, in accordance with its terms, but shall be in full force and effect.

It is further stated that whenever all the conditions prescribed above have been satisfied, the plan shall become effective. After the plan becomes effective, the plan shall thereupon be binding on all persons affected by the plan whether or not such persons shall have approved the plan.

II. Notice is further given that American Gas and Electric Company, a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, has filed with this Commission a separate application pursuant to the Public Utility Holding Company Act of 1935, and particularly section 10 thereof. All interested persons are referred to said document, which is on file in the office of this Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

Directly after the plan, mentioned above, of corporate simplification of Indiana Service becomes effective, American Gas proposes to purchase, pursuant to said agreement dated August 24, 1945 between Midland and American Gas, all of the then outstanding shares of new common stock of Indiana Service, for the price and on the terms and conditions hereinabove set forth with respect to the sale of such common stock to American Gas.

III. It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings be held with respect to the proposed plan of corporate simplification, and with respect to the matters proposed by American Gas, and that said plan should not be-

come effectuated and that the application of American Gas should not be granted except pursuant to further order of the Commission; and

The Commission having heretofore instituted proceedings under sections 11 (b) (2), 15 (f) and 20 (a) of the act (File No. 59-58) with respect to Indiana Service and Midland, and public hearings having been held in said proceedings and the record therein closed, and none of the issues involved having been submitted to the Commission for its determination; and

It appearing to the Commission that the matters involved in said proceedings under sections 11 (b) (2), 15 (f) and 20 (a) of the act are related to, and that evidence already offered therein may have a bearing upon, the matters to be considered in the proceedings with respect to the plan of corporate simplification, and with respect to the proposals of American Gas and that substantial savings of time and expense will result if all such proceedings are consolidated so that they may be heard as one matter and so that evidence in each matter may stand as evidence in the others for all purposes, and that the record in the proceedings under sections 11 (b) (2), 15 (f) and 20 (a) should be reopened to adduce additional evidence therein, if any;

It is ordered, That the proceedings under sections 11 (b) (2), 15 (f), and 20 (a) be, and the same hereby are, reopened.

It is further ordered, That the proceedings with respect to the plan of corporate simplification, the proposals of American Gas, and the proceedings under sections 11 (b) (2), 15 (f), and 20 (a) of the act be, and the same hereby are, consolidated.

It is further ordered, That a hearing on such consolidated matters under the applicable provisions of the act and the rules of the Commission thereunder be held on December 18, 1945 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in said proceedings shall notify the Commission in the manner provided by Rule XVII of the rules of practice on or before December 13, 1945.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officers so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented in said consolidated proceedings, particular attention will be directed at the hearing to the following matters and questions, in addition to the issues and questions set forth in the Commission's order of October 16, 1942 (Holding Company

Act Release No. 3855) under sections 11 (b) (2), 15 (f), and 20 (a) of the act:

1. Whether the plan, as submitted or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act and is in all respects fair and equitable to the persons affected thereby.

2. More particularly, whether the proposed compromise and settlement of the indebtedness of Indiana Service to Midland is fair and equitable to all securities holders.

3. Whether, and, if so, in what manner, the proposed Plan should be modified to insure adequate protection of the public interest and the interest of investors or consumers.

4. Whether the Plan, as submitted, or as it may be modified, makes appropriate provision for the payment of fees, expenses and remuneration in connection with the Plan, in what amounts such fees, expenses and remuneration should be paid, and the fair and equitable allocation thereof.

5. Whether the proposed acquisition of securities by American Gas will tend toward the economical and efficient development of an integrated public utility system and whether such acquisition will tend toward interlocking relations or concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

6. Whether the consideration to be paid by American Gas including all fees, commissions, or other remuneration, for the new common stock of Indiana Service

is reasonable and bears a fair relation to the sums invested in or the earning capacity of the utility assets underlying said common stock.

7. Whether, if the transactions proposed by American Gas are authorized by this Commission, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms and conditions, and more particularly, whether it is necessary or appropriate to impose any terms and conditions with respect to disposition by American Gas of the gas, water, and transportation properties, or any of the electric properties of Indiana Service, and, if so, what terms and conditions should be imposed.

8. Whether the accounting adjustments and entries proposed to be made in connection with the proposed transactions are adequate and proper and in accordance with sound accounting practices and meet the applicable standards of the act.

9. Generally, whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

It is further ordered, That notice of this hearing be given to Midland Utilities Company, Indiana Service Corporation, American Gas and Electric Company, the Public Service Commission of Indiana, the Federal Power Commission and all other interested persons; said notice to be given by registered mail to Midland Utilities Company, Indiana Service Corporation, American Gas and

Electric Company, the Public Service Commission of Indiana, the Federal Power Commission and all other parties in the proceedings consolidated herein, and to all other interested persons by a general release of this Commission distributed to the press and mailed to persons on the mailing list for releases under the act, and by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That Indiana Service Corporation give notice of the hearing to each of the holders of its preferred and common stocks (insofar as the identity of such security holders is available or known to Indiana Service), by mailing to each such security holder, to his last known address, a copy of this notice and order and copy of the Plan of Corporate Simplification at least 20 days prior to the date of this hearing.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions, or matters included in these proceedings or to consolidate with these proceedings other filings or matters pertaining thereto, or to take such other action as may appear necessary to an orderly, prompt and economical disposition of the issues and matters involved.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P. R. Dec. 45-20343; Filed, Nov. 16, 1945;
10:27 a. m.]

