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The President

REORGANIZATION PLAN NO. 2 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945¹

FEDERAL SECURITY AGENCY AND DEPARTMENT OF LABOR

SECTION 1. Children's Bureau. (a) The Children's Bureau in the Department of Labor, exclusive of its Industrial Division, is transferred to the Federal Security Agency. All functions of the Children's Bureau and of the Chief of the Children's Bureau except those transferred by subsection (b) of this section, all functions of the Secretary of Labor under the title V of the Social Security Act (49 Stat. 620, ch. 531), as amended, and all other functions of the Secretary of Labor relating to the foregoing functions are transferred to the Federal Security Administrator and shall be performed by him or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate, except that the functions authorized by section 2 of the act of April 9, 1912 (37 Stat. 79, ch. 73), as amended, and such other functions of the Federal Security Agency as the Administrator may designate, shall be administered, under his direction and control, through the Children's Bureau.

(b) The functions of the Children's Bureau and of the Chief of the Children's Bureau under the Fair Labor Standards Act of 1938 (52 Stat. 1060, ch. 676), as amended, are transferred to the Secretary of Labor and shall be performed under his direction and control by such officers and employees of the Department of Labor as he shall designate.

SEC. 2. Vital statistics. The functions of the Secretary of Commerce, the Bureau of the Census, and the Director of the Bureau of the Census, with respect to vital statistics (including sta-

tistics on births, deaths, marriages, divorces, and annulments), are transferred to the Federal Security Administrator and shall be performed under his direction and control by the United States Public Health Service or by such officers and employees of the Federal Security Agency as the Administrator shall designate.

SEC. 3. United States Employees' Compensation Commission. The functions of the United States Employees' Compensation Commission are transferred to the Federal Security Agency and shall be performed in such manner and under such rules and regulations as the Federal Security Administrator shall prescribe. Such regulations shall provide for a board of three persons to be designated or appointed by the Federal Security Administrator with authority to hear and, subject to applicable law, make final decision on appeals taken from determinations and awards with respect to claims of employees of the Federal Government or of the District of Columbia. The United States Employees' Compensation Commission is abolished.

SEC. 4. Social Security Board. The functions of the Social Security Board in the Federal Security Agency, together with the functions of its Chairman, are transferred to the Federal Security Administrator and shall be performed by him or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate. The Social Security Board is abolished.

SEC. 5. Assistant heads of Federal Security Agency. In addition to the existing Assistant Federal Security Administrator there shall be not to exceed two assistant heads of the Federal Security Agency, each of whom shall be appointed by the Federal Security Administrator under the classified civil service, receive a salary at the rate of \$10,000 per annum, and perform such duties and head such constituent unit of the Federal Security Agency as the Administrator may provide.

SEC. 6. Functions under act of June 20, 1936, with respect to the blind. The functions of the Office of Education and

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of the Commissioner of Education under the act of June 20, 1936 (49 Stat. 1559, ch. 638), are transferred to the Federal Security Administrator and shall be per-

formed under his direction and control by such officers and employees of the Federal Security Agency as he shall designate.

SEC. 7. *Assistant Commissioner of Education.* The functions of the Assistant Commissioner of Education, created by the act of May 26, 1930 (46 Stat. 384, ch. 330), are transferred to the Office of Education to be performed under the direction and control of the Commissioner of Education by such officers or employees of the Office as he may designate with the approval of the Federal Security Administrator. The Office of Assistant Commissioner of Education is abolished.

SEC. 8. *Federal Board for Vocational Education.* The Federal Board for Vocational Education and its functions are abolished.

SEC. 9. *Board of Visitors of St. Elizabeths Hospital.* The Board of Visitors of St. Elizabeths Hospital and its functions are abolished.

SEC. 10. *Coordination of grant-in-aid programs.* In order to coordinate more fully the administration of grant-in-aid programs by officers and constituent units of the Federal Security Agency, the Federal Security Administrator shall establish, insofar as practicable, (a) uniform standards and procedures relating to fiscal, personnel, and the other requirements common to two or more such programs, and (b) standards and procedures under which a State agency participating in more than one such program may submit a single plan of operation and be subject to a single Federal fiscal and administrative review of its operation.

SEC. 11. *Winding up of affairs.* Suitable measures shall be taken by the Federal Security Administrator to wind up those outstanding affairs of the agencies herein abolished which are not otherwise disposed of by this plan.

SEC. 12. *Transfer of personnel, property, records, and funds.* The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), which the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred hereunder are transferred to the respective agencies concerned for use in the administration of the functions so transferred, except that all of the personnel, property, records, and funds of the Industrial Division of the Children's Bureau shall be transferred to such agency or agencies of the Department of Labor as the Secretary of Labor shall designate. Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency shall be retransferred under existing law to other positions in the Government or separated from the service.

[F. R. Doc. 46-12364; Filed, July 19, 1946; 11:57 a. m.]

REORGANIZATION PLAN NO. 3 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945.¹

PART I. DEPARTMENT OF THE TREASURY

SECTION 101. *Functions transferred to the United States Coast Guard.* (a) There are hereby transferred to the Commandant of the Coast Guard those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to approval of plans for the construction, repair, and alternation of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels, and their equipment and appliances; issuance of certificates of inspection and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews; control of logbooks; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such bureau, offices, and boards which are not specified in section 102 of this plan; and all other functions of the Secretary of Commerce pertaining to those functions of the agencies abolished under section 104 of this plan which are not specified in section 102 of this plan, including the remission and mitigation of fines, penalties and forfeitures incurred under the laws governing these functions and those incurred under the act of December 17, 1941 (55 Stat. 808), as amended.

(b) The functions relating to the award of numbers to undocumented vessels vested by law in the Collectors of Customs are hereby transferred to the Commandant of the Coast Guard.

SEC. 102. *Functions transferred to Bureau of Customs.* There are hereby transferred to the Commissioner of Customs those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and

¹ Effective July 16, 1946, under the provisions of section 6 of the act; published pursuant to section 11 of the act (Pub. Law 263, 79th Cong.).

of the Secretary of Commerce, which pertain to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entry and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such bureau, offices, and boards which were performed by the Bureau of Customs on behalf thereof immediately prior to the effective date of Executive Order No. 9083 of February 28, 1942 (7 F.R. 1609); and the power to remit and mitigate fines, penalties and forfeitures incurred under the laws governing these functions.

SEC. 103. *Powers of the Secretary of the Treasury.* The functions transferred by sections 101 and 102 of this plan may be performed through such officers and employees of the United States Coast Guard and the Bureau of Customs, respectively, as may be designated by the Commandant of the Coast Guard and the Commissioner of Customs, respectively, and shall be performed subject to the direction and control of the Secretary of the Treasury except as otherwise required by law with respect to the United States Coast Guard whenever it operates as a part of the Navy.

SEC. 104. *Abolition of agencies.* The Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the Board of Supervising Inspectors, the Boards of Local Inspectors, the Marine Casualty Investigation Board, and the Marine Boards are hereby abolished. The Secretary of the Treasury shall provide for winding up those affairs of the said abolished agencies which are not otherwise disposed of herein.

PART II. DEPARTMENT OF WAR AND DEPARTMENT OF THE NAVY

SECTION 201. *Functions with respect to certain insane persons.* (a) The functions of St. Elizabeths Hospital and the superintendent thereof, and of the Federal Security Agency and the Federal Security Administrator, with respect to the care, treatment, and custody of insane persons as provided in section 4843 of the Revised Statutes (24 U.S.C. 191) are hereby transferred or abolished as follows:

(1) Functions with respect to insane persons belonging to the Army or falling, by reason of employment or service in the Army, within any of the categories enumerated in said section, are transferred to the Secretary of War and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of War as he may designate.

(2) Functions with respect to insane persons belonging to the Navy or falling, by reason of prior service in the Navy, within any of the categories enumerated in said section, are transferred to the Secretary of the Navy and shall be performed by the Secretary, or subject to his direction and control, by such officers and agencies of the Department of the Navy as he may designate. (For the purposes of this subpar. (2), the Marine Corps but not the Coast Guard is included in the Navy.)

(3) Functions with respect to insane persons belonging to the Coast Guard are abolished.

(b) Nothing in subsection (a)* of this section shall affect the functions and authority of St. Elizabeths Hospital, the superintendent thereof, the Federal Security Agency, or the Federal Security Administrator with respect to any person heretofore admitted to St. Elizabeths Hospital and a patient therein on the effective date of this plan under the provisions of section 4843 of the Revised Statutes, or the functions and authority of said officers and agencies or of the Public Health Service with respect to Coast Guard members as beneficiaries of the Public Health Service, as provided by section 504 of the Public Health Service Act (58 Stat. 710, 42 U.S.C. 222).

PART III. DEPARTMENT OF THE NAVY

SECTION 301. *Hydrographic Office and Naval Observatory.* The Hydrographic Office and the Naval Observatory, together with their respective functions, are hereby transferred from the Bureau of Naval Personnel, Department of the Navy, to the Chief of Naval Operations and shall be administered, subject to the direction and control of the Secretary of the Navy, under the Chief of Naval Operations.

SEC. 302. *Supply Department of the United States Marine Corps.* The Paymaster's Department of the United States Marine Corps and the Quartermaster's Department of the United States Marine Corps, and the functions of such departments, are hereby consolidated to form a single new agency, which shall be known as the Supply Department of the United States Marine Corps, and at the head of which there shall be the Quartermaster General of the Marine Corps. The office and title of "The Paymaster General of the Marine Corps," provided for in the act of March 24, 1944 (58 Stat. 121), are hereby abolished.

PART IV. DEPARTMENT OF THE INTERIOR

SECTION 401. *Certain functions with respect to the Franklin D. Roosevelt Library.* The following functions are hereby transferred to the Secretary of the Interior and shall be performed, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate:

(a) The functions of the Commissioner of Public Buildings, under section 206 of the act of July 18, 1939 (53 Stat. 1062), with respect to the care, maintenance, and protection of the buildings and grounds of the Franklin D. Roosevelt Library.

(b) The functions of the Archivist of the United States, under section 207 of

the said act, with respect to the collection of fees from persons visiting and viewing the exhibit rooms or museum portion of said library, excluding the fixing of charges to be collected but including the making of all other regulations with respect to such collection. (Any funds derived from such fees shall be paid, held, administered, and expended in consonance with the proviso in said sec. 207.)

SEC. 402. *Functions relating to mineral deposits in certain lands.* The functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the act of March 4, 1917 (39 Stat. 1134, 1150, 16 U.S.C. 520), title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U.S.C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), and the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U.S.C. 1011 (c) and 1018), are hereby transferred to the Secretary of the Interior and shall be performed by him or subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate: *Provided*, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

SEC. 403. *Bureau of Land Management.* (a) The functions of the General Land Office and of the Grazing Service in the Department of the Interior are hereby consolidated to form a new agency in the Department of the Interior to be known as the Bureau of Land Management. The functions of the other agencies named in subsection (d) of this section are hereby transferred to the Secretary of the Interior.

(b) There shall be at the head of such Bureau a Director of the Bureau of Land Management, who shall be appointed by the Secretary of the Interior under the classified civil service, who shall receive a salary at the rate of \$10,000 per annum, and who shall perform such duties as the Secretary of the Interior shall designate.

(c) There shall be in the Bureau of Land Management an Associate Director of the Bureau of Land Management and so many Assistant Directors of the

Bureau of Land Management as may be necessary, who shall be appointed by the Secretary of the Interior under the classified civil service and subject to the Classification Act of 1923, as amended, and who shall perform such duties as the Secretary of the Interior may prescribe.

(d) The General Land Office, the Grazing Service, the offices of Commissioner of the General Land Office, Assistant Commissioner of the General Land Office, Director of the Grazing Service, all Assistant Directors of the Grazing Service, all registers of the district land offices, and United States Supervisor of Surveys, together with the Field Surveying Service now known as the Cadastral Engineering Service, are hereby abolished.

(e) The Bureau of Land Management and its functions shall be administered subject to the direction and control of the Secretary of the Interior, and the functions transferred to the Secretary by subsection (a) of this section shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate.

PART V. DEPARTMENT OF AGRICULTURE

SECTION 501. *Functions of certain agencies of the Department of Agriculture.* The following functions are hereby transferred to the Secretary of Agriculture and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he shall designate:

(a) All functions of the Agricultural Adjustment Administration and the Surplus Marketing Administration and of the respective heads of such Administrations.

(b) The administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

PART VI. DEPARTMENT OF COMMERCE

SECTION 601. *Certain functions of National Bureau of Standards.* The following functions are hereby transferred to the Secretary of Commerce and shall be performed, subject to his direction and control, by such officers and agencies of the Department of Commerce as he may designate:

(a) Those functions of the National Bureau of Standards under section 2 of the act of March 3, 1901 (31 Stat. 1449) which are now performed by the Division of Commercial Standards of said Bureau, namely, (1) to assist, coordinate, and cooperate with groups of consumers, distributors or producers, technical organizations, and other persons, in the voluntary establishment, maintenance, recording, publishing, and promoting of commercial standards as a nationally and internationally recognized basis for testing, grading, labeling, marketing, guaranteeing, or accepting staple, manufactured commodities moving in daily domestic and foreign trade; and (2) to assist in the development of Federal purchase standards specifications and in providing information to the public and the Government of such standards and specifications.

(b) Those functions of said Bureau under said section 2 which are now performed by the Division of Simplified Trade and Practices of said Bureau, namely, to assist, coordinate, and cooperate with individuals and groups of producers, distributors, and users in establishing, recording, publishing, and promoting a nation-wide program for the elimination of avoidable waste through the formulation of simplified trade practice recommendations which identify and list the sizes, types, dimensions, and varieties of products that are in national demand in the country, including but not limited to simplified trade practice recommendations concerning the following commodities: Wood, textiles, paper and rubber products, metal and mechanical products, containers and miscellaneous products, materials handling equipment, ceramic products, electrical products, construction materials, and metal and woodworking tools.

(c) So much of the functions of the Director of said Bureau as relates to the foregoing activities.

PART VII. NATIONAL LABOR RELATIONS BOARD

SECTION 701. *Strike ballots under War Labor Disputes Act.* The functions of the National Labor Relations Board under section 8 of the War Labor Disputes Act (57 Stat. 162, 167, ch. 144) with respect to taking secret ballots of employees on the question of an interruption of war production are hereby abolished.

PART VIII. SMITHSONIAN INSTITUTION

SECTION 801. *Canal Zone Biological Area.* The functions of the Board of Directors of the Canal Zone Biological Area (which Board is provided for in the act of July 2, 1940 (54 Stat. 724, ch. 516), together with the functions of the executive officer of such Board, are hereby transferred to the Smithsonian Institution. The said Board of Directors and the office of the said executive officer are hereby abolished.

PART IX. UNITED STATES EMPLOYMENT SERVICE

SECTION 901. *Placement functions under Selective Training and Service Act of 1940.* There is hereby transferred to the United States Employment Service so much of the functions of the Selective Service System and of the Director of Selective Service under section 8 (g) of the Selective Training and Service Act of 1940 (54 Stat. 890, ch. 720) as relates to aiding persons who have satisfactorily completed any period of active duty or of training and service under the said act in securing positions other than the positions held by them prior to said period.

PART X. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

SECTION 1001. *Transfer of records, property, personnel, and funds.* There are hereby transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in connection with winding up the outstanding affairs of agencies abolished by this plan, (1) the records and property now being used or held in connection with such functions, (2) the per-

sonnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection with such functions.

SEC. 1002. *Disposition of excess personnel.* Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency by such plan shall be retransferred under existing law to other positions in the Government or separated from the service.

SEC. 1003. *Dispositions by Director of the Bureau of the Budget.* Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the provisions of this Part or in order to wind up the outstanding affairs relating to agencies or functions abolished by this plan shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 5—SURPLUS PROPERTY DISPOSAL

MISCELLANEOUS AMENDMENTS

Sections 5.505-01 and 5.703-02 of Chapter I, Title 6, Code of Federal Regulations, are hereby revoked. Sections 5.103-02, 5.103-03, 5.105-2, 5.201-02, 5.202-01, 5.203-01, 5.301-01, 5.302-01, 5.303-01, 5.303-02, 5.303-03, 5.303-04, 5.306-02, 5.307-02, 5.307-03, 5.307-05, 5.307-08, 5.307-09, 5.308-01, 5.402-01, 5.402-02, 5.402-03, 5.404-01, 5.404-02, 5.404-03, 5.506-02, 5.511-01, 5.604-01, 5.605-02, 5.606-01, 5.607-01, 5.610-01, 5.610-02, 5.610-03, 5.610-04, 5.702-01, 5.703-01, and 5.704-01 of Chapter I, Title 6, Code of Federal Regulations, are hereby amended, and new §§ 5.307-10, 5.402-04, 5.404-04, 5.404-05, 5.405-01, 5.405-02, 5.405-03, 5.406-01, 5.501-03, 5.502-03, 5.503-04, 5.503-06, 5.504-03, 5.504-04, 5.506-01, 5.506-03, 5.507-04, 5.508-04, 5.601-01, 5.602-025, 5.603-5-01, 5.604-05, 5.605-01, 5.605-03, 5.610-015, 5.610-05, 5.704-02, 5.704-03, and 5.704-04 are hereby added to Chapter I, Title 6, Code of Federal Regulations, so that said amended and added sections will read as follows:

§ 5.103-02 *Definitions; regulations of War Assets Administrator.* The following definitions are contained in SPA Revised Regulation 5 and are adopted for the purposes of this part:

(a) "Administration" means the War Assets Administration.

(b) "Administrator" means the War Assets Administrator.

(c) "Continental United States" means the 48 States and the District of Columbia.

(d) "Former owner" means the person from whom the real property was acquired by the Government.

(e) "Nonprofit institution" means any scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, any hospital or similar institution, and any volunteer fire company, (1) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (2) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(f) "Educational institution" means any school, school system, library, college, university, or other similar institution, organization, or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution.

(g) "Offer" means a written offer to purchase surplus real property or a written application by a Government agency or a State or local government requesting that such property be held for disposal to it.

(h) "Owner-operator" means a person who will personally operate and cultivate agricultural land to earn a livelihood rather than lease it to a tenant.

(i) "Priority" means the right of a person, subject to stated conditions and limitations, to purchase surplus real property to the exclusion of other persons.

(j) "Public-health institution" means any hospital, board, agency, institution, organization, or association, which is organized for the primary purpose of carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

(k) "Real property" means any interest, owned by the United States or any Government agency, in real property, of any kind, wherever located, but does not include the public domain, or such lands withdrawn or reserved from the public domain as the War Assets Administration determines are suitable for return to the public domain for disposition under the general land laws. It is not limited to the definition thereof as contained in section 23 of the act.

(l) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon, located outside of the District of Columbia, but does not include war housing, industrial plants, factories, or similar structures and facilities, or the sites thereof, or land which the Administrator determines is essential to the use of any of the foregoing. "Similar structures and facilities" as used above shall include structures and facilities classified by the Administrator as (1) commercial, (2) roads and local transportation, (3) airport, (4) railroad, transportation, and pipeline, (5) utility and communications, and (6) institutional where there are improvements which render the property suitable for disposition and use for health or educational purposes.

(m) "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.

(n) "Veteran" means any person who served in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. "Veterans released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive."

(o) "War housing" means real properties improved with housing structures, acquired or constructed by the Government subsequent to September 8, 1939, either (1) for the purpose of housing servicemen, war workers, and their families, or (2) by the use of funds earmarked or appropriated for the housing of persons engaged in national defense activities, and their families.

§ 5.103-03 *Definitions; regulations of Farm Credit Administration.* As used in this part:

(a) "Act" means the Surplus Property Act of 1944 as modified by Public Law 181, 79th Congress, Executive Order 9689, and any other amendatory or supplementary acts or executive orders.

(b) "FCA" means the Farm Credit Administration.

(c) "Central office" means the central office of the Farm Credit Administration.

(d) "District office" means the office of the FFMC maintained in each of the 12 Federal land banks, including the Regional Director of Surplus Property Disposal and district vice president.

(e) "FFMC" or "Corporation" means the Federal Farm Mortgage Corporation.

(f) "FLB" or "bank" means the Federal land bank serving the farm credit district in which a project of surplus agricultural and forest property concerned is located.

(g) "Project" means the area included in a particular assignment which may or may not be composed of contiguous parts.

(h) "Project office" means an office established on the site of the project or at such other place as may be designated where business relating to the disposal of property in the project may be transacted.

(i) "Tract" means a separate parcel of land as acquired by the Government or any other unit established by the disposal agency in reblocking an area.

(j) "USDA" means the United States Department of Agriculture.

(k) "WAA" means War Assets Administrator or War Assets Administration.

§ 5.105-02 *Delegations of authority.*

(a) An order of the Secretary of Agriculture dated April 26, 1945 (10 F.R. 4647), delegates, subject to his general supervision and direction, authority and responsibility to the Governor of the FCA, with authority to redelegate to any appropriate officer, agent, or employee of the

FCA or of the USDA, including the FFMC, with a provision that the services and facilities of the Federal land banks and national farm loan associations may be used.

(b) An order of the Governor of the FCA dated April 28, 1945 (10 F.R. 4694), redelegates, subject to his general supervision and direction, authority and responsibility to FMC, with a provision that the services and facilities of the Federal land banks and national farm loan associations may be used.

(c) An order of the Governor of the FCA dated August 3, 1945, redelegates to the Land Bank Commissioner, subject to the Governor's supervision and direction, his supervisory powers related to surplus property disposal, and permits redelegation thereof to any officer or employee in the Land Bank Division of the FCA. An order of the Land Bank Commissioner, dated August 9, 1945, makes a further redelegation, subject to the Commissioner's supervision, to the Director of Surplus Property Disposal.

(d) A resolution of the Board of Directors of the FFMC adopted April 30, 1945, authorizes the President of the FFMC to act for the FFMC in executing the surplus property disposal program. An order of the President of the FFMC dated August 3, 1945, appoints the president of each Federal land bank ex officio an executive officer of the Corporation with the title of Regional Director of Surplus Property Disposal and makes the Regional Director of Surplus Property Disposal responsible for the Corporation's surplus property disposal activities in the district, subject to the supervision of the president of the Corporation. A letter from the president of the Corporation to each district vice president dated August 3, 1945, appearing in the Appendix hereto as Exhibit 33,¹ outlines the powers and duties of the district vice president and subordinates his authority and responsibility to that of the Regional Director of Surplus Property Disposal.

(e) A resolution of the Board of Directors of the FFMC adopted April 30, 1945, authorizes any vice president of the Corporation to sign deeds, leases, and other instruments in connection with the surplus property disposal program.

§ 5.201-02 *Federal Farm Mortgage Corporation.* The responsibility for disposal of surplus agricultural and forest property is that of the FFMC by delegation of authority from the Governor of the FCA. The Board of Directors of the Corporation has authorized the president of the Corporation to administer the program on behalf of the Corporation. Provision has been made for the use of the facilities of the FCA and the Federal land bank and, where desired, the national farm loan associations, in the performance of the necessary operations.

§ 5.202-01 *FCA central office organization.* (a) The Governor of the FCA exercises general supervision and direction of the program and as President of the FFMC exercises the Corporation's

¹ Not filed with the Division of the Federal Register.

authority and is responsible for actions taken in its name.

(b) The Land Bank Commissioner, subject to the supervision and direction of the Governor, is responsible for the direction and supervision of the disposal program, using the facilities of the Land Bank Division and appropriate service divisions of the FCA, and supervises the Federal land banks (and national farm loan associations when used) in the discharge of their responsibilities in rendering services to the FPMC.

(c) The Director of Surplus Property Disposal, under supervision and direction of the Land Bank Commissioner, exercises supervision and direction of disposal program; advises with representative of WAA and with the office of Assistant Secretary of Agriculture on operations; advises with USDA agencies and other Government agencies concerned; advises with FCA service units; is responsible for assembling of data and preparation of necessary reports, maintenance of necessary control records and files, correspondence, and the formulation, preparation, and issuance of appropriate regulations; makes recommendations on policies and procedures to Land Bank Commissioner.

(d) *Service units*—(1) *Legal*. Legal services to the FCA and FPMC in connection with the disposal of surplus agricultural and forest property will be rendered by the Office of the Solicitor.

(2) *Appraisal*. The Appraisal Subdivision will render assistance in developing policies and operating procedures relating to appraisal; exercise general supervision over appraisers; cooperate with the banks in arranging for appraisal services as needed; make field reviews of appraisal work; and render such other services relating to appraisals as may be deemed advisable.

(3) *Real estate service and sales*. This section of the Land Bank Division will assist in developing policies and procedures relating to leasing, care and handling, and sale of real property; advise with the Federal land banks on operating problems; and render such other services as may be considered advisable.

(4) *Finance and accounts*. The Finance and Accounts Division will be responsible for developing a manual of accounts in cooperation with the field units responsible for accounting operations; for maintenance of necessary accounts in the central office; for assembling necessary data for the preparation of reports; for general supervision of accounting operations; and for such other assistance on fiscal problems as may be necessary.

(5) *Examination*. (1) The operations of Farm Credit Administration, Federal Farm Mortgage Corporation, Federal land banks, and national farm loan associations relating to surplus property disposal shall be included within the scope of the examinations of these agencies conducted by the Examination Division of the Farm Credit Administration. The Examination Division is designated the compliance organization to perform the functions and duties required by Surplus Property Administration Regulation 15, dated November 16, 1945, and any other

related requirements of the Surplus Property Administrator, the Department of Agriculture, or the Farm Credit Administration.

(ii) Section 5 of SPA Regulation 15, dated November 16, 1945, provides that subject to the provisions set forth in § 5.112-01 of, the Examination Division 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.

(6) *Personnel*. Personnel actions will be processed in accordance with established procedure of the Farm Credit Administration.

(7) *Information and extension*. This division will render appropriate assistance with reference to publicity and advertising.

(8) *Files and clerical*. Such services as may be necessary to maintain adequate files, conduct necessary correspondence and other clerical service will be rendered by the sections engaged in similar work for the FCA.

§ 5.203-01 *District organization*. (a) The president of the Federal land bank, as president of the Federal land bank, is responsible for the services rendered by the bank in executing the disposal program; and as regional director of Surplus Property Disposal of the FPMC, exercises general supervision and direction of the program on behalf of the FPMC, under general direction of the President of the FPMC.

(b) The district supervisor of Surplus Property Disposal, under the direction of the president of the FLB, exercises direction and supervision of the services and facilities of the bank and the national farm loan associations in connection with surplus property disposal in the district; advises with service units of the FLB; communicates with district U. S. Engineer's office concerning available information on particular projects; advises with FCA central office on operations problems, including proposed communications and contacts with other Government agencies; makes recommendations on prices and offers to purchase to vice president of FPMC and on any other transactions requiring the approval of the FPMC.

(c) The project manager, under the direction of the District Supervisor of Surplus Property Disposal, is responsible for field operations, arranging for appraisals, recommending prices and sales offers; maintenance of field records and correspondence; and other activities as may be assigned.

(d) The district vice president of FPMC, under the general direction of the

Regional Director of Surplus Property Disposal of FPMC, takes such official action on behalf of the Corporation as may be assigned by the regional director, including approval of prices and signing of instruments and documents in accordance with established procedure.

(e) The district service units will render such service as may be necessary and advisable in discharging the responsibilities of the banks and associations to the FPMC. These service units include legal, personnel, appraisal, accounting, association service division, files, and clerical and records. It is expected that it will ordinarily not be necessary to assign personnel on a full-time basis or to create new sections for the purposes of the disposal program.

§ 5.301-01 *Receipt of declaration by disposal agency*. After real property is declared surplus by the owning agency, reported to the WAA, and classified by it, two copies of the declaration (Form SPB 5) with accompanying schedules will be forwarded by the WAA to the central office of the Farm Credit Administration. The central office will reproduce such information as it deems necessary for its use and forward both copies of the declaration to the district supervisor. Date of assignment will be the date the declaration is received in the central office from the WAA.

§ 5.302-01 *Obtaining information from owning agency*. Section 10 (d) of SPA Revised Regulation 5 provides that, 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 surplus real property in the possession of the owning agency and copies of which have not been filed with the declaration. Upon receipt of the copies of the declaration, the district supervisor will request from the owning agency originals or true copies of all such information and documents. This material ordinarily will include appraisal reports, maps, abstracts of title, tax receipts, affidavits of title, copies of judgment in condemnation proceedings, and other title papers relating to the property. In instances where the War Department is the owning agency, requests for abstracts of title or other title papers should be addressed to the Office of the Chief of Engineers, Attention: Director of Real Estate, Washington 25, D. C.

§ 5.303-01 *Assumption of custody and control of property*. Upon assignment of surplus real property to the disposal agency, the agency is charged with the responsibility for the care and handling of the property pending its disposition, except to the extent that such responsibility has been or may be postponed by the WAA. The district supervisor will immediately contact the owning agency to work out by agreement mutually satisfactory arrangements for the disposal agency's assumption of the physical custody and control of and accountability for the property covered by the declaration or assignment. This acceptance of accountability should be signed by the district vice president of the FPMC.

This may be done by letter describing the property. Such assumption shall be completed within sixty (60) days after the disposal agency received the declaration, unless additional time is allowed by order of the WAA. The copy of the declaration will show the names and addresses of the representatives of the owning agency to be contacted. Where the property is owned by the War Department, the real estate office in the Division Engineer's office should be contacted.

§ 5.303-02 *Repairs and improvements.* The disposal agency shall make repairs necessary for the preservation and maintenance of the property; no disbursement may be made for these purposes without the approval of the district office. The disposal agency is not authorized to expend any funds for improvement of real property declared to it as surplus or for the erection of structures thereon, except as may be specially authorized by the WAA.

§ 5.303-03 *Leasing.* In proper cases the disposal agency may lease or grant permits on the property as provided in § 5.610-01, et seq.

§ 5.303-04 *Insurance.* In accordance with the general policy of the Government not to incur expense for the insurance of public property, insurance shall not be obtained or carried on improvements at Government expense.

§ 5.306-02 *Contacts with other agencies.* In repatterning real property into economic family-size units, consideration shall be given to any available information published by the Department of Agriculture relating to economic size of farms in the area concerned. Ordinarily it will be desirable to confer on the site with representatives of the Bureau of Agricultural Economics, Soil Conservation Service, Agricultural Extension Service, and local representatives. In most instances agencies of the Department would be represented in such conferences by persons from regional offices of the agencies. Arrangements for such conferences and requests for information should be made by the district supervisor through the central office of the Farm Credit Administration except that any State and local contacts may be made direct.

§ 5.307-02 *Publication of notice.* As promptly as feasible after receipt of declaration of surplus real property, the disposal agency shall widely publicize the same, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising, and may also include press releases, display advertisements, and any other appropriate means it is customary to use for advertising notices of sale. Such public advertising shall consist of a sale notice containing substantially the matter set forth in exhibit 34 hereof,¹ including a reservation of fissionable materials as provided in § 5.601-05, and, except as provided in §§ 5.501-6, 5.502-6, and 5.508-05, shall be published at least three (3) times during the ninety (90) days following the date such notice is

first published, at approximate intervals of twenty-one (21) days. Experience indicates that schedules of former owners furnished with the declarations are not always complete and accurate. Accordingly, in cases where section 23 real property was acquired by the Government after December 31, 1939, ordinarily the banks' legal department should review the title papers and, before advertising begins, provide verified lists of former owners. The review should be only so extensive as to give reasonable assurance that the lists are correct and complete. Of course, any available additional information should also be considered in determining the identify and addresses of former owners to whom notices should be sent. The priority chart set forth in exhibit 35 hereof¹ may be used as a guide in preparing the notice for publication. Ordinarily it will not be necessary to include all the information in the chart in any one notice. For example, if the declaration indicates that all tracts within the project area were acquired by the Government on or before December 31, 1939, it will not be necessary in preparing the notice to call attention to the priorities applicable only to section 23 real property acquired after that date.

§ 5.307-03 *Notice of sale.* In the "Notice of Sale" the FPMC shall be indicated as the disposal agency. If an office is established on the site, the address of the office, and ordinarily name of the project manager, shall be shown in the notice for the benefit of persons seeking information about the project. If no project office is established on the site and a project manager will not be available there, such other address shall be indicated as will enable all persons to obtain information readily. The notice of sale shall be signed by the district vice president of the FPMC authorized by order of the Secretary of Agriculture to contract with the newspaper for advertising space.

Following is a copy of the form of a published notice covering surplus real property:

NOTICE OF SALE—SURPLUS GOVERNMENT FARM
REAL PROPERTY

The Federal Farm Mortgage Corporation, St. Paul and 24th Streets, Baltimore 3, Maryland, hereby gives notice that it now has available for disposal under the Surplus Property Act of 1944 and Regulation 5 of the War Assets Administration, the following farm real property which has been declared surplus by the Government; various tracts amounting to approximately 1,830 acres excepting the water system hereinafter described and excepting and reserving in accordance with Executive Order No. 9701, approved on March 4, 1946 (11 F.R. 2369), all fissionable materials with the right to mine and remove the same without any liability for damages, in Botetourt County, Virginia, together with certain improvements thereon and easements not reserved, comprising the entire area known as the Virginia Ordnance Works, Glen Wilton, Virginia. There is also available for disposal the aforesaid water system located on said land, consisting of a concrete dam, tank and pipe lines, with the right of ingress and egress for the purpose of

¹ Not filed with the Division of the Federal Register.

maintaining, repairing, and renovating said water system. Terms and conditions of sale and all necessary information concerning property and the method of exercising priorities and submitting offers will be available on and after May 4, 1946, at the office of Mr. L. E. Folsom, Project Manager, located in the School Building on the property. Office hours are 10 a. m. to 4 p. m. Priorities.—The tracts will be sold subject to the following priorities in the order named: (1) Government Agencies, (2) State and Local Governments, (3) Former owners, (4) Tenants of a former owner, (5) Veterans and the spouse or children of deceased servicemen, (6) Owner operators, (7) Nonprofit institutions. Priority period.—The time for exercising priority shall be a period of 90 days commencing May 4, 1946, and ending on August 1, 1946. Persons not having priority may also make offers to purchase during this period. Homer M. Respass, Vice President, Federal Farm Mortgage Corporation.

§ 5.307-05 *Payment of public voucher for advertising.* The following forms set forth the requirements to be met as a condition to payment of the voucher:

Statement of Advertising Rates—Std. Form No. 1052.

Public Voucher for Advertising—Std. Form No. 1054 (white copy).

Public Voucher for Advertising—Std. Form No. 1054a (yellow memorandum copy).

Standard Form No. 1052 requires that the publisher file with the department or office a sworn statement of his advertising rates which must be the commercial rates charged to private individuals with the usual discounts. After this sworn statement is once filed with the district office and space is again purchased from the same newspaper, it will not be necessary for the publisher to again file his sworn statement of advertising rates unless there has been a change in the rates charged subsequent to the filing of the last statement. The district office should determine that Standard Form No. 1054 has been properly completed by the publisher and that a clipping from the publication is pasted thereon; if the voucher is to be supported by a Standard Form No. 1052 previously received from the publisher, appropriate indication that a form 1052 is on file, and the date thereof, should be stated in the block provided for additional statements by the Corporation. The district vice president of the Federal Farm Mortgage Corporation should execute the certifications at the bottom of the voucher. The bank should retain in its files, as evidence of its payment as agent of the Corporation, a copy of the notice originally submitted to the publisher, a copy of the advertising order, and the voucher, to which should be attached a copy of the notice published.

§ 5.307-08 *Notice by mail.* At the time of the first publication of the notice required by § 5.307-02 the disposal agency shall also send a copy of the notice by mail to all Government agencies listed in exhibit 36 hereof,¹ to the State and the political subdivision in which the property is located, and to the former owner when he is entitled to priority. The notice to the former owner shall be sent by registered mail to his last known address with return receipt requested. Where the former owner is outside the

Continental United States a copy of the notice to the former owner may be sent to the spouse at the last known address. Notices to the State governments shall be addressed to the Secretary of State, and those to political subdivisions of a State should be addressed to appropriate officers. In order to bring to the attention of the proper officials the special priority of State and local governments in reestablishing highways or streets, a covering letter to the Secretary of State should be sent with the notice of sale, advising him that no additional notice has been mailed to the other State officers and requesting that he bring this matter to the attention of the appropriate State officials who might be interested. Also a copy of the notice should be sent by registered mail to the county highway commissioners and other appropriate officials of incorporated cities or municipalities or other political subdivisions in which the property is located. Such notices should be accompanied by a covering letter, which may be a circular letter, calling attention to the special priorities provided by the act and regulations and quoting the pertinent portion of SPA Revised Regulation 5, section 11. If there is any question as to the political subdivisions within a State, information should be requested from the Secretary of State prior to sending out notices.

§ 5.307-09 Form of notice by mail. A copy of the notice published in newspapers will be sufficient to constitute appropriate notice by mail. In order that these notices may be mailed as of the date of publication in newspapers the district office should request preprints from the newspapers in sufficient quantity to cover its needs for all notices by mail. One preprint of each notice as first published shall be mailed to the central office for its records, and one should be retained in the project file in the district supervisor's office. In the event preprints cannot be obtained, copies of the notice may be prepared in appropriate form and substituted for the preprints in meeting the requirements of this section.

§ 5.307-10 Additional notice. Where the disposal agency decides to accept offers from veterans and the spouse and children of deceased servicemen and owner-operators who have not exercised their priority during the 90-day priority period it may give such additional notice to such persons as it deems proper.

§ 5.038-01 Time when, and nature of, information to be made available. Within thirty (30) days after notice is first published as required by this part, or as soon thereafter as possible, every effort shall be made to have available in the office of the project manager all necessary information concerning the property. This shall include the appraised value of the property, the unit sizes in which the property will be sold to various classes of purchasers, the priorities and the time and method of exercising them, the maximum prices which may be charged different priority buyers, and all other terms and conditions of sale. Any person shall be en-

titled, upon request, to receive such information or have access thereto at all reasonable times, as well as information concerning offers, exercises of priorities, and sales that have been made at the time of the inquiry.

§ 5.402-01 Current market value. (a) This value is the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser, buying with knowledge of the uses and purposes to which it is adapted and for which it is capable of being used. The appraiser should approach the problem from the viewpoint of the average buyer or seller in the community. Emphasis should be placed upon those factors affecting the sale price of the particular property, such as the productivity and earning power of the land, and proximity to towns and real estate developments. Consideration should be given to the highest and best use to which the property is reasonably adapted. Actual sales of similar properties in the community are the best evidence of market value. The appraiser should have intimate knowledge of recent sales and prices for which properties are offered for sale. When no recent transfers have been made, sales of more remote date may be used provided consideration is given to the trend of real estate values from the time of such sales to the date of appraisal. The sales information should be verified, the subject property inspected, and the conditions determined under which the transfers were made. It is believed that sales where the soil is of similar type and productivity can be used by making appropriate adjustments to compensate for differences, such as the absence of community advantages, the lack of buildings, or the fact that the land may be somewhat out of condition. Comparative studies of such information should be helpful in estimating the value of the particular property and in substantiating the conclusions reached.

(b) The appraisal supervisor will be responsible for the development of a list of comparable sales where practicable, to be used by the appraisers and other project personnel. To be of most value to those who will use it, the list should include the actual transfer data as taken from the records, a statement as to whether the sales data was verified, including any special conditions under which the transfer was made, and a brief general description of the property transferred. The list should be accompanied by a map showing the location of the listed properties in relation to the project. In view of the great variation among projects, it will be discretionary with the project appraisal supervisor as to whether the complete list or portions thereof be included in the individual appraisal reports. At any rate, the list should be made a matter of record in the project office, and two copies should be furnished the chief reviewing appraiser.

§ 5.402-02 Adjusted value to be used as basis for price to former owners and tenants. (a) In cases of section 23 real property acquired by the Government after December 31, 1939, former owners,

or the spouse and children of deceased former owners, and tenants of former owners at the time of acquirement are entitled to purchase substantially the identical tract which the Government acquired from them, at the lower of (1) current market value or (2) the price for which the property was acquired by the Government, adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States. In order to establish this price it is necessary to make a determination as to the effect on the value of the property, which was acquired by the Government and which has been assigned for disposal, of any improvement or damage resulting from action by the United States.

(b) The acquisition price shall be the basis for determining this adjusted value regardless of whether such acquisition price was based on the value in the acquisition appraisal report or was fixed by negotiation or by court action. The land, building, and unit values shown in the acquisition appraisal report will furnish evidence as to their relative value at the time of acquirement, which should prove helpful to the appraiser in the determination of adjusted value.

(c) In those cases where only a portion of the original tract acquired by the Government is being disposed of, the acquisition price of the portion to be sold will be determined by prorating the purchase price of the whole tract on the basis of the relative value of each portion at the time of acquisition. In most cases a study of the original acquisition appraisal report in conjunction with a field inspection will be required in order to properly determine the relative proportion of the acquisition price assignable to the part to be sold. This proportionate amount shall thereafter represent the acquisition price of the tract to be disposed of.

(d) In those cases where only a part of a farm was acquired by the Government, the acquisition price shall include any amount which may have been allowed for "severance damage." "Severance damage" may be defined as the amount paid by the Government over and above the value of the portion taken, representing payment for damages to the remainder caused by the taking. While the methods perhaps varied considerably, the general practice in connection with appraisals made at the time of acquisition by the Government, where the case involved a partial taking, consisted fundamentally of (1) appraising the value of the entire unit as it existed before the taking and (2) appraising the value of the portion remaining considered as a unit by itself. The difference between these two values constitutes the acquisition price in such cases.

(e) In many cases where the Government acquired land for war purposes the amount paid the owners for land purchased included a certain amount for damages to growing crops. If the amount paid for crop damage can be determined as a separate item, it should not be included in the "acquisition price" of the tract.

(f) In some cases the owners of the land reserved, in their sale to the Gov-

ernment, certain buildings or improvements which they removed from the land at their own expense. In some such instances the Government deducted an amount, representing the fixed or agreed salvage value of the improvements, from the actual purchase price of the farm and paid the owner the balance. If, in those cases, the amount so deducted can be determined, it should be included in establishing the "acquisition price" of the tract. The removal of the improvements, even though it was actually done by the owner, will be considered to be action of the Government and will be reflected in the "adjusted value." In other words for all practical purposes the reservation of the improvements would be treated as a separate transaction representing a resale by the Government to the former owner.

(g) The direct effect of action by the United States ordinarily will relate to such factors as the removal of buildings, fences, other types of improvements, the construction of ditches, or other changes that may affect the farm from the viewpoint of facility of farming operations. Also, it may be appropriate to consider the indirect effect of actions such as the elimination of roads and the removal of schools or other community facilities. Ordinarily, information should be available prior to appraisal as to the intention of the State or local government with reference to the placement of public roads and perhaps other community facilities. Insofar as practicable, damages should be calculated upon those factors which lend themselves to objective measurement. The removal of a church or community center from a community is an example of an action the effect of which would be difficult to establish by any objective method in fixing the value of a particular tract of land. On the other hand, if it can be determined that in reestablishing any such facilities assessments against a tract of land will be made, appropriate weight should be given to this fact. Likewise, consideration should be given to any measurable benefits that have accrued or may accrue as a result of actions by the United States. For example, the improvement of drainage facilities or elimination of ditches may have resulted in measurable benefits to the tracts in the area affected; such benefits should be reflected in the value to be established.

(h) In estimating this increase or decrease in the value of the property substantially the same general procedure will be followed as is used to determine in the case of land bank loans the effect of a partial release on the value of property which, as outlined in paragraph (d) of this section, is also the usual procedure followed by the War Department in determining severance damage where only a portion of the farm is to be acquired. In applying this principle the acquisition price will be the value of the property before action by the United States and the adjusted value will reflect any changes resulting from the action of the United States. In effect the adjusted value will be an estimate of what the value of the property would have been as of the date of acquisition

if the damage or improvement caused by action of the United States such as removal or construction of buildings, destruction or building of roads, or other changes had occurred at that time. This estimate should be made on the basis of the same levels of value as are reflected in the acquisition price regardless of how such acquisition price was determined.

§ 5.402-03 Value to be used in fixing price to veterans. Veterans, or the spouse and children of deceased veterans or the spouse and children of deceased servicemen, are given the right to purchase surplus real property at a price fixed by the disposal agency after taking into consideration the character of the property and if income producing the estimated earning capacity thereof on the basis of its highest and best use. This value in no event should be greater than the current market value and is defined as a price that is justified on the basis of expected returns with appropriate consideration given to present conditions and current commodity prices as well as to normal conditions and prices. It can be considered as a price which a purchaser is warranted in paying for the property for continued use or as a long-term investment.

§ 5.402-04 Fair value. Government agencies are accorded the right to acquire surplus real property at a price equal to the fair value. Fair value is defined as the maximum price a well informed buyer acting intelligently and voluntarily would be warranted in paying if he were acquiring the property as a long-term investment or for continued use for the purpose for which it is best adapted. The appraiser shall give consideration to the character of the property, and if income producing, the estimated earning capacity thereof. This value in no event shall be greater than the current market value and may be further defined as a price that is justified on the basis of expected returns with appropriate consideration given to present conditions and current commodity prices as well as to normal conditions and prices. In making the appraisal of fair value to be used in disposal to Government agencies neither the original cost to the Government nor the purposes for which it is being acquired shall be taken into account. For the purpose of appraisal of "Section 23 real property" the term "fair value" is considered virtually synonymous with the "price to veterans" as defined in § 5.402-03.

§ 5.404-01 Developing basic information. It is likely that each project will present special problems and in order to plan the work effectively the appraisal supervisor and the appraisers should (a) study the appraisal data and all other information furnished by the owning agency on each tract acquired by the Government, and the instructions under which the appraiser operated when the original appraisals were made; (b) make a general survey of the project noting (1) the type of community, (2) the condition of the land, (3) the changes since acquisition, such as removal of build-

ings and destruction of roads, and whether any buildings constructed by the owning agency can be utilized for farming operations, (4) possible uses that may be made of the land, (5) wells or other sources of water supply, and (6) conveniences, such as telephone, electric power lines, schools, churches, and roads that are or will be available; (c) establish tentative levels of value for the different grades of land in the project; (d) assemble where practicable recent sales data for use in supporting the current market values established as outlined in § 5.402-01 (b); and (e) develop information as to the demand for land of the type in the particular project. (Since it is important to have the standards used in establishing values consistent among projects, the chief reviewing appraiser should, if possible, assist in this preliminary survey.)

§ 5.404-02 Appraising the individual tracts. With respect to section 23 real property acquired by the Government after December 31, 1939, in making appraisals of the individual tracts arrangements should be made for the former owner to accompany the appraiser during his inspection of the property, if practicable. This will give him an opportunity to present to the appraiser any information he may have as to the changes in the property and the effect on the price for which he is entitled to repurchase his farm. The appraisers will assign a current market value and also estimate the adjusted price at which each tract may be sold to the former owner or tenant. It will not be feasible to establish the price to veterans at this time unless (a) it is anticipated that only a relatively small part of the land will be sold to higher priority holders and (b) it is unnecessary to make changes in the original boundaries in order to block the land into economic units before offering it for sale to veterans. In other words, it would not be practicable to establish the price to veterans until it is determined definitely what land will be available to offer to them. Likewise it will not be feasible to establish the fair value at this time unless it is contemplated that disposal will be made to a Government agency. In such instance the fair value will be established for the specific acreage or property to be acquired by the Government agency.

§ 5.404-03 Appraisal report. (a) Since in many instances it will not be practicable to establish the price to the former owner and to veterans at the same time, two appraisal report forms are provided, FCA 1181 SPD and FCA 1181a SPD. Where the price for all priority holders is established at the same time, it will not be necessary to duplicate any information in the second report that is included in the first. In such cases the second form will be in the nature of a supplemental report. In reporting the fair value of "Section 23 real property" Form FCA 1181a SPD will be used, adapting it where necessary to fit the case. In making appraisals, full information should be shown in the report to substantiate the conclusions reached. This will include any sales data used in

establishing the current market value of the particular property and a clear statement of the consideration given to various factors relating to the estimate of the increase or decrease in value resulting from action by the United States.

(b) It is extremely important to maintain a high degree of consistency in the valuations of the various tracts of each project. The appraisal supervisor shall not release the appraisal reports until the valuations on all the properties have been completed and adjustments made to correct any inconsistencies in values among the individual units. A representative of the chief reviewing appraiser's office should participate in this final review.

(c) After the review is made the appraisal reports should be prepared in final form in duplicate in the project office. The original copies will be transmitted to the district office and the duplicate copies will be filed in the tract folders in the project office.

§ 5.404-04 Appraisal Report (Form FCA 1181 SPD). (a) The "Current Market Value" and the "Adjusted Value" will be furnished on Form FCA 1181 SPD. However, since former owners or tenants of former owners do not have any priority to purchase property acquired by the Government on or before December 31, 1939, this form will not be used in any instance where the property was acquired on or prior to that date.

(b) The following should be observed in completing Form FCA 1181 SPD:

(1) *Sections A to D.* This page is designed to enable the appraiser to give in sections A and C, a description of the immediate area and the property at the present time and to list in sections B and D the changes in both the area and property since acquirement. This information is necessary to substantiate the current market value and to show the factors considered in determining the increase or decrease in value resulting from action by the United States. The information should be complete and the changes in the property described in some detail in order to show clearly the factors taken into consideration in establishing the price at which former owners and tenants are entitled to purchase the property.

(2) *Section E; acreage classification.* This space is provided to give the acreage breakdown by types and grades of land, a description of the various classifications, and information with respect to the present condition and changes since acquirement. The acre values and total land value will not be shown.

(3) *Section F; description of buildings.* Each building or improvement of a structural nature should be described in this section of the report. However, it will not be necessary to show building values in this report except in those cases where the particular building has relatively little or no "in place" value and should be sold separate from the land. In that event the current market value of the building as defined in § 5.405-03, relating to buildings to be removed, will be shown in the column headed "current market value." The total of any such values should be shown on the face of the report as the "C. M. V. of Buildings

Surplus to this Property" and the general remarks should include the appraiser's recommendation as to whether such buildings should be disposed of separate from the land. Ordinarily where it is recommended that the buildings be sold separate from the land, they should not be considered in the establishment of a value on the tract as a whole. In any event, this point should be clarified in the remarks.

(4) *Section G; classification of property.* An agricultural property should be classified in its present condition on the basis of the definitions for classification of farms in sections A205 and A209 of the Manual for Land Bank Appraisers. If the property is not agricultural then the classification may be omitted; however, in such event the nature of the property should be indicated together with the appraiser's opinion as to its highest and best use.

(5) *Section H; general remarks.* It is important that a statement be included in each report showing any material assumptions or factors on which the values established are based such as the reestablishment of roads, the availability of electricity and telephone, etc. Unless special circumstances make it necessary to take into account a prospective delay in delivering possession to a purchaser the appraisal should be based on the assumption that possession will be delivered immediately upon sale, and this assumption need not be expressed in the report. Cases of sales subject to unexpired leases will be handled as provided in § 5.610-05.

(6) *Plat of farm.* The plat is to be prepared in the regular manner using the standard legend except that land use will be designated by the words "crop," "pasture," etc., instead of by coloring. The plat should be prepared in all cases on the appraiser's copy of the report for use by the appraisal supervisor and the chief reviewing appraiser in checking and correlating the values established on the properties in the project. It is discretionary with the disposal agency whether the plat is furnished on the report when it is prepared in final form.

§ 5.404-05 Appraisal Report (Form FCA 1181a SPD). (a) The "Price to Veterans" will be furnished on Form FCA 1181a SPD. This form will also be used in reporting the "Fair Value" of real property where purchase is contemplated by a Government agency. In the event the form is used at the time the first appraisal is made or at a later date in reappraising the identical tract on which a report on Form 1181 has been made, any information shown in the former report need not be repeated. It will, however, be necessary to show any changes in the property or in the current market value since the previous appraisal.

(b) The following instructions should be observed in completing Form FCA 1181a SPD:

(1) Sections A and B are the same as A and C in Form 1181.

(2) *Section C; earning power of farm.* The act requires that the earning capacity of the property be taken into consideration in establishing the price to

veterans. In connection with agricultural property the cropping program and estimated yields should be on the basis of the present condition of the farm except that any improvement to the land or buildings which will require only a nominal amount of expense may be anticipated. The income should be estimated on the basis of normal prices. Full explanatory statements should be made in the event it is not possible to visualize a crop setup or income that may be expected because of the condition of the property.

(3) *Section D.* In the appraisal of agricultural property the classifications, descriptions, and valuations should be on the same basis as in regular farm appraisal work. In the appraisal of property not suitable for agriculture the acre values and total land values will not be shown.

(4) *Section E.* (i) In the appraisal of agricultural property the buildings will be described and the value to the farm established on the same basis as used in regular farm appraisal work, except those buildings referred to in subdivision (iii) of this subparagraph. The normal agricultural value and normal market value will be established on the same basis as used in regular farm appraisals.

(ii) In the appraisal of property not suitable for agriculture the buildings will be described, but individual building values will not be shown except for those buildings referred to in subdivision (iii) of this subparagraph. The space provided for the "normal agricultural value" will not be used in the appraisal of nonagricultural property.

(iii) Those buildings which have relatively little or no "in place" value and which should be sold separate from the land are to be handled in the same manner as prescribed for such buildings in connection with report Form FCA 1181 SPD (see § 5.404-04 (b) 3)).

(5) *Section F.* The same instructions will apply to this section as to section G of Form 1181.

(6) Section G is the same as section H in Form 1181.

(7) In reporting the "fair value" for sale to Government agencies it will not be necessary to show the current market value on Form 1181a.

§ 5.405-01 Buildings and improvements to be sold separate from land. In some instances the disposal agency may be called upon to dispose of certain buildings and improvements which cannot be sold advantageously with the land. As in the disposal of surplus land, Government agencies are entitled to purchase buildings and improvements at a fair value, the criterion for which is furnished in the following section. In the appraisal of such buildings and improvements to be removed from the land, unless otherwise designated the estimate of value shall be based on the assumption that the buildings and improvements will be sold "as is" to be removed from the premises by the purchaser within a specified time at his own expense.

§ 5.405-02 Fair value of buildings and improvements to be removed. The fair value shall be considered to be the maxi-

mum price which a well informed buyer acting intelligently and voluntarily would be warranted in paying if he were acquiring the property for the purpose of devoting it to its highest and best use or for adopting it or the material therein to equally useful purposes, taking into account the fact that the building or improvement will have to be removed to a new location. In this connection, the appraiser will consider the most probable and economical method or methods of removal and the cost thereof, i. e., whether the building can be moved intact, or in sections, or whether it may be necessary to dismantle it completely. This factor will require special consideration in rural areas where the cost of removal and reestablishment of the structures may be lower than in more industrialized areas. The estimate of fair value shall take into account only those rights in structures and facilities or equipment therein or attached thereto which would be of use to such a buyer and only to the degree to which they would be of use. It shall be recognized that the fair value of the property is not in excess of the prices at which other similar properties having a like utility are actually selling on the market or which amount together with cost of removal to a new location will not exceed the total cost which would be required to erect and equip a similarly useful structure. Neither the cost to the Government nor the characteristics nor readiness to buy of any particular prospective purchaser shall be taken into account.

§ 5.405-03 Current market value of buildings and improvements. "Current market value" as relating to improvements to be sold separate from the land is defined as the highest price the property will bring in terms of money if offered for sale in open market with reasonable time to find a purchaser. In establishing this value the appraiser should approach the problem from the viewpoint of the typical purchaser, taking into consideration those factors affecting the sale price of the particular property. Emphasis should be placed on the demand for the type of improvement or for salvageable material therein, with special consideration given to any unusual or enhanced local demand and the adaptability of the improvement or material to the current local needs. The probable method of removal of the building and the cost thereof are other factors to be considered by the appraiser. These factors are especially important in rural areas where a considerable portion of the buildings may be sold to farmers who could use family labor and comparatively low cost hired labor in the removal and reestablishment of the buildings. The appraiser should make a study of recent sales of similar buildings or improvements. If there are no available data on sales of similar improvements, comparative studies should prove helpful, e. g., buildings of entirely different types may have been constructed of similar materials and consequently the salvageable material may be similar or if not similar may have relative values which may be used as a guide in setting the current market value

of the improvements or buildings to be sold.

§ 5.406-01 Appraisal of surplus easements. For the purpose of appraisal for disposal, easements will be considered from the standpoint of their expected future usefulness. It is anticipated that in some instances surplus easements to be disposed of will be of such nature or so located that they will have a commercial or resale value. In the evaluation of such easements the appraiser ordinarily will follow the same approach as outlined in §§ 5.402-01 to 5.402-04, inclusive. On the other hand there will be surplus easements which have no future use or commercial value as such. Ordinarily these easements will have only a "nuisance value" and will be disposed of to the owner of the land subject to the easement at a nominal consideration or without consideration. In that event no appraisal will be required. However, those easements originally acquired at a substantial consideration including those involving severance damages may be disposed of only at a "reasonable" value. In the determination of the reasonable value the appraiser will consider any improvement in the utility value or enhancement in desirability or salability of the property subject to the easement, which may arise from the elimination of the easement. Unless otherwise designated the appraisal will be based on the assumption that no physical changes or improvement will be effected by the Government; however, consideration should be given to the fact that once the easement is eliminated the owner of the land can make such improvements as are prudent, though at his own expense. In effect the appraiser will use a "before and after" approach in which the enhancement in value is measured by determining the difference between the value of the property subject to the easement (as the value before) and the value of the property with the easement eliminated (as the value after). In making this estimate of reasonable value the appraiser must bear in mind the fact that ordinarily the owner of the property subject to the easement is the only prospective purchaser.

§ 5.501-03 Time and method of exercise of priority by Government agencies. Except as provided in § 5.501-06, the time for exercise of the priority afforded Government agencies shall be a period of twenty (20) days after the date given in the notice required by this part. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the priority holder files a written statement of its desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those that have filed such statements shall be so advised in writing and given fifteen (15) days within which

to make an offer. The offer of a Government agency shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay (or that a transfer without reimbursement or transfer of funds is authorized by law), the length of time, if any, needed to acquire funds to purchase the property, and all pertinent facts pertaining to the needs of applicant for the property. If the applicant shall require time to obtain funds, or authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such an application containing such a statement the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude such purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed the property may not be disposed of except where the priority period has expired and applicant's price is less than the fair value and either a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.502-03 Time and method of exercise of State and local government priorities. Except as provided in § 5.502-06, time for exercise of the priority afforded State or local governments shall be a period of ninety (90) days after the date given in the notice required by this part. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by an appropriate deposit if funds are available at the time for this purpose, it being in the discretion of the district office to determine the amount and whether funds are available. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the State or local government files a written statement of its desire to acquire the property on one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those who have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay for the property, the length of time, if any, needed to acquire funds to purchase the property, and all pertinent facts pertaining to the needs of applicant for the property. If the applicant shall require time to obtain funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such application containing such a statement

the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude the purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except when the priority period has expired and applicant's price is less than the current market value and a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.503-04 Time and method of exercise of priority by former owners. The time for exercise of the former owner's priority shall be a period of ninety (90) days after the date given in the notice required by this part, or such additional period as the WAA may allow where necessary or appropriate to facilitate a sale of the property to a former owner entitled to priority; and an additional period of thirty (30) days shall automatically be allowed if the disposal agency determines that the former owner is outside the Continental United States. Within such period the former owner shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by an appropriate deposit as determined by the district office. When, however, an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a former owner files a written statement of his desire to acquire the property. As soon as the necessary information becomes available (whether during or after the priority period or in the extension thereof), a former owner who has filed such a statement shall be so advised in writing and given fifteen (15) days within which to make an offer.

§ 5.503-06 Deed to another party where former owner exercises his priority. It is permissible for the disposal agency to make the wife of a former owner, or any other party, grantee or co-grantee in the deed upon the request of a former owner exercising his priority. Furthermore, a former owner is not prohibited from exercising his priority with the intention of reselling the property. However, no former owner may exercise his priority acting as agent of, or otherwise in a representative or fiduciary capacity for, another party. Therefore, a request from a former owner to name someone else in the deed might, depending upon the circumstances of each case, be deemed sufficient to put the disposal agency on inquiry as to the bona fides of the offerer and to justify a reasonable investigation of the facts.

§ 5.504-03 Time and method of exercise of tenants' priority. The time for exercise of a tenants' priority shall be a period of ninety (90) days after the date given in the notice required by this part. Within such period the tenant shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase

accompanied by an appropriate deposit as determined by the district office. When, however, an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a tenant files a written statement of his desire to acquire the property. After the necessary information becomes available, a tenant who has filed such a statement shall be so advised in writing and be given fifteen (15) days within which to make an offer.

§ 5.504-04 Extent of tenants' priority. The priority of a tenant not exercised during the priority period shall be extinguished upon expiration of the priority period. The priority of a tenant is limited to the particular property as described in § 5.504-01 and no assignment or transfer of a tenant's priority shall be recognized. The provisions of § 5.503-06 hereof shall apply to the exercise of tenant's priority.

§ 5.506-01 Veterans' priority. A veteran and the spouse and children (in that order) of a person who died while in the active military or naval service of the United States on or after September 16, 1940, shall be accorded a priority as to all surplus section 23 real property classified by the WAA as suitable for agricultural, residential, or small business purposes. This priority shall be subordinate to the priorities of Government agencies, State and local governments, former owners, and tenants. This priority ceases to exist after its holder has once effectively exercised it, or any other priority accorded by section 23 of the act, with respect to a tract.

§ 5.506-02 Price to veterans. The price to veterans shall be fixed after taking into consideration the current market value and the normal agricultural value based on normal returns with appropriate consideration to present conditions and current commodity prices. Any offer by a veteran at a price less than the maximum he may be charged shall be treated as a nonpriority offer.

§ 5.506-03 Time and method of exercise of veterans' priority. To exercise this priority a veteran or the spouse and children of a deceased serviceman must within the ninety (90) days after publication of the notice required by this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof: *Provided*, That the disposal agency may in its discretion permit veterans, or the spouse and children of deceased servicemen, to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the veteran's priority with respect to any and all tracts of the project. As soon as the necessary information becomes available, a veteran who has filed such an offer or statement shall be notified in

writing and given fifteen (15) days within which to make an offer.

§ 5.507-04 Time and method of exercise of owner-operators' priority. To exercise this priority, an owner-operator must within the ninety (90) days after publication of the notice required by this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof: *Provided*, That the disposal agency may in its discretion permit owner-operators to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the owner-operator's priority with respect to any and all tracts of the project. As soon as the necessary information becomes available, an owner-operator who has filed such an offer or statement shall be notified in writing and given fifteen (15) days within which to make an offer.

§ 5.508-04 Time and method of exercise of nonprofit institutions' priority. Except as provided in § 5.508-05, to exercise this priority a nonprofit institution must within the ninety (90) days after publication of the notice required by this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof. Such an offer or statement, even if restricted by its terms to a specifically identified tract, shall preserve the nonprofit institution's priority with respect to any and all tracts of the project. A nonprofit institution which has filed such a statement shall be notified in writing and given fifteen (15) days within which to make an offer.

§ 5.511-01 Certificate to be executed by disposal agency covering giving of notice and failure of priority holders to exercise priority rights. After a sales contract is entered into between the disposal agency and a purchaser, the disposal agency shall certify that it has complied with the requirements of the act and of the regulations of the War Assets Administration concerning the giving of notice and that no holder of a priority superior to that, if any, of the purchaser has exercised his priority rights within the time limits fixed by or pursuant to the act. The certificate shall be executed on Form FCA 1183 SPD and signed by the district vice president of the Corporation. A certified copy, certified by an assistant secretary of the Corporation, of such certificate shall be given to any purchaser of the property at the time of transfer.

§ 5.601-01 Terms of disposal. Disposals generally shall be of the entire interest of the Government, except as indicated in § 5.601-05, and shall be made upon such terms and conditions as may be necessary to protect the interests of the Government and carry out the requirements of the act. No credit shall be extended by the disposal agency in its capacity as such except in special cases

and with the prior approval of the Central Office. The project manager should in no instance recommend any particular credit agency. Where sales are to be on a cash basis, purchasers may be allowed a reasonable time, when necessary, in which to arrange for any financing needed to complete payment of the purchase price.

§ 5.602-025 *Former owners' and former tenants' affidavits of eligibility.* Before the offer of a former owner or former tenant is accepted, he shall furnish an affidavit to the effect that he is a former owner or former tenant (as the case may be) of the property in question, and that in exercising his right of priority he is acting in his own right and behalf and not in behalf of, or as agent, attorney in fact, or trustee of, or in any representative or fiduciary capacity for, another. Before the affidavit is accepted from the former owner or the former tenant, he shall be informed of the substance of the provisions of section 26 of the act.

§ 5.603-5-01 *Subdividing or regrouping of tracts.* For disposal to others than Government agencies, State or local governments, former owners or tenants, surplus real property shall be divided by the disposal agency into appropriate units for disposal. Section 23 real property classified as suitable for agricultural use shall be divided by the disposal agency into economic family-size units (including part-time farms) wherever practicable. The size of such units may vary according to the conditions and farming practices in the locality where the land is situated. Section 23 real property not classified as suitable for agricultural use shall be subdivided into appropriate units in view of the character of the property, the use or uses to which it may be put, and the possibility of giving veterans and those who will use the property personally a fair opportunity to acquire and utilize the property. Plans for dividing shall be developed as soon as practicable after the disposal agency receives the declaration of surplus. The actual work of dividing shall be completed at the earliest possible date after the expiration of the priority period. Division may be delayed if it appears that the property will be absorbed by the priorities of Government agencies, State or local governments, former owners, or tenants.

§ 5.604-01 *Notice to veterans of remaining properties.* After all acceptable offers from Government agencies, State or local governments, former owners, and tenants of former owners have been accepted, and the appraisal and pricing of the remaining tracts and units have been completed, the project manager will make out a list of all tracts and units for sale. In compiling these lists of properties a place for list prices will be indicated, so that the prices may be inserted later, when desired, on the list to be mailed to veterans who have a priority.

In carrying out the policy and intent of the act and the regulations of the war assets administration in affording an opportunity to veterans and the spouse or children of a deceased serviceman or

servicewoman to acquire surplus property, the project manager shall notify in writing all those who have made offers or who have filed a written statement of their desire to acquire one or more units of property, and give them fifteen (15) days within which to make an offer. This notice should generally describe the tract or units remaining to be sold and the conditions upon which written offers will be received at the project office during the period indicated.

§ 5.604-05 *Veterans' affidavit of eligibility.* When the district office is ready to accept a veteran's offer, but before the acceptance is executed, the veteran shall be required to submit an affidavit to the effect that he served in the active military or naval services of the United States on or after September 16, 1940, and prior to the termination of World War II, and has been discharged or released from such service under honorable conditions; that he has not prior to the date of the affidavit purchased under a right of priority a tract or unit of surplus real property pursuant to section 23 of the Surplus Property Act of 1944; and that in exercising his right of priority as a veteran, he is acting in his own right and behalf and not on behalf of, or as agent, attorney in fact, or trustee of, or in any representative or fiduciary capacity for, another. Before the affidavit is accepted from the veteran, he shall be informed of the substance of the provisions of section 26 of the act.

§ 5.605-01 *Obtaining offers.* In order to retain their priority rights owner-operators must either express their desire to purchase a particular tract or any of the tracts in a project in a written statement or submit a formal offer on tracts in which they are interested during the 90-day priority period. However, no offer may be legally accepted from an owner-operator until the expiration of the period allowed for submitting offers. After all offers from veterans have been processed, a list of remaining salable tracts shall be prepared showing the current market value, and all offers and statements of desire to acquire property filed by owner-operators shall be reviewed at this time. The project manager shall notify in writing all such owner-operators and give them fifteen (15) days within which to make an offer. This notice should generally describe the tracts remaining to be sold and the conditions upon which offers will be received at the project office during the time allowed.

§ 5.605-02 *Selection of acceptable purchasers.* If acceptable offers are received, they should be handled in accordance with the procedure for processing other types of offers. If only one offer is received for any particular tract and it is acceptable, it may be submitted immediately to the district office for approval. If more than one offer is received for a particular tract at the current market value, the purchaser shall be selected by lot, as in the case of offers from veterans.

§ 5.605-03 *Owner-operator's affidavit of eligibility.* When the district office is ready to accept an owner-operator's

offer, but before the acceptance is executed, the owner-operator shall be required to submit an affidavit that he expects to operate and cultivate the land personally to earn a livelihood rather than lease it to a tenant; that he has not theretofore under his right of priority as an owner-operator (as defined in SPA Revised Regulation 5) purchased a tract or unit of surplus real property pursuant to section 23 of the Surplus Property Act of 1944; and that in exercising his right of priority as an owner-operator, he is acting in his own right and behalf and not on behalf of, or as agent, attorney in fact, or trustee of, or in any representative or fiduciary capacity for, another. Before the affidavit is accepted from the owner-operator, he shall be informed of the substance of the provisions of section 26 of the act.

§ 5.606-01 *Obtaining offers.* In order to retain its priority rights a nonprofit institution must either express its desire to purchase a particular tract or any of the tracts in a project in a written statement or submit a formal offer on tracts in which it is interested during the 90-day priority period. However, no offer may be legally accepted from a nonprofit institution until the expiration of the period allowed for submitting offers. After all offers from owner-operators have been processed, a list of remaining salable tracts shall be prepared showing the current market value, and all offers and statements of desire to acquire property filed by nonprofit institutions shall be reviewed at this time. The project manager shall notify in writing all such nonprofit institutions and give them fifteen (15) days within which to make an offer. This notice should generally describe the tracts remaining to be sold and the conditions upon which offers will be received at the project office during the time allowed.

§ 5.607-01 *Obtaining offers and acceptance of offers.* After all offers from priority holders have been processed, a list of remaining properties shall be prepared and sales negotiated by the project manager in the manner and upon the basis determined to be to the best interest of the Government. At the discretion of the district office additional notices may be published at this time in newspapers or such other publicity given to the availability of property as may be deemed advisable. Notice should be sent to individuals who have expressed a desire to purchase or who have submitted an offer at some period. Depending upon circumstances, sales may be made on the basis of sealed bids, auctions, or private negotiations. In any event offers must be accepted on the basis of the highest obtainable bid: *Provided*, That no sale shall be made at a price which is less than 75 percent of the current market value as established by appraisal until such offer has been reviewed and approved by the War Assets Administration unless the price offered is the maximum price which may be charged the purchaser. At this time sales may be made to the general public, including any former priority holders. The offers to purchase will be processed and handled in the same manner as indicated in pre-

vious sections of this part relating to offers from priority holders.

§ 5.610-01 Authority. The disposal agency may lease or grant a permit on surplus property to place it in productive use pending disposition: *Provided*, That such lease shall be revocable at the will of such disposal agency; and may also, with the approval of the Administrator, grant irrevocable leases where such action would be in the best interest of the Government and meet the objectives of the act.

§ 5.610-015 Terms and form of lease. Land shall be leased for a period of one crop year with a clause giving the disposal agency the right of revocation at its election, using the form of "Agricultural Lease" supplied for that purpose, and with a reservation of fissionable materials as provided in § 5.601-05 hereof. Rental prices shall be substantially in accordance with the prevailing cash rental prices at the time for comparable land in the locality. All leases shall be on a cash basis, payable in advance either annually or quarterly, depending upon the circumstances and the amounts involved. Leases may be revoked at any time during the period of the lease, using the form, "Notice of Revocation," provided for that purpose. When leases are revoked, compensation will be on the basis outlined in the lease agreement.

§ 5.610-02 Decision to lease and selection of tenant. The basis of determining whether or not to lease will be of advantage to the Government not only in terms of income and increase of crop production, but also in terms of aid in preventing deterioration of the soil and improvements. Before selecting a tenant, the property to be leased should be advertised in order to insure the acceptance of the highest obtainable offer from a satisfactory tenant. The notice generally describing the property to be leased and inviting offers from parties interested should be approved by the vice president of the Federal Farm Mortgage Corporation and placed in the local newspaper which will afford the greatest publicity. Ordinarily one publication of the notice, to be contracted and paid for under the procedure established by this part, should furnish sufficient publicity and the date set in the notice should be far enough ahead to permit time for those interested to appear at the project office and submit a written offer. Preferably, leases of agricultural land should be made to farm operators with sufficient equipment, labor, and resources to cultivate properly the acreage leased. Where advantages to the Government are considered equal, preference shall be given to former owners. In the discretion of the district office, it will not be necessary to advertise a property for lease in those cases where a satisfactory tenant is already in possession of the property at a rental determined to be fair to the Government. A desirable cropping program should be worked out with the tenant and made a part of each lease and should provide reasonable assurance of proper maintenance of the soil, buildings, and other improvements.

§ 5.610-03 Preparing lease form. (a) Upon securing an acceptable offer from a desirable tenant to lease a tract of land, the district supervisor or project manager will prepare the form of Agricultural Lease showing the description of the property, terms of lease, rental arrangement, acreage and crops to be seeded, and possession date. In instances where more than one tract is involved, separate forms will be prepared on each tract. The signature of the tenant, together with his post office address, will be required on all copies of the lease. The three copies of the lease and any rental monies collected will be forwarded to the bank, together with a transmittal letter outlining the project manager's recommendations. A copy of the receipt given for any rental monies collected is to be attached to the remittance letter in accordance with the procedure provided for in § 5.901-02 of this part. The property record card in the project office will be tabbed to show "lease pending" and any necessary follow-up established.

(b) Upon receipt in the district supervisor's office, the district supervisor will make a recommendation to the vice president of the Corporation. If the vice president approves, he will execute all three copies of the lease form. Then the original will be filed in the property folder, the second copy forwarded to the tenant, and the third copy mailed to the project office. The property record card in the district supervisor's office will be posted to show the name and address of the tenant, rental terms, possession date, expiration date, and amounts and dates of any future payments.

(c) Upon the receipt of the executed copy of the lease in the project office, the property record card will be posted, showing the name and address of the tenant, the rental terms, possession date, expiration date, amounts, and dates of future payments, if any, and the property record card will be tabbed to show "leased" and to provide follow-up for billing purposes. A copy of the lease will be filed in the related property folder.

§ 5.610-04 Revocation of lease. Where it is decided to revoke a lease, the form of Notice of Revocation will be prepared by the project manager or district supervisor of surplus property disposal, in three copies accompanied by a detailed statement of the facts supporting his recommendation. Upon approval by the district office, the vice president of the Corporation will execute three copies. Thereupon the necessary information will be posted upon the property record card, the original filed in the property folder, the second copy mailed to the tenant with necessary instructions, and the third copy mailed to the project office for posting purposes and filing in the related property folder, if the project office is still in operation.

§ 5.610-05 Sales subject to leases. As a general policy, in cases where sales are made to priority holders subject to leases on which advance rentals are paid to the Government covering a period after the date when the purchaser becomes entitled to a deed, the purchase price should reflect an allowance of a

pro rata share of the rentals computed from that date. For this purpose, a purchaser should be considered entitled to deed on the date he completes his payment of the purchase price or date of acceptance of the offer, whichever is later. The allowance for such rentals may be effected in establishing the purchase price. This policy does not necessarily apply to sales to nonpriority holders, where matters such as rentals are ordinarily taken into account by prospective purchasers and the disposal agency in making and considering offers. In practice, it may be advisable for offers taken from priority holders in cases of the type concerned here to provide that the stated dollar amount shall be reduced by an amount determined by application of the formula for prorating the rentals.

§ 5.702-01 Disposal of personality. Where equipment and supplies are assigned for disposition in conjunction with real property, they may be disposed of with the real property, and any discount applicable to the real property shall apply also to the equipment and supplies. The disposal agency shall hold the real property and personality intact until such time as the disposal agency determines that the retention of the personality will not facilitate the disposition of the real property; *Provided*, That in no event shall the personal property be separated from the real property until such time as such property has been offered for disposition intact and the period for the submission of bids has expired. Upon such determination by the disposal agency, the declaration covering the personal property shall be forwarded to the agency designated in SPA Regulation 1 to dispose of such personality, with notice to the Administrator, and the real property may be re-advertised for disposition without the personality.

§ 5.703-01 Water rights. (a) Water rights in connection with real property subject to irrigation shall ordinarily be disposed of with the real property to which they relate, whether such rights are evidenced by stock certificates in irrigation projects or otherwise, and shall be disposed of subject to the provisions of this part.

(b) In order to meet the objectives of the act to discourage disposals for speculative purposes, it shall be the policy of the Administrator to dispose of such rights to the owners of the real property who may be entitled to the benefits thereof, rather than to persons who are not owners, and in quantities proportionate to the amount of property owned by such persons.

(c) Former owners shall be entitled to a priority for any such rights acquired from them in connection with real property which they sold to the Government where such former owners are entitled to and claim priority as to such property.

(d) Except as to former owners who are governed by the provisions of § 5.503-03 as to price, the price to be charged for such water rights shall be the fair value thereof.

§ 5.704-01 *General principles governing disposal of minerals.* This disposal agency is authorized to dispose of mineral interests in land assigned to it for disposal, unless such mineral interests are explicitly assigned to another disposal agency. Fee-owned mineral interests assigned to this disposal agency for disposition shall be disposed of as real property, subject to the provisions of this part.

§ 5.704-02 *Priorities.* Fee-owned mineral interests acquired by the Government separately from the land are subject to the following priorities in the order stated:

- (a) Government agencies;
- (b) State and local governments;
- (c) Former owners—if interests were acquired by the Government after December 31, 1939; and
- (d) Nonprofit institutions.

§ 5.704-03 *Leasehold mineral interests.* Former owners of leasehold mineral interests acquired by the Government are not entitled to priority rights as such former owners. The cost to the Government of acquiring leasehold interests shall not be included in computing the acquisition price of real property for the purpose of setting a priority price to a former owner of the real property. However, in the appraisal of the real property, any enhancement of value resulting from freeing the property—whether consisting of surface rights, fee-owned mineral interests, or both—from a mineral lease will be reflected in the appraisal. Furthermore, in establishing the adjusted acquisition price of the real property to a former owner, any such enhancement of value may properly be considered the result of action by the United States in purchasing and extinguishing the mineral lease.

§ 5.704-04 *Disposal of mineral interests separate from the land.* Where leasehold mineral interests acquired by the Government separately from the land are not purchased by priority holders, the disposal agency may exercise its discretion as to whether to sell such interests separately or with the land.

(Surplus Property Act of 1944, 58 Stat. 765, 50 U.S.C. App. Supp. 1611; SPA Reg. 1; SPA Rev. Reg. 5; Order of the Secretary of Agriculture, 10 F.R. 4647)

The foregoing amendments have been approved by the Secretary of Agriculture.

[SEAL]

A. T. ESGATE,
Acting Governor.

[F. R. Doc. 46-12271; Filed, July 17, 1946; 3:30 p. m.]

Chapter II—Production and Marketing Administration (Commodity Credit)

CONTINUANCE OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuance of the transfer of the functions of the Commodity Credit Corporation to the Secretary of Agriculture (Executive Orders 9069, 9334, 9577), see section 501 (b) of Reorganization Plan No. 3 of 1946, *supra*.

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

PART 4—OIL AND GAS LEASES

TRANSFER OF CERTAIN FUNCTIONS TO SECRETARY OF INTERIOR

CROSS REFERENCE: For transfer to the Secretary of the Interior of functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands, see section 402 of Reorganization Plan No. 3 of 1946, *supra*.

Chapter IV—Production and Marketing Administration (Crop Insurance)

CONTINUANCE OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuance of the transfer of the functions of the Federal Crop Insurance Corporation to the Secretary of Agriculture (Executive Orders 9069, 9334, 9577), see section 501 (b) of Reorganization Plan No. 3 of 1946, *supra*.

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

CONTINUANCE OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuance of the transfer of the functions of the Agricultural Adjustment Administration to the Secretary of Agriculture (Executive Orders 9069, 9334, 9577), see section 501 (a) of Reorganization Plan No. 3 of 1946, *supra*.

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

CONTINUANCE OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuance of the transfer of the functions of the Surplus Marketing Administration to the Secretary of Agriculture (Executive Orders 9069, 9334, 9577), see section 501 (a) of Reorganization Plan No. 3 of 1946, *supra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 370]

PART 292—EXEMPTIONS AND CLASSIFICATIONS

ALASKAN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of July, 1946. (Amendment No. 6 of § 292.2 of the Economic Regulations.)

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 416 thereof, and finding that special circumstances make it necessary and desirable to make this regulation effective as promptly as possible, hereby makes and promulgates the following regulation:

Effective immediately, paragraphs (a) and (d) of § 292.2 of the Economic Regulations, as amended, are hereby amended as follows:

Paragraph (a) of § 292.2 of the Economic Regulations is amended in its entirety to read as follows:

(a) *Classification of air carriers.* There is hereby established, within the meaning of section 416 (a) of the Civil Aeronautics Act of 1938, a classification of air carriers which, except as otherwise authorized in paragraph (d) of this section, engage solely in air transportation within the Territory of Alaska, said classification to be designated as "Alaskan Air Carriers".

Paragraph (d) of § 292.2 of the Economic Regulations is amended by inserting in the second sentence thereof, immediately following the word "point" and before the word "provided" the first time it appears in such sentence, the words "within or outside of the Territory of Alaska".

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a); sec. 416, 52 Stat. 1005; 49 U.S.C. 496)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 46-12366; Filed, July 19, 1946; 12:00 p. m.]

TITLE 15—COMMERCE

Chapter II—National Bureau of Standards, Department of Commerce

TRANSFER OF CERTAIN FUNCTIONS TO SECRETARY OF COMMERCE

CROSS REFERENCE: For transfer to the Secretary of Commerce of certain functions of the National Bureau of Standards under section 2 of the Act of March 3, 1901 (31 Stat. 1449), see section 601 of Reorganization Plan No. 3 of 1946, *supra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-396]

PART 167—CONSTRUCTION EQUIPMENT DISTRIBUTING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1946.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of July 20, 1946.

Statement by the Commission. Trade practice rules for the Construction of Equipment Distributing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry is composed of distributors of machinery and equipment used in construction work, including parts and accessories. Distribution is made by members of the industry to users generally, such as contractors, government agencies, construction and maintenance departments of States, counties and municipalities, and other users, under sales, rental, or lease agreements (which may or may not include servicing or repairing). Included in such machinery and equipment are power shovels, pile drivers, loaders, bulldozers, crushers, graders, rollers, concrete mixers, compressors, cranes, earth-moving equipment, pumps, hoists, and many other different units or items. These are used extensively in the building of roads, streets, sewers, pipelines, reservoirs, dams, buildings, concrete structures, and in grading, paving, excavating, and other types of construction, engineering, or industrial works; also, in maintenance, repair, and demolition work. Annual volume of business of industry members is estimated at \$600,000,000.

The rules are directed to the prevention of unfair trade practices and the maintenance of fair competitive conditions in the interest of the public and in harmony with the requirements of law.

Application for establishment of the trade practice rules was filed by representatives of the industry. In the course of the proceedings a trade practice conference of the entire industry was held by the Commission in Chicago, Illinois. Subsequently, public notice of hearing was issued together with draft of the proposed rules and all interested or affected parties were afforded opportunity to present their views, suggestions, or objections, if any, respecting the rules and to be heard in the premises. Public hearing was accordingly held in Washington, D. C., and all matters presented at the hearing or otherwise submitted pursuant to the notice were duly considered.

Thereafter, and upon full consideration of the entire proceeding, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing in Group I and Group II as hereinbelow set forth.

Such rules become operative 30 days from date of promulgation. However, this shall not be construed as sanctioning the use meanwhile of any unfair method of competition or other act or practice which is contrary to law.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or con-

trols price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Definition of terms. (1) The term "distributor" as used herein includes any firm, corporation, partnership, or individual engaged in:

(a) Selling, distributing, or renting construction machinery to the ultimate user, or

(b) Operating as a commission broker, manufacturer's representative or selling agent in connection with the sale, distribution, or rental of construction machinery to the ultimate user, or

(c) Servicing, repairing, or reconditioning construction machinery in connection with the sale, distribution, or rental thereof to the ultimate user.

(2) The term "construction machinery" as used herein includes any and all new or used machinery, equipment, and parts or accessories therefor, which are designed for use in connection with "construction work" as defined below, or which are designed for use both in connection with "construction work" and other work, such as logging and mining.

(3) The term "construction work" as used herein shall comprehend any and all types of construction, including, by way of example, but not limited to, the building, maintenance, repair, or demolition of structures, buildings, industrial works, pipelines, transmission lines, reservoirs, dams, harbor installations, roads, streets, sewers, airfields, canals, grades, and excavations.

Group I. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

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| Sec. | |
| 167.1 | Combination or coercion to fix prices, suppress competition, or restrain trade. |
| 167.2 | Misrepresentation of construction machinery or equipment. |
| 167.3 | False invoicing. |
| 167.4 | Misrepresentation as to character of business. |
| 167.5 | Deception as to rebuilt or second-hand construction machinery. |
| 167.6 | Inducing breach of contract. |
| 167.7 | Defamation of competitors or disparagement of their construction machinery. |
| 167.8 | Commercial bribery. |
| 167.9 | Enticing away employees of competitors. |
| 167.10 | Prohibited discriminations. |
| 167.11 | Selling below cost. |
| 167.12 | Persuading distributors to refrain from submitting independent bids and price quotations to buyers. |
| 167.13 | Coercing adherence to published rental rates or trade-in values. |

AUTHORITY: §§ 167.1 to 167.13, inclusive, issued under the authority contained in 38 Stat. 717, as amended, and pursuant to other provisions of law administered by the Commission.

§ 167.1 Combination or coercion to fix prices, suppress competition, or restrain trade. It is an unfair trade practice for a distributor or any other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any distributor or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade, or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more distributors, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 1]

§ 167.2 Misrepresentation of construction machinery or equipment. It is an unfair trade practice for any distributor to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation concerning the size, style, strength, capacity, performance, character, durability, material, origin, construction, manufacture, or distribution of any construction machinery, or any other statement or representation concerning construction machinery which is false, misleading, or deceptive in any material respect. [Rule 2]

§ 167.3 False invoicing. It is an unfair trade practice for any distributor to withhold from or insert in an invoice any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction represented on the face of such invoice, with the effect of thereby misleading or deceiving purchasers or prospective purchasers. [Rule 3]

§ 167.4 Misrepresentation as to character of business. It is an unfair trade practice for any distributor to misrepresent the character, extent, or type of his or its business, or the extent or character of his or its facilities, equipment, or credit rating. [Rule 4]

§ 167.5 Deception as to rebuilt or secondhand construction machinery. In the marketing of rebuilt or second hand construction machinery, it is an unfair trade practice for any distributor to fail or refuse to make full and non-deceptive disclosure of the fact that such machinery is not new but is used, rebuilt, or secondhand, as the case may be, such failure or refusal to disclose having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 5]

§ 167.6 Inducing breach of contract. It is an unfair trade practice for any distributor to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers, or their suppliers, by any false or deceptive means whatsoever, or to interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business. [Rule 6]

§ 167.7 *Defamation of competitors or disparagement of their construction machinery.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' construction machinery in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 7]

§ 167.8 *Commercial bribery.* It is an unfair trade practice for any distributor, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers, or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase construction machinery sold by such distributor or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors. [Rule 8]

§ 167.9 *Enticing away employees of competitors.* It is an unfair trade practice for any distributor to wilfully entice away the employees of competitors with the intent and effect of unduly hampering, injuring, or prejudicing competitors in their business: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment. [Rule 9]

§ 167.10 *Prohibited discriminations.* (a) It is an unfair trade practice for any distributor engaged in interstate commerce,¹ in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, rental allowance, or other form of price differential, where such rebate, refund, discount, credit, rental allowance or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in interstate commerce,² and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of interstate commerce,³ or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with

customers of either of them; *Provided*, That nothing herein contained shall be construed to prohibit any action which is permitted by the Robinson-Patman Antidiscrimination Act,⁴ as amended, and not otherwise unlawful.

(b) It is an unfair trade practice for any distributor engaged in interstate commerce,¹ in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.² [Rule 10]

§ 167.11 *Selling below cost.* The practice of selling construction machinery below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition. [Rule 11]

§ 167.12 *Persuading distributors to refrain from submitting independent bids and price quotations to buyers.* It is an unfair trade practice for any distributor to establish or maintain any policy or practice or commit any act for the purpose or with the effect of restraining, persuading, or otherwise causing any other distributor to refrain from submitting to any buyer, price quotations, terms, and conditions of sale, independently arrived at or determined: *Provided*, however, That nothing contained in this section shall be construed as prohibiting any manufacturer of construction machinery from including in any of its or his sales contracts with any distributor of such machinery a provision for the marketing of the machinery of such manufacturer exclusively through such distributor within any particular territory specified in such sales contracts, insofar as such sales contracts are not in restraint of trade or otherwise in violation of law.

NOTE: In substance this section and proviso have been taken from a portion of the Federal Trade Commission's modified cease and desist order in Docket No. 5026 against Associated Equipment Distributors and certain of its members.

[Rule 12]

§ 167.13 *Coercing adherence to published rental rates or trade-in values.* It is an unfair trade practice for any distributor to persuade, influence, or otherwise cause distributors to adhere to such rental rates or trade-in values as are compiled, collated, and published, from time to time, by the industry, irrespective of whether such rates or values are based on past transactions in the in-

¹It is also an unfair trade practice for a distributor to engage in any other discriminatory act or practice prohibited by the Robinson-Patman Antidiscrimination Act to the extent that the Act may be applicable to such distributor.

dustry or other data or information. Such rental rates and trade-in values may only be used for informational purposes, subject to the prohibitions contained in this part.

Group II. Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

RULE A. *Standardization of basis for capacity rating.* In order to assist in preventing misunderstanding and deception of purchasers or prospective purchasers, distributors of construction machinery approve of the practice of encouraging manufacturers to standardize the factors upon which the rating of capacity of their construction machinery is based.

NOTE: This rule does not authorize the standardization of capacity or size, but is directed toward encouraging the use of a standard basis on which to compute rating of capacity solely for the purpose and effect of preventing misrepresentation and deception, and of fully informing the purchaser as to capacity of construction machinery.

Promulgated and issued by the Federal Trade Commission July 20, 1946.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-12351; Filed, July 19, 1946;
11:00 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

CONTINUANCE OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuance of the transfer of functions of the Bureau of Marine Inspection and Navigation, Department of Commerce, transferred to the Bureau of Customs by Executive Order 9083, see section 102 of Reorganization Plan No. 3 of 1946, *supra*.

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—United States Employees' Compensation Commission

ABOLISHMENT OF COMMISSION; TRANSFER OF FUNCTIONS TO FEDERAL SECURITY AGENCY

CROSS REFERENCE: For abolishment of the United States Employees' Compensation Commission and for transfer of its functions to the Federal Security Agency, see section 3 of Reorganization Plan No. 2 of 1946, *supra*.

¹As here used, the phrase "interstate commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States." (With respect to the Philippine Islands, the foregoing is subject to such statutory limitations as relate thereto.)

Subchapter A—U. S. Employees' Compensation Act
[Administrative Order 9]

PART 25—COMPENSATION FOR DISABILITY
AND DEATH OF NON-CITIZENS OUTSIDE
THE UNITED STATES

SUBPART A—PHILIPPINE ISLANDS

By virtue of the authority vested in the United States Employees' Compensation Commission by the Employees' Compensation Act of September 7, 1916, as amended (sec. 42, 56 Stat. 725; 5 U.S.C. Sup. 793), the following special schedule of compensation is hereby established and promulgated, which shall apply in respect to cases of disability and death arising from injuries in employments in the Philippine Islands within the purview of such act or any extension thereof, where the compensation is payable (a) to an employee who is neither a citizen nor a resident of the United States, any territory, or Canada, or (b) to any dependent of such employee. The Commission finds that the amount of compensation payable under such act is substantially disproportionate to compensation for disability or death which may be payable in similar cases under local law in the Philippine Islands. Such special schedule and the conditions for its application are as follows:

Sec.

- 25.1 Compensation for disability.
25.2 Compensation for death.
25.3 General provisions.

AUTHORITY: §§ 25.1 to 25.3, inclusive, issued under Employees' Compensation Act of Sept. 7, 1916, as amended (sec. 42, 56 Stat. 725; 5 U.S.C. Sup. 793).

§ 25.1 *Compensation for disability.* Compensation for disability shall be paid to the employee as follows:

(a) *Permanent total disability.* In case of disability, total in character and permanent in quality, 66⅔ per centum of the monthly pay during the continuance of such disability.

(b) *Temporary total disability.* In case of disability, total in character and temporary in quality, 66⅔ per centum of the monthly pay during the continuance of such disability.

(c) *Permanent partial disability.* In case of disability, partial in character and permanent in quality, 66⅔ per centum of the monthly pay, for the following losses and periods:

- (1) Arm lost, 280 weeks' compensation.
- (2) Leg lost, 248 weeks' compensation.
- (3) Hand lost, 212 weeks' compensation.
- (4) Foot lost, 173 weeks' compensation.
- (5) Eye lost, 140 weeks' compensation.
- (6) Thumb lost, 51 weeks' compensation.
- (7) First finger lost, 28 weeks' compensation.
- (8) Great toe lost, 26 weeks' compensation.
- (9) Second finger lost, 18 weeks' compensation.
- (10) Third finger lost, 17 weeks' compensation.
- (11) Toe, other than great toe, lost, 8 weeks' compensation.

(12) Fourth finger lost, 7 weeks' compensation.

(13) Loss of hearing: One ear, 52 weeks' compensation; both ears, 200 weeks' compensation.

(14) *Phalanges:* Compensation for loss of more than one phalanx of a digit shall be the same as for the loss of the entire digit. Compensation for loss of the first phalanx shall be one-half of the compensation for the loss of the entire digit.

(15) *Amputated arm or leg:* Compensation for an arm or a leg, if amputated at or above the elbow or the knee, shall be the same as for the loss of the arm or leg; but, if amputated between the elbow and the wrist, or between the knee and the ankle, the compensation shall be the same as for the loss of the hand or the foot.

(16) *Binocular vision or per centum of vision:* Compensation for loss of binocular vision, or for 80 per centum or more of the vision of an eye shall be the same as for loss of the eye.

(17) *Two or more digits:* Compensation for loss of two or more digits, one or more phalanges of two or more digits, of a hand or foot may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for the loss of a hand or a foot.

(18) *Total loss of use:* Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(19) *Partial loss or partial loss of use:* Compensation for permanent partial loss or loss of use of a member may be for proportionate loss of use of the member.

(20) *Consecutive awards:* In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member, set forth in subparagraphs (1) to (19), inclusive, of this paragraph but not amounting to permanent total disability, the award of compensation shall be for the loss or loss of use of each such member or part thereof, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, subparagraph (17) of this paragraph shall apply.

(21) *Other cases:* In all other cases within this class of disability the compensation during the continuance of disability shall be that proportion of compensation for permanent total disability, as determined under paragraph (a) of this section, which is equal in percentage to the degree or percentage of physical impairment caused by the disability.

(22) *Compensation under subparagraph (1) to (21), inclusive, of this paragraph for permanent partial disability, shall be in addition to any compensation for temporary total or temporary partial disability under this section, and awards for temporary total, temporary partial, and permanent partial disability shall run consecutively.*

(d) *Temporary partial disability.* In case of disability, partial in character and temporary in quality, during the continuance of disability that proportion of compensation for temporary total dis-

ability, as determined under paragraph (b) of this section, which is equal in percentage to the degree or percentage of physical impairment caused by the disability.

§ 25.2 *Compensation for death.* If the disability causes death the compensation shall be payable in the amount, and to or for the benefit of the persons, determined as follows:

(a) To the undertaker or person entitled to reimbursement, reasonable funeral expenses not exceeding \$200.

(b) To the widow, if there is no child, 35 per centum of the monthly pay until her death or remarriage.

(c) To the widower, if there is no child and if wholly dependent for support upon the deceased employee at the time of her death, 35 per centum of the monthly pay until his death or remarriage.

(d) To the widow or widower, if there is a child, the compensation payable under paragraph (b) or (c) of this section, and in addition thereto 10 per centum of the monthly wage for each child, not to exceed a total of 66⅔ per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation of any child shall cease when he dies, marries, or reaches the age of 18 years, or if over such age, and incapable of self-support, becomes capable of self-support.

(e) To the children, if there is no widow or widower, 25 per centum of such monthly pay for one child and 10 per centum thereof for each additional child, not to exceed a total of 66⅔ per centum thereof, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of 18, or if over such age and incapable of self-support becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Commission in its discretion shall determine.

(f) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, 25 per centum of such monthly pay; if both are wholly dependent, 20 per centum thereof to each; if one is or both are partly dependent, a proportionate amount in the discretion of the Commission. The compensation to a parent or parents in the percentages specified shall be paid if there is no widow, widower, or child, but if there is a widow, widower, or child, there shall be paid so much of such percentages for a parent or parents, as, when added to the total of the percentages of the widow, widower, and children, will not exceed a total of 66⅔ per centum of such pay.

(g) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, 20 per centum of such pay to such

dependent; if more than one are wholly dependent, 30 per centum of such pay, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more are partly dependent, 10 per centum of such pay divided among such dependents share and share alike. The compensation to such beneficiaries shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total of the percentages payable to the widow, widower, children, and dependent parents, will not exceed a total of 66⅔ per centum of such pay.

(h) The compensation of each beneficiary under paragraphs (f) and (g) of this section shall be paid until he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of 18 years, or, if over such age and incapable of self-support becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Commission in its discretion shall determine.

(i) Upon the cessation of any person's compensation for death under this subpart, the compensation of any remaining person entitled to the continuation of compensation in the same case shall be adjusted, so that the continuing compensation shall be at the same rate such person would have received, had no award been made to the person whose compensation was terminated.

(j) In case there are two or more classes of persons entitled to compensation for death under this subpart, and the apportionment of such compensation as above provided would result in injustice, the Commission may in its discretion modify the apportionments to meet the requirements of the case.

§ 25.3 *General provisions.* (a) The definitions of terms in the Employees' Compensation Act of September 7, 1916, as amended, shall apply to terms used in this subpart.

(b) The provisions of such act unless modified by this subpart, or unless otherwise inapplicable, shall be applied whenever possible in the application of this subpart.

(c) The provisions of the regulations of the Commission for the administration of such act of September 7, 1916, as amended (Code of Federal Regulations, Title 20, Chapter I, Subchapter A), as supplemented from time to time by instructions applicable to this subpart, shall apply in the administration of compensation under this subpart, whenever they can reasonably be applied.

(d) The total aggregate compensation payable in any case, for injury or death or both, shall not exceed the sum of \$4000, exclusive of medical costs. The maximum monthly rate of compensation in any case shall not exceed the sum of \$50.

(e) This subpart shall be effective as of December 8, 1941, in the Philippine Islands, and shall be applied retrospectively in cases of injury (or death from injury) occurring on and after such date. Compensation in all cases pending as of the date of approval of this subpart shall be readjusted accordingly, with credit taken in the amount of compensation paid prior to the date of approval hereof. Refund of compensation shall not be required if the amount of compensation paid in any case, otherwise than through fraud, misrepresentation or mistake, and prior to the approval of this subpart, exceeds the amount provided for under this subpart; and such case shall be deemed compromised and paid under section 42 of such act of September 7, 1916, as amended.

Order approved by the Commission
July 9, 1946.

WILLIAM MCCAULEY,
Secretary.

[F. R. Doc. 46-12300; Filed, July 17, 1946;
11:18 a. m.]

[Administrative Order 10]

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

SUBPART B—AUSTRALIA

By virtue of the authority vested in the United States Employees' Compensation Commission by the Employees' Compensation Act of September 7, 1916, as amended (sec. 42, 56 Stat. 725; 5 U.S.C. Sup. 793), the following special schedule of compensation is hereby established and promulgated, which shall apply in respect to cases of disability and death arising from injuries in employments in Australia within the purview of such act or any extension thereof, where the compensation is payable (a) to an employee who is neither a citizen nor a resident of the United States, any territory, or Canada, or (b) to any dependent of such employee. The Commission finds that the amount of compensation payable under such act is substantially disproportionate to compensation for disability or death which may be payable in similar cases under local law in Australia. Such special schedule and the conditions for its application are as follows:

- Sec.
25.11 Compensation for disability.
25.12 Compensation for death.
25.13 General provisions.

AUTHORITY: §§ 25.5 to 25.7, inclusive, issued under Employees' Compensation Act of Sept. 7, 1946, as amended (Sec. 42, 56 Stat. 725; 5 U.S.C. Sup. 793).

§ 25.11 *Compensation for disability.* Compensation for disability shall be paid to the employee as follows:

(a) *Permanent total disability.* In case of disability, total in character and permanent in quality, 66⅔ per centum of the monthly pay during the continuance of such disability.

(b) *Temporary total disability.* In case of disability, total in character and temporary in quality, 66⅔ per centum

of the monthly pay during the continuance of such disability.

(c) *Permanent partial disability.* In case of disability, partial in character and permanent in quality, 66⅔ per centum of the monthly pay, for the following losses and periods:

- (1) Arm lost, 280 weeks' compensation.
- (2) Leg lost, 248 weeks' compensation.
- (3) Hand lost, 212 weeks' compensation.
- (4) Foot lost, 173 weeks' compensation.
- (5) Eye lost, 140 weeks' compensation.
- (6) Thumb lost, 51 weeks' compensation.
- (7) First finger lost, 28 weeks' compensation.
- (8) Great toe lost, 26 weeks' compensation.
- (9) Second finger lost, 18 weeks' compensation.
- (10) Third finger lost, 17 weeks' compensation.
- (11) Toe, other than great toe, lost 8 weeks' compensation.
- (12) Fourth finger lost, 7 weeks' compensation.

(13) Loss of hearing: One ear, 52 weeks' compensation; both ears, 200 weeks' compensation.

(14) Phalanges: Compensation for loss of more than one phalanx of a digit shall be the same as for the loss of the entire digit. Compensation for loss of the first phalanx shall be one-half of the compensation for the loss of the entire digit.

(15) Amputated arm or leg: Compensation for an arm or a leg, if amputated at or above the elbow or knee, shall be the same as for the loss of the arm or leg; but, if amputated between the elbow and the wrist, or between the knee and the ankle, the compensation shall be the same as for the loss of the hand or the foot.

(16) Binocular vision or per centum of vision: Compensation for loss of binocular vision, or for 80 per centum or more of the vision of an eye shall be the same as for loss of the eye.

(17) Two or more digits: Compensation for loss of two or more digits, one or more phalanges of two or more digits, of a hand or foot may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for the loss of a hand or a foot.

(18) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(19) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss of use of the member.

(20) Consecutive awards: In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member, set forth in subparagraphs (1) to (19), inclusive, of this paragraph, but not amounting to permanent total disability, the award of compensation shall be for the loss or loss of use of each such member or part thereof, which awards shall run consecutively, except that where the injury

affects only two or more digits of the same hand or foot, subparagraph (17) of this paragraph shall apply.

(21) Other cases: In all other cases within this class of disability the compensation during the continuance of disability shall be that proportion of compensation for permanent total disability, as determined under paragraph (a) of this section, which is equal in percentage to the degree or percentage of physical impairment caused by the disability.

(22) Compensation under subparagraphs (1) to (21), inclusive, of this paragraph for permanent partial disability, shall be in addition to any compensation for temporary total or temporary partial disability under this section, and awards for temporary total, temporary partial, and permanent partial disability shall run consecutively.

(d) *Temporary partial disability.* In case of disability, partial in character and temporary in quality, during the continuance of disability that proportion of compensation for temporary total disability, as determined under paragraph (b) of this section, which is equal in percentage to the degree or percentage of physical impairment caused by the disability.

§ 325.12 *Compensation for death.* If the disability causes death for compensation shall be payable in the amount, and to or for the benefit of the persons, determined as follows:

(a) To the undertaker or person entitled to reimbursement, reasonable funeral expenses not exceeding \$200.

(b) To the widow, if there is no child, 35 per centum of the monthly pay until her death or remarriage.

(c) To the widower, if there is no child and if wholly dependent for support upon the deceased employee at the time of her death, 35 per centum of the monthly pay until his death or remarriage.

(d) To the widow or widower, if there is a child, the compensation payable under paragraphs (b) or (c) of this section, and in addition thereto 10 per centum of the monthly wage for each child, not to exceed a total of 66⅔ per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation of any child shall cease when he dies, marries, or reaches the age of 18 years, or if over such age, and incapable of self-support, becomes capable of self-support.

(e) To the children, if there is no widow or widower, 25 per centum of such monthly pay for one child and 10 per centum thereof for each additional child, not to exceed a total of 66⅔ per centum thereof, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of 18, or if over such age and incapable of self-support becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian, if there is one, otherwise to the person having

the custody or care of such child, for such child, as the Commission in its discretion shall determine.

(f) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, 25 per centum of such monthly pay; if both are wholly dependent, 20 per centum thereof to each; if one is or both are partly dependent, a proportionate amount in the discretion of the Commission. The compensation to a parent or parents in the percentages specified shall be paid if there is no widow, widower, or child, but if there is a widow, widower, or child, there shall be paid so much of such percentages for a parent or parents, as, when added to the total of the percentages of the widow, widower, and children, will not exceed a total of 66⅔ per centum of such pay.

(g) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, 20 per centum of such pay to such dependent; if more than one are wholly dependent, 30 per centum of such pay, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more are partly dependent, 10 per centum of such pay divided among such dependents share and share alike. The compensation to such beneficiaries shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total of the percentages payable to the widow, widower, children, and dependent parents, will not exceed a total of 66⅔ per centum of such pay.

(h) The compensation of each beneficiary under paragraphs (f) and (g) of this section shall be paid until he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of 18 years, or, if over such age and incapable of self-support becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Commission in its discretion shall determine.

(i) Upon the cessation of any person's compensation for death under this subpart, the compensation of any remaining person entitled to the continuation of compensation in the same case shall be adjusted, so that the continuing compensation shall be at the same rate such person would have received, had no award been made to the person whose compensation was terminated.

(j) In case there are two or more classes of persons entitled to compensation for death under this subpart, and the apportionment of such compensation as above provided would result in injustice, the Commission may in its discretion modify the apportionments to meet the requirements of the case.

§ 25.13 *General provisions.* (a) The definitions of terms in the Employees' Compensation Act of September 7, 1916, as amended, shall apply to terms used in this subpart.

(b) The provisions of such act unless modified by this subpart, or unless otherwise inapplicable, shall be applied whenever possible in the application of this subpart.

(c) The provisions of the regulations of the Commission for the administration of such act of September 7, 1916, as amended (Code of Federal Regulations, Title 20, Chapter I, Subchapter A), as supplemented from time to time by instructions applicable to this subpart, shall apply in the administration of compensation under this subpart, whenever they can reasonably be applied.

(d) The total aggregate compensation payable in any case, for injury or death or both, shall not exceed the sum of \$4000, exclusive of medical costs. The maximum monthly rate of compensation in any case shall not exceed the sum of \$50.

(e) This subpart shall be effective as of December 8, 1941, in Australia, and shall be applied retrospectively in cases of injury (or death from injury) occurring on and after such date. Compensation in all cases pending as of the date of approval of this subpart shall be re-adjusted accordingly, with credit taken in the amount of compensation paid prior to the date of approval hereof. Refund of compensation shall not be required if the amount of compensation paid in any case, otherwise than through fraud, misrepresentation or mistake, and prior to the approval of this subpart, exceeds the amount provided for under this subpart; and such case shall be deemed compromised and paid under section 42 of such act of September 7, 1916, as amended.

Order approved by the Commission July 15, 1946.

WILLIAM McCauley,
Secretary.

[F. R. Doc. 46-12301; Filed, July 18, 1946; 11:26 a. m.]

Chapter III—Social Security Board, Federal Security Agency

ABOLISHMENT OF BOARD; TRANSFER OF FUNCTIONS TO FEDERAL SECURITY AD- MINISTRATOR

CROSS REFERENCE: For abolishment of the Social Security Board and for the transfer of its functions to the Federal Security Administrator, see section 4 of Reorganization Plan No. 2 of 1946, *supra*.

TITLE 29—LABOR

Chapter IV—Children's Bureau, Department of Labor

TRANSFER OF FUNCTIONS UNDER FAIR LABOR STANDARDS ACT

CROSS REFERENCE: For transfer to the Secretary of Labor of the functions of the Children's Bureau and of the Chief

of the Children's Bureau under the Fair Labor Standards Act of 1938 (52 Stat. 1060), as amended, see section 1 (b) of Reorganization Plan No. 2 of 1946, *supra*.

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter C—Explosives (Including Sheathed Explosives) and Blasting Devices; Tests for Permissibility and Suitability; Fees

[Schedule 1F]

PART 15—EXPLOSIVES (INCLUDING SHEATHED EXPLOSIVES) AND BLASTING DEVICES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by the act of February 25, 1913 (37 Stat. 681), as amended by the act of June 30, 1932 (47 Stat. 410), and Executive Order No. 6611 of February 22, 1934 (30 U.S.C. sec. 7), § 15.9 of the regulations heretofore promulgated (10 F.R. 1476) is amended as follows:

1. Paragraph (b) (2) is amended by the addition of the following footnote, indicated by an asterisk:

*Pending the development of a satisfactory multiple-shot permissible blasting unit, a blasting unit of Type II, Class A, covered by Federal Specification WB 411, December 31, 1941 (with or without Amendment 2, June 16, 1945), may be used until December 31, 1947. Should a satisfactory multiple-shot permissible unit be made available prior to that date, this interim approval may be terminated.

2. Paragraph (b) (5), Footnote No. 1, is amended to read as follows:

The use of charges over 1½ pounds and not exceeding 3 pounds is approved pending further investigation. The approval, which may be withdrawn at any time, expires December 31, 1947, unless renewed. For charges over 1½ pounds, the following additional requirements must be observed:

(1) Shot holes must be 6 feet or greater in length.

(2) Explosives must be charged in a continuous train with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the end cartridges touching the rear of the hole and the stemming, respectively.

(3) The permissible explosive must be one showing toxic gas emission that will place it in either Class A or Class B.

3. Paragraph (c) (4) is amended by the addition of the following footnote, indicated by an asterisk:

See footnote indicated by () following subparagraph (b) (2).

R. R. SAYERS,
Director.

Approved June 24, 1946.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 46-12347; Filed, July 19, 1946; 10:15 a. m.]

Chapter VI—Solid Fuels Administration for War

[SFAW Rev. Reg. 31]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTIONS ON EXPORT OF SOLID FUEL

The fulfillment of requirements for the defense and to meet emergency and reconversion needs of the United States will result in a shortage of the supply of solid fuels for defense, for private account and for export; and it is deemed necessary and appropriate in the public interest and to promote the national defense to amend and revise SFAW Regulation No. 31, pursuant to the provisions of Executive Order No. 9332, as follows:

Sec.	Definitions.
602.850	Restrictions on shipments for export.
602.851	Procedure for obtaining SFAW approval.
602.852	Exemptions from §§ 602.850 to 602.859, inclusive.
602.853	Records to be maintained.
602.854	Damages for breach of contract.
602.855	Violations.
602.856	Official interpretation.
602.857	Applications for modifications or exceptions.
602.858	Regulation revoked.

AUTHORITY: §§ 602.850 to 602.859, inclusive, issued under 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.

§ 602.850 *Definitions.* (a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(b) "Solid fuel" means any form of bituminous, subbituminous, or lignitic coal; anthracite and semi-anthracite; processed fuel, briquettes and packaged fuel; and coke.

(c) "Shipment for export overseas" means movement from any mine or facility to any port or other place for transshipment via tidewater from any port or other place in the continental United States to any port or other place outside of the continental United States, but does not include movements to Canadian destinations via the Great Lakes, by car ferry routes or by rail. It does include movements via tidewater from ports in the United States to ports in Cuba, Mexico, Alaska, the Canal Zone, the Virgin Islands, Puerto Rico, and car ferry movements to Cuba.

§ 602.851 *Restrictions on shipments for export.* Except as indicated in § 602.853 no person shall ship, or make available for shipment, for export overseas any solid fuel in cargo unless the Solid Fuels Administration for War:

(a) Has first ascertained that any such solid fuel offered for export is in surplus supply and is not needed in the maintenance of the domestic economy of the United States, and

(b) Has authorized such shipment as hereinafter provided.

§ 602.852 *Procedure for obtaining SFAW approval*—(a) *Application on*

SFA Form No. 428, (Revised July 1946). Any person except as indicated in § 602.853, desiring to ship for export overseas any solid fuel in cargo, shall, after an export license shall have been issued by the Office of International Trade under the procedure prescribed by that office, file with the Solid Fuels Administration for War, Washington 25, D. C.:

(1) An application for approval on SFA Form No. 428 (Revised July 1946) in quadruplicate, and

(2) A copy of the purchase order placed with him by the foreign purchasing mission or foreign customer, as the case may be.

In lieu of the copy of the purchase order required by this paragraph, the foreign purchasing mission of the nation to which any such shipment will be made, or the foreign customer of the person making application for approval, as the case may be, may file with the Solid Fuels Administration for War, Washington 25, D. C., a written statement setting forth the name and address of each exporter with whom it has placed an order for the purchase of solid fuel for shipment from the United States during the next succeeding month, and the amount of tonnage covered by each such order.

(b) *Issuance of approval by SFAW.*

(1) Upon receipt of the information required by paragraph (a) of this section, Solid Fuels Administration for War, if it finds that the solid fuel for which approval is requested is in surplus supply and not needed in the maintenance of the domestic economy of the United States, shall issue its approval for the shipment of such tonnages for export overseas as are consistent with the provisions of §§ 602.850 to 602.859, inclusive, subject, however, to the conditions set forth on SFA Form No. 428 (Revised July 1946).

(2) An SFAW approval number will be assigned to each application on which favorable action has been taken, and two copies of the approved application, bearing the SFAW approval number, will be returned to the applicant. Such approval shall be effective only for the period specified on the application, as approved, and shall be limited to the tonnages, source (mine or mines) and port (or ports) of exportation specified in the application, as approved.

(3) Upon receipt of the approval issued by SFAW, the applicant shall advise the shipper, who will supply the coal covered by the approval, of the SFAW approval number, which shall serve as the shipper's authorization to ship the coal to port area for export.

(c) *General provisions*—(1) *Approvals not transferable.* An SFAW approval for shipment for export overseas of solid fuel is not transferable and is for use only by the person to whom it has been issued. This shall not be construed as preventing customary exchanges (borrow and loan accounts), or resales of coal at the piers when necessary to complete cargo or to close out consignment or classification accounts.

(2) *Exports to be reported.* Each person to whom any such approval has been issued, shall, within seven days after the

cargo (or cargoes) covered by the approval has been loaded, file with the Solid Fuels Administration for War, Washington 25, D. C., one copy of the SFA Form No. 428, which was returned to him, as approved, together with a copy of the cargo manifest, consist report or dumping sheet and other information required by § 602.62 (b) of SFAW Order No. 3, as amended, (10 F.R. 5501.)

§ 602.853 *Exemptions from §§ 602.850 to 602.859, inclusive.* Sections 602.850 to 602.859, inclusive, do not apply to the shipment for export overseas of any solid fuel purchased by the United States Army or the United States Navy for its own account, or of solid fuel purchased by the Procurement Division of the United States Treasury Department.

§ 602.854 *Records to be maintained.* All persons shall, on behalf of SFAW, keep and preserve for a period of not less than two years accurate and complete records of any transaction to which §§ 602.850 to 602.859, inclusive, applies. All such records shall, upon request, be submitted for inspection by the duly authorized representatives of SFAW.

§ 602.855 *Damages for breach of contract.* No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of §§ 602.850 to 602.859, inclusive.

§ 602.856 *Violations.* Any person who violates any provision of §§ 602.850 to 602.859, inclusive, or who, by any statement or omission, falsifies any records which he is required to keep, or who certifies false or misleading information to the Solid Fuels Administration for War, or any person who obtains a delivery of solid fuel by means of a false or misleading statement, may be prohibited from delivering or receiving any material under priority control. The SFAW may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. sec. 80) or under the Second War Powers Act (Public No. 507, 77th Cong., March 27, 1942).

§ 602.857 *Official interpretation.* No interpretation of §§ 602.850 to 602.859, inclusive, is authorized or official unless it is in writing and signed by the Administrator, the Deputy Administrator or the General Counsel of SFAW.

§ 602.858 *Applications for modifications or exceptions.* Applications for modification or exception from any provision of §§ 602.850 to 602.859, inclusive, shall be filed in triplicate, with the Solid Fuels Administration for War, Washington 25, D. C. Applications shall set forth in detail the grounds for requesting relief and information supporting the request.

§ 602.859 *Regulation revoked.* Sections 602.850 to 602.857, inclusive, (SFAW Reg. 31, as amended) are superseded by §§ 602.850 to 602.859, inclusive, and are hereby revoked.

This regulation shall become effective forthwith.

Issued this 17th day of July 1946.

J. A. KRUG,
Solid Fuels Administrator for War.
[F. R. Doc. 46-12318; Filed, July 18, 1946;
12:03 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

TRANSFER OF REEMPLOYMENT FUNCTIONS TO UNITED STATES EMPLOYMENT SERVICE

CROSS REFERENCE: For transfer to the United States Employment Service of so much of the functions of the Selective Service System and of the Director of Selective Service under section 8 (g) of the Selective Training and Service Act of 1940 (54 Stat. 891) as relates to aiding persons who have satisfactorily completed any period of active duty or of training and service under the act in securing positions other than the positions held by them prior to said period, see section 901 of Reorganization Plan No. 3 of 1946, *supra*.

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong., and Pub. Laws 270 and 475, 79th Cong.; 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 3294—IRON AND STEEL PRODUCTION [General Preference Order M-21, Direction 10, as Amended July 19, 1946]

USE AND EFFECT OF SYMBOL CXS ON CERTAIN ORDERS FOR SELECTED STEEL PRODUCTS

Direction 10 to Order M-21 is hereby amended to read as follows:

(a) *What this direction does.* This direction explains how certain exporters who have been authorized by the Office of International Trade, Department of Commerce, to use the symbol CXS (Certified Export Steel) on purchase orders for limited quantities of selected steel products should furnish that information to steel producers. Such orders are to be treated as rated orders. The Civilian Production Administration may also establish space reservations on steel producers' schedules for the benefit of these export orders where the product is in extremely short supply and export requirements require a considerable proportion of the total production.

(b) *Identification of certified export orders.* Any person who has been authorized in writing by the Office of International Trade, Department of Commerce, to use the symbol CXS on purchase orders for limited quantities of selected steel products should, in addition to marking his purchase order with the symbol, specify the period in which shipment has been designated, and furnish the steel producer with a certificate, signed manually or as described in Priorities Regulation 7 in substantially the following form:

I certify, subject to the penalties of section 35A of the United States Criminal

Code, that the steel products covered by this purchase order are within the quantity which I have been authorized by the Office of International Trade, Department of Commerce, to purchase the orders identified with the symbol CXS.

The standard certificate described in Priorities Regulation 7 may not be used in place of this certificate.

(c) *Requests for authorization to use the symbol CXS.* All requests for authorization to use the symbol CXS should be addressed to the Steel Section, Office of International Trade, Department of Commerce, Washington 25, D. C.

(d) *Certified orders must be treated as rated orders.* Certified export orders must be scheduled for production along with orders certified under Direction 9 or 12 to Order M-21 and in preference to all uncertified orders for the same product classification, except orders covered by specific written directives issued by the Civilian Production Administration. Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled and delivered accordingly. Where a conflict exists between certifications, preference is to be given to the certification first received (irrespective of when the purchase order was placed). The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them. Steel obtained on certified orders must be used in accordance with § 944.11 of that regulation.

(e) *Refusal of certified orders.* (1) CXS orders may only be placed with steel producers for mill shipments. They may not be placed with distributors for shipment from warehouses.

(2) Steel producers need not accept a CXS certification on a previously accepted purchase order, or a new purchase order, which was received after the first day of the month preceding the month in which delivery is requested.

(3) Unless otherwise directed by C. P. A., no steel producer is required to accept certified export orders for any product for shipment in any one month in excess of 2% of his expected shipments of that product in that month.

(f) *Other distribution of steel for export.* The provisions of this direction do not restrict acceptance, scheduling or shipment of noncertified orders for export, if it does not interfere with shipments of certified orders.

Issued this 19th day of July 1946.

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

[F. R. Doc. 46-12363; Filed, July 19, 1946;
11:55 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 2]

GENERAL RESTRICTIONS ON HARDWOOD LUMBER

The Veterans' Emergency Housing Program, set forth February 7, 1946 by the Housing Expeditor in his report to the President, calls for the construction of an unprecedented number of moderate and low-cost housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction for defense, for private account and for

export. The shortage of hardwood lumber is particularly acute. Production cannot be increased rapidly enough to meet this shortage. The following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4700.15 *Veterans' Housing Program Order 2*—(a) *Definition*. "A builder" means any person engaged in the business of constructing or repairing for his own account, or for the account of another, a house, building, or other structure (as defined in *Veterans' Housing Program Order 1*). The term includes a subcontractor.

(b) *Limitation on use*. Beginning August 1, 1946, no builder may use beech, birch, hard maple, oak or pecan boards or dimension lumber for framing, wall or roof sheathing, boxing, siding or subflooring in any house, building, or other structure.

(c) *General delivery restriction*. Beginning August 1, 1946, no sawmill, lumber supplier, or distributor shall deliver beech, birch, hard maple, oak or pecan boards or dimension lumber to a builder.

(d) *Communications and appeals*. Communications regarding this order, and any appeals from its provisions, should be addressed to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref: VHP 2. Appeals should be made by letter in triplicate, referring to the particular provision appealed from and stating fully the ground of the appeal.

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

Issued this 19th day of July, 1946.

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

[F. R. Doc. 46-12362; Filed, July 19, 1946;
11:55 a. m.]

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS
[RPMR 373, Amdt. 99 (§ 1418.151)]

CHEESE IN HAWAII

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

Revised Maximum Price Regulation 373 is amended in the following respects:

1. In Table A in section 16 (k) (4) item (18) and the five subitems thereunder

are deleted; items (19) to (24), inclusive, are redesignated, respectively, (18) to (23), inclusive, and a new item (24) is added to read as follows:

(24) *Cheese*. For the cheese items listed below, the maximum wholesale prices shall be the applicable price set forth below, or the price computed by dividing landed cost by .88, whichever is lower.

	Price per lb.
Chantelle.....	\$0.46
Jack or teleme.....	.46
Blue cheese.....	.52
American Swiss—wheel or loaf.....	.49
American cheddars, unprocessed:	
Twins, flats and double or triple daisies, singles, longhorns, young Americas, picnics, natural loaf or smaller styles.....	.36
Processed loaf: American cheddar, pimento, brick and swiss:	
5 lb. loaf.....	.39
2 lb. loaf.....	.41
1 lb. package.....	.41
½ lb. package.....	.45

For all cheeses not listed by name above, the maximum wholesale price shall be computed by dividing landed cost by .86.

2. Table G in section 18 (h) is amended by deleting all the cheese items listed and substituting the following provisions, items and prices:

Cheese. For the items listed below, the maximum retail prices shall be the applicable price set forth below, or the price computed by dividing net cost by .74 (except that in the case of Blue Cheese net costs may be divided by .71), whichever is lower:

	Maximum price per pound
Chantelle.....	\$0.60
Jack or telene.....	.60
Blue cheese.....	.70
American Swiss—wheel or loaf.....	.65
American Cheddars, unprocessed:	
Twins, flats and double or triple daisies, singles, longhorns, young Americas, picnics, midgets, square prints, natural loaf or smaller styles.....	.49
Processed loaf: American cheddar, pimento, brick and Swiss:	
5 lb. loaf—sliced or piece.....	.50
2 lb. loaf.....	.54
1 lb. package.....	.54
½ lb. package.....	.60

For all cheeses not listed by name above, the maximum retail price shall be computed by dividing net cost by .74.

This amendment shall become effective as of October 22, 1945.

Issued this 28th day of June 1946.

PAUL A. PORTER,
Administrator.
[F. R. Doc. 46-12353; Filed, July 19, 1946;
11:08 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

CONTINUANCE OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuance of the transfer of functions of the Bureau of Marine Inspection and Navigation,

Department of Commerce, transferred to the Coast Guard by Executive Order 9083, see section 101 of Reorganization Plan No. 3 of 1946, *supra*.

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

TRANSFER OF CERTAIN FUNCTIONS TO
SECRETARY OF INTERIOR

CROSS REFERENCE: For transfer to the Secretary of the Interior of functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands (§ 251.4), see section 402 of Reorganization Plan No. 3 of 1946, *supra*.

TITLE 42—PUBLIC HEALTH

Chapter II—Children's Bureau,
Department of Labor

TRANSFER OF FUNCTIONS TO FEDERAL
SECURITY ADMINISTRATOR

CROSS REFERENCE: For transfer of certain functions of the Children's Bureau to the Federal Security Administrator, see section 1 of Reorganization Plan No. 2 of 1946, *supra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office,
Department of the Interior

CONSOLIDATION INTO BUREAU OF LAND
MANAGEMENT

CROSS REFERENCE: For consolidation of the functions of the General Land Office and of the Grazing Service to form the Bureau of Land Management, see section 403 of Reorganization Plan No. 3 of 1946, *supra*.

Chapter III—Grazing Service, Department of the Interior

CONSOLIDATION INTO BUREAU OF LAND
MANAGEMENT

CROSS REFERENCE: For consolidation of the functions of the General Land Office and of the Grazing Service to form the Bureau of Land Management, see section 403 of Reorganization Plan No. 3 of 1946, *supra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

CONTINUANCE OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuance of the transfer of functions of the Bureau of Marine Inspection and Navigation, Department of Commerce, transferred to the Coast Guard by Executive Order 9083, see section 101 of Reorganization Plan No. 3 of 1946, *supra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 92-A]

PART 95—CAR SERVICE

AGENTS CONTROLLING MOVEMENT OF COAL TO LAKE AND NORTH ATLANTIC PORTS

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

Upon further consideration of the provisions of Service Order No. 92 (7 F.R. 8751) as amended (8 F.R. 2356; 9 F.R. 853), and good cause appearing therefor: *It is ordered, That:*

(a) Service Order No. 92, 49 CFR § 95.3; § 95.31; § 95.32, appointing agents to control the movement of coal, to lake ports and North Atlantic ports, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., July 28, 1946; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.[F. R. Doc. 46-12354; Filed, July 19, 1946;
11:22 a. m.]

[S. O. 550]

PART 95—CAR SERVICE

EMBARGO OF LAKE-CARGO COAL; APPOINTMENT OF AGENT

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

It appearing, that there is a shortage of cars for transporting coal consigned to various ports on Lake Michigan, Lake Ontario and Lake Erie for transshipment by vessels; and that such cars of coal are delayed at those ports because of insufficient vessel or dumping capacity; the Commission is of the opinion that an emergency exists requiring immediate action at the lake ports and in areas producing lake-cargo coal: *It is ordered, that:*

(a) *Lake-cargo coal embargoed.* No common carrier by railroad, subject to the Interstate Commerce Act, shall move or transport any car loaded with coal consigned to Lake Erie, Lake Ontario or Lake Michigan ports for transshipment by vessel, unless or until a permit has been issued by the Permit Agent appointed herein authorizing the transportation of such car of coal.

(b) *Appointment of permit agent.* W. J. McGarry, Manager of the Ore & Coal

No. 141—4

Exchange, Cleveland, Ohio, is hereby designated and appointed Permit Agent of the Interstate Commerce Commission, subject to the direction and supervision of the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C.

(c) *Outline of permit agent's duties.* (1) in accordance with the directions and instructions of the Director, Bureau of Service, the Permit Agent shall issue or revoke permits, either special or general, as authorized in paragraph (a) hereof. Permits shall be issued, suspended, revoked or denied for the purpose of preventing an undue accumulation of cars of coal for transshipment at the lake ports.

(2) Execute the directions and instructions of the Director, Bureau of Service, which will be designed to facilitate the flow of cars of coal to and through the ports referred to in this order and to prevent congestion thereat, all for the purpose of better utilizing the available supply of coal cars.

(d) *Application.* This order shall apply to interstate and foreign commerce.

(e) *Effective date.* This order shall become effective at 12:01 a. m., July 28, 1946.

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

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

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.[F. R. Doc. 46-12355; Filed, July 19, 1946;
11:22 a. m.]

PART 95—CAR SERVICE

[S. O. 551]

HAMPTON ROADS, VA. COAL; APPOINTMENT OF AGENT

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

It appearing, that there is a shortage of railway cars for transporting coal to Hampton Roads, Va., ports for transshipment by vessels; that at certain times coal must be embargoed because of port congestion; in the opinion of the Commission an emergency exists requiring immediate action in the eastern section of the country: *It is ordered, that:*

(a) *Agent to control coal at Hampton Roads, Va., ports.* E. D. Enney, Bureau Manager, Hampton Roads Coal Emergency Committee, 616 Royster Bldg.,

Norfolk, Va., is hereby designated and appointed Agent of the Interstate Commerce Commission and, subject to the direction and supervision of the Director, Bureau of Service, vested with authority to control the use of railroad cars for transporting coal to be transshipped by vessels at Hampton Roads, Va., ports or to be stored in yards shown in Trunk Line Tariff Bureau Tariff No. 139-C, I. C. C. No. A-751, supplements thereto or reissues thereof.

(b) *Outline of agent's duties.* In accordance with directions and instructions of the Director, Bureau of Service, the Agent shall:

(1) Lay an embargo or embargoes; issue, suspend, modify or revoke permits or refuse to issue, suspend, modify or revoke permits to depart from such embargo or embargoes.

(2) Execute the directions and instructions of the Director, Bureau of Service, which will be designed to facilitate the flow of cars of coal to and through the ports referred to in this order and to prevent congestion thereat, all for the purpose of better utilizing the available supply of coal cars.

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

(d) *Effective date.* This order shall become effective at 12:01 a. m., July 28, 1946.

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

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

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.[F. R. Doc. 46-12356; Filed, July 19, 1946;
11:22 a. m.]

[S. O. 552]

PART 95—CAR SERVICE

CONTROL TIDEWATER COAL; APPOINTMENT OF AGENT

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

It appearing, that there is a shortage of railway cars for transporting coal to north Atlantic ports for transshipment by vessels; that at certain times such carriers are unable to transport coal over billed routes and it must be diverted via

other routes to the same or other facilities within the original destination port area; that at certain times coal must be embargoed because of port congestion; in the opinion of the Commission an emergency exists requiring immediate action in the eastern section of the country. It is ordered, that:

(a) *Appointment of Agent to control movement of Tidewater coal.* W. R. Godber, Joint Manager of the Anthracite Tidewater Emergency Bureau and Northern Tidewater Bituminous Emergency Bureau, 143 Liberty Street, New York, N. Y., is hereby designated and appointed agent of the Interstate Commerce Commission and, subject to the direction and supervision of the Director, Bureau of Service, vested with authority to control the use of railroad cars for transporting coal to be transhipped by vessels at New York, New Jersey, Delaware, Pennsylvania and Maryland ports or to be stored in yards shown in Trunk Line Tariff Bureau Tariff No. 139-C, I. C. C. No. A-751, or in Trunk Line Tariff Bureau Tariff No. 138-B, I. C. C. No. 750, supplements thereto or reissues thereof.

(b) *Outline of Agent's duties.* In accordance with directions and instructions of the Director, Bureau of Service, the Agent shall:

(1) Lay an embargo or embargoes; issue, suspend, modify or revoke permits or refuse to issue, suspend, modify or revoke permits to depart from such embargo or embargoes.

(2) Execute the directions and instructions of the Director, Bureau of Service, which will be designed to facilitate the flow of cars of coal to and through ports referred to in this order and to prevent congestion thereat, all for the purpose of better utilizing the available supply of coal cars.

(3) Reroute and divert cars loaded with coal moving to or through the ports or storage yards, named in paragraph (a) of this order, from the line or piers of any railroad which in the Agent's opinion cannot currently accept and move such traffic, over the lines or piers of any other railroad or railroads less congested. Such diversion shall be made at any intermediate point en route, or at point of origin. The diversion shall be made without regard to the routing shown on the bill of lading or whether designated by shipper or carrier.

(c) *Rates to be applied.* When coal is diverted or rerouted pursuant to this order, it is deemed to be due to carriers' disability; rates applicable to traffic so forwarded shall be those which would have applied to the shipments if such shipments had moved as originally routed.

(d) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; or upon

failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

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

(f) *Effective date.* This order shall become effective at 12:01 a. m., July 28, 1946.

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

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-12357; Filed, July 19, 1946;
11:22 a. m.]

Notices

NAVY DEPARTMENT.

[No. 2]

UNITED STATES MOTOR TORPEDO BOATS (PT)

POSITION OF MASTHEAD LIGHT

Certificate of the Secretary of the Navy under the Act of December 3, 1945 (Public Law 239, 79th Congress).

Whereas, the act of December 3, 1945 (Public Law 239, 79th Congress) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that class of naval vessels, known as Motor Torpedo Boats (PT), has been made in the Navy Department, and as a result of such study, it has been determined that because of their special construction it is not possible for Motor Torpedo Boats (PT) to comply with the re-

quirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the class of naval vessels, known as Motor Torpedo Boats (PT), are naval vessels of special construction and that, on Motor Torpedo Boats (PT) with respect to the position of the masthead light it is not possible to comply with the requirements of the statutes enumerated in the act of December 5, 1945. Further, I do find and certify that it is feasible to locate the masthead light in the afterpart of the vessel approximately fifty (50) feet from the bow at a height of not less than eight (8) feet nor more than thirteen (13) feet above the hull (measured vertically from the main deck to a point abreast the light). I further direct that the aforesaid light shall be located in the manner described and certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C. this 10th day of July A. D. 1946.

JOHN L. SULLIVAN,
Acting Secretary of the Navy.

[F. R. Doc. 46-12346; Filed, July 19, 1946;
10:14 a. m.]

AGRICULTURE DEPARTMENT.

Production and Marketing Administration.

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS ON PROPOSED AMENDMENTS AND PROPOSED MARKETING AGREEMENT

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F.R. 11791), notice is hereby given of the filing with the hearing clerk of the report of the Assistant Administrator for Regulatory and Marketing Service Matters, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a marketing agreement, regulating the handling of milk in the Louisville, Kentucky, Marketing area, to be made effective pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, Room 1331, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The proceeding was initiated by Assistant Administrator for Regulatory and Marketing Service Matters, Production and Marketing Administration, United States Department of Agriculture, at re-

quest of the Falls Cities Cooperative Milk Producers' Association of Louisville, Kentucky. It was concluded that a hearing should be held and, accordingly, a notice of hearing was issued on February 1, 1946 (11 F.R. 1219), and the hearing was convened at Louisville, Kentucky, February 13, 1946. Proposed amendments were submitted by such association, by the Louisville Milk Distributors Association and by the Dairy Branch, Production and Marketing Administration.

The major issues developed at the hearing were concerned with (1) the classification of milk into four classes instead of three, the new class to include milk used in the manufacture of butter (flavored milk drinks and buttermilk also to be reclassified from Class I to Class II), (2) the revision of the method of handling emergency milk and interhandler transfers in connection with the accounting for and classification of milk of producers, (3) the revision of the method of handling plant shrinkage, overages, own production, and receipts of milk from sources other than producers in connection with the accounting for and classification of milk of producers, (4) the revision of so-called "put-in and take-out" seasonal production plan, (5) the revision of the definitions of "Secretary," "producer," "handler," and "emergency milk," (6) the preparation by the market administrator of reports to producer cooperative associations showing handler utilization of membership milk, (7) the completion of audits by the market administrator within 90 days, and his submission of quarterly reports to handlers concerning income received and the expense incurred in administration, and (8) the revision upward of the class price schedule.

It was concluded from the record that the rates of the so-called "put-in and take-out" seasonal production plan should be revised. In order that the market might have the benefit of the revised rate at an early date, it was concluded that separate consideration should be given to the amendment of the provisions of such plan. Therefore, the conclusion reached in this respect was manifested in a separate order amendment which was made effective May 14, 1946.

The conclusions reached with respect to the remaining issues, together with some of the supporting reasons for such conclusions, are set forth below:

1. Sour cream should be included in the definition of Class II milk for purposes of clarifications.

2. Flavored milk drinks and buttermilk should continue to be classified as Class I milk.

3. The method of classifying milk used in the manufacture of butter should not be revised, but the month of April should be added to those (May and June) in which the minimum price paid by handlers is reduced for a limited quantity of butterfat used in the manufacture of butter.

4. The method of handling emergency milk receipts, inter-handler transfers, own production, and receipts of milk from sources other than producers and handlers in the computation and allocation

of sales to the various sources of supply should be revised in order to eliminate certain inequities that have developed between handlers.

5. The provisions relating to plant shrinkages and overages should not be revised except for the purpose of clarification.

6. The definition of "producer" and "handler" should be revised in order to clarify the present wording of the order with respect to the source of milk and type of plants subject to the provisions of the order.

7. The market administrator should make monthly reports to each producer cooperative association of the percentage utilization in each class of milk purchased by each handler from members of such association.

8. The amendments requiring the market administrator to complete audits of handlers, records within 90 days, and to submit quarterly reports to handlers concerning administrative income received and expense incurred should not be made.

9. The basic formula upon which Class I and Class II prices are determined should be revised.

10. Minor changes of language throughout the order should be made for the purpose of clarification.

The following proposed order, as amended, contains amendments recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because its substantive provisions would be the same as those set forth below with respect to the order, as amended.

Proposed Order, as Amended

Findings. Upon the basis of the evidence introduced in the public hearing and the record thereof, it is hereby found that:

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

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

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

It is hereby ordered, That such handling of milk in the Louisville, Kentucky, marketing area as in the current of in-

terstate commerce, or as directly burdens, obstructs, or affects interstate commerce in milk or its products, shall from the effective date hereof be in compliance with the following terms and conditions:

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

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

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

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

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

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

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

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

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

(f) "Handler" means:

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

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

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

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

(i) "Emergency milk" means milk, skim milk, or cream received by a han-

dler from sources other than producers under a permit for the receipt thereof issued to him by the proper health authorities.

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

(b) Powers. The market administrator shall:

(1) Administer the terms and provisions hereof; and

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

(c) Duties. The market administrator shall:

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

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

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

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

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

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

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

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

which the market administrator determines that such milk should be classified.

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

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

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

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

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

further, That the classification of any such transfer or diversion of milk, skim milk, or cream between handlers shall be subject to allocation for each handler in the sequence set forth in (f) of this section.

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

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

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

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

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

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

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

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

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

be divided by 4 percent and added to the quantity determined pursuant to (i) of this subparagraph.

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

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

(ii) Add together the resulting amounts; and

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

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

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

(ii) Add together the resulting amounts;

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

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

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

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

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

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

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

computed pursuant to (d) (5) of this section.

(3) Subtract from the remaining pounds of Class III milk the emergency milk received: *Provided*, That if the quantity of emergency milk is greater than the remaining Class III milk, the balance shall be subtracted pro rata from Class I milk and Class II milk;

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

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

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

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

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

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

Concern and Location

Kraft Cheese Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Cheese Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

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

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

(ii) Add 20 percent thereof; and

(iii) Add $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by roller process for human consumption is above $5\frac{1}{2}$ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by roller process for human consumption, published by the agency described in (i) of this subparagraph, for the Chicago market during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for nonfat dry milk solids by roller process for human consumption, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by any such agency, shall be used, and the following shall be used in lieu of the computation provided under (iii) herein: add $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids for human consumption delivered at Chicago, is above $6\frac{1}{2}$ cents per pound.

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

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

Companies and Locations

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

add an amount computed by multiplying the butterfat differential, determined pursuant to § 946.8 (f), by 5, and deduct 15 cents.

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

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

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

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

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

§ 946.5 *Reports of handlers—(a) Periodic reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

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

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

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

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

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

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

(2) If, in the verification of the reports of any handler made pursuant to (a) of this section, it is necessary for the mar-

ket administrator to examine the records of milk and milk products handled in a plant of a handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any milk of producers received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the billing computed for such handler for the delivery period following such reclassification.

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

§ 946.6 *Application of provisions—*

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

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

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

the milk equivalent of such butterfat in accordance with its utilization.

§ 946.7 *Determination of uniform prices to producers; computation of value for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 946.6 (b) and (c), the value of milk of producers received by each handler, by multiplying the quantity in each class by the price applicable to such class and by adding together the resulting class values: *Provided*, That if such handler has made, during April, May and June, butter from producer milk, but not to exceed as milk equivalent 10 percent of his Class I milk computed pursuant to § 946.3 (f), he shall be credited, during such delivery periods, at the difference between the Class III prices for the milk equivalent of such butter. If such handler utilizes milk, skim milk, or cream from sources other than producers or other handlers in milk products, the amount of butter allocated to milk from producers shall be a pro-rata share based upon the respective volumes from each source utilized in milk products.

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

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

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

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

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

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

(6) Subtract from the figure computed pursuant to (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement

fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers; and

(7) On or before the 10th day after the end of each delivery period, notify each handler and publicly announce such uniform price, the class prices, and the butterfat differentials provided by § 946.4 (c) and § 946.8 (f).

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

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

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

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

(2) On or before the 15th day after the end of each of the delivery periods of September, October, and November, be-

ginning in 1946, the market administrator shall pay out of the producer-settlement fund to the producers from whom milk was received during such delivery period an amount computed as follows: divide one-third of the aggregate amount held pursuant to § 946.7 (b) (3) by the hundredweight of producers' milk delivered during the delivery period involved (September, October, or November, as above) and apply the resulting amount (computed to the nearest full cent per hundredweight) to the milk of each producer for such delivery period: *Provided*, That payments under this subparagraph due any producer who has given authority to a cooperative association which is qualified under the "Capper-Volstead Act" pursuant to § 946.9 (b), to receive payment for his milk shall be distributed to such cooperative association if the association requests receipt of such payments.

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

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

Butter price range (cents):	Butterfat differential (cents)
22.499 or less	2½
22.50-27.499	3
27.50-32.499	3½
32.50-37.499	4
37.50-42.499	4½
42.50-47.499	5
47.50-52.499	5½
52.50-57.499	6
57.50-62.499	6½
62.50 and over	7

§ 946.9 *Marketing services—(a) Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made di-

rectly to producers pursuant to § 946.8, with respect to all milk received by such handler from producers during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

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

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

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

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

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

required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

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

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

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

This report filed at Washington, D. C., this 18th day of July 1946.

[SEAL]

E. A. MEYER,
Assistant Administrator for Regulatory and Marketing Service Matters, Production and Marketing Administration.

[F. R. Doc. 46-12299; Filed, July 18, 1946; 11:19 a. m.]

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS,
DENVER, COLO.

NOTICE OF PETITION FOR MODIFICATION

By an order entered on September 27, 1944, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et. seq.), rates and charges for the services of the respondent market agencies for buying and selling livestock on a commission basis at the Union Stock Yards, Denver, Colorado, were prescribed. Other orders have been entered from time to time temporarily suspending and modifying the provisions of the order of September 27, 1944. The respondent market agencies are now op-

erating under an order entered on June 26, 1946, which continued in effect orders dated February 13, 1943 (2 A. D. 45), February 14, 1944 (3 A. D. 97), June 27, 1944 (3 A. D. 493), and June 9, 1945 (4 A. D. 453).

By petition, the respondents now request permission to file and establish a new schedule of rates and charges for all market agencies at the Denver Union Stock Yards. The effect of such filing and publication would be to increase certain of the buying and selling charges for sheep, hogs, calves, cattle, and bulls. Such increases would provide additional revenue to the respondents and, therefore, notice is hereby given to the public of the filing of the petition.

All interested persons who desire to be heard upon the matter shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within fifteen (15) days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 17th day of July 1946.

[SEAL]

E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 46-12319; Filed, July 18, 1946; 3:55 p. m.]

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH STOCK-
YARDS, FORT WORTH, TEX.

NOTICE OF PETITION FOR MODIFICATION

By a document filed on July 3, 1946, the respondents requested a modification of the temporary rates and charges now being assessed by them at the Fort Worth Stockyards which are due to terminate on December 31, 1946, unless modified by further order.

The temporary rates and charges now in effect are being applied as the result of a series of orders issued by the Judicial Officer of the Department of Agriculture, the last of which orders was entered on December 29, 1945 (4 A. D. 1000). The present petition seeks to modify such rates and charges so as to permit the respondents to publish and file with the Secretary an amendment to their tariff making effective the following rates and charges:

	Cents per head
Calves:	
Consignments of one head and one head only.....	50
Consignments of more than one head:	
First 20 head in each consignment.....	35
Each head over 20 in each consignment.....	25
Cattle:	
Consignments of one head and one head only.....	95
Consignments of more than one head:	
First 20 head in each consignment.....	80
Each head over 20 in each consignment.....	65
Hogs:	
Consignments of one head and one head only.....	45
Consignments of more than one head:	
First 40 head in each consignment.....	27
Each head over 40 in each consignment.....	20

Sheep:	Cents per head
Consignments of one head and one head only.....	40
Consignments of more than one head:	
First 10 head in each 250 head in each consignment.....	25
Next 50 head in each 250 head in each consignment.....	15
Next 60 head in each 250 head in each consignment.....	10
Next 130 head in each 250 head in each consignment.....	4

The rates and charges now set forth in respondents' tariff on file with the Secretary are as follows:

Calves:	Cents per head
Consignments of one head.....	45
Consignments of more than one head:	
1 to 20 head, inclusive.....	30
Each head over 20.....	25
Cattle:	
Consignments of one head.....	90
Consignments of more than one head:	
1 to 20 head, inclusive.....	70
Each head over 20.....	60
Hogs:	
Consignments of one head.....	40
Consignments of more than one head:	
1 to 40 head, inclusive.....	25
Each head over 40.....	15
Sheep:	
Consignments of one head.....	35
Consignments of more than one head:	
For the first 10 head in each 300 head.....	30
For the next 50 head in each 300 head.....	15
For the next 60 head in each 300 head.....	6
For the next 130 head in each 300 head.....	2
For the next 50 head in each 300 head.....	1

Effect of proposed modification. The effect of such proposed modification, if granted, would be to increase the revenues of the respondents, and, accordingly, it appears that public notice should be given to all interested persons of the request of the respondents so as to afford all interested persons an opportunity to manifest their desire to be heard on the matter. Therefore, notice is hereby given to the public and to all interested persons of the request of the respondents for a modification of the orders of the Secretary referred to above. The respondents and all other interested persons including patrons of the respondents are afforded an opportunity to be heard on the matters covered in the petition for modification.

All persons who desire to be heard shall notify the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this order.

Copies hereof shall be served on the respondents by registered mail or in person.

Done at Washington, D. C., this 17th day of July 1946.

[SEAL]

E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 46-12320; Filed, July 18, 1946; 3:55 p. m.]

No. 141—5

FEDERAL POWER COMMISSION.

[Docket No. IT-5519]

BONNEVILLE PROJECT, COLUMBIA RIVER,
OREGON-WASHINGTON

NOTICE OF REQUEST FOR APPROVAL OF RATES
AND CHARGES FOR SALE OF POWER

JULY 17, 1946.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, (1) certain new schedules of rates and charges for electric energy produced at the Bonneville Project, and (2) certain modifications of the existing filed general rate schedule provisions.

The schedules of rates and charges submitted for confirmation and approval are:

Wholesale Power Rate Schedule A-5

Availability. This schedule applies to firm power delivered by the Administrator under appropriate contracts for terms of not less than one year at the power plants, or at a point or points adjacent thereto to be designated by the Administrator.

Power sold under this schedule for direct consumption shall be consumed within fifteen miles of the power plant, and power sold under this schedule for resale shall remain available only to a purchaser the principal part of whose load is consumed within fifteen miles of the power plant.

Rate. Power sold under this schedule shall be at the rate of \$14.50 net per year per kilowatt of billing demand, billed monthly at one-twelfth of the annual rate.

Minimum charge. The net minimum monthly charge for service under this schedule shall be one-twelfth of \$14.50 per kilowatt of contract demand.

Billing demand. The billing demand shall be the highest of the following demands:

- (1) The contract demand.
- (2) The measured demand for the billing period, adjusted for power factor.
- (3) The computed demand for the billing period (*Note:* Applies only when part of the load is supplied from other sources. See section 2.3 of the General Rate Schedule Provisions).

(4) The highest ratcheted demand established during the preceding eleven billing periods. The ratcheted demand under this rate schedule shall be determined for each billing period as the highest registered or computed demand during the period (before adjustment for power factor) after excluding (a) all registered demands in the months of May to September, inclusive, and (b) the ten highest registered demands in each of the other months.

Curtailment by purchaser. In the case of purchasers having no source of power for a particular plant or system other than that supplied by the Administrator, purchasing power under contracts which the purchaser has no option of cancelling for a term of 10 years or more, the Minimum Charge and Billing Demand fac-

tors (1) and (4) provided for herein will be suspended or curtailed as to such plant or system for any billing period as to which the purchaser has notified the Administrator not less than 30 days prior to the beginning of such billing period that it will be required to suspend or curtail its power load in such amount as the purchaser may specify in its notice: *Provided, however,* That in no event shall any suspension or curtailment be less than 10% of the contract demand: *And provided further,* That such suspensions or curtailments shall be governed by whichever of the following provisions the purchaser shall elect, as expressed in the power contract:

(a) The total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 25% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the term of the contract by the number of months each such contract demand is effective, assuming, in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term: *Provided,* That during any period of suspension or curtailment the purchaser shall pay for one-half of the power load suspended or curtailed.

(b) The total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 12½% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the term of the contract by the number of months each such contract demand is effective, assuming, in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term: *Provided,* That during any period of suspension or curtailment the purchaser shall pay for one-fourth of the power load suspended or curtailed.

The power load suspended or curtailed shall be determined for each billing period as the difference between: (1) the billing demand determined in accordance with the four factors stated under Billing Demand, without consideration of the notice of suspension or curtailment; and (2) the billing demand determined in accordance with the four factors stated under Billing Demand, assuming that ratcheted demands for preceding billing periods and contract demand are reduced by the amount of curtailment or suspension which is currently effective, in accordance with notices given.

Subject to the provisions of this section, the Administrator will resume in whole or in part the delivery of power load suspended or curtailed pursuant to this provision upon written request of the purchaser given not less than 30 days prior to the date of resumption.

Optional curtailment provision. Purchasers having no source of power for a particular plant or system other than that supplied by the Administrator, at their option, may contract to pay for power on the following basis:

(1) The purchaser will pay an additional amount of 10% of the rate stated above as an alternative to paying the amounts that might otherwise be due under the rate during periods of curtailment.

(2) In lieu of the above provisions under curtailment by Purchaser, the following will apply:

(a) For billing periods ending on or before September 30, 1949, the operation of the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be entirely suspended.

(b) For billing periods ending on or after October 1, 1949, the operation of the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be suspended or curtailed for any billing period as to which the purchaser has notified the Administrator not less than 30 days prior to the beginning of such billing period that it will be required to suspend or curtail its power load in such amount as the purchaser may specify in its notice: *Provided, however*, That in no event shall any suspension or curtailment be less than 10% of the contract demand, *And provided further*, That the total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 20% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the contract term subsequent to September 30, 1949, by the number of months each such contract demand is effective, assuming in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term.

(c) The billing demand for each billing period as to which notice of suspension or curtailment has been given shall be determined under the provisions of this schedule assuming that (1) contract demand, and (2) the ratcheted demands for preceding billing periods are reduced by the amount of curtailment or suspension which is currently effective in accordance with notices given.

(d) Subject to the provisions of subsection (2) (b) of this section the Administrator will resume in whole or in part the delivery of power load suspended or curtailed pursuant to this provision upon written request of the purchaser given not less than 30 days prior to the date of resumption.

Power factor adjustment. The measured demand, before adjustment for power factor, will be increased 1% for each 1% or major fraction thereof by which the average power factor is less than .95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .95 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

General provisions. Sales of Power under this schedule shall be subject to the provisions of the Bonneville Project Act and the General Rate Schedule Provisions effective * * *

This proposed schedule will cancel Wholesale Power Rate Schedule A-4 except where such schedule is incorporated in existing contracts.

Wholesale Power Rate Schedule C-5

Availability. This schedule applies to transmission system firm power delivered by the Administrator under appropriate contracts for terms of not less than one year.

Rate. Power sold under this schedule shall be paid for at the rate of \$17.50 net per year per kilowatt of billing demand, billed monthly at one-twelfth of the annual rate.

Minimum charge. The net minimum monthly charge for service under this schedule shall be one-twelfth of \$17.50 per kilowatt of contract demand.

Billing demand. The billing demand shall be the highest of the following demands:

(1) The contract demand.

(2) The measured demand for the billing period, adjusted for power factor.

(3) The computed demand for the billing period (*Note:* Applies only when part of the load is supplied from other sources. See section 2.3 of General Rate Schedule Provisions).

(4) The highest ratcheted demand established during the preceding eleven billing periods. The ratcheted demand under this rate schedule shall be determined for each billing period as the highest registered or computed demand during the period (before adjustment for power factor) after excluding (a) all registered demands in the months of May to September, inclusive, and (b) the ten highest registered demands in each of the other months.

Curtailment by purchaser. In the case of purchasers having no source of power for a particular plant or system other than that supplied by the Administrator, purchasing power under contracts which the purchaser has no option of cancelling for a term of 10 years or more, the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be suspended or curtailed as to such plant or system for any billing period as to which the purchaser has notified the Administrator not less than 30 days prior to the beginning of such billing period that it will be required to suspend or curtail its power load in such amount as the purchaser may specify in its notice: *Provided, however*, That in no event shall any suspension or curtailment be less than 10% of the contract demand: *And provided further*, That such suspensions or curtailments shall be governed by whichever of the following provisions the purchaser shall elect, as expressed in the power contract.

(a) The total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 25% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the term of the contract by the number of months each such contract demand is effective, assuming, in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term: *Provided*,

That during any period of suspension or curtailment the purchaser shall pay for one-half of the power load suspended or curtailed.

(b) The total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 12½% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the term of the contract by the number of months each such contract demand is effective, assuming in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term: *Provided*, That during any period of suspension or curtailment the purchaser shall pay for one-fourth of the power load suspended or curtailed.

The power load suspended or curtailed shall be determined for each billing period as the difference between: (1) the billing demand determined in accordance with the four factors stated under Billing Demand, without consideration of the notice of suspension or curtailment; and (2) the billing demand determined in accordance with the four factors stated under Billing Demand, assuming that ratcheted demands for preceding billing periods and contract demand are reduced by the amount of curtailment or suspension which is currently effective, in accordance with notices given.

Subject to the provisions of this section, the Administrator will resume in whole or in part the delivery of power load suspended or curtailed pursuant to this provision upon written request of the purchaser given not less than 30 days prior to the date of resumption.

Optional curtailment provision. Purchasers having no source of power for a particular plant or system other than that supplied by the Administrator, at their option, may contract to pay for power on the following basis:

(1) The purchaser will pay an additional amount of 10% of the rate stated above as an alternative to paying the amounts that might otherwise be due under the rate during periods of curtailment.

(2) In lieu of the above provisions under Curtailment by Purchaser, the following will apply:

(a) For billing periods ending on or before September 30, 1949, the operation of the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be entirely suspended.

(b) For billing periods ending on or after October 1, 1949, the operation of the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be suspended or curtailed for any billing period as to which the purchaser has notified the Administrator not less than 30 days prior to the beginning of such billing period that it will be required to suspend or curtail its power load in such amount as the purchaser may specify in its notice: *Provided, however*, That in no event shall any suspension or curtailment be less than 10% of the contract demand: *And provided further*, That the total amount of suspensions or curtailments specified in the purchaser's no-

tices, expressed in kilowatt-months, shall not exceed 20% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the contract term subsequent to September 30, 1949, by the number of months each such contract demand is effective, assuming in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term.

(c) The billing demand for each billing period as to which notice of suspension or curtailment has been given shall be determined under the provisions of this schedule assuming that (1) contract demand, and (2) the ratcheted demands for preceding billing periods are reduced by the amount of curtailment or suspension which is currently effective in accordance with notices given.

(d) Subject to the provisions of subsection (2) (b) of this section the Administrator will resume in whole or in part the delivery of power load suspended or curtailed pursuant to this provision upon written request of the purchaser given not less than 30 days prior to the date of resumption.

Power factor adjustment. The measured demand, before adjustment for power factor, will be increased 1% for each 1% or major fraction thereof by which the average power factor is less than .95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .95 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

General provisions. Sales of power under this schedule shall be subject to the provisions of the Bonneville Act and the General Rate Schedule Provisions effective. * * *

This proposed Schedule will cancel Wholesale Power Rate Schedule C-4 except where such Schedule is incorporated in existing contracts.

The proposed modified General Rate Schedule Provisions read as follows:

1.1 Firm power. Firm power is power which is always available except when operation of the facilities used by the Government to serve the Purchaser is suspended, interrupted, interfered with, or curtailed due to uncontrollable forces as defined herein.

2.1 Contract demand. The contract demand shall be the amount of power that the Administrator agrees to have available for delivery to the purchaser under the conditions stated in the rate schedule. The delivery of power in excess of contract demand shall in no event obligate the Administrator to continue to deliver power in excess of the contract demand. If the contract demand has been exceeded, and if at any time the Administrator notifies the purchaser that future delivery of power will be restricted, or restricts power delivery to a specific amount which he determines can be made available (not including temporary restrictions made necessary by

emergency conditions) then, in determining subsequent bills such restricted demand shall be substituted for any higher ratcheted demand or current computed demand which would otherwise be applicable. This provision shall not be deemed to give the Administrator the right to restrict deliveries below contract demand.

2.2 Registered demand. Registered demands shall be the purchaser's 30-minute demands as of the point of delivery, exclusive of any authorized takings of dump energy and of any abnormal non-recurring demands due to emergency conditions or causes reasonably beyond the purchaser's control.

2.3 Measured demand. The measured demand shall be the purchaser's maximum registered demand for firm power during the billing period: *Provided, however,* If the amount of firm power requested by the purchaser's dispatcher and scheduled for delivery by the Administrator exceeds the maximum registered demand during the billing period, then the maximum amount of such scheduled power shall be the measured demand during billing period.

If service is rendered to a purchaser at more than one point of delivery, the measured demand shall be determined separately for each point of delivery subject to the provisions of section 5.1 hereof.

In cases where power deliveries by the Administrator involve conditions under which the flow of power at the point or points of delivery cannot be adequately controlled by reason of interconnections with other systems which are in turn interconnected, directly or indirectly, with the Administrator's system, the monthly measured demand will be determined as a single amount based on hourly schedules as mutually agreed upon between the respective dispatchers covering all points of delivery.

The dispatchers shall hold deviations from schedule to a minimum and shall correct therefor as promptly as possible under conditions approximately equivalent to the conditions under which the deviation occurred.

2.4 Computed demand. The computed demand shall be the largest difference during the billing period between the purchaser's 30-minute system load and the load which could have been carried by the purchaser's generating capacity (including assured capacity purchased or leased from others), assuming (1) normal and reasonable utilization, with reference to current load requirements, of the capacity and energy which would have been available based upon the most adverse water conditions of record (or estimated, if adequate records are not available covering a period of twenty years or more) for any period of twelve consecutive months and the most adverse fuel conditions reasonably to be anticipated, and (2) maintenance of reserve generating capacity sufficient to protect adequately the load which could have been carried by the purchaser's generating capacity. The Administrator will publish an interpretation of the methods and factors to be used in the determination of the computed demand

under this provision. Each contract in which computed demand may be a factor in determining the billing demand shall incorporate a provision with respect to the principles and procedures to be followed in the calculations of computed demand, and shall also have attached to it as an exhibit a calculation of the computed demand of the purchaser for the period having the highest computed demand during the twelve months immediately preceding the effective date of the contract.

3.1 Cooperative. The term Cooperative means any form of non-profit-making organization of citizens supplying, or which may be created to supply, members with any kind of goods, commodities, or services, as nearly as possible at cost.

3.2 Public Body. The term Public Body means any state, public power district, county, or municipality, including agencies or subdivisions of any thereof.

3.3 Administrator. The term Administrator means the Bonneville Power Administrator or such other department, agency or official authorized by law to perform functions now performed by the Administrator, or any of their authorized agents.

4.1 Character of Service. Power and energy supplied hereunder shall be 3-phase alternating current at approximately 60 cycles per second, or such other type of service as may be available.

5.1 Point of delivery and delivery voltage. Power and energy shall be delivered to each purchaser at such point or points and such voltage or voltages as are agreed upon by the Administrator and the purchaser. If service is rendered to a purchaser at more than one point of delivery, the amount of the charge for each power delivery shall be computed separately under the applicable rate schedule unless otherwise specifically provided in the contract in cases where:

(1) Delivery at more than one point is advantageous to the Government, or

(2) The flow of power at the several points of delivery is reasonably beyond the control of the purchaser.

Delivery at more than one voltage shall constitute delivery at more than one point.

6.1 Application of rates during initial operating period. In order to promote the development of new industries, the Administrator, for an initial operating period beginning with the commencement of operation of a new plant or major addition to an existing plant, and extending for such period as may be reasonably required by the character of the operation but not to exceed three (3) months, may agree (1) to establish the billing demand for service to such new plant or major addition on a daily basis or (2), if such new plant or major addition is served by a public body or cooperative purchasing power therefor from the Administrator, to establish that portion of such public body's or cooperative's billing demand which results from service to such new plant or major addition on a daily basis. The initial operating period may, with approval of the Federal Power Commission, be extended beyond the initial three (3) month's

period for such additional time as the character of operations may reasonably require. During such initial operating period such rate schedule provisions regarding contract demand, billing demand, and minimum monthly charge as are inconsistent with this section will be inoperative.

7.1 *Energy used for experimental purposes.* In order to promote experimentation in new processing methods and in the development of new types of load within the market area of the project, the Administrator, for such time as may be reasonably required by the character of the experimentation, but not to exceed six months unless approval of the Federal Power Commission is first obtained, may sell the energy used solely for such experimentation at the rate named in Wholesale Energy Rate Schedule H-3.

8.1 *Energy supplied for emergency and breakdown use.* Energy supplied for an emergency or breakdown use to a purchaser taking firm power shall be paid for at the rate named in Wholesale Energy Rate Schedule H-3.

9.1 *Billing.* Bills for power shall be rendered monthly and shall be payable at the office of the Administrator. In the event that the billing is for a fraction of a month the Administrator shall make an appropriate adjustment of the charges against the purchaser for such period. Failure to receive a bill shall not release the purchaser from liability for payment. If payment in full is not made on or before the close of business of the thirtieth day after the date of the bill, a delayed payment charge of two per cent (2%) of the unpaid amount of the bill will be made except in the case of bills rendered under contracts with other agencies of the United States.

The Administrator may, whenever a power bill or a portion thereof remains unpaid subsequent to the thirtieth day after the date of the bill and after giving thirty days' advance notice in writing, cancel the contract for service to the purchaser, but such cancellation shall not affect the purchaser's liability for any charges accrued prior hereto.

Remittances received by mail will be accepted without assessment of the two per cent (2%) delayed payment charge provided the postmark indicates the payment was mailed on or before the thirtieth day after the date of the bill. If the thirtieth day after the date of the bill is a Sunday or a holiday, the next following business day shall be the last day on which payment may be made without the addition of the delayed payment charge.

10.1 *Change from one rate schedule to another.* When a purchaser changes from one rate schedule to another rate schedule, the demands established under the superseded rate schedule shall be considered in computing bills under the newly elected rate schedule, in the same manner as if they had been established under the newly elected rate schedule.

11.1 *Approval of rates.* Schedules of rates and charges for electric energy produced at the Bonneville Project and

sold to purchasers shall become effective only after confirmation and approval by the Federal Power Commission. Such rate schedules may be modified from time to time by the Administrator subject to confirmation and approval by the Federal Power Commission.

12.1 *Average power factor.* The formula for determining average power factor is as follows:

$$\text{Average power factor} = \frac{\text{Kilowatt-hours}}{\sqrt{(\text{kilowatt-hours})^2 + (\text{reactive kilovolt-ampere hours})^2}}$$

In applying the above formula the meter for measurement of reactive kilovolt-ampere hours will be ratcheted to prevent reverse registration.

13.1 *Uncontrollable forces.* The term Uncontrollable Forces means (1) strikes affecting the operation of the Purchaser's works or system or other physical facilities upon which such operation is completely dependent, or of physical facilities used by the Government to serve the Purchaser, or (2) failure, damage or destruction of such works, system or facilities from causes reasonably beyond the control of the party having jurisdiction thereof, which by the exercise of reasonable diligence such party could not reasonably have been expected to avoid. Each party shall notify the other immediately of any defect, trouble or accident which may in any way affect the delivery of power by the Government to the Purchaser. In the event the operations of either party are suspended, interrupted, interfered with, or curtailed due to uncontrollable forces, such party shall exercise due diligence to reinstate such operations with all reasonable dispatch.

13.2 *Billing adjustments due to uncontrollable forces.* If operation of the customer's works or system or other physical facilities upon which such operation is completely dependent or if operation of physical facilities used by the Government to serve the Purchaser is suspended, interrupted, interfered with, or curtailed due to uncontrollable forces, as defined herein, the charges for power shall be appropriately reduced.

Any person desiring to make representations with respect to the foregoing should submit the same on or before August 19, 1946, to the Federal Power Commission, Washington 25, D. C.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-12360; Filed, July 19, 1946;
11:33 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 479, Special Permit 5]

REFRIGERATION OF POTATOES FROM HIGHTSTOWN, N. J.

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 479 (11

F.R. 3367), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 479 insofar as it applies to the furnishing of standard refrigeration for cars WFE 65918 and FGE 34118, potatoes, shipped by F. H. Vahlsing & Co., from Hightstown, N. J., July 16, 1946, consigned to N. Geraci & Co., Tampa, Fla., routed P. R. R.-R., F. & P.-S. A. L.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 16th day of July 1946.

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

[F. R. Doc. 46-12358; Filed, July 19, 1946;
11:22 a. m.]

[S. O. 479, General Permit 6]

REFRIGERATION OF POTATOES FROM ALABAMA

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 479 (11 F.R. 3367), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes originating at any point in Alabama to provide initial icing, and to reice once in transit, to full bunker capacity at a regular icing station enroute.

This general permit shall become effective at 2:00 p. m., July 16, 1946, and the icing and reicing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire at 11:59 p. m., September 15, 1946.

The waybills shall show reference to this general permit.

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

Issued at Washington, D. C., this 16th day of July 1946.

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

[F. R. Doc. 46-12359; Filed, July 19, 1946;
11:22 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order CE 313]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal

to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Executed at Washington, D. C., on July 3, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depository	Column 6 Sum vested
Salvatore DiSimone.....	Italy.....	<i>Item 1</i> Estate of John DiSimone, deceased, Surrogate's Court, Richmond County. Index No. A-80-1944.	\$150.79.....	Giuseppe DiSimone, 174 St. Marys Avenue, Rosebank, Staten Island, New York, Administrator.	\$17.00
Marla Schiachiatano.....	Italy.....	<i>Item 2</i> Same.....	\$150.79.....	Same.....	17.00
Pomilia Calogera.....	Italy.....	<i>Item 3</i> Same.....	\$150.79.....	Same.....	17.00
Laura R. Mensing.....	Austria.....	<i>Item 4</i> Roosevelt vs. Punnett, et al. Supreme Court, New York County, N. Y. Index No. 19588/1945.	Annuity of \$15,000.00.....	George Emlen Roosevelt, c/o Kobbe, Thatcher, Frederick & Hoar, Esqs., 61 Broadway, New York City, surviving trustee	125.00
Piero Ferrante.....	Italy.....	<i>Item 5</i> Estate of Francesco Ferrante, a/k/a Frank Ferrante, deceased, Surrogate's Court, Bronx County, State of New York. Index No. 75SP1944.	\$1,175.31.....	Riccardo Ferrante, executor, 394 East 161st St., Bronx, New York, N. Y.	99.00
Fradel Lipshitz.....	Poland.....	<i>Item 6</i> Estate of Hyman Rosenman, Surrogate's Court, Kings County, N. Y. Docket No. 5417-1938.	40 percent of the income of a trust u/w of Hyman Rosenman, deceased.	Joseph Rosenman, 790 Montgomery St., Brooklyn, N. Y.; Samuel Rosenman, 148 Hooper St., Brooklyn, N. Y. Co-trustees.	30.00
Sara-Leia Itzkowitz.....	Poland.....	<i>Item 7</i> Same.....	20 percent of income of a trust u/w of Hyman Rosenman, deceased.	Same.....	15.00
Syma Malach.....	Poland.....	<i>Item 8</i> Same.....	5 percent of income of a trust u/w of Hyman Rosenman, deceased.	Same.....	5.00
Malka Malach.....	Poland.....	<i>Item 9</i> Same.....	5 percent of income of a trust u/w of Hyman Rosenman, deceased.	Same.....	5.00
Rywka Malach.....	Poland.....	<i>Item 10</i> Same.....	5 percent of income of a trust u/w of Hyman Rosenman, deceased.	Same.....	5.00
Cywla Malach.....	Poland.....	<i>Item 11</i> Same.....	5 percent of income of a trust u/w of Hyman Rosenman, deceased.	Same.....	5.00

[F. R. Doc. 46-12285; Filed, July 18, 1946; 10:01 a. m.]

[Vesting Order 6712]

FRANK ZWERMANN

In re: Estate of Frank Zwermann, deceased. File D-28-8390; E. T. sec 9722.

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

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

That the property described as follows: Cash in the amount of \$4,105.50 is property in the possession of the Alien Property Custodian;

That such property was held by South Side National Bank in St. Louis, Executor of the Estate of Frank Zwermann, deceased, and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or

which was evidence of ownership or control by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Henry Zwermann, Germany.
Anna Diehl, Germany.
Lina Mueller, Germany.

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

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

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

This vesting order is issued nunc pro tunc to confirm and ratify the vesting of the said property in the Alien Property Custodian by acceptance thereof on October 9, 1945, pursuant to the Trading with the Enemy Act, as amended.

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

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 June 21, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-12283; Filed, July 18, 1946;
10:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[3d Rev. RO 3, Administrative Exception
Order 8]

SUGAR

REPLACEMENT OF SUGAR USED IN PRODUCTS
DELIVERED TO VETERANS ADMINISTRATION
HOSPITALS AND HOMES

The Veterans Administration has requested the Office of Price Administration

to grant an Administrative Exception Order which will authorize the Veterans Administration to make sugar ration currency replacements to the industrial users who deliver sugar-containing products to concessionaires in veterans' hospitals and homes.

The present sugar rationing regulations only permit the Veterans Administration to give replacement currency to distributors for sugar-containing products acquired by veterans' homes and hospitals. The concessionaires are not considered a part of the agency; therefore, products acquired by them do not come within the replacement privileges.

Since the cessation of hostilities many concessionaires have been unable to obtain a sufficient amount of soft drinks, candies, ice cream, and similar sugar-containing products to supply the patients at such hospitals and homes with the amount of such products needed. It is felt that if persons who used sugar in such products are given replacement currency for sugar-containing products acquired by these concessionaires until such time as the Veterans Administration can operate them, the delivery of such products to the concessionaires will be encouraged. Issuing replacement currency to producers for such products will not defeat or impair the effectiveness or the policies of Third Revised Ration Order 3.

It is hereby ordered, That on and after the effective date of this Administrative Exception Order the Veterans Administration may issue replacement currency to industrial users for sugar-containing products, other than sugar-containing products for which a provisional allowance is given under Third Revised Ration Order 3, that are (1) delivered after the effective date of this exemption to concessionaires at Veterans Administration hospitals and homes; and (2) sold either to patients and members of veterans hospitals and homes, or employees and visitors for consumption on the premises. The amount of currency to be issued by the Veterans Administration to such an industrial user shall be an amount sufficient to replace the amount of sugar contained in such products. Application for such replacement shall be made in the way provided in sections 13.3, 13.4 and 13.5 of Third Revised Ration Order 3. The allotment of any industrial user for the allotment period in which checks are issued to him under this order for his own use shall be deemed to be increased by the amount of such checks.

It is hereby further ordered, That for the purposes of this order a Veterans Administration hospital or home is one which comes within the definition of Veterans Administration hospital or home contained in Veterans Administration Regulations and Procedures No. 6047 and No. 6047, paragraph C-2 in effect on May 15, 1946.

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

This order shall become effective July 19, 1946.

Issued this 19th day of July 1946.

GEOFFREY BAKER,
Deputy Administrator.

[F. R. Doc. 46-12352; Filed, July 19, 1946;
11:08 a. m.]

Regional and District Office Orders.

[Region IV SO 4 to Order G-37 and SO 2 to 2d Rev. Orders G-3, G-7, G-8, G-10, G-15, G-18 and G-23, Rev. Orders G-2, G-4, G-5, G-6, G-9, G-11-G-14, G-16, G-20-G-27, G-29-G-33, G-35, G-36, and Orders G-38-G-62 Under RMFR 122]

SOLID FUELS IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, It is ordered:

(a) On and after June 21, 1946, any maximum prices of High and Low Volatile Bituminous Coals established by Second Revised Orders No. G-3, G-7, G-8, G-10, G-15, G-18 and G-23 under Revised Maximum Price Regulation No. 122; by Revised Orders No. G-2, G-4, G-5, G-6, G-9, G-11, G-12, G-13, G-14, G-16, G-20, G-21, G-22, G-24, G-25, G-26, G-27, G-29, G-30, G-31, G-32, G-33, G-35 and G-36 under Revised Maximum Price Regulation No. 122; and by Orders No. G-38, G-39, G-40, G-41, G-42, G-43, G-44, G-45, G-46, G-47, G-48, G-49, G-50, G-51, G-52, G-53, G-54, G-55, G-56, G-57, G-58, G-59, G-60, G-61, and G-62 under Revised Maximum Price Regulation No. 122; and by any Adopting Order issued pursuant to the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122 (all issued by the Atlanta Regional Office, Region IV, Office of Price Administration) may be increased by the applicable amount set out in the following schedule:

	(Per ton) (cents)
From district No. 7.....	58
From district No. 8.....	46
From district No. 9:	
Hand loaded deep mines.....	30
All other mines.....	19
From district No. 10:	
Hand loaded sizes 1 through 8.....	45
Hand loaded sizes 9 through 29.....	25
Deep machine mines sizes 1 through 8.....	25
Deep machine mines sizes 9 through 29.....	35
Strip mines sizes 1 through 8.....	10
Strip mines sizes 9 through 29.....	20
From district No. 11:	
Hand loaded mines.....	35
All other mines.....	35
From district No. 13:	
Deep mines.....	77
Strip mines.....	No increase

(b) Price increases on sales of less than ton lots may be made by amounts proportionate to the increases allowed on a per ton basis under paragraph (a) above. Such increases shall be rounded to nearest cent.

These supplementary orders shall become effective as of June 21, 1946.

Issued: June 21, 1946.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 46-12297; Filed, July 18, 1946;
11:09 a. m.]

[Green Bay Rev. Order 2 Under Gen. Order 68]
**BUILDING MATERIALS IN OSHKOSH, WIS.,
 AREA**

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the Oshkosh area. The Oshkosh area for the purposes of this order consists of the corporate limits of the city of Oshkosh, Wisconsin and that part of the township of Oshkosh lying between Lake Butte Des Morts and Lake Winnebago and a line one mile north of the northern boundary of the city limits of Oshkosh, Wisconsin.

SEC. 2. Definition—(a) Retail sale. For the purposes of this order, a retail sale means a sale to an ultimate user, or to any contractor: *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political subdivisions.

(b) **Contractor.** Any person who sells material or equipment, and in connection therewith, assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered a contractor.

(c) **Applicators.** Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. Maximum price, discounts and delivery practices. On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined any of the articles listed in Appendix A attached hereto at prices higher than the maximum prices in that appendix.

SEC. 5. Posting. Every seller making sales covered by this order shall post a copy of this list of maximum prices for sales to consumers contained in Appendix A of this order in each of his places of business in the area covered by this

order in a manner plainly visible to all purchasers. Every seller shall, if requested by any purchaser, make available to the purchaser for inspection his copy of this order including Appendix A containing the list of maximum prices applicable to that sale. There is attached to this order for your convenience two copies of Appendix A containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. Sales slips and records. Except in the case of sales of less than \$1.00 every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more.)
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended. No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

This order may be modified, amended, or revoked at any time.

This order shall become effective June 4, 1946.

Issued this 29th day of May, 1946.

F. L. EARP,
 District Director.

APPENDIX A

1. **Allowances and discounts.** All allowance and discount practices which sellers covered by this order had in effect during March 1942 and established under the GMPR

or other applicable regulations shall be maintained.

2. **Deliveries.** All maximum prices established by this order are delivered prices.

[Maximum delivered prices]

Material and unit	Price
Gypsum lath $\frac{3}{8}$ " MS.	\$29.00
Metal lath, 2.2 lb., painted diamond mesh, sq. yd.	.22
Metal lath, 3.4 lb., painted diamond mesh, sq. yd.	.26 $\frac{1}{2}$
Metal lath, 3.4 lb., $\frac{3}{8}$ " high rib painted, sq. yd.	.30
Metal lath, corner bead, expanded type, lin. ft.	.03 $\frac{1}{2}$
Portland cement, standard (cloth bags):	
Sack ($\frac{1}{4}$ bbl.)	1.70
Barrel	12.65
Masonry mortar (paper sacks), 62 $\frac{1}{2}$ -lb. bag	.67
Mason's hydrated lime, bag	.60
Clay drain tile 4", M lin. ft.	58.60
Clay drain tile 6", M lin. ft.	98.20
Vitrified clay sewer pipe No. 18S-4", lin. ft.	.19
Vitrified clay sewer pipe No. 18S-6", lin. ft.	.28 $\frac{1}{2}$
Flue lining, 9 x 9, lin. ft.	.44
Flue lining, 9 x 13, lin. ft.	.62
Flue lining, 13 x 13, lin. ft.	.81
Gypsum wallboard, $\frac{3}{8}$ " MS.	43.00
Asphalt roofing, 90-lb., mineral surface, roll	2.65
Asphalt or tarred felt, 15-lb., roll	2.55
Asphalt or tarred felt, 30-lb., roll	2.55
Asphalt shingles 210-lb. (3 in 1) thickbutt, square	6.10
Asphalt shingles 165-lb. 2 tab. hexagon, square	5.05
Fibre insulation board 25/32" asphalt sheathing (2' x 8' or 4' x 8' sizes), MS.	66.00
Asbestos cement siding 12 x 24 or 27", standard colors, square	8.42
Asbestos cement roofing shingles, dutch lap—individual shingles, square	10.05
Hard density synthetic fibre board, $\frac{1}{8}$ " tempered (standard size) MS.	83.00
Thermal insulation-blankets (paper-backed), medium blankets, MS.	45.00
Thermal insulation (paper-backed) single, MS.	43.00
Thermal insulation-blankets (paper-backed), thick, MS.	63.00
Thermal insulation-batts (paper-backed), 2" thick, MS.	45.00
Thermal insulation-batts (paper-backed), full-thick, MS.	63.00

¹ Price does not include permitted 10¢ per sack deposit charge for bags.

[F. R. Doc. 46-12250; Filed, July 17, 1946; 11:08 a. m.]

[Green Bay Rev. Order 3 Under Gen. Order 68]

BUILDING MATERIALS IN APPLETON, WIS., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order does. This order covers all retail sales made by any seller, except a manufacturer, of commodities specified in Appendix A, delivered to the purchaser in the Appleton area. The Appleton area for the purpose of this order consists of all territory within three miles of the nearest shore of that

portion of the Fox River which lies between its Lake Winnebago inlets and a point one mile down its course from the northeastern limit of the city of Kaukauna, Wisconsin. The three-mile measurement from the shore-line shall, in all cases, be made at right angles to the water course.

Sec. 2. Definitions—(a) Retail sale. For the purposes of this order, a retail sale means a sale to an ultimate user, or to any contractor; *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political subdivisions.

(b) Applicators. Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

Sec. 3 Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

Sec. 4. Maximum price, discounts and delivery practices. On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the prices attached in Appendix A. All prices include free delivery within the limits of the Appleton area as defined in section 1.

Sec. 5. Posting. Every seller making sales covered by this order shall post a copy of the list of maximum prices for sales to consumers contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. Every seller shall, if requested by any purchaser, make available to the purchaser for inspection his copy of this order including Appendix A containing the list of maximum prices applicable to that sale. There is attached to this order for your convenience two copies of Appendix A containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

Sec. 6. Sales slips and records. Except in the case of sales of less than \$1.00 every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as

amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more).
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

Sec. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding, and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended.

No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

This order may be modified, amended, or revoked at any time.

This order shall become effective June 4, 1946.

Issued this 31st day of May 1946.

F. L. EARP,
District Director.

APPENDIX A

1. *Allowances and discounts.* All sellers covered by this order shall continue the discount and allowance practices which they had in effect during March 1942 and established under the GMPR or other applicable regulations.

2. *Deliveries.* All maximum prices established by this order are delivered prices.

[Maximum delivered prices]

Material and unit	Price
Finishing lime, 50-lb. bag	\$0.75
Gypsum lath, 3/8", MSM	29.25
Metal lath, 2.5-lb., painted diamond mesh, sq. yd.	.27
Metal lath corner bead expanded type lin. ft.	.05
Portland cement, standard (paper bags):	
Barrel	3.25
Sack	.85
Portland cement, standard (cloth bags), sack	1.80
Masonry mortar (paper sacks), standard paper sacks	.80
Mason's hydrated lime, 50-lb. bag	.50
Vitrified clay sewer pipe, No. 18S-4", lineal foot	.22
Vitrified clay sewer pipe, No. 18S-6", lineal foot	.31

¹ Price does not include permitted 10¢ refundable deposit for return of bag.

Material and unit	Price
Gypsum wallboard, 3/8", MSM	\$48.00
Gypsum sheathing, 1/2", MSM	45.00
Fibre insulation board, 1/2" standard lath and board, MSM	50.00
Fibre insulation board, 2 5/8" asphalt sheathing (2' x 8' or 4' x 8' sizes), MSM	70.00
Hard density synthetic fibre board, 1/2" tempered (standard size), MSM	100.00
Thermal insulation-batts (paper-backed), 2" thick, MSM	50.00
Thermal insulation-batts (paper-backed), full-thick, MSM	67.00

[F. R. Doc. 46-12251; Filed, July 17, 1946; 11:08 a. m.]

[Green Bay Rev. Order 4 Under Gen. Order 68] BUILDING MATERIALS IN SUPERIOR, WIS., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order does. This order covers all retail sales of commodities specified in Appendix A, when made in the Superior area by any seller except the manufacturer. The Superior area for the purpose of this order consists of all territory within the corporate limits of Douglas County, Wisconsin.

Sec. 2. Definitions—(a) Retail sale. For the purposes of this order, a retail sale means a sale to an ultimate user, or to any contractor; *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political subdivisions.

(b) Applicators. Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

Sec. 3. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

Sec. 4. Maximum price, discounts and delivery practices. On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in that Appendix A. All prices include free delivery within the corporate limits of the city of Superior. For sales outside the free delivery zone, no charges may be made for deliveries in excess of the charges now legally in effect by such seller for a similar delivery. All allowances and discounts which you had in effect in March

1942 and established under the GMPR or other applicable regulations shall be continued in effect.

SEC. 5. Posting. Every seller making sales covered by this order shall post a copy of the list of maximum prices for sales to consumers contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. Every seller shall, if requested by any purchaser, make available to the purchaser for inspection his copy of this order including Appendix A containing the list of maximum prices applicable to that sale. There is attached to this order for your convenience two copies of Appendix A containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. Sales slips and records. Except in the case of sales of less than \$1.00 every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more).
4. Description of the item sold, including quantity, grade and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended. No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

This order may be modified, amended, or revoked at any time.

This order shall become effective June 4, 1946.

Issued this 29th day of May 1946.

F. L. EARP,
District Director.

APPENDIX A

1. Allowances and discounts. All sellers covered by this order shall continue in effect the discount and allowance practices which they had in effect during March, 1942, and established under the GMPR or other applicable regulations.

2. Deliveries. Maximum prices set forth in this Appendix are for sales in which delivery is made free of charge to points within the corporate limits of the city of Superior. For sales otherwise subject to this order but on which delivery is to be made to points outside the city of Superior but inside the Superior area, the delivery charges and practices shall be those established under the GMPR or other applicable regulations.

[Maximum delivered prices]

Material and unit	Price
Finishing lime, 50-lb. bag	\$0.75
Gypsum lath $\frac{3}{8}$ " MSM	28.00
Metal lath, 2.5-lb. painted diamond mesh, sq. yd.	.30
Metal lath, 2.5-lb. galvanized, sq. yd.	.32
Metal lath, 3.4-lb. galvanized, sq. yd.	.37
Metal lath corner bead, expanded type, lin. ft.	.04½
Metal lath corner bead, scalloped type, lin. ft.	.03½
Portland cement, standard (paper bags), bag	.75
Portland cement, standard (cloth bags), bag (10¢ refund allowed for bags returned)	.85
Masonry mortar (paper sacks), ¼ bbl. bag	.77
Mason's hydrated lime, 50-lb. bag	.60
Gypsum wallboard, $\frac{3}{8}$ " MSM	48.00
Gypsum sheathing, $\frac{1}{2}$ " MSM	48.00
Asphalt roofing—90-lb. mineral surface, roll	2.75
Asphalt or tarred felt, 15-lb., 432 sq. ft. roll	2.65
Asphalt or tarred felt, 30-lb., 216 sq. ft. roll	2.65
Asphalt shingles, 210-lb. (3 in 1) thickbutt, square	6.40
Fibre insulation board, $\frac{1}{2}$ " standard lath and board, MSM	50.00
Fibre insulation board, $\frac{3}{32}$ " asphalt sheathing (2' x 8' or 4' x 8' sizes), MSM	69.00
Hard density synthetic fibre board $\frac{1}{8}$ " tempered (standard size), MSM	90.00

[F. R. Doc. 46-12252; Filed, July 17, 1946; 11:08 a. m.]

[Green Bay Rev. Order 5 Under Gen. Order 68]

BUILDING MATERIALS IN EAU CLAIRE, WIS., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the Eau Claire area. The Eau Claire area for the purposes of this order consists of all territory within the corporate limits of the cities of Eau Claire and Altoona, Wisconsin.

SEC. 2. Definitions.—(a) *Retail sale.* For the purposes of the order, a retail

sale means a sale to an ultimate user, or to any contractor: *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political subdivisions.

(b) *Contractor.* Any person who sells material or equipment, and in connection therewith, assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered a contractor.

(c) *Applicators.* Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. Maximum price, discounts and delivery practices. On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in this Appendix A. All prices include free delivery within the corporate limits of the cities of Eau Claire and Altoona, Wisconsin. All sellers subject to this order shall continue in effect all differentials, allowances and discounts now legally in effect for such sellers, except that contractors shall receive not less than a 5% discount on all purchases of items covered by this order. No such 5% discount to contractors need be made, if payment in full is not made by the 10th of the month following the month of purchase.

SEC. 5. Posting. Every seller making sales covered by this order shall post a copy of the list of maximum prices for sales to consumers contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. Every seller shall, if requested by any purchaser, make available to the purchaser for inspection his copy of this order including Appendix A containing the list of maximum prices applicable to that sale. There is attached to this order for your convenience two copies of Appendix A containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached

and used as a poster hereinbefore required to be posted.

SEC. 6. Sales slips and records. Except in the case of sales of less than \$1.00 every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more).
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended. No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

This order may be modified, amended, or revoked at any time.

This order shall become effective June 4, 1946.

Issued this 31st day of May 1946.

F. L. EARP,
District Director.

APPENDIX A

1. Allowances and discounts.—All allowance, differential and discount practices which sellers covered by this order had in effect during March 1942 and established under the General Maximum Price Regulation or other applicable regulations shall be maintained except that contractors shall receive not less than 5% discount on all purchases of items covered by this order. No such 5% discount to contractors need be made if payment in full is not made by the 10th of the month following the month of purchase.

2. Deliveries.—All maximum prices established by this order are delivered prices.

[Maximum delivered prices]

Material and unit	Price
Finishing lime, 50-lb. bag	\$0.60
Finishing lime, ton	24.00

Material and unit	Price
Metal lath, 2.5-lbs. painted diamond mesh, 100 sq. yd.	\$23.00
Metal lath, 25-lbs. galvanized, 100 sq. yd.	30.00
Metal lath, corner bead expanded type, lin. ft.	.04½
Metal lath, corner bead scalloped type, lin. ft.	.03½
Portland cement, standard (paper bags), barrel	3.40
Portland cement, standard (cloth bags), bag (including 10¢ refundable deposit for return of bag)	.90
Portland cement, standard (cloth bags), barrel (including 10¢ refundable deposit for return of bags)	3.60
Masonry mortar (paper sacks), 70-lb. bag	.65
Masonry mortar (paper sacks), barrel	2.60
Mason's hydrated lime, 50-lb. bag	.50
Mason's hydrated lime, ton	20.00
Waterproof cement (gray), bag	.95
Waterproof cement (gray), barrel	3.80
Gypsum wallboard, ½", MSM	43.00
Gypsum wallboard, ¾", MSM	48.00
Gypsum sheathing, ½", MSM	43.00
Asphalt roofing, 90-lb. mineral surface, roll	2.60
Asphalt or tarred felt, 15-lb., 432 sq. ft. roll	2.55
Asphalt or tarred felt, 30-lb., 216 sq. ft. roll	2.55
Asphalt shingles, 210-lb. (3 in 1) thickbutt, square	6.15
Asphalt shingles, 165-lb. 2 tab. hexagon, square	4.85
Fibre insulation board, ½" standard lath and board, MSM	47.00
Fibre insulation board, 2½" asphalt sheathing (2' x 8' or 4' x 8' sizes), MSM	66.00
Hard density synthetic fibre board, ½" tempered (standard size), MSM	90.00
Thermal insulation blankets (paper enclosed), balsam wool standard, MSM	44.00
Thermal insulation blankets (paper enclosed), balsam wool double thick, MSM	63.00
Thermal insulation batts (paper backed), 2" thick, MSM	45.00
Thermal insulation batts (paper backed), full-thick, MSM	63.00
Thermal insulation, loose in bags, (nodulated), 35-lb. bag	1.10

[F. R. Doc. 46-12253; Filed, July 17, 1946; 11:09 a. m.]

[Green Bay Rev. Order 6 Under Gen. Order 68]

BUILDING MATERIALS IN MARATHON, WOOD AND PORTAGE COUNTIES, WIS.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order does. This order covers all retail sales made by any seller, except a manufacturer, of commodities specified in Appendix A delivered to the purchaser in Marathon, Wood and Portage Counties, Wisconsin.

SEC. 2. Definitions.—(a) *Retail sale.* For the purposes of this order, a retail sale means a sale to an ultimate user, or to any contractor: *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United

States Government or any of its political sub-divisions.

(b) *Contractor.* Any person who sells material or equipment, and in connection therewith, assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered a contractor.

(c) *Applicators.* Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. Maximum price, discounts and delivery practices. On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in this Appendix A. All prices include free delivery in the following areas:

(a) That territory within a radius of eight miles of the Marathon County Courthouse, Wausau, Wisconsin, including the communities of Schofield, Rothschild and Brokaw.

(b) That territory within a radius of five miles of the United States Post Office at Marshfield, Wisconsin.

(c) That territory within a radius of five miles of the Wood County Courthouse at Wisconsin Rapids, Wisconsin.

(d) The corporate limits of the city of Stevens Point, Wisconsin.

Deliveries made to points other than those within the areas defined above shall be at the rates and in accordance with the delivery practices which you had in effect during March, 1942 and established under the General Maximum Price Regulation or other applicable regulations.

All differentials, allowances and discounts in effect during March, 1942 and established under the General Maximum Price Regulation or other applicable regulations shall be continued in effect except that all dealers located within an 8 mile radius of the Marathon County Courthouse, Wausau, Wisconsin, shall allow discount to contractors of 5% if payment is made within 10 days of the end of the month in which the purchase was made, and to all other buyers of 2% if payment is made within 10 days of the end of the month in which the purchase was made.

SEC. 5. *Posting.* Every seller making sales covered by this order shall post a copy of the list of maximum prices for sales to consumers contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. Every seller shall, if required by any purchaser, make available to the purchaser for inspection his copy of this order including Appendix A containing the list of maximum prices applicable to that sale. There is attached to this order for your convenience two copies of Appendix A containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. *Sales slips and records.* Except in the case of sales of less than \$1.00 every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more).
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended. No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

This order may be modified, amended, or revoked at any time.

This order shall become effective June 6, 1946.

Issued this 31st day of May 1946.

F. L. EARP,
District Director.

APPENDIX A

1. *Allowances and discounts.* Sellers subject to this order shall allow all price differentials, allowances and discounts which they

had in effect during March, 1942 and established under the General Maximum Price Regulation or other applicable regulations except that all dealers located within an 8 mile radius of the Marathon County Courthouse, Wausau, Wisconsin, shall allow a discount to building contractors of 5% 10 days E. O. M. and to all other buyers of 2%, 10 days E. O. M.

2. *Deliveries.* Sellers subject to this order shall continue the delivery practices which they had in effect during March, 1942 and established under the General Maximum Price Regulation or other applicable regulation except that all deliveries made in the following areas shall be free:

(a) That territory within a radius of eight miles of the Marathon County Courthouse, Wausau, Wisconsin, including the communities of Schofield, Rothschild and Brokaw.

(b) That territory within a radius of five miles of the United States Post Office at Marshfield, Wisconsin.

(c) That territory within a radius of five miles of the Wood County Courthouse at Wisconsin Rapids, Wisconsin.

(d) The corporate limits of the city of Stevens Point, Wisconsin.

MAXIMUM PRICES

Material and unit	Price
Plaster, hard wall, ton-----	\$24.00
Plaster, gauging, 100-lb. bag-----	1.20
Plaster, gauging, ton-----	24.00
Finishing lime, 50-lb. bag-----	.65
Gypsum lath $\frac{3}{8}$ ", MSM-----	29.00
Metal lath 2.5 lb. painted diamond mesh, sq. yd.-----	.30
Metal lath, corner bead, expanded type, lin. ft.-----	.06
Portland cement, standard (paper bags), 94-lb. bag-----	.80
Portland cement, standard (paper bags), barrel-----	3.10
Portland cement, standard (cloth bags), 94-lb. bag-----	.75
Portland cement, standard (cloth bags), barrel-----	2.90
Masonry mortar (paper sacks), standard size bag-----	.70
Masonry mortar (paper sacks), barrel-----	2.80
Mason's hydrated lime, 50-lb. bag-----	.53
Waterproof cement (gray), standard size bag-----	1.05
Clay drain tile 4", lin. ft.-----	.072
Clay drain tile 6", lin. ft.-----	.116
Vitrified clay sewer pipe No. 1SS-4", foot-----	.25
Vitrified clay sewer pipe No. 1SS-6", foot-----	.33
Gypsum wallboard- $\frac{3}{8}$ ", MSM-----	45.00
Gypsum wallboard- $\frac{1}{2}$ ", MSM-----	51.00
Asphalt or tarred felt-15-lb., 432 sq. ft. roll-----	2.80
Asphalt or tarred felt-30-lb., 216 sq. ft. roll-----	2.80
Asphalt shingles-165-lb., 2 tab. hexagon, square-----	5.15
Fibre insulation board, $\frac{1}{2}$ " standard lath and board, MSM-----	50.00
Fibre insulation board, $\frac{3}{4}$ " asphalt sheathing (2' x 8' or 4' x 8' sizes), MSM-----	69.00
Thermal insulation-blankets (paper backed), medium, MSM-----	50.00
Thermal insulation-blankets (paper backed), single, MSM-----	45.00
Thermal insulation-blankets (paper backed), thick, MSM-----	67.00
Thermal insulation-batts (paper backed), 2" thick, MSM-----	50.00
Thermal insulation-batts (paper backed), full-thick, MSM-----	67.00
Thermal insulation blankets, Balsam wool (standard), MSM-----	48.00
Thermal insulation blankets, Balsam wool (double thick), MSM-----	70.00

¹ In addition, a refundable deposit of 10¢ per cloth bag may be charged.

[F. R. Doc. 46-12254; Filed, July 17, 1946; 11:09 a. m.]

[Peoria Order G-2 Under Gen. Order 68]

HARD BUILDING MATERIALS IN BLOOMINGTON, ILL., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is ordered:

SECTION 1. *What this order covers.* This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the Bloomington area. The Bloomington area for the purpose of this order consists of the area within the city limits of the City of Bloomington, Illinois, and also the area in McLean County, Illinois, lying outside such city limits and within a radius of six (6) miles from the County Court House located in Bloomington, Illinois, which area includes the City of Normal, Illinois.

SEC. 2. *Definitions.*—(a) *Retail sale.* For the purpose of this order, a retail sale means a sale to an ultimate user, or to any contractor: *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political subdivisions.

(b) *Contractor.* Any person who sells material or equipment, and in connection therewith, assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered a contractor.

(c) *Applicators.* Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. *Maximum price, discounts and delivery practices.* On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in this appendix. All prices include free delivery within the area covered by this order. For deliveries outside the free delivery zone, no charge may be made for deliveries in excess of the charges now legally in effect by such seller for a similar delivery.

SEC. 5. Posting. Every seller making sales covered by this order shall post a copy of the list of maximum prices for all sales contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. There is attached to this order for your convenience two copies of its appendix containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. Sales slips and records. Every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more).
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended.

No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

Appendix. The appendix containing the dollars-and-cents ceiling prices and the discounts and allowances established by this order is attached hereto, marked "Exhibit A" and made a part hereof.

This revised order may be modified, amended, or revoked at any time.

This revised order shall become effective June 12, 1946.

Issued this 7th day of June.

KENNETH H. LEMMER,
District Director.

APPENDIX A

PROVISIONS REGARDING DISCOUNTS, ALLOWANCES AND DELIVERY PRACTICES

1. **Cash discounts.** Two (2) per cent if paid within ten (10) days from date of sale.
2. For all deliveries made beyond the established free delivery area covered by this order, the retail seller shall charge no more than his customary charge per ton mile which was in effect in March 1942.

[Maximum prices to all purchasers]

Description of materials and unit	Price
Plaster:	
1. Plaster, hard wall, 100-lb. bag--	\$1.10
2. Plaster, hard wall, 50-lb. bag--	.65
3. Plaster, hard wall, per ton-----	20.00
4. Plaster, gauging (super white), 100-lb. bag-----	1.75
5. Plaster, gauging (local), 100-lb. bag-----	1.10
6. Plaster, moulding, 100-lb. bag--	1.75
7. Cement, Keene's, 100-lb. bag--	2.55
Lime:	
8. Lime, finishing, 50-lb. bag-----	.60
9. Mason's hydrated lime, 50-lb. bag-----	.60
Gypsum products:	
10. Gypsum lath, $\frac{3}{8}$ " sq. ft.-----	.028
11. Gypsum wallboard, $\frac{3}{8}$ " sq. ft.-----	.045
12. Gypsum sheathing, $\frac{1}{2}$ " sq. ft.-----	.045
Metal lath:	
13. Metal lath, 2.2-lb. painted diamond mesh, sq. yd.-----	.25
14. Metal lath, 2.5-lb. painted diamond mesh, sq. yd.-----	.28
15. Metal lath, 3.4-lb. painted diamond mesh, sq. yd.-----	.30
16. Metal lath, corner bead, expanded type, lin. ft.-----	.05
Cement products:	
17. Portland cement, standard (paper bags), 94-lb. bag-----	.80
18. Masonry mortar (paper sacks), 70-lb. bag-----	.70
19. Waterproof cement (gray), 94-lb. bag-----	1.10
Clay products:	
20. Clay drain tile, 4", lin. ft.-----	.06
21. Clay drain tile, 6", lin. ft.-----	.11
22. Vitrified clay sewer pipe, 18S 4", lin. ft.-----	.222
23. Vitrified clay sewer pipe, 18S 6", lin. ft.-----	.333
24. Flue lining, 8 x 8", lin. ft.-----	.434
25. Flue lining, 8 x 12", lin. ft.-----	.661
26. Flue lining, 12 x 12", lin. ft.-----	.811
27. Vitrified tile, 4" T's, L's, and Y's, each-----	.888
28. Vitrified tile, 6" T's, L's, and Y's, each-----	1.332
29. Fire clay, 100-lb. bag-----	1.25
Roofing:	
30. Asphalt roofing, 90-lb., mineral surface, per square-----	2.645
31. Asphalt or tarred felt, 15-lb., 432 sq. ft., per roll-----	2.683
32. Asphalt or tarred felt, 30-lb., 216 sq. ft., per roll-----	2.683
33. Asphalt shingles, 210-lb. 3-in-1, thickbutt, per square-----	6.46
34. Asphalt shingles, 165-lb. 2-tab hexagon, per square-----	5.15
Insulation material:	
35. Fibre insulation board, $\frac{1}{2}$ " standard (lath and board), sq. ft.-----	.055
36. Fibre insulation board, $\frac{3}{32}$ " asphalt sheathing, sq. ft.-----	.069
37. Standard density synthetic fibre board, $\frac{1}{8}$ " tempered, standard size, sq. ft.-----	.095
38. Thermal insulation blankets (paper backed), balsam wool, standard, sq. ft.-----	.08
39. Thermal insulation blankets (paper backed), balsam wool, double thick, sq. ft.-----	.0725

APPENDIX A—Continued

PROVISIONS REGARDING DISCOUNTS, ALLOWANCES AND DELIVERY PRACTICES—Continued

[Maximum prices to all purchasers]

Description of materials and unit

Description of materials and unit	Price
Insulation material—Continued	
40. Thermal insulation batts (paper backed), 2" thick, sq. ft.-----	\$0.05
41. Thermal insulation batts (paper backed), full thick, sq. ft.-----	.07
42. Thermal insulation, loose in bags (plain), 35-lb. bag-----	1.00

[F. R. Doc. 46-12255; Filed, July 17, 1946; 11:09 a. m.]

[Peoria Rev. Order G-5 Under Gen. Order 68]

HARD BUILDING MATERIALS IN FREEPORT, ILL. AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is ordered:

SEC. 1. What this order covers. This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the Freeport area. The Freeport, Illinois area covered by this order consists of the City of Freeport, Illinois and that part of Stephenson County lying within one mile from the city limits of Freeport, Illinois in any direction.

SEC. 2. Definitions. (a) *Retail sale.* For the purposes of this order, a retail sale means a sale to an ultimate user, or to any contractor; *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political sub-divisions.

(b) *Contractor.* Any person who sells material or equipment, and in connection therewith assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered a contractor.

(c) *Applicators.* Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. Maximum price, discounts and delivery practices. On and after the date of this order, regardless of any con-

tract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in this appendix. All prices include free delivery within the area covered by this order. For deliveries outside the free delivery zone, no charge may be made for deliveries in excess of the charges now legally in effect by such seller for a similar delivery.

SEC. 5. Posting. Every seller making sales covered by this order shall post a copy of the list of maximum prices for all sales contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. There is attached to this order for your convenience two copies of its Appendix containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. Sales slips and records. Every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale, of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more).
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended.

No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order may, as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

Appendix. The appendix containing the dollars-and-cents ceiling prices and the discounts and allowances, established by this order is attached hereto, marked Appendix A and made a part hereof.

This revised order may be modified, amended, or revoked at any time.

This revised order shall become effective June 18th, 1946.

Issued this 13th day of June 1946.

KENNETH H. LEMMER,
District Director.

APPENDIX A

PROVISIONS REGARDING DISCOUNTS, ALLOWANCES AND DELIVERY PRACTICES

1. **Cash discounts.** To all purchasers two (2) per cent for payment on or before the 10th day of the month following date of delivery.

2. For all deliveries made beyond the established free delivery area covered by this order, the retail seller shall charge no more than his customary charge per ton mile which was in effect in March 1942.

[Maximum prices to all purchasers]

Description of materials and unit		Price
Plaster:		
1. Plaster, hard wall, 50-lb. bag	---	\$0.65
2. Plaster, hard wall, 100-lb. bag	---	1.10
3. Plaster, hard wall, per ton	---	22.00
4. Plaster, gauging, 100-lb. bag	---	1.10
5. Plaster, moulding, 100-lb. bag	---	2.00
6. Cement, Keene's, 100-lb. bag	---	2.05
Lime:		
7. Lime, finishing, 50-lb. bag	---	.70
8. Mason's hydrated lime, 50-lb. bag	---	.55
Gypsum products:		
9. Gypsum lath $\frac{3}{8}$ " sq. ft.	---	.028
10. Gypsum wallboard $\frac{3}{8}$ " sq. ft.	---	.05
11. Gypsum block partition 3" hollow, sq. ft.	---	.085
12. Gypsum block partition 4" hollow, sq. ft.	---	.105
Metal lath:		
13. Metal lath 2.5 lb. painted diamond mesh, sq. yd.	---	.27
14. Metal lath, 3.4 lb. painted diamond mesh, sq. yd.	---	.35
15. Metal lath, corner bead, expanded type, lin. ft.	---	.052
Cement products:		
16. Portland cement, std., paper bags, 94-lb. bag	---	.80
17. Masonry mortar, paper bags, 70-lb. bag	---	.70
18. Waterproof cement (gray), 94-lb. bag	---	1.00
Clay products:		
19. Clay drain tile 4", lin. ft.	---	.058
20. Clay drain tile 6", lin. ft.	---	.0982
21. Vitrified clay sewer pipe No. 1SS 4", lin. ft.	---	.222
22. Vitrified clay sewer pipe No. 1SS 6", lin. ft.	---	.333
23. Flue lining 9 x 9, lin. ft.	---	.439
24. Flue lining 9 x 13, lin. ft.	---	.671
25. Flue lining 13 x 13, lin. ft.	---	.8405
26. Fire clay, 100 lb. bag	---	1.10
Roofing:		
27. Asphalt roofing 90-lb. mineral surface, per sq.	---	2.845
28. Asphalt or tarred felt 15 lb. 432 sq. ft., per roll	---	2.633
29. Asphalt or tarred felt 80 lb. 216 sq. ft., per roll	---	2.633
Insulation material:		
30. Fibre insulation board $\frac{1}{2}$ " std. lath and board, sq. ft.	---	.053
31. Fibre insulation board $\frac{23}{32}$ " asphalt sheathing, sq. ft.	---	.074
32. Standard density synthetic fibre board $\frac{1}{8}$ " 4 x 8, sq. ft.	---	.075
33. Hard density synthetic fibre board $\frac{1}{8}$ " tempered (std. size), sq. ft.	---	.095
34. Thermal insulation batts (paper backed) full thick, sq. ft.	---	.065

[F. R. Doc. 46-12256; Filed, July 17, 1946; 11:09 a. m.]

[Peoria Rev. Order G-8 Under Gen. Order 68] HARD BUILDING MATERIALS IN KANKAKEE, ILL., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the Kankakee area. The Kankakee, Illinois area covered by this order consists of the area within the city limits of the City of Kankakee, Illinois and also the area in Kankakee County lying outside such city limits and within a radius of five (5) miles from the Kankakee County Court House located in Kankakee, Illinois.

SEC. 2. Definitions—(a) Retail sale. For the purpose of this order, a retail sale means a sale to an ultimate user, or to any contractor: *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political sub-divisions.

(b) **Contractor.** Any person who sells material or equipment, and in connection therewith, assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use or by other objective evidence, shall be considered a contractor.

(c) **Applicators.** Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. Maximum price, discounts and delivery practices. On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in this appendix. All prices include free delivery within the area covered by this order. For deliveries outside the free delivery zone, no charge may be made for deliveries in excess of the charges now legally in effect by such seller for a similar delivery.

SEC. 5. Posting. Every seller making sales covered by this order shall post a

copy of the list of maximum prices for all sales contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. There is attached to this order for your convenience two copies of its appendix containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. Sales slips and records. Every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more.)
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended.

No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

Appendix: The appendix containing the dollars-and-cents ceiling prices and the discounts and allowances established by this order is attached hereto, marked Exhibit A and made a part hereof.

This Revised Order may be modified, amended, or revoked at any time.

This revised order shall become effective June 15th, 1946.

Issued this 10th day of June 1946.

KENNETH H. LEMMER,
District Director.

APPENDIX A

PROVISIONS REGARDING DISCOUNTS, ALLOWANCES AND DELIVERY PRACTICES

1. For all deliveries made beyond the established free delivery area covered by this

order, the retail seller shall charge no more than his customary charge per ton mile which was in effect in March 1942.

[Maximum prices to all purchasers]

Description of materials and unit		Price
<i>Plaster</i>		
1. Plaster, hard wall, 50-lb. bag----		\$0.65
2. Plaster, hard wall, 100-lb. bag----		1.05
3. Plaster, hard wall, per ton-----		21.00
4. Plaster, gauging (local), 100-lb. bag-----		1.15
5. Cement, Keene's, 100-lb. bag----		2.55
<i>Lime</i>		
6. Lime, finishing, 50-lb. bag-----		.60
7. Mason's hydrated lime, 50-lb. bag--		.55
<i>Gypsum products</i>		
8. Gypsum lath, $\frac{3}{8}$ ", sq. ft.-----		.028
9. Gypsum wallboard, $\frac{3}{8}$ ", sq. ft.---		.04
<i>Metal lath</i>		
10. Metal lath, standard, corner bead, not expanded, lin. ft.-----		.04
<i>Cement products</i>		
11. Portland cement, standard (paper bags), 94-lb. bag-----		.80
12. Portland cement, standard, per bbl.-----		2.90
13. Masonry mortar (paper sacks), per bag-----		.75
14. Concrete block (sand), 8 x 8 x 16, each-----		.17
<i>Clay products</i>		
15. Vitrified clay sewer pipe, No. 1SS 4", lin. ft.-----		.217
16. Vitrified clay sewer pipe, No. 1SS 6", lin. ft.-----		.313
17. Flue lining, 9 x 9, lin. ft.-----		.434
18. Flue lining, 9 x 13, lin. ft.-----		.631
19. Fire clay, 100-lb. bag-----		1.30
<i>Insulation material</i>		
20. Fibre insulation board, $\frac{1}{2}$ " standard lath and board, sq. ft.---		.055
21. Fibre insulation board, $\frac{25}{32}$ " asphalt sheathing, sq. ft.-----		.0715
22. Hard density synthetic fibre board, $\frac{1}{8}$ " tempered (standard size), sq. ft.-----		.095
23. Thermal insulation blankets (paper backed), full thick, Kimsel, sq. ft.-----		.055
24. Thermal insulation blankets (paper backed) double thick, balsam wool, sq. ft.-----		.07
25. Thermal insulation batts (paper backed), rock wool, 2" thick, sq. ft.-----		.055
26. Thermal insulation batts (paper backed), rock wool, full thick, sq. ft.-----		.07
27. Thermal insulation, loose in bags, rock wool (plain), 35-lb. bag-----		1.15

[F. R. Doc. 46-12257; Filed, July 17, 1946; 11:10 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 July 16, 1946.

Region III

Cincinnati Order 26, Amendment 5, covering dry groceries in certain areas in Ohio. Filed 11:07 a. m.

Cincinnati Order 27, Amendment 4, covering dry groceries in certain counties in Ohio. Filed 11:07 a. m.

Cincinnati Order 28, Amendment 4, covering dry groceries in certain counties in Ohio. Filed 11:06 a. m.

Cincinnati Order 29, Amendment 4, covering dry groceries in certain counties in Ohio. Filed 11:06 a. m.

Cincinnati Order 10-W, Amendment 5, covering dry groceries in certain areas in Ohio. Filed 11:06 a. m.

Cincinnati Order 11-W, Amendment 4, covering dry groceries in certain counties in Ohio. Filed 11:05 a. m.

Cleveland Order 37, Amendment 11, covering dry groceries in the county of Cuyahoga, Ohio. Filed 11:04 a. m.

Cleveland Order 38, Amendment 12, covering dry groceries in certain areas in Ohio. Filed 11:07 a. m.

Cleveland Order 39, Amendment 4, covering dry groceries in certain counties in Ohio except Put-In-Bay TWP. Filed 11:05 a. m.

Cleveland Order 6-W, Amendment 11, covering dry groceries in the county of Cuyahoga, Ohio. Filed 11:04 a. m.

Cleveland Order 7-W, Amendment 4, covering dry groceries in certain counties in Ohio except Put-In-Bay TWP. Filed 11:05 a. m.

Detroit Order 31, Amendment 1, covering dry groceries in certain counties in Michigan. Filed 4:18 p. m.

Detroit Order 32, Amendment 1, covering dry groceries in certain counties in Michigan. Filed 4:21 p. m.

Indianapolis Order 14-F, Amendment 74, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe counties, Indiana. Filed 4:17 p. m.

Indianapolis Order 15-F, Amendment 74, covering fresh fruits and vegetables in the counties of Wayne, Delaware and Allen, Indiana. Filed 4:17 p. m.

Indianapolis Order 16-F, Amendment 74, covering fresh fruits and vegetables in the county of St. Joseph, Indiana. Filed 4:17 p. m.

Indianapolis Order 17-F, Amendment 74, covering fresh fruits and vegetables in the county of Vanderburgh, Indiana. Filed 4:16 p. m.

Louisville Order 30, Amendment 13, covering dry groceries in certain counties in Kentucky. Filed 4:16 p. m.

Louisville Order 5-D, Amendment 2, covering butter and cheese in certain areas in Kentucky. Filed 4:16 p. m.

Louisville Order 4-W, Amendment 13, covering dry groceries in Jefferson county, Kentucky and Clark and Floyd counties, Indiana. Filed 4:15 p. m.

Louisville Order 5-W, Amendment 12, covering dry groceries in certain counties in Kentucky. Filed 4:15 p. m.

Louisville Order 6-W, Amendment 13, covering dry groceries in certain counties in Kentucky. Filed 4:15 p. m.

Louisville Order 10-W, Amendment 1, covering dry groceries in certain counties in Kentucky. Filed 4:15 p. m.

Region IV

Richmond Order 7-O, covering eggs in certain areas in Virginia. Filed 10:27 a. m.

Region V

Wichita Order 34, Amendment 7, covering dry groceries. Filed 10:27 a. m.

Wichita Order 35, Amendment 7, covering dry groceries. Filed 10:26 a. m.

Wichita Order 36, Amendment 4, covering dry groceries. Filed 10:26 a. m.

Wichita Order 8-W, Amendment 7, covering dry groceries. Filed 10:26 a. m.

Wichita Order 9-W, Amendment 7, covering dry groceries. Filed 10:26 a. m.

Region VI

Green Bay Order 1-D, Amendment 3, covering butter and cheese in certain counties in Wisconsin. Filed 10:26 a. m.

Green Bay Order 2-D, Amendment 3, covering butter and cheese in certain counties in Wisconsin. Filed 10:25 a. m.

Green Bay Order 1-M, Amendment 1, covering bottled and canned domestic malt beverages in certain areas in Wisconsin. Filed 10:25 a. m.

Milwaukee Order 14-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 4:20 p. m.

Milwaukee Order 15-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 4:20 p. m.

Milwaukee Order 16-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 4:20 p. m.

Milwaukee Order 17-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 4:20 p. m.

Milwaukee Order 14, Amendment 5, covering dry groceries in certain areas in Wisconsin. Filed 4:20 p. m.

Milwaukee Order 33, Amendment 4, covering dry groceries in certain counties in Wisconsin. Filed 4:19 p. m.

Milwaukee Order 6-W, Amendment 5, covering dry groceries in certain areas in Wisconsin. Filed 4:19 p. m.

Milwaukee Order 7-W, Amendment 7, covering dry groceries in the Milwaukee county and the cities of Racine and Kenosha, Wisconsin. Filed 4:19 and 4:20 p. m.

Springfield Order 24-F, Amendment 17, covering fresh fruits and vegetables in certain counties in Illinois. Filed 10:24 a. m.

Springfield Order 64, Amendment 3, covering dry groceries in certain counties in Illinois. Filed 10:24 a. m.

Region VII

Boise Order 5-F, Amendments 46 and 47, covering fresh fruits and vegetables in the Boise City area. Filed 4:19 and 4:18 p. m.

Salt Lake City Order 14-F, Amendments 15 and 16, covering fresh fruits and vegetables in Salt Lake, Davis, and Weber. Filed 11:02 and 11:10 a. m.

Salt Lake City Order 15-F, Amendments 15 and 16, covering fresh fruits and vegetables in Cache, Carbon, and Emery. Filed 11:03 and 11:02 a. m.

Salt Lake City Order 16-F, Amendments 15 and 16, covering fresh fruits and vegetables in Rich and Daggett. Filed 11:03 a. m.

Salt Lake City Orders 1-D, 2-D, and 3-D, Amendment 1 covering butter and cheese. Filed 11:00 10:05 and 10:57 a. m.

Salt Lake City Order 32 Amendments 6 and 7, covering dry groceries in Salt Lake City, Ogden, and Provo area. Filed 10:34 and 10:28 a. m.

Salt Lake City Order 33, Amendments 5 and 6, covering dry groceries in Salt Lake City, Ogden and Provo area. Filed 10:34 a. m.

Salt Lake City Order 34, Amendments 5 and 6, covering dry groceries in Cache,

Carbon, Emery, Richfield, Cedar City, Southern Idaho, Evanston and Provo area. Filed 10:35 a. m.

Salt Lake City Order 35, Amendments 5 and 6, covering dry groceries in certain areas in Utah. Filed 10:36 and 10:35 a. m.

Salt Lake City Order 36, Amendments 5 and 6, covering dry groceries in certain counties in Nevada. Filed 10:36 a. m.

Salt Lake City Order 37, Amendments 4, 5, and 6, covering dry groceries in certain counties in Utah. Filed 10:24, 10:27, and 10:36 a. m.

Salt Lake City Order 3-C, Amendments 7 and 8, covering poultry in the State of Utah. Filed 11:03 a. m.

Salt Lake City Order 4-C, Amendments 8 and 9, covering poultry in the State of Utah. Filed 10:28 and 11:04 a. m.

Salt Lake City Order 1-P, Amendments 1 and 2, covering fish in the Summit county area and Perry in Box Elder county. Filed 11:00 and 11:01 a. m.

Salt Lake City Order 2-P, Amendments 1 and 2, covering fish in the Garfield county area, Box Elder area except Brigham, Willard and Perry. Filed 11:01 a. m.

Salt Lake City Order 7-W, Amendments 6 and 7, covering dry groceries in the Salt Lake, Ogden, Provo area. Filed 10:28 a. m.

Region VIII

Seattle Order 16-F, Amendments 47 and 48, covering fresh fruits and vegetables in Seattle, Tacoma, and Bremerton, Washington. Filed 10:57 and 10:38 a. m.

Seattle Order 17-F, Amendment 43, covering fresh fruits and vegetables in Bellingham and Everett, Washington. Filed 10:37 a. m.

Seattle Order 18-F, Amendment 44, covering fresh fruits and vegetables in Olympia, Aberdeen, Hoquiam, Centralia and Chehalis, Washington. Filed 10:37 a. m.

Seattle Order 19-F, Amendment 41, covering fresh fruits and vegetables in Yakima, Wenatchee, and East Wenatchee, Washington. Filed 10:37 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-12291; Filed, July 18, 1946; 11:07 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 July 12, 1946.

Region II

Albany Order 13-F, Amendment 22, covering fresh fruits and vegetables in certain cities in New York and the town of Green Island, New York. Filed 9:48 a. m.

Region III

Indianapolis Orders 38 and 39, Amendment 13, covering dry groceries in 1, 2, 3A

and 4A stores in certain areas in Indiana. Filed 9:48 and 9:47 a. m.

Indianapolis Order 40, Amendment 14, covering dry groceries in 3 and 4 stores only, in certain areas in Indiana. Filed 9:47 a. m.

Indianapolis Orders 8-O and 9-O, Amendment 7, covering eggs in certain counties in Indiana. Filed 9:46 and 9:45 a. m.

Indianapolis Orders 19-W and 20-W, Amendment 13, covering dry groceries in certain areas in Indiana. Filed 9:42 and 9:36 a. m.

Louisville Order 33-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 9:36 a. m.

Louisville Order 26, Amendment 13, covering dry groceries in Jefferson county, Kentucky and Clark and Floyd counties, Indiana. Filed 9:36 a. m.

Louisville Order 1-O, Amendment 10, covering eggs in Jefferson County, Kentucky and Clark and Floyd Counties, Indiana. Filed 9:35 a. m.

Louisville Order 2-O, Amendment 6, covering eggs in certain counties in Kentucky. Filed 9:35 a. m.

Region IV

Atlanta Order 12-F, Amendment 29, covering fresh fruits and vegetables in Atlanta-Decatur Metropolitan Trade area. Filed 9:24 a. m.

Atlanta Order 13-F, Amendment 29, covering fresh fruits and vegetables in certain counties outside of the Atlanta-Decatur Metropolitan Trade area. Filed 9:50 a. m.

Atlanta Order 14-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:50 a. m.

Atlanta Order 15-F, Amendment 29, covering fresh fruits and vegetables in Bibb and Muscogee counties, Georgia and Phenix City, Alabama. Filed 9:48 a. m.

Atlanta Order 16-F, Amendment 11, covering fresh fruits and vegetables in Chatham and Richmond counties. Filed 9:52 a. m.

Atlanta Order 17-F, Amendment 11, covering fresh fruits and vegetables in Dougherty and Thomas counties. Filed 9:52 a. m.

Atlanta Order 18-F, Amendment 11, covering fresh fruits and vegetables in the Savannah area. Filed 9:52 a. m.

Atlanta Order 19-F, Amendment 12, covering fresh fruits and vegetables in certain counties in the Savannah area. Filed 9:51 a. m.

Atlanta Order 20-F, Amendment 11, covering fresh fruits and vegetables in certain counties in the Savannah area. Filed 9:51 a. m.

Birmingham Order 5-F, Amendment 39, covering fresh fruits and vegetables in Jefferson County. Filed 9:50 a. m.

Birmingham Order 26-F, Amendment 38, covering fresh fruits and vegetables in Mobile county. Filed 9:54 a. m.

Birmingham Order 27-F, Amendment 40, covering fresh fruits and vegetables in Montgomery county. Filed 9:53 a. m.

Birmingham Order 28-F, Amendment 38, covering fresh fruits and vegetables in Houston county. Filed 9:53 a. m.

Birmingham Order 29-F, Amendment 37, covering fresh fruits and vegetables in Dallas county. Filed 9:53 a. m.

Region VI

Chicago Order 2-F, Amendment 123, covering fresh fruits and vegetables in Cook, DuPage, Kane, Lake, McHenry counties, Illinois and Lake county, Indiana. Filed 9:53 a. m.

Chicago Order 6-C, Amendment 24, covering poultry in Cook county, Illinois. Filed 9:53 a. m.

Chicago Order 4-O, Amendment 3, covering eggs in Cook county, Illinois. Filed 9:52 a. m.

Fargo Order 8-F, Amendment 3, covering fresh fruits and vegetables in certain counties in North Dakota and the City of Fast Grand Forks in Polk county, Minnesota. Filed 9:52 a. m.

Fargo Order 41, Amendment 6, covering dry groceries in the cities of Bismarck, Devils Lake, Jamestown, Mandan, Minot and Valley City, North Dakota. Filed 9:56 a. m.

Fargo Order 42, Amendment 6, covering dry groceries in certain areas in North Dakota. Filed 9:56 a. m.

Fargo Order 43, Amendment 7, covering dry groceries in certain areas in North Dakota and Minnesota. Filed 9:55 a. m.

Fargo Order 43, Amendment 8, covering dry groceries in certain areas in North Dakota and Minnesota. Filed 9:55 a. m.

Fargo Order 44, Amendment 7, covering dry groceries in certain areas in North Dakota and Minnesota. Filed 9:55 a. m.

Fargo Order 7-W, Amendment 6, covering dry groceries in the cities of Bismarck, Mandan, and Minot, North Dakota. Filed 9:54 a. m.

Fargo Order 8-W, Amendment 6, covering dry groceries in the cities of Fargo and Grand Forks, North Dakota and Moorhead, Minnesota. Filed 9:54 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-12292; Filed, July 18, 1946;
11:07 a. m.]

[Region III Adopting Order G-67 Under Gen.
Order 68]

HARD BUILDING MATERIALS IN COVINGTON, KY., AREA

For the reasons set forth in an opinion which has been filed with the Division of the Federal Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1-B under General Order No. 68, this order is issued:

SECTION 1. What this order does. This adopting order establishes dollars-and-cents maximum prices for the hard building materials listed in Table I, hereof, when sold at retail at or from any point within the Covington, Kentucky Area.

SEC. 2. Area covered. For the purposes of this order, the "Covington, Kentucky Area" consists of the counties of Boone, Campbell and Kenton in the State of Kentucky.

SEC. 3. Applicability of Basic Order No. 1-B. All the provisions of Basic Order No. 1-B, consistent with this Adopting Order No. G-67, are hereby adopted by, and incorporated by reference into, this order as though fully re-written herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order.

All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

SEC. 4. Maximum prices—(a) Price list. The maximum prices for hard building materials covered by this order shall be those set forth in Table I which is annexed to, and made a part of, this order. Prices lower than the listed maximum prices may, of course, be charged or paid.

(b) Delivery. (i) The maximum prices listed in Table I hereof include free delivery:

(1) Of any quantity of hard building materials to any point within the corporate limits of the city or town wherein the seller's place of business is located, and,

(2) Of purchases in truckload quantities, or more, to any point within a radius of fifteen miles of the seller's place of business.

(ii) For delivery of purchases of truckload quantities, or more, of any hard building materials covered hereby to points beyond the free delivery zones described in subsection (i) (2) above, or, of purchases of ten dollars' value or more, beyond the free delivery zone described in subsection (i) (1) above, the seller may make a delivery charge of not more than twenty cents for each mile, or fraction thereof, by which the point of delivery is located beyond said free delivery zones.

(iii) For delivery of purchases of less than ten dollars' value beyond the free delivery zones specified in subsection (i) (1) above, the seller may make a charge of not more than fifty cents in addition to the charges permitted in subsection (ii) above, for sales of ten dollars' value or more.

(iv) No deduction need be made from the maximum prices listed in Table I, hereof, where the purchaser elects to make his own delivery.

(c) Discounts. No seller covered hereby shall discontinue or reduce any of the discounts, for cash sales of any of the items listed in Table I, hereof, which he offered in March 1942.

This Order No. G-67 shall become effective June 25, 1946.

Issued June 11, 1946.

J. F. KESSEL,
Regional Administrator.

Commodity	Unit	Maximum retail price (to persons other than contractors)	Maximum price to con- tractors
Plaster, hard wall.....	100-lb. bag.....	\$1.07	\$0.97
Plaster, gauging.....	100-lb. bag.....	1.52	1.37
Plaster, moulding.....	100-lb. bag.....	1.52	1.37
Keene's cement.....	100-lb. bag.....	2.40	2.16
Finishing lime.....	50-lb. bag.....	.55	.50
Gypsum lath, 3/8 in.....	Sq. ft.....	.023 1/2	.025
Metal lath, 2.2-lb. painted diamond mesh.	Sq. yd.....	.25	.21
Metal lath, 2.5-lb. painted diamond mesh.	Sq. yd.....	.26	.23
Metal lath, 3.4-lb. painted diamond mesh.	Sq. yd.....	.285	.26
Metal lath, 2.75-lb. flat rib painted.	Sq. yd.....	.29	.26
Metal lath, corner bead expanded type.	Lin. ft.....	.04 1/2	.04
Portland cement, stand- ard (paper bag).	94-lb. bag.....	.84	.75
Masonry mortar (paper sack).	75-lb. bag.....	.68	.61
Mason's hydrated lime.....	50-lb. bag.....	.55	.50
Waterproof cement (gray).	94-lb. bag.....	1.15	1.04
Fire brick 9-in. straight first quality.	Each.....	.07 1/2	.07
Fire clay.....	100-lb. bag.....	1.12	1.01
Clay drain tile, 3 in.....	Lin. ft.....	.06	.054
Clay drain tile, 4 in.....	Lin. ft.....	.0808	.0737
Clay drain tile, 6 in.....	Lin. ft.....	.1506	.1409
Vitrified clay sewer pipe, No. 188 4 in.	Lin. ft.....	.228	.205
Vitrified clay sewer pipe, No. 188, 6 in.	Lin. ft.....	.333	.30
Flue lining, 4 1/2 in. x 8 1/2 in.	Lin. ft.....	.3345	.301
Flue lining, 9 in. x 9 in.....	Lin. ft.....	.456	.41
Flue lining, 9 in. x 13 in.....	Lin. ft.....	.684	.616
Flue lining, 13 in. x 13 in.....	Lin. ft.....	.874	.787
Gypsum wallboard 3/8 in.	Sq. ft.....	.04 1/2	.04
Asphalt roofing, 90-lb., mineral surface.	108 sq. ft. roll.	2.40	2.28
Asphalt or tarred felt 15-lb.	432 sq. ft. roll.	2.30	2.30
Asphalt or tarred felt 30-lb.	216 sq. ft. roll.	2.30	2.30
Asphalt shingles, 210 lb. (3-in-l), thickbutt.	100 sq. ft.....	8.65	5.09
Asphalt shingles, 165-lb. 2-tab hexagon.	100 sq. ft.....	4.61	4.20
Fibre insulation board, 3/4 in. standard, lath and board.	Sq. ft.....	.04 1/2	.043
Fibre insulation board, 3/4 in. standard, lath and board.	Sq. ft.....	.064	.058
Asbestos cement siding, 12 in. x 24 in. or 27 in., standard colors.	100 sq. ft.....	7.80	7.35
Asbestos cement roofing shingles, economy cut.	100 sq. ft.....	8.55	8.55
Standard density (syn- thetic fiber board, 3/8 in. in. (4 x 8).	Sq. ft.....	.07 1/2	.0675
Hard density synthetic fibre board, 3/8 in. tem- pered (standard size).	Sq. ft.....	.08	.07
Thermal insulation blan- kets (paper backed), medium.	Sq. ft.....	.044	.04
Thermal insulation blan- kets (paper backed), thick.	Sq. ft.....	.06	.054
Thermal insulation batts (paper backed), 2-in. thick.	Sq. ft.....	.054	.048
Thermal insulation batts (paper backed), full- thick.	Sq. ft.....	.05 1/2	.05
Thermal insulation loose in bags (plain).	40-lb. bag.....	1.00	.90
Thermal insulation loose in bags (nodulated).	40-lb. bag.....	1.20	1.08

Delivery. (i) The maximum prices listed in Table I, above, include free delivery:

(1) Of any quantity of hard building materials to any point within the corporate limits of the city or town wherein the seller's place of business is located, and

(2) Of purchases in truckload quantities, or more, to any point within a radius of fifteen miles of the seller's place of business.

(ii) For delivery of purchases of truckload quantities, or more, of any hard building materials covered hereby to points beyond

the free delivery zones described in subsection (1) (2) above, or, of purchases of ten dollars' value or more, beyond the free delivery zone described in subsection (1) (1) above, the seller may make a delivery charge of not more than twenty cents for each mile, or fraction thereof, by which the point of delivery is located beyond said free delivery zones.

(iii) For delivery of purchases of less than ten dollars' value beyond the free delivery zones specified in subsection (1) (1) above, the seller may make a charge of not more than fifty cents in addition to the charges permitted in subsection (ii) above, for sales of ten dollars' value or more.

(iv) No deduction need be made from the maximum prices listed in Table I, hereof, where the purchaser elects to make his own delivery.

Discounts. No seller hereby shall discontinue or reduce any of the discounts, for cash sales of any of the items listed in Table I, hereof, which he offered in March 1942.

[F. R. Doc. 46-12293; Filed, July 18, 1946; 11:08 a. m.]

[Region IV SO 5 to Order G-37 and SO 3 to 2d Rev. Order G-10, Rev. Orders G-5, G-13, G-16, G-30, and Order G-38, Under RMPR 122]

SOLID FUELS IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) On and after June 25, 1946, any maximum price of Anthracite Coal established by Second Revised Order No. G-10 under Revised Maximum Price Regulation No. 122; by Revised Orders No. G-5, G-13, G-16 and G-30 under Revised Maximum Price Regulation No. 122; and by Order No. G-38 under Revised Maximum Price Regulation No. 122; and by any adopting order issued pursuant to the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122 (all issued by the Atlanta Regional Office, Region IV, Office of Price Administration) may be increased by the applicable amount set out in the following schedule:

From districts No. 1 and 2:	Per ton
Broken egg, stove, and nut.....	\$1.15
Pea.....	1.00
Buckwheat.....	.70
Rice.....	.60
Barley.....	.50
Smaller.....	.40
Yard screenings.....	.75

(b) Price increases on sales of less than ton lots may be made by amounts proportionate to the increases allowed on a per ton basis under paragraph (a) above. Such increases shall be rounded to nearest cent.

These supplementary orders shall become effective as of June 25, 1946.

Issued June 27, 1946.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 46-12296; Filed, July 18, 1946; 11:09 a. m.]

No. 141—7

[Region II Rev. Order G-19 Under RMPR 122, Amdt. 8]

SOLID FUELS IN ATLANTIC COUNTY, N. J.

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 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Revised Order No. G-19 is amended in the following respect:

1. Paragraphs (d) (1) and (d) (2) are amended by revising the prices for By-product Coke, Ambricoal Briquettes and Bituminous to read as follows:

(1) Sales on a "Direct-delivery" basis. For sales of solid fuel of the kinds and sizes, and in quantities specified.

Kind and size of fuel	Per net ton	Per net ½ ton	Per net ¼ ton
Byproduct coke.....	\$14.00	\$7.25	\$3.75
Briquettes (Ambricoal).....	12.80	6.65	3.45
Bituminous (from underground mines):			
Low volatile from district 1, run-of-mine.....	10.62	5.55	2.90
High volatile from districts 2, 3, and 7, stoker.....	10.33	5.40	2.85

(2) "Yard sales". For sales of solid fuel of the kinds and sizes, and in quantities specified.

Kind and size of fuel	Per net ton	Per net ½ ton	Per net ¼ ton
Byproduct coke.....	\$12.90	\$6.70	\$3.50
Briquettes (Ambricoal).....	11.70	6.10	3.20
Bituminous (from underground mines):			
Low volatile from district 1 run-of-mine.....	9.52	5.00	2.65
High volatile from districts 2, 3, and 7, stoker.....	9.23	4.85	2.55

On "yard sales" of all solid fuels to persons other than resellers, you may add 10¢ per net ton on the kinds specified in the above schedule of prices for "yard sales."

This Amendment No. 8 to Revised Order No. G-19 shall become effective June 21, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 38, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of June 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-12298; Filed, July 18, 1946; 11:10 a. m.]

[Savannah Rev. Order G-1 Under Gen. Order 50, Amdt. 2]

MALT AND CEREAL BEVERAGES IN SAVANNAH, GA., DISTRICT

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Savannah (Georgia) District Office, Region IV, Office of Price Administration, by General Order No. 50, and Region IV Revised Delegation Order No. 17, it is hereby ordered:

That section 3 of Revised Order G-1 be amended by revising the brands and prices of beers listed in said order, and by adding certain other brands, and prices as set forth in the appendices at-

tached hereto and made a part of this order.

This amendment shall become effective December 3, 1945.

(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)

Issued this 30th day of November 1945.

R. E. THORPE,
District Director.

APPENDIX A GROUP 1-B

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
Beers		
	Cents	Cents
Carta Blanca.....	35	
Van Wyck.....	30	65
Atlas All American.....	25	60
Barbarossa.....	25	60
Budweiser.....	25	60
Burger Brau.....	25	60
Canadian Ace.....	25	60
Doerschuck.....	25	60
Dorquest.....	25	60
Down's Art and Art.....	25	60
Gem Pilsner.....	25	60
Gold Medal Tivoli.....	25	60
Heirloom Premium.....	25	60
Hi Brau.....	25	60
Holland Premium.....	25	60
Loewer's.....	25	60
Miller's Old Original High Life.....	25	60
National Premium.....	25	60
Pabst Blue Ribbon.....	25	60
Ruby.....	25	60
Schlitz.....	25	60
Silver Fox De Luxe.....	25	60
Tru Blu Old Fashioned.....	25	60
Ales		
Ballantyne.....	25	60
Canadian Ace.....	25	60
Carling's Red Cap.....	25	60
Red Top Ale.....	25	60
Spearman's Old English.....	25	60
Tru Blu.....	25	60
All other brands (including unlabeled beer and ale).....	20	50
All brands, listed or unlabeled, containing less than 12 ounces per bottle.....	10	
Draft beer		
	Cents	
6-ounce glass (per glass).....	10	
8-ounce glass (per glass).....	13	
10-ounce glass (per glass).....	16	
12-ounce glass (per glass).....	19	
Other's size glasses (per ounce).....	01.6	

GROUP 2-B

Beers	Cents	
Carta Blanca.....	30	
Van Wyck.....	25	55
Atlas All American.....	20	50
Barbarossa.....	20	50
Breidt's.....	18	45
Budweiser.....	20	50
Burger Brau.....	20	50
Canadian Ace.....	20	50
Doerschuck.....	20	50
Dorquest.....	20	50
Down's Art and Art.....	18	50
Esslinger.....	18	45
Fell's Extra.....	18	45
Fortune.....	20	45
Frederick's Four Crown.....	20	50
Gem Pilsner.....	18	50
Goenner's New Life.....	20	45
Gold Medal Tivoli.....	20	50
Hazleton Pilsner.....	20	45
Heirloom Premium.....	18	50
Hi Brau.....	18	50
Holland Premium.....	18	50
Koenig's.....	20	45
Lang's.....	20	45
Lion.....	20	45
Loewer's.....	20	50
Miller's Old Original High Life.....	18	50
National Premium.....	20	50
Pabst Blue Ribbon.....	20	50
Red Fox.....	18	45

APPENDIX A—Continued
GROUP 2-B—continued

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
<i>Beers—Con.</i>		
Ruby	Cents 20	Cents 50
Schlitz	20	50
Schmidt's	18	45
Silver Fox DeLuxe	20	50
Tru Blu Old Fashioned	20	50
Trophy	18	45
<i>Ales</i>		
Ballantyne XXX	20	50
Canadian Ace	20	50
Carling's Red Cap	20	50
Red Top Ale	20	50
Spearmen's Old English	20	50
True Blue	20	50
All other brands (including unlabeled beer and ale)	15	40
All brands, listed or unlisted, containing less than 12-ounces per bottle	10	
<i>Draft beer</i>		
6-ounce glass (per glass)	Cents 08	
8-ounce glass (per glass)	10	
10-ounce glass (per glass)	12	
12-ounce glass (per glass)	14	
Other size glasses (per ounce)	01.3	

GROUP 3-B

Beers	Cents	
	12-ounce	32-ounce
Budweiser	18	45
Carta Blanca	25	
Van Wyck	22	50
Atlas All American	18	45
Barbarossa	18	45
Breidt's	16	40
Burger Brau	18	45
Canadian Ace	18	45
Doerschuck	18	45
Dorquest	18	45
Down's Arl and Arl	18	45
Esslinger	16	40
Fell's Extra	16	40
Fortune	16	40
Frederick's Four Crown	18	45
Gem Pilsner	18	45
Goerner's New Life	16	40
Gold Medal Tivoli	18	45
Hazellon Pilsner	16	40
Heirloom Premium	18	45
Hi Brau	18	45
Holland Premium	18	45
Koenig's	16	40
Long's	16	40
Lion	16	40
Loewer's	18	45
Miller's Old Original High Life	18	45
National Premium	18	45
Pabst Blue Ribbon	18	45
Red Fox	16	40
Ruby	18	45
Schlitz	18	45
Schmidt's	16	40
Silver Fox DeLuxe	18	45
Trophy	16	40
Tru Blu Old Fashioned	18	45
<i>Ales</i>		
Ballantyne XXX	18	45
Canadian Ace	18	45
Carling's Red Cap	18	45
Red Top Ale	18	45
Spearmen's Old English	18	45
Tru Blu	18	45
All Other Brands (Including Unlabeled Beer and Ale)	14	35
All Brands, listed or unlisted, containing less than 12 ounces per bottle	10	
<i>Draftbeer</i>		
6-ounce glass (per glass)	Cents 6	
8-ounce glass (per glass)	8	
10-ounce glass (per glass)	10	
12-ounce glass (per glass)	1	
Other size glasses (per ounce)	1	

The above prices include all Federal and State taxes with the exception of the Federal excise tax on cabarets. Sellers who are required to pay the Federal excise tax on cabarets may add the same to the above prices if such tax is separately stated and collected.

[F. R. Doc. 46-12294; Filed, July 18, 1946; 11:08 a. m.]

[Region II Order G-73 Under RMPR 122, Amdt. 1]

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 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-73 is amended in the following respects:

1. Paragraph (a) (1) is amended by revising the schedule of amounts to be deducted as follows:

(a) *Pennsylvania Anthracite with ash content in excess of quality standards.* (1) Maximum prices for Pennsylvania Anthracite received by a dealer which has been identified by his supplier prior to its dumping into a barge at the piers or unloading from car into bins as anthracite with an ash content in excess of OPA quality standards shall be the maximum per net ton prices established by the dealer under the applicable area dollar-and-cent order as amended or revised, listed in paragraph (b) of this order, less the following amounts:

Size:	Per net ton
Broken, egg, stove and nut	\$1.15
Pea	.95
Buckwheat No. 1	.75
Rice (buckwheat No. 2)	.65

This Amendment No. 1 to Order No. G-73 shall become effective as of June 25, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued: June 28, 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-12240; Filed, July 17, 1946; 11:04 a. m.]

[Region III Order G-3 Under Gen. Order 68, Amdt. 2]

STOCK MILLWORK IN TOLEDO, OHIO, AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by General Order No. 68, It is hereby ordered: That section 6 of Order No. G-3 be amended to read as follows:

SEC. 6. *Maximum prices for the stock millwork items listed in Table I.* (a) The maximum dollar and cents prices for stock millwork are provided in Table I, hereof, which is attached to and made a part of this order.

(b) The maximum prices of all sash doors provided in Table I are the maximum prices of sash doors embedded in putty. If sash doors are listed in Table I, but are sold not bedded in putty, the maximum prices are provided in Revised Maximum Price Regulation No. 293 plus the allowed markup in Maximum Price Regulation No. 525 plus 33 1/3%.

(c) The prices provided herein are the maximum which may be charged for the stock millwork items shown whether purchased from manufacturers, jobbers, or self-produced. A seller may quote on a contract basis: *Provided*, That he main-

tains records showing complete calculations for each item in his contract price: *And provided*, That the contract price is based on prices permitted by this order as well as any other applicable regulation. Contract sales may not exceed the sum total of the maximum stock millwork prices for each and all items in the contract. Prices lower than the maximum prices may be charged.

(d) Sellers covered hereby may add to the maximum prices listed in Table I, hereof, the exact amount of their suppliers' increases in price pursuant to Amendment No. 16, to Revised Maximum Price Regulation No. 293, provided such sellers list such price increases with their District Offices of the Office of Price Administration before selling at such increased prices.

This Amendment No. 2 to Order No. G-3 shall become effective June 12, 1946.

Issued: June 12, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-12243; Filed, July 17, 1946; 11:04 a. m.]

[Green Bay Rev. Order 1 Under Gen. Order 68]

BUILDING MATERIALS IN GREEN BAY-DE PERE, WIS.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. *What this order covers.* This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the Green Bay-De Pere area. The Green Bay-De Pere area for the purposes of this order consists of the corporate limits of the cities of Green Bay and De Pere, Wisconsin, and the townships of Allouez, Ashwaubenon, and that portion of the township of Preble lying west of Range twenty-one (21) East.

SEC. 2. *Definition of retail sales.* For the purposes of this order, a retail sale means a sale to an ultimate user, or to any person for resale on an installed basis.

SEC. 3. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in section 3. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, 3rd Revised Maximum Price Regulation 13, Maximum Price Regulation 44 (except as to sales covered by Maximum Price Regulation 525), Maximum Price Regulation 293 (except as to sales covered by Maximum Price Regulation 525), and Maximum Price Regulation 281 shall continue to apply to sales covered by this order.

SEC. 4. *Maximum prices, discounts and delivery practices.* On and after the date of this order, regardless of any contracts, agreement, or other obligation, no persons covered by this order shall sell, offer

to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in this Appendix A.

SEC. 5. *Posting.* Every seller making sales covered by this order shall post a copy of this list of maximum prices for sales to consumers contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. Every seller shall, if requested by any purchaser, make available to the purchaser for inspection his copy of this order including Appendix A containing the list of maximum prices applicable to that sale. There is attached to this order for your convenience two copies of Appendix A containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. *Sales slips and records.* Except in the case of sales of less than \$1.00 every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject of this order:

1. Name and address of seller.
 2. Date of sale.
 3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more).
 4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
 5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
 6. The total price.
- Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended. No person subject to this order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

This order may be modified, amended, or revoked at any time.

This order shall become effective June 3, 1946.

Issued this 29th day of May 1946.

F. L. EARP,
District Director.

APPENDIX A

PROVISIONS REGARDING DISCOUNTS, ALLOWANCES AND DELIVERY PRACTICES

1. *Allowances and discounts.* Sellers subject to this order shall allow discounts to contractors of 5% if payment is made within ten days of the end of the month in which the purchase was made. All other discount and allowance practices which sellers covered by this order had in effect during March 1942 and established under the General Maximum Price Regulation or other applicable regulations shall be maintained.

2. *Deliveries.* All maximum prices established by this order are delivered prices.

[Maximum delivered prices]

Material and unit	Price
Finishing lime, ton.....	\$24.50
Finishing lime, 50 lb. bag.....	.70
Gypsum lath $\frac{3}{8}$ " MS.....	28.00
Metal lath, 2.5-lb. painted diamond mesh, sq. yd.....	.25½
Metal lath, 3.4 painted diamond mesh, sq. yd.....	.29¼
Metal lath corner bead expanded type, lineal ft.....	.04
Portland cement, standard (paper bags), bbl.....	2.75
Portland cement, standard (paper bags), sack.....	.70
Portland cement, standard (cloth bags), bbl.....	2.60
Portland cement, standard (cloth bags), sack.....	.70
Masonry mortar (paper sacks), bbl.....	2.66
Masonry mortar (paper sacks), sack.....	.70
Mason's hydrated lime, bag.....	.50
Waterproof cement (gray), sack.....	1.08
Gypsum block-partitions 3" hollow, each.....	.08½
Gypsum block-partitions 4" hollow, each.....	.10
Fire clay (100-lb. bags), 100-lb. bags.....	1.25
Clay drain tile 4", lineal ft.....	.06½
Vitrified clay sewer pipe No. 1SS-4", lineal ft.....	.22
Vitrified clay sewer pipe No. 1SS-6", lineal ft.....	.33
Flue lining 9 x 9, lineal ft.....	.44
Flue lining 9 x 13, lineal ft.....	.65
Flue lining 13 x 13, lineal ft.....	.83
Gypsum wallboard $\frac{3}{8}$ " MS.....	43.00
Gypsum wallboard $\frac{1}{2}$ " MS.....	48.00
Gypsum sheathing $\frac{1}{2}$ " MS.....	44.50
Asphalt roofing—90-lb. mineral surface, roll.....	2.61
Asphalt or tarred felt, 15-lb., roll.....	2.65
Asphalt or tarred felt, 30-lb., roll.....	2.65
Asphalt shingles 210-lb. (3 in 1) thickbutt, square.....	6.15
Asphalt shingles 165-lb. 2 tab. hexagon, square.....	4.85
Fibre insulation board $\frac{1}{2}$ " standard lath and board, MS.....	46.00
Fibre insulation board $\frac{3}{4}$ " asphalt sheathing, MS.....	66.00
Asbestos cement siding 12 x 24 or 27" standard colors, square.....	8.50
Thermal insulation-blankets (paper backed) Medium (2" minimum), MS.....	45.00
Thermal insulation-blankets (paper backed) single, MS.....	42.50
Thermal insulation-blankets (paper backed) full-thick, MS.....	60.00
Thermal insulation-batts (paper backed) 2" thick, MS.....	45.00
Thermal insulation-batts (paper backed) full-thick, MS.....	60.00

¹ Price does not include permitted 10¢ per sack deposit charge for bags.

[F. R. Doc. 46-12249; Filed, July 17, 1946; 11:07 a. m.]

[Chicago Order G-1 Under Gen. Order 68, Amdt. 4]

BUILDING MATERIALS IN CHICAGO, ILL., AREA

An accompanying opinion has been filed with the Division of the Federal Register.

Appendix A of District Order No. G-1 under General Order 68 is hereby amended to add a paragraph 1 at the beginning of said Appendix A, reading as follows:

1. On sales to contractors where the total amount of the sale is less than \$7.50, prices as set forth in Appendix B of this order may be used.

Appendices A and B of District Order No. G-1 under General Order 68 are hereby amended as follows:

APPENDIX A

Sales to Contractors (Maximum Price)

Description of commodity and unit

7 Metal Lath 2.5 lb. painted diamond mesh, square yard.....	\$0.21
8 Metal Lath 3.4 lb. painted diamond mesh, square yard.....	.25½
9 Metal Lath 2.75 lb. flat rib painted, square yard.....	.23½
10 Metal Lath 3.4 lb. $\frac{3}{4}$ " high rib painted, square yard.....	.27½
23 Vitrified clay sewer pipe No. 1SS-4", lineal foot.....	.19
24 Vitrified clay sewer pipe No. 1SS-6", lineal foot.....	.28½
25 Flue Lining 9 x 9, lineal foot.....	.38
26 Flue Lining 9 x 13, lineal foot.....	.56½
27 Flue Lining 13 x 13, lineal foot.....	.72½
29 90 lb. Mineral surface, roll roofing (Class C label) fixtures included, roll.....	2.39
30 Asphalt or tarred felt 15 lb., 432 sq. ft. per roll Underwriters label, roll.....	2.47
31 Asphalt or tarred felt, 30 lb., 216 sq. ft. per roll Underwriters label, roll.....	2.47
32 Asphalt standard strip shingles (3 in line) 210 lbs, square.....	5.70
34 Fibre insulation board $\frac{3}{4}$ " asphalt sheathing (asphalt coated), 1,000 square feet.....	62.00

APPENDIX B

Sales to consumers

7 Metal Lath 2.5 lb. painted diamond mesh, square yard.....	\$0.27
8 Metal Lath 3.4 lb. painted diamond mesh, square yard.....	.30
9 Metal Lath 2.75 lb. flat rib painted, square yard.....	.26
10 Metal Lath 3.4 lb. $\frac{3}{4}$ " high rib painted, square yard.....	.30
23 Vitrified clay sewer pipe No. 1SS-4", lineal foot.....	.22
24 Vitrified clay sewer pipe No. 1SS-6", lineal foot.....	.31
25 Flue Lining 9 x 9, lineal foot.....	.42
26 Flue Lining 9 x 13, lineal foot.....	.60½
27 Flue Lining 13 x 13, lineal foot.....	.77
29 90 lb. Mineral surface, roll roofing (Class C label) fixtures included, roll.....	2.48
30 Asphalt or tarred felt, 15 lb., 432 sq. ft. per roll, Underwriters label, roll.....	2.57
31 Asphalt or tarred felt, 30 lb., 216 sq. ft. per roll, Underwriters label, roll.....	2.57
32 Asphalt standard strip shingles (3 in line) 210 lbs., square.....	5.95
34 Fibre insulation board $\frac{3}{4}$ " asphalt sheathing (asphalt coated), square foot.....	.06½

This amendment supersedes Amendments 1 and 3 to said order.

All other prices listed in said order for other commodities than those above described shall remain in full force and effect.

This amendment shall become effective June 26, 1946.

Issued June 26, 1946.

JAMES F. RILEY,
District Director.

[F. R. Doc. 46-12295; Filed, July 18, 1946;
11:09 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[Files Nos. 52-24, 70-1258]

MIDLAND REALIZATION CO. ET AL.

ORDER APPROVING POST-EFFECTIVE AMENDMENT TO PLAN, APPROVING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of July 1946.

In the matters of Midland Realization Company, Midland Utilities Company, File No. 52-24; The Middle West Corporation, File No. 70-1258.

Hugh M. Morris, Trustees of Midland United Company, a registered holding company, and Clarence A. Southerland and Jay Samuel Hartt, Trustees of Midland Utilities Company ("Utilities"), a registered holding company, having heretofore jointly filed an application pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 ("act"), for approval of a modified plan for the reorganization of said companies under said section of the act and section 77B of the Bankruptcy Act; and

The Commission having entered its findings and opinions and orders approving such modified plan; and

The modified plan having been approved by the United States District Court for the District of Delaware, accepted by the requisite percentages of the holders of allowed claims and stock interests, confirmed by said Court; and consummated; and

It appearing that, in consummating such modified plan, the name of Midland United Company was changed to Midland Realization Company ("Realization"); and

Said modified plan having provided, among other things, that within one year after the date of its confirmation, April 7, 1945, or within 90 days after certain obligations of Realization to certain secured creditors shall have been reduced to \$1,500,000 or less, whichever occurs sooner, Realization and Utilities shall present a plan for their merger to this Commission for its approval, the Court retaining jurisdiction to require the filing of such merger plan with this Commission, and, upon its approval by this Commission, to require the execution and consummation of said merger plan; and

It further appearing that the said modified plan further provided that the purpose and policy of Utilities, as reor-

ganized, and of the company surviving the merger of Realization and Utilities, was to liquidate its assets expeditiously, but without undue sacrifice of values, and to distribute its assets among the holders of its stock, and that the policy of Utilities and of the company surviving the merger of Realization and Utilities was to make no new investments or to engage in no business activities except for the purpose of effecting or facilitating such liquidation and distribution; and

A post-effective amendment to said modified plan having now been jointly filed, pursuant to section 11 (f) of the act and section 222 of the Bankruptcy Act, as amended, by Realization and Utilities wherein the requirement of a merger as an intermediate step in the liquidation of such companies is proposed to be eliminated and a program is substituted therefor which provides for the direct liquidation of both companies; and

The Middle West Corporation ("Middle West"), a registered holding company, as the holder of shares of capital stock of Realization, having filed applications-declarations to permit it to acquire from time to time, pursuant to the said post-effective amendment to the plan, securities to be distributed by Realization and to permit it to dispose of, from time to time, all or any part of such acquired securities; and

Realization and Utilities having requested that our order recite, in conformity with the provisions of the Internal Revenue Code, as amended, that the exchange, transfer, and sale by Realization and Utilities of the aggregate of 2,154,395 shares of the no par value common stock of Northern Indiana Public Service Company are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and

The Commission having issued a notice of and order for hearing on said post-effective amendment and on the applications-declarations filed by Middle West, and having directed that the proceedings be consolidated; and

A public hearing having been held on such matters, after appropriate public notice, the Commission having considered the matter and having made and filed its findings and opinion herein:

It is hereby ordered, That the applications and declarations with respect to all transactions proposed in the post-effective amendment to the modified plan of reorganization and necessary to its consummation be, and hereby are, granted and permitted to become effective, respectively, and the applications-declarations filed by Middle West be, and hereby are, granted and permitted to become effective, subject to the provisions of Rule U-24 and to the following terms and conditions:

1. That nothing herein contained shall authorize consummation of any of the transactions proposed in the post-effective amendment to the modified plan until the reorganization court shall have entered an order approving the proposed modification of the plan or reorganization under the provisions of the Bankruptcy Act.

2. Jurisdiction is reserved over the terms of the invitation for bids, the form of bid and stock purchase agreement, the price to be received, and the underwriter's spread and its allocation with respect to the proposed sale or sales, pursuant to the requirements of Rule U-50, of any shares of the no par value common stock of Northern Indiana Public Service Company by Realization, Utilities, and Middle West, and such sale or sales shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate.

3. Jurisdiction is reserved as to manner and terms of the disposition by Middle West of any shares of the no par value common stock of Northern Indiana Public Service Company if disposition thereof is effected in any manner other than pursuant to the provisions of Rule U-50, and of the capital stock of Utilities.

4. Jurisdiction is reserved with respect to the manner and terms by which Realization will acquire 18,707 shares of its capital stock.

5. Jurisdiction is reserved over the fees and expenses of independent counsel for prospective bidders.

6. Jurisdiction is reserved over all accounting entries on the books of The Middle West Corporation with respect to the disposition by it of its holdings of common stock of Midland Realization Company, the acquisition of any securities or other assets to be received in exchange therefor, and the disposition, in turn, of any of the securities so received.

7. That The Middle West Corporation shall divest itself of all its interest in the common stock of Northern Indiana Public Service Company and in the capital stock of Midland Utilities Company within three months following the acquisition thereof, or within such longer period as may be permitted for good cause.

It is further ordered, That the exchange, transfer, and sale by Realization and Utilities of the aggregate of 2,154,395 shares of the no par value common stock of Northern Indiana Public Service Company are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-12348; Filed, July 19, 1946;
10:15 a. m.]

[File Nos. 59-12, 54-51]

ELECTRIC BOND AND SHARE CO. ET AL.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION-DECLARATION AND PERMITTING IT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of July A. D. 1946.

In the matter of Electric Bond and Share Company, National Power & Light

Company, et al.; File No. 59-12. In the matter of Electric Bond and Share Company, National Power & Light Company; File No. 54-51, Application 10, Part D.

Simplification of holding company system. Distribution of assets of dissolved subsidiary. Distribution by registered holding company to former preferred stockholders of a dissolved subsidiary of cash remaining with registered holding company after discharging all liabilities of dissolved subsidiary, approved, as fair and equitable to the persons affected thereby and necessary to effectuate the provisions of section 11 (b).

National Power & Light Company ("National"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed Application 10 under its plan for compliance with section 11 (b) of the Public Utility Holding Company Act of 1935 (File No. 54-51), proposing therein a program for its dissolution and the liquidation of its remaining assets in compliance with an order of this Commission dated August 23, 1941.¹

As Part D of such Application 10, National proposes to distribute to the former preferred stockholders of Tennessee Public Service Company ("Tennessee"), a former subsidiary of National now dissolved, the sum of \$357,604 upon approval of this Commission and the approval of the Maine Court under the jurisdiction of which Tennessee was dissolved. Said sum consists of \$327,826 in cash which National has realized from the assets of Tennessee and \$29,778 which National expects to realize in cash for the benefit of Tennessee under the plan for the compromise settlement of claims against Bond and Share and its wholly-owned subsidiaries, which plan was approved by this Commission by order dated May 27, 1946.² National proposes, in the event of approval by this Commission, to petition the Maine Court having jurisdiction over Tennessee's dissolution to amend its decree of dissolution of Tennessee entered June 1, 1939 and to appoint a trustee to take over the amount of \$357,604, to pay necessary expenses incident to the distribution, and to distribute the balance to the former preferred stockholders of Tennessee.

In 1938 Tennessee sold substantially all of its electric properties to T. V. A. and the City of Knoxville, shortly thereafter disposed of certain remaining properties, and then subsequently dissolved. At the time of its dissolution, Tennessee had outstanding 49,603 shares of \$6 preferred stock having a liquidating value of \$100 per share, and 5,000 shares of common stock. Of the total number of such preferred shares, National owned 42,342 shares and the public held 7,261 shares. National owned all of the com-

mon stock except for directors' qualifying shares. At dissolution, a liquidating dividend of \$88.86 per share was paid on such shares by Tennessee. The payment now proposed by National amounts to approximately \$7.21 per share before expenses incident to distribution, which are expected to be nominal. After this payment, all former preferred stockholders, including National, will have received in the liquidation of Tennessee approximately \$96 per share of its preferred stock. National has received nothing on account of its holdings of common stock.

The record in this matter indicates that all known liabilities of Tennessee, which were assumed by National pursuant to dissolution proceedings, have now been discharged, and all assets received by National upon the liquidation of Tennessee, with the exception of certain securities and claims not recorded on National's books and still considered worthless, have been converted into cash. The balance of cash is stated to have resulted from the fact that certain liabilities of Tennessee assumed by National have not been so large as was anticipated and that larger amounts have been realized from the assets transferred to National by Tennessee than were anticipated at the time such assets were turned over.

We find that the proposed distribution is a step in compliance with our order of August 23, 1941, directing the dissolution of National, is necessary to effectuate section 11 (b) (2) of the act, and is fair and equitable to the persons affected thereby. We also find the transaction not to be in contravention of the provisions of the act or any of the rules or regulations thereunder.

It is therefore ordered, That said application-declaration, as amended, be, and hereby is, granted and permitted to become effective, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-12349; Filed, July 19, 1946;
10:15 a. m.]

[File No. 1-1496]

GOLD ORE MINING CO.

ORDER GRANTING REQUEST FOR WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of July, A. D. 1946.

The Gold Ore Mining Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, and Rule X-12D2-1 promulgated thereunder, having made application to the Commission to withdraw its Capital Stock, \$1.00 per value, from listing and registration on the Los Angeles Stock Exchange, and a hearing having been duly held in this matter before a trial examiner of the Commission; and

The applicant having requested under date of June 18, 1946, that its application in this matter be withdrawn;

It is ordered, That the request of the applicant be granted and that the proceeding in this matter be and it hereby is dismissed.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-12350; Filed, July 19, 1946;
10:15 a. m.]

WAR SHIPPING ADMINISTRATION.

"EMMA MAERSK", ET AL.

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by Administrator, War Shipping Administration, pursuant to Section 3 (b) of the act approved March 24, 1943 (Public Law 17-78th Congress).

Whereas the title to the vessels of Danish registry named below was requisitioned pursuant to the act of June 6, 1941 (Public Law 101-Seventy-Seventh Congress; 55 Stat. 242), as amended, on or about the date shown opposite the name of each such vessel:

Emma Maersk, June 20, 1941.
Laura Maersk, July 7, 1941.
Marchen Maersk, July 10, 1941.
Gertrude Maersk, July 10, 1941.
Grete Maersk, July 10, 1941.
Maria, August 2, 1941.
Rita Maersk, June 16, 1941.
Georgia, July 12, 1941.
African Reefer, September 5, 1941.
Jutta, June 16, 1941.

and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17-78th Congress; 57 Stat. 45), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner * * *;

and

Whereas neither the full amount nor 75 per centum of just compensation for such vessels has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessels is not required by the United States; and

Whereas the former owners of the said vessels have consented to this determination and to the return of the

¹For a description of the steps taken or contemplated to be taken by National in final dissolution pursuant to Application 10, see Holding Company Act Release Nos. 6007 and 6229.

²National Power & Light Company et al., — S. E. C. — (1946), Holding Company Act Release Nos. 6663 and 6704.

vessels and to the conversion of the requisition of the title thereto to a requisition of the use thereof in accordance with the act approved March 24, 1943 (Public Law 17—78th Congress);

Now, therefore, I, Granville Conway, Administrator, War Shipping Administration, acting pursuant to the act ap-

proved March 24, 1943 (Public Law 17—78th Congress), do hereby determine that the ownership of said vessels is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than the title to such vessels shall be deemed to have been requisitioned,

for all purposes, as of the date of the original taking.

Dated: July 11, 1946.

[SEAL]

GRANVILLE CONWAY,
Administrator.

[F. R. Doc. 46-12361; Filed, July 19, 1946;
11:51 a. m.]