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TITLE 7—AGRICULTURE

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

PART 974—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

ORDER REGULATING HANDLING

Sec.

AUTHORITY: §§ 974.0 to 974.13, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087.

§ 974.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F.R. 11791), a public hearing was held upon a proposed marketing agreement and proposed order regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

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

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the 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 and wholesome milk, and be in the public interest;

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

(4) Milk to be regulated by the terms of this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products.

(b) *Additional findings.* (1) It is hereby found and proclaimed in connection with the execution of a tentatively approved marketing agreement and the issuance of this order, regulating the handling of milk in the said marketing area, that the purchasing power of such milk during the prewar period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk for the period August 1919–July 1929 can be satisfactorily determined from available statistics of the Department of Agriculture and the period August 1919–July 1929 is the base period to be used in connection with the said marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will amount to approximately $25,000 per year; and the prorata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 2 cents per hundredweight with respect to all re-

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FEDERAL REGISTER

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ceipts, during each delivery period, of skim milk and butterfat (except receipts from other handlers) in producer milk and in other source milk at a fluid milk plant.

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

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

(2) The issuance of this order is the only practical means pursuant to the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the issuance of the order and who, during the month of September 1945 (which month has been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is hereby ordered, That such handling of milk in the Columbus, Ohio, marketing area as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce in milk or its products, shall from the effective date hereof, be in compliance with the following terms and conditions:

§ 974.1 *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 any other employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Columbus, Ohio, marketing area," hereinafter called the "marketing area," means the city of Columbus; the city of Bexley; and all territory, including but not being limited to all municipal corporations, within the townships of Blendon, Clinton, Franklin, Marion, Mifflin, Perry, Sharon, and Truro; all in Franklin County, Ohio.

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

(e) "Fluid milk plant" means the premises and the portions of the building and facilities used in the receipt and processing or packaging of milk all, or a portion, of which is disposed of from such plant during the delivery period as Class I milk in the marketing area on wholesale or retail routes or through stores, but not including any portion of such building or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

(f) "Handler" means (1) any person who receives producer milk at a fluid milk plant and (2) any association of producers with respect to any producer milk constituting a part of the producer milk supply of a fluid milk plant which such association diverts on its account to a plant other than a fluid milk plant. Producer milk so diverted shall be deemed to have been received by such association.

(g) "Producer" means any person, including one who may also be a handler, who produces (1) under a dairy farm permit issued by the appropriate health authorities in the marketing area, milk which is received at a fluid milk plant or by an association of producers in its capacity as a handler, or (2) milk which is received as a part of the dairy farm supply of a fluid milk plant not required by the appropriate health authorities in the marketing area to obtain its dairy farm supply from milk produced under dairy farm permits.

(h) "Producer milk" means any milk produced by one or more producers under the conditions set forth in (g) of this section.

(i) "Other source milk" means (1) milk, (2) skim milk, (3) cream, or (4) any milk product received at a fluid milk plant from sources other than producers or other handlers. "Other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product received at such fluid milk plant under an emergency permit in writing issued by the appropriate health authorities in the marketing area.

(j) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 974.5.

(k) "Delivery period" means the calendar month, or the total portion of the calendar month, during which the provisions hereof are effective.

§ 974.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

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

(1) Administer all of the terms and provisions hereof;

(2) Make rules and regulations to effectuate the terms and provisions hereof; and

(3) Receive, investigate, and report to the Secretary complaints of violations hereof.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

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

(3) Pay, out of the funds provided by § 974.8, (i) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses, except those incurred under § 974.9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(5) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 974.3 or (ii) payments pursuant to §§ 974.7, 974.8, or 974.9 (a);

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

(7) On or before the 25th day after the end of each delivery period, supply each association of producers with a record of the amount of milk received by handlers, during the delivery period, from each producer verified by the market administrator as being a member of such association;

(8) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 6th day after the end of each delivery period, the minimum class prices for skim milk and butterfat computed pursuant to § 974.5; and

(ii) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to § 974.6 (c) and the butterfat differential computed pursuant to § 974.7 (f).

§ 974.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, except as otherwise provided in (b) (1) of this section, shall report to the market administrator for such delivery period, with respect to all producer milk and other source milk received during the delivery period, in the detail and on forms prescribed by the market administrator; (1) the quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources), (2) the utilization thereof, and (3) such other information with respect to such receipts and utilization as the market administrator may request.

(b) *Other reports.* (1) Each handler who receives at his fluid milk plant no producer milk other than that from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) On or before the 20th day after the end of each delivery period, each handler shall submit to the market administrator such handler's producer pay roll for the delivery period, which shall show (i) the total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk, (ii) the amount and date of payment to each producer and association of producers, and (iii) the nature and amount of each deduction or charge involved in the payments referred to in (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of plants other than fluid milk plants, in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (1) the utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to (a) of this section; (2) the weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and (3) payments to producers or to associations of producers.

§ 974.4 *Classification*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in (1) all milk, skim milk, cream, and milk products (except in the case of milk products disposed of in the form in which received) received during the delivery period by a handler at a fluid milk plant, and (2) all producer milk received during the delivery period in the manner described in § 974.1 (f) (2), shall be classified by the market administrator in the classes set forth in (b) of this section.

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

(1) Class I milk shall be all skim milk and butterfat (i) disposed of (except that which has been dumped or disposed of for livestock feeding) as (*a*) milk; (*b*) skim milk; (*c*) buttermilk; or (*d*) flavored milk or flavored milk drinks; and (ii) not specifically accounted for under (i) of this subparagraph or as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all skim milk and butterfat (i) disposed of in fluid form for consumption as sweet or sour cream or as any mixture of cream and milk (or skim milk), including eggnog, containing more than 6 percent of butterfat; or (ii) used to produce cottage cheese.

(3) Class III milk shall be all skim milk and butterfat used to produce condensed milk and condensed skim milk (except evaporated milk or skim milk hermetically sealed in cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, imitation ice cream, or frozen cream.

(4) Class IV milk shall be all skim milk and butterfat specifically accounted for as (i) having been used to produce any milk product other than as specified in (b) (1) (i), (b) (2), and (b) (3) of this section; (ii) having been dumped or disposed of for livestock feeding; and (iii) actual plant shrinkage but not in excess of 2½ percent, respectively, of the total receipts of skim milk or butterfat, not including skim milk or butterfat received from other handlers.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in (c) of this section and (3) and (4) of this paragraph, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, shall be classified as follows:

(i) According to the utilization as mutually indicated in writing by both handlers if transferred to another fluid milk plant, except one as referred to in (ii) of this subparagraph;

(ii) As Class I milk if transferred to the fluid milk plant of a handler who receives no milk from producers or associations of producers other than such handler's own farm production; or

(iii) As Class I milk if transferred to any such plant not a fluid milk plant: *Provided,* That if the seller on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed by the buyer and the seller that such skim milk and butterfat was used as Class II milk, Class III milk, or Class IV milk and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(2) Subject to the conditions set forth in (c) of this section and in (3) and (4) of this paragraph, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of cream shall be classified as follows:

(i) According to the utilization as mutually indicated by both handlers if transferred to another fluid milk plant, except one as referred to in (ii) of this subparagraph;

(ii) As Class II milk if transferred to the fluid milk plant of a handler who receives no milk from producers or an association of producers other than such handler's own farm production; or

(iii) As Class II milk if transferred to any such plant not a fluid milk plant: *Provided,* That if the seller on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed by the seller and the buyer that such skim milk and butterfat was used as Class I milk, Class III milk, or Class IV milk and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(3) The utilization of all transfers made pursuant to (1) (i), (1) (iii), (2) (i), and (2) (iii) of this paragraph, shall be subject to verification by the market administrator.

(4) No statement made relative to transfer as provised for in this paragraph shall operate to deter the prior subtraction of other source milk pursuant to (f) (2) of this section or the prior subtraction of skim milk or butterfat pursuant to (f) (3) of this section, or the prorata subtraction of skim milk or butterfat pursuant to (f) (5) of this section. Any quantity reported for allocation to a particular class but not eligible therefor because of (f) (2), (f) (3), or (f) (5) of this section shall be classified by the market administrator as Class I milk, pending his verification.

(e) *Computation of the classification of all skim milk and butterfat for each handler.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute separately the respective amounts of skim milk and butterfat in Class I milk, Class II milk, Class III milk, and Class IV milk, as follows:

(1) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of skim milk and butterfat used to produce all other milk products received (except milk products disposed of in the form in which received without further processing in his fluid milk plant) regardless of source;

(2) Determine the total pounds of butterfat contained in the total receipts computed pursuant to (1) of this paragraph;

(3) Determine the total pounds of skim milk contained in the total receipts computed pursuant to (1) of this paragraph by subtracting therefrom the total pounds of butterfat computed pursuant to (2) of this paragraph;

(4) Determine the total pounds of butterfat in Class I milk by: (i) computing the aggregate amount of butterfat included in each of the several items of Class I milk; and (ii) adding all other butterfat not specifically accounted for under (i) of this subparagraph or in Class II milk, Class III milk, or Class IV milk;

(5) Determine the total pounds of skim milk in Class I milk by: (i) computing the aggregate amount of skim milk and butterfat included in each of the several items of Class I milk; (ii) subtracting the result obtained in (4) (i) of this paragraph; and (iii) adding all other skim milk not specifically accounted for under (i) of this subparagraph or in Class II milk, Class III milk, or Class IV milk;

(6) Determine the total pounds of butterfat in Class II milk by computing the aggregate amount of butterfat included in each of the several items of Class II milk;

(7) Determine the total pounds of skim milk in Class II milk by: (i) computing the aggregate amount of skim milk and butterfat included in (or, in the case of cottage cheese, used to produce) each of the several items of Class II milk; and (ii) subtracting the result obtained in (6) of this paragraph;

(8) Determine the total pounds of butterfat in Class III milk by computing the aggregate amount of butterfat used to produce each of the several items of Class III milk;

(9) Determine the total pounds of skim milk in Class III milks by: (i) computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class III milk; and (ii) subtracting the result obtained in (8) of this paragraph;

(10) Determine the total pounds of butterfat in Class IV milk by: (i) computing the aggregate amount of butterfat used to produce each of the several items of Class IV milk; and (ii) adding actual plant shrinkage of butterfat referred to in (b) (4) (iii) of this section; and

(11) Determine the total pounds of skim milk in Class IV milk by: (i) computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class IV milk; (ii) subtracting the result obtained in (10) (i) of this paragraph; and (iii) adding the actual plant shrinkage of skim milk referred to in (b) (4) (iii) of this section.

(f) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period, the market administrator shall compute separately the respective amounts of skim milk and butterfat of producer milk in Class I milk, Class II milk, Class III milk, and Class IV milk for each handler by making the following computations in the order specified:

(1) Subtracting from Class IV milk (other than butterfat used in butter making) the actual plant shrinkage of skim milk and butterfat, respectively, but not in excess of 2½ percent, with respect to all receipts thereof, except receipts from other handlers and receipts from other sources not under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(2) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced usse, the skim milk and butterfat, respectively, received as other source milk, except that received under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(3) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received from any other handler who received no milk from producers or from an association of producers other than such handler's own farm production;

(4) Adding to the remaining Class IV milk the amount subtracted pursuant to (1) of this paragraph;

(5) Subtracting pro rata from the remaining pounds of skim milk and butterfat in each class, the skim milk and butterfat, respectively, received as other source milk under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(6) Subtracting from the remaining pounds of skim milk and butterfat in each class (not including plant shrinkage on producer milk in Class IV milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in (3) of this paragraph) and stated by the seller and receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to (5) of this paragraph: *Provided*, That skim milk or butterfat allocated by such statements to Class II milk, Class III milk, or Class IV milk in excess of amounts subtracted above pursuant to this subparagraph shall be subtracted from Class I milk; and

(7) If the total amount of skim milk or butterfat in all classes, after the computations made above pursuant to this paragraph, is greater than the skim milk or butterfat in producer milk, decrease the lowest-priced available class, or classes, by such excess.

§ 974.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I milk, Class II milk, and Class III milk prices.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk, Class II milk, and Class III milk provided in this section shall be the higher of the prices per hundredweight determined pursuant to (1) or (2) of this paragraph.

(1) 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 Department of Agriculture:

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.

(2) The price per hundredweight computed by the market administrator in accordance with the following formula: from the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period during which such milk was received, subtract 3 cents, add 20 percent, and multiply the resulting amount by 3.5: *Provided*, That such price shall be increased by the amount resulting from the following computation: from the average of the carlot prices per pound of nonfat dry milk solids, roller and spray process, f. o. b. manufacturing plants, as published by the Department of Agriculture for the Chicago area 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 nonfat dry milk solids for the previous delivery period, deduct 4 cents, multiply by 8½, and multiply such net amount pursuant to this proviso by 0.965.

(b) *Class I milk prices.* Subject to the provisions of (f) of this section, the minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk or butterfat in producer milk received which is classified as Class I milk, shall be determined from the following schedule:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundredweight for skim milk and butterfat in Class I shall be—		
	Skim milk	Butterfat	4 percent milk
Under $2.00	$0.781	$50	$2.75
$2.00 or over but under $2.25	.833	55	3.00
$2.25 or over but under $2.50	.885	60	3.25
$2.50 or over but under $2.75	.938	65	3.50
$2.75 or over but under $3.00	.990	70	3.75
$3.00 or over	1.042	75	4.00

(c) *Class II milk prices.* Subject to the provisions of (f) of this section, the minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class II milk, shall be determined from the following schedule:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundredweight for skim milk and butterfat in Class II shall be—		
	Skim milk	Butterfat	4 percent milk
Under $2.00	$0.729	$45	$2.50
$2.00 or over but under $2.25	.781	50	2.75
$2.25 or over but under $2.50	.833	55	3.00
$2.50 or over but under $2.75	.885	60	3.25
$2.75 or over but under $3.00	.938	65	3.50
$3.00 or over	.990	70	3.75

(d) *Class III milk prices.* The minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class III milk, shall be determined from the following schedule:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundredweight for skim milk and butterfat in Class III shall be—		
	Skim milk	Butterfat	4 percent milk
Under $2.00	$0.656	$43.00	$2.35
$2.00 or over but under $2.25	.708	48.00	2.60
$2.25 or over but under $2.50	.760	53.00	2.85
$2.50 or over but under $2.75	.812	58.00	3.10
$2.75 or over but under $3.00	.865	63.00	3.35
$3.00 or over	.917	68.00	3.60

Provided, That the prices per hundredweight of skim milk and butterfat in Class III milk shall be not less, respectively, than the prices per hundredweight of skim milk and butterfat (other than in butter) in Class IV milk.

(e) *Class IV milk prices.* The minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk or butterfat in producer milk received which is classified as Class IV milk, shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the price determined as the value of skim milk pursuant to the proviso in (a) (2) of this section, divided by 0.965.

(2) The price per hundredweight of such butterfat shall be the price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 120: *Provided,* That the price per hundredweight of butterfat made into butter shall be such price per hundredweight, less $3.60.

(f) *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided,* That Class I milk or Class II milk disposed of in another marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

(g) *Emergency price provisions.* (1) 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 minimum 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.

(2) Whenever the Secretary finds and announces that the price of Class I milk or Class II milk computed for any delivery period pursuant to (b) and (c) of this section is above a level which is in the public interest, the price of Class I milk or Class II milk for such delivery period shall be the same as the corresponding price for Class I milk or Class II milk for the delivery period immediately preceding.

§ 974.6 *Determination of uniform price to producers*—(a) *Computation of total value of producer milk for each handler.* The value of producer milk received by each handler during each delivery period shall be a sum of money computed by the market administrator by multiplying by the respective class prices for skim milk and butterfat, the skim milk and butterfat according to classification pursuant to § 974.4 (f), and adding together the resulting amounts: *Provided,* That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest-priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest-priced use and (2) the value computed in accordance with its class use: *Provided further,* That if such handler, after subtracting all receipts other than producer milk has disposed of skim milk or butterfat in excess of the skim milk or butterfat received in producer milk, there shall be added a further amount equal to the value of such skim milk or butterfat computed pursuant to § 974.4 (f) (7): *And provided also,* That if in the verification of the reports or payments of such handler for any previous delivery period, the market administrator discovers errors which result in payments due the producer-settlement fund or the handler, there shall be added, or subtracted, as the case may be, the amount necessary to correct such errors.

(b) *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler of (1) the amount and value of his milk in each class as computed pursuant to § 974.4 (f) and (a) of this section, respectively, and the totals of such amounts and values, including any adjustments thereto; (2) the uniform price computed pursuant to (c) of this section; (3) the amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (4) the total amounts to be paid by such handler pursuant to §§ 974.7, 974.8, and 974.9.

(c) *Computation of uniform price.* For each delivery period, the market administrator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to (a) of this section for all handlers except those who did not make the payments required pursuant to § 974.7 (c) for the previous delivery period;

(2) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(3) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 4 percent, or adding, if the weighted average butterfat test of such milk is less than 4 percent, an amount computed by multiplying the total amount of butterfat represented by the

variance of such weighted average butterfat test from 4 percent by the Class IV price for butterfat, as computed prior to the application of the proviso in § 974.5 (e) (2);

(4) Dividing by the hundredweight of producer milk pooled; and

(5) Subtracting not less than 4 cents nor more than 5 cents. The result shall be known as the "uniform price" per hundredweight for producer milk of 4.0 percent butterfat content.

§ 974.7 *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 make payment to each producer for the milk received from such producer, an amount computed by multiplying such milk by not less than the uniform price per hundredweight, subject to the butterfat differential computed pursuant to (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 shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly 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) of this section and out of which he shall make all payments to handlers pursuant to (d) of this section: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 974.6 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to (a) of this section.

(d) *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to (a) of this section is greater than the total value computed for him pursuant to § 974.6 (a) for such delivery period: *Provided,* That if 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.

(e) *Adjustment of errors.* Whenever audit by the market administrator of the payment required to be made by a handler to a producer pursuant to (a) of this section discloses payment of less than is required, the handler shall make up such payment not later than the time for making payments pursuant to (a) of this section next following such disclosure.

(f) *Butterfat differential.* For each delivery period, the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by dividing by 1,000 the price of butterfat in Class IV milk as computed pursuant to § 974.5 (e) (2) prior to the application of the proviso therein.

§ 974.8 *Expense of administration.* As his prorata share of the expense which necessarily will be incurred in the maintenance and functioning of the office of the market administrator, and in the performance of the duties of the market administrator, each handler, with respect to all receipts, during each delivery period, of skim milk and butterfat (except receipts from other handlers) in (1) producer milk and (2) other source milk at a fluid milk plant, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, that amount per hundredweight of such receipts not to exceed 2 cents, which is determined (subject to review by the Secretary) and announced by the market administrator on or before the 10th day after the end of such delivery period.

§ 974.9 *Marketing services*—(a) *Deductions.* Except as set forth in (b) of this section, each handler for each delivery period shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made to each producer pursuant to § 974.7 (a), and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and meets the standards set forth in 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 to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 12th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

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

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof, whenever he finds that this order or any provision hereof obstructs, or does not tend to effectuate, the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 974.11 *Continuing power and duty of the market administrator.* 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.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when 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 may 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.

(2) 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 or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the 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.

§ 974.12 *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.

§ 974.13 *Applicability and separability of provisions*—(a) *Producer-handlers.*

Sections 974.5, 974.6, 974.7, 974.8, and 974.9 hereof shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

(b) *Separability.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 22d day of January 1946, to be effective on and after the 1st day of February, 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: January 26, 1946.

J. C. COLLET,
Stabilization Administrator.

[F. R. Doc. 46-1569; Filed, Jan. 28, 1946; 3:25 p. m.]

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

[WFO 10, Amdt. 14]

PART 1432—RICE

RICE SET ASIDE

War Food Order No. 10, as amended (10 F.R. 9611, 10419, 12761, and 14685; and 11 F.R. 225), is hereby further amended to read as follows:

§ 1432.1 *Restrictions on sale and distribution of rice*—(a) *Definitions.* (1) "Miller" means any person who mills more than 250 barrels of rough rice in any one month.

(2) "Rough rice" means the commodity defined as such by the "United States Standards for Rough Rice", as amended May 15, 1942.

(3) "Brown rice" means the commodity defined as such by the "United States Standards for Brown Rice", as amended May 15, 1942.

(4) "Milled rice" means the commodity defined as such by the "United States Standards for Milled Rice", as amended April 1, 1944.

(5) "Mill" means to convert rough rice into brown or milled rice.

(6) "Delivery" means the physical transfer of rice from a miller to a buyer. The transfer of rice by a miller to a truck, railroad car, ship, or other vehicle for transportation to the buyer, regardless of the ownership or control of the vehicle being used for such transportation, shall constitute a delivery.

(7) "Barrel" means 162 pounds.

(8) "Governmental agency" means the Army, Navy, Marine Corps, or Coast Guard of the United States (excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations), the United States Department of Agriculture (including, but not restricted to, any corporate agency thereof), the War Shipping Administration or any approved ship supplier designated as such by War Shipping Administration, the Veterans' Administration, and any other instrumentality or agency designated by the Secretary of Agriculture.

(9) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(10) "Assistant Administrator" means the Assistant Administrator for regulatory and marketing service work, Production and Marketing Administration, United States Department of Agriculture.

(11) "Secretary of Agriculture" means the Secretary of Agriculture, United States Department of Agriculture.

(b) *Restrictions.* (1) Beginning February 1, 1946, every miller in the State of California, except as provided in (c) hereof, shall set aside each calendar month and thereafter hold for sale to a governmental agency a quantity of milled rice, of grade 5 or better and of one or more of the Classes I to X, inclusive, in an amount equal to 70 percent of the total combined quantity of the brown and milled rice milled by him during such month. Beginning February 1, 1946, every miller in any State other than California, except as provided in (c) hereof, shall set aside each calendar month and thereafter hold for sale to a governmental agency a quantity of milled rice, of grade 5 or better and of one or more of the Classes I to X, inclusive, in an amount equal to 50 percent of the total combined quantity of the brown and milled rice milled by him during such month. All rice set aside may be offered for sale, at not more than ceiling prices established by the Office of Price Administration, to a governmental agency in response to announcents or notices by such agency that offers for the sale of such rice will be received.

(2) No miller shall in any calendar month deliver rice of any of the grades and classes specified in (b) (1) hereof unless he has set aside and holds in inventory for sale to, or has delivered to, a governmental agency the quantity of milled rice required by (b) (1) hereof to be set aside during each preceding calendar month.

(c) *Exemptions from restrictions of paragraph (b).* (1) Any miller who in any calendar month does not mill sufficient milled rice of grade 5 or better and of one or more of the Classes I to X, inclusive, to comply with (b) (1) hereof shall be automatically released from compliance therewith during such month provided he:

(i) Sets aside during such month and thereafter holds for sale to, or delivers to, a governmental agency all rice of the above specified grades and classes milled by him during such month;

(ii) During the following month sets aside as required by (b) (1) and thereafter holds for sale to, or delivers to, a governmental agency, in addition to the quantity of rice regularly required to be set aside in that month, sufficient rice of the specified grades and classes to make up the deficit for the preceding month; and

(iii) Prior to the 15th day of the month following that in which a deficient set aside was made under (c) (1) (i) hereof, files with the Administrator of War Food Order No. 10, United States Department of Agriculture, Washington 25, D. C., a certificate in the form prescribed in Appendix A hereto showing the quantity of rice of grade 5 or better and of one or more of the Classes I to X, inclusive, milled by him during the month for which the deficient set aside was made, and a lot inspection certificate signed by a federally licensed inspector with respect to each lot of rice of grades and classes other than those above specified milled by him during such month.

(2) Deliveries to governmental agencies of grades and classes of brown or milled rice other than those specified in (b) (1) hereof may be credited against the amount of milled rice required to be set aside under this order provided such deliveries are made during the month for which the credit is claimed or, where a deficient set aside is made in accordance with (c) (1) (i) hereof in any calendar month, during such month or the following calendar month.

(3) Deliveries of brown or milled rice to persons other than governmental agencies for civilian use in Puerto Rico, the Virgin Islands, or Hawaii may be credited against the quantity of milled rice required to be set aside under this order provided such deliveries are made during the month for which the credit is claimed or, where a deficient set aside is made in accordance with (c) (1) (i) hereof in any calendar month, during such month or the following calendar month.

(4) The Assistant Administrator may upon application of any miller, authorize such miller to deliver brown or milled rice to persons other than governmental agencies and to credit such deliveries against the quantity of milled rice required to be set aside under (b) (1) hereof, when satisfactory evidence is submitted to the Assistant Administrator that the brown or milled rice so delivered is to be subsequently delivered to governmental agencies in the form of rice or a product thereof.

(5) The restrictions contained in this order shall not apply to rice owned by any individual for use in his own household.

(d) *Records and reports.* (1) Every miller shall file with the Administrator of War Food Order No. 10, United States Department of Agriculture, Washington 25, D. C., prior to the 15th day of each month (on a form furnished by the said Order Administrator) a report for the preceding calendar month showing:

(i) The quantity of rough rice milled by him;

(ii) The quantities of brown rice and of milled rice produced by him;

(iii) The quantity of brown and milled rice shipped by him, first, to governmental agencies; second, to the export trade; and third, to the domestic civilian trade;

(iv) The quantities of brown and milled rice shipped by him to Puerto Rico, the Virgin Islands, and Hawaii for civilian use and the quantities of milled rice shipped by him to each of the governmental agencies specified in the report form;

(v) The quantity of milled rice sold to governmental agencies since August 1, 1945, which remains unshipped at the end of the month for which the report is made.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Assistant Administrator may designate), maintain an accurate record of his production of and transactions in rice.

(3) The Assistant Administrator shall be entitled to obtain such other information from and require such other reports and the keeping of such other records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administratiton of the provisions of this order subject to the approval of the Bureau of the Budget.

(e) *Audits and inspections.* The Assistant Administrator shall be entitled to make such audit or inspection of the books, records, and other writings, premises, or stocks of rice of any person and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Contracts.* The provisions of this order and all orders or regulations issued pursuant thereto shall be observed without regard to contracts heretofore or hereafter made or any rights accrued or payments made thereunder.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Assistant Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Assistant Administrator. After said review, the Assistant Administrator may take such action as he deems appropriate, which action shall be final.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using rice. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provisions of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Assistant Administrator. The Assistant Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Assistant Administrator for regulatory and marketing service work, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(k) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(l) *Effective date.* This order shall be effective as of 12:01 a. m., e. s. t., February 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 10, as amended, all provisions of said order in effect prior to said date shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 24th day of January 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

APPENDIX A—CERTIFICATE

I, ----------, ----------,
Official title
----------, hereby
Name of mill

represent to the Secretary of Agriculture, United States Department of Agriculture, in accordance with War Food Order No. 10, as amended, that the total quantity of milled rice of grade 5 or better and of one or more of the Classes I to X, inclusive, milled by ---------- during
Name of mill
---------- 194----, was ----------
Month Year

100-pound bags and that all of said rice was set aside and is held for sale to, or was delivered to, a governmental agency as provided in said War Food Order.

Signed ----------

[F. R. Doc. 46-1435; Filed, Jan. 25, 1946; 12:16 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter 1—Federal Trade Commission

[Docket No. 3593 [1]]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DEARBORN SUPPLY CO.

§ 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer for sale, etc., of respondent's cosmetic preparation designated "Mercolized Wax" or "Mercolized Wax Cream", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparation, which advertisements fail to reveal that said preparation should not be applied to an area of the skin larger than the face and neck at any one time, that too frequent applications and use over excessive periods of time should be avoided, that adequate rest periods between series of treatments should be observed, that the preparation should not be used where the skin is cut or broken, and that in all cases a proper patch test should be made to determine whether the patient is allergic or sensitive to the preparation; prohibited, subject to provision, however, that such advertisements need contain only the statement, "Caution: Use Only as Directed", if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect; and to the further provision that the order shall not be construed as applicable to any preparation in which the ammoniated mercury content is substantially less than 3 per cent. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45) (Second supplemental cease and desist order, Dearborn Supply Company, Docket 3593, January 9, 1946)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of January A. D. 1946.

This proceeding having been heard by the Federal Trade Commission upon the record, briefs on behalf of the Commission and the respondent, and oral argument, and the Commission having made its second supplemental findings as to the facts and its conclusion that the respondent has, in respect of the matters set forth in such findings, violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Dearborn Supply Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's cosmetic preparation designated "Mercolized Wax" or "Mercolized Wax Cream", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to reveal that said preparation should not be applied to an area of the skin larger than the face and neck at any one time, that too frequent applications and use over excessive periods of time should be avoided, that adequate rest periods between series of

[1] See 4 F.R. 3701; 8 F.R. 10, 343.

treatments should be observed, that the preparation should not be used where the skin is cut or broken, and that in all cases a proper patch test should be made to determine whether the patient is allergic or sensitive to the preparation; *Provided, however,* That such advertisement need contain only the statement, "Caution: Use Only as Directed", if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to comply with the requirements set forth in paragraph 1 hereof.

This order shall not be construed as applicable to any preparation in which the ammoniated mercury content is substantially less than 3 per cent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied wth this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-1646; Filed, Jan. 29, 1946; 11:40 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51394]

PART 3—DOCUMENTATION OF VESSELS

VESSELS PURCHASED FROM MARITIME COMMISSION OR WAR SHIPPING ADMINISTRATION

JANUARY 25, 1946.

Documentation of vessels purchased from the Maritime Commission or War Shipping Administration to engage in the coastwise trade. Sections 3.2 (c), class 2, and 3.42, Customs Regulations of 1943, amended.

Section 3.2 (c), class 2, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.2 (c), class 2), is hereby amended to read as follows:

Class 2. Any vessel purchased from the Maritime Commission or War Shipping Administration by a citizen. (See § 3.42.)

(R.S. 161, secs. 2, 3, 23 Stat. 118, 119, sec. 9, 39 Stat. 730, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 808, 883. E.O. 9054, 9083, 9350; 7 F.R. 837, 1609, 8 F.R. 7887)

Section 3.42, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.42), is hereby amended by deleting the parenthetical matter at the end of paragraph (f) and by adding the following new paragraph:

(g) A foreign-built vessel which has been purchased from the Maritime Commission or the War Shipping Administration by a citizen shall not engage in the American fisheries, but it is otherwise unlimited as to documents and trade so long as it continues in such ownership. When a marine document is issued to such a vessel, the following notation shall be made thereon:

As amended by section 9 of the Shipping Act, 1916, as amended. This vessel shall not engage in the American fisheries.

If the vessel is owned by a corporation, the notation required by § 3.2 (d) shall also be made on the document. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4132, as amended, R.S. 4149, sec. 2, 39 Stat. 729, as amended, sec. 9, 39 Stat. 730, as amended, sec. 22, 41 Stat. 997; 5 U.S.C. 22, 46 U.S.C. 2, 3, 11, 13, 72, 802, 808. E.O. 9054, 9083, 9350; 7 F.R. 837, 1609, 8 F.R. 7887)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: January 24, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-1562; Filed, Jan. 28, 1946; 12:09 p. m.]

[T. D. 51395]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

CIGARS, CHEROOTS AND CIGARETTES

Section 11.1, Customs Regulations of 1943, amended to eliminate the requirement of affixing customs inspection stamps to imported cigars, cheroots, and cigarettes.

Section 11.1, Customs Regulations of 1943 (19 CFR, Cum. Supp., 11.1), is hereby amended as follows:

The first three sentences of paragraph (b) are deleted and the following is inserted in lieu thereof:

After the cigars or cheroots have been examined, weighed, and appraised and before release, the importer shall, except in the case of cigars and cheroots entitled to entry as returned domestic products, affix and cancel the required internal-revenue stamp on each box. Customs inspection stamps shall not be affixed.

Paragraph (c) is amended to read as follows:

(c) The required internal-revenue stamp shall be affixed and canceled by the importer on each package of imported cigarettes, except returned domestic products, in accordance with Internal Revenue Regulations No. 8. Customs inspection stamps shall not be affixed.

Paragraph (e) is amended by deleting the parenthetical citation at the end thereof and by adding thereto the following:

Internal-revenue stamps are not applicable to such returned domestic products. (R.S. 251, sec. 624, 46 Stat. 759, R.S. 161, I.R.C. secs. 2111, 2130; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 26 U.S.C. 2111, 2130.)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: January 25, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-1597; Filed, Jan. 29, 1946; 10:42 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5491]

PART 23—CONSOLIDATED INCOME TAX RETURNS

PART 33—CONSOLIDATED EXCESS PROFITS TAX RETURNS

RETURNS OF AFFILIATED CORPORATIONS

Regulations 104, relating to consolidated income tax returns of affiliated corporations, and Regulations 110, relating to consolidated excess profits tax returns of affiliated corporations, amended to conform to the Tax Adjustment Act of 1945.

In order to conform Regulations 104 (26 CFR, Cum. Supp., Part 23) and Regulations 110 (26 CFR, Cum. Supp., Part 33) to the provisions of the Tax Adjustment Act of 1945 (Public Law 172, 79th Congress), approved July 31, 1945, such regulations are amended as follows:

PARAGRAPH 1. There is inserted in Regulations 104 immediately preceding § 23.0, and in Regulations 110 immediately preceding § 33.0, the following:

SEC. 2. INCREASE IN EXCESS-PROFITS TAX SPECIFIC EXEMPTION. (Tax Adjustment Act of 1945.)

* * * * *

(c) *Consolidated returns.* Section 141 (c) of the Internal Revenue Code is amended by striking out "of $10,000" and inserting in lieu thereof "as".

(d) *Taxable years to which applicable.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1945, and to taxable years beginning in 1945 and ending in 1946.

SEC. 4. EXTENSIONS OF TIME FOR PAYMENT OF TAXES BY CORPORATIONS EXPECTING CARRY-BACKS, AND TENTATIVE CARRY-BACK ADJUSTMENTS. (Tax Adjustment Act of 1945.)

(a) Chapter 37 of the Internal Revenue Code is amended by adding at the end thereof the following new sections:

* * * * *

SEC. 3781. EXTENSION OF TIME AND TENTATIVE CARRY-BACK AND AMORTIZATION ADJUSTMENTS IN THE CASE OF CONSOLIDATED RETURNS.

If the corporation seeking an extension of time under section 3779, a tentative carry-back adjustment under section 3780, or a tentative adjustment with respect to an amortization deduction under section 124 (j) and (k), made or was required to make a consolidated return, either for the taxable year within which the net operating loss or the unused excess profits credit arises or within which the election is made to terminate the amortization period, or for a preceding taxable year affected by such loss, credit, or election, the provisions of such sections shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Commissioner, with the

approval of the Secretary, may by regulations prescribe.

* * * * *

PAR. 2. There is inserted in Regulations 104 immediately after § 23.18 a new section designated § 23.19 *Proceedings under Tax Adjustment Act of 1945.*", and in Regulations 110 immediately after § 33.18 a new section designated "§ 33.19 *Proceedings under Tax Adjustment Act of 1945.*", to read in each case as follows:

(a) *General rule.* In the case of an affiliated group the membership of which remains unchanged and for which consolidated returns are made or required for the several taxable years involved, any statement filed under section 3779 of the Code with respect to an expected carry-back, any application for a tentative carry-back adjustment filed under section 3780, and any application for tentative adjustments with respect to amortization deductions filed under section 124 (j) shall be filed by the common parent corporation and shall disclose all material facts and circumstances relating to the group as a whole. Such statement or application shall be filed on the appropriate form prescribed for such purpose, Form 1138, 1139, or Form 1140, as the case may be. Any refunds allowable under any such application will be made directly to and in the name of the common parent. The making of any such refund will discharge any liability of the Government in respect thereof to the several affiliated corporations. The common parent corporation and its several subsidiaries shall be severally liable for any amounts assessed pursuant to section 3780 (b) or (c), 294 (e), or 124 (k), together with any interest or penalty assessed in connection therewith.

(b) *Groups with changing membership; cases involving separate return periods.* The membership of an affiliated group may change during a taxable year for which a net operating loss or an unused excess profits credit arises; or during a taxable year in which an election is exercised to terminate the amortization period pursuant to section 124 (d) of the Code; or in prior taxable years affected by such net loss, unused credit, or election. Or an affiliated group making a consolidated return for the year of such net loss, unused credit, or election may have made separate returns for one or more of such prior years; or a group making separate returns for the year of the net loss, unused credit, or election may have made a consolidated return for one or more of the prior fears. In any such case, the statement provided for in section 3779 (b) of the Code and the application for the tentative carry-back adjustment provided for in section 3780 (a) and the application for the tentative adjustment with respect to amortization deductions provided for in section 124 (j) shall be a joint statement or application concurred in and executed by each corporation which was a member of the group at any time during any of the several taxable years involved in the deferment or adjustment sought. The time for the payment of taxes shall be extended under section 3779 and the adjustments provided for in sections 3780 and 124 (k) shall be made only in accordance with an agreement of the several corporations involved to be made a part of such statement or application. Any refund allowable under any such application with respect to a consolidated return period will be made directly to and in the name of the common parent corporation, and the making of any such refund will discharge any liability of the Government in respect thereof to the several affiliated corporations. The common parent corporation and its several subsidiaries shall be severally liable for any amounts assessed pursuant to section 3780 (b) or (c), 294 (e), or 124 (k), together with any interest or penalty assessed in connection therewith.

In the absence of an agreement between the several corporations, or in the event of their failure to set forth the provisions of such an agreement as a part of their statement or application, no extension of time for the payment of any tax under the provisions of section 3779 shall be granted, and no tentative adjustments shall be made under either section 3780 or section 124 (j) and (k).

Notwithstanding any agreement between the several affiliated corporations, no tentative adjustment shall be made with respect to either a consolidated or a separate return period in disregard of the several liability of the several corporations with respect to any taxable year for which a consolidated return was made or was required.

PAR. 3. Section 33.31 (b) (24) (i) of Regulations 110, as amended by Treasury Decision 5441, approved February 28, 1945, is further amended to read as follows:

(i) A specific exemption as provided in section 710 (b) (1),

(Sec. 141 (b) of the Internal Revenue Code (53 Stat. 58; 56 Stat. 858; 26 U.S.C. and Sup., 141 (b)) and section 4 of the Tax Adjustment Act of 1945 (Public Law 172, 79th Congress), approved July 31, 1945)

[SEAL] WM. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: January 25, 1946.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-1568; Filed, Jan. 28, 1946; 2:43 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Operations Order 72]

KENTUCKY

ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel Frank D. Rash, State Director of Selective Service for the State of Kentucky, I hereby order:

1. That the State Director of Selective Service for the State of Kentucky is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 3, 4, 5, and 6 of the State of Kentucky, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Kentucky.

2. That the present members of Boards of Appeal numbered 1, 3, 4, 5, and 6 for the State of Kentucky are hereby transferred to the Board of Appeal for the State of Kentucky, as shown on Exhibit A filed herewith.[1]

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1946.

[F. R. Doc. 46-1567; Filed, Jan. 28, 1946; 2:40 p. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 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 1010—SUSPENSION ORDERS

[Suspension Order S-916]

JONABELLE FROCKS CO.

Jonabelle Frocks Company, a corporation with offices at 1350 Broadway, New York City, is engaged in the manufacture of women's dresses at Perth Amboy, New Jersey. On January 2, 1946, a temporary suspension order was issued directing the company to immediately cancel outstanding CC rated textile orders for fabrics in excess of those authorized for the fourth quarter of 1945, and to place no CC rated orders for such textiles for the first quarter of 1946. The corporation requested a special hearing and waived issuance of a formal charging letter. During the fourth quarter of 1945, the Jonabelle Frocks Company placed orders bearing CC ratings for a yardage of cotton fabrics in excess of the yardage authorized by the Civilian Production Administration. The placing of these rated orders for cotton fabrics in excess of the amount authorized constituted violations of Priorities Regulation 3. These violations have interfered with the controls established by the Civilian Production Administration for the distribution of scarce materials. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.916 *Suspension Order No. S-916.* (a) The temporary suspension order issued against the Jonabelle Frocks Company on January 2, 1946, is hereby revoked.

(b) Jonabelle Frocks Company shall reduce the amount of cotton fabric for which it may be authorized to extend ratings under Order M-328B during the first quarter of 1946 by 21,662 yards.

(c) Jonabelle Frocks Company shall reduce the amount of cotton fabric for

[1] Filed as part of the original document.

which it may be authorized to extend ratings under Order M-328B during the second quarter of 1946 by 8,895 yards.

(d) Nothing contained in this order shall be deemed to relieve the Jonabelle Frocks Company from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) The restrictions and prohibitions contained herein shall apply to the Jonabelle Frocks Company, its successors and assigns or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 28th day of January 1946.

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

[F. R. Doc. 46-1591; Filed, Jan. 28, 1946; 4:41 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-917]

HARRY MYERS AND CO., INC.

Harry Myers & Company, Inc., with its principal place of business at 17 Hopkins Place, Baltimore, Maryland, is engaged in the manufacture of men's suits. On January 2, 1946, a temporary suspension order was issued against the company directing it to cancel immediately all CC rated textile orders for fabrics in excess of those authorized for the fourth quarter of 1945, and to place no CC rated orders for such textiles for the first quarter of 1946. During the fourth quarter of 1945 the corporation placed orders bearing CC ratings for 21,025 yards of woolen fabrics although it was authorized to place rated orders for only 14,080 yards of such woolen fabrics, in violation of Priorities Regulation No. 3. The responsible officers of the corporation were familiar with the provisions of Priorities Regulation No. 3 and their actions constituted wilful violations thereof. These violations have interfered with the controls established by the Civilian Production Administration for the distribution of scarce materials. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.917 *Suspension Order No. S-917.* (a) Temporary suspension order issued against Harry Myers & Company, Inc., on January 2, 1946, is hereby revoked.

(b) Harry Myers & Company, Inc., shall reduce the amount of woolen fabrics for which it may be authorized to extend ratings under Order M-328-B during the first quarter of 1946 by 6,945 yards.

(c) Nothing contained in this order shall be deemed to relieve Harry Myers & Company, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to Harry Myers & Company, Inc., its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking directly as well as indirectly of any such action.

Issued this 28th day of January 1946.

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

[F. R. Doc. 46-1592; Filed, Jan. 28, 1946; 4:41 p. m.]

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

[Priorities Reg. 28, Direction 10]

SPECIAL PROVISIONS FOR ASSIGNMENT OF CC RATINGS IN ORDER TO INCREASE PRODUCTION OF ROSIN

The following direction is issued pursuant to Priorities Regulation 28:

(a) The supply of rosin is substantially below minimum requirements and this shortage is so serious as to threaten the increased production of peacetime products. This shortage is a serious threat to the economy of the country during the reconversion period. Consequently the Civilian Production Administration will assign CC ratings as provided in paragraph (d) (1) (iii) of Priorities Regulation 28 in accordance with the conditions of this direction where necessary to maintain or expand production of rosin.

(b) *Producers of rosin*—(1) *Capital equipment.* CC ratings for capital equipment may be assigned to producers of rosin where the producer is unable to obtain delivery without a rating, and

(i) The equipment will result in a substantial increase in production, or

(ii) The equipment is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) *Production materials and MRO.* CC ratings may be assigned for production materials and MRO needed by producers of rosin where the producer demonstrates that he is unable to obtain the item without priorities assistance and regardless of whether the item is needed to maintain minimum economic production in the plant.

(3) *Construction.* CC ratings may be assigned for materials which cannot be obtained without ratings, and where required for construction of new plants or expansion of existing plants where increased production will result.

(c) *Denials of CC ratings.* The CC rating will be denied where it appears that the item for which a CC rating will be used is available, but under different terms of sale or from a supplier other than the applicant's customary supplier.

(d) *PR-28 still applies.* In any case not covered by the above, CC ratings will be assigned only as provided in Priorities Regulation 28.

Issued this 29th day of January 1946.

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

[F. R. Doc. 46-1652; Filed, Jan. 29, 1946; 11:46 a. m.]

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

[Priorities Reg. 32, as Amended Jan. 22, 1946, Amdt. 1]

Priorities Regulation 32 is amended in the following respects:

I. Table 1 is amended by substituting for the present item "Cadmium, metallic balls, sticks, slabs and anodes" the following item:

Material	Order or limitation	Minimum sale quantity	CPA division or office administering control	Remarks
(1)	(2)	(3)	(4)	(5)
Cadmium, meaning all grades of metallic cadmium, cadmium oxide, or cadmium salts produced directly from ores, concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material.	*Days* *30	*Lbs.* 100	Tin, Lead and Zinc Branch.	-------

Issued this 29th day of January 1946.

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

[F. R. Doc. 46-1653; Filed, Jan. 29, 1946; 11:46 a. m.]

PART 1044—CADMIUM

[Conservation Order M-389]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cadmium for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1044.2 *Conservation Order M-389.* (a) *What this order does.* This order restricts the use of cadmium in making or treating any item or product. In general persons are restricted to a percentage of the amount of cadmium they used for the same purpose during 1941. Special provision is made for small users and persons who did not use cadmium in making or treating a particular item or product during 1941. The order also calls attention to the limitation on inventories of cadmium contained in Priorities Regulation 32.

As used in this order "cadmium" means all grades of metallic cadmium, cadmium oxide, or cadmium salts produced directly from ores, concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material.

(b) *Restrictions on use of cadmium.* Between February 1, 1946 and March 31, 1946 no person shall use more cadmium in making or treating any item or product than 15 percent of the amount used by him in making or treating that item or product during the year 1941. Thereafter no person shall use more cadmium in making or treating any item or product during any calendar quarter than 22½ percent of the amount used by him in making or treating that item or product during the year 1941.

(c) *Exception for small users.* Between February 1, 1946 and March 31,

1946 the restrictions of paragraph (b) do not apply to any person whose total consumption of cadmium for all purposes during that period does not exceed 200 pounds. Beginning April 1, 1946 the restrictions of paragraph (b) do not apply to any person during any calendar quarter if his total consumption of cadmium for all purposes during that quarter does not exceed 300 pounds.

(d) *Special rules for persons who did not use cadmium for items or products during 1941.* Until March 1, 1946 the restrictions of paragraph (b) do not apply to the use of cadmium in making or treating any item or product by any person who did not use cadmium in making or treating that item or product during 1941. Any person, other than a small user as described in paragraph (c), who did not use cadmium in making or treating a particular item or product during 1941 (including persons who were not in business at that time) and who wants to use cadmium for that purpose during the month of March 1946, or during any subsequent calendar quarter should apply to the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., Ref: M-389, stating the item or product he wants to make or treat and the amount of cadmium he wants to use for that purpose during the month or quarter and any other pertinent facts relating to the case. All applications will be considered on an equitable basis.

(e) *Limitation on inventories.* Cadmium appears on Table 1 of Priorities Regulation 32. Inventories of this material are subject to all the provisions of that regulation. In adjusting outstanding orders, purchasers must take into account the restrictions on use imposed by this order.

(f) *Reports.* Producers and distributors of cadmium shall file Form CPA-983 in duplicate by the 15th of each month with the United States Department of the Interior, Bureau of Mines, Washington, D. C.

The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal. Priorities Regulation 16 gives additional instructions about the filing of appeals.

(h) *Communications.* Appeals, and all communications concerning this order should be addressed to the Civilian Production Administration, Tin, Lead, and Zinc Branch, Washington 25, D. C., Reference: M-389.

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

Issued this 29th day of January 1946.

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

[F. R. Doc. 46-1651; Filed, Jan. 29, 1946; 11:46 a. m.]

PART 1046—SUPPLIERS

[Limitation Order L-63, as Amended Jan. 29, 1946]

SUPPLIERS' INVENTORIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain supplies for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1046.1 *Suppliers' Inventory Limitation Order L-63*—(a) *Definitions.* (1) "Supplies" means all the supplies listed below:

(i) Automotive supplies.
(ii) Aviation supplies.
(iii) Builders' supplies.
(iv) Construction supplies.
(v) Dairy supplies.
(vi) Electrical supplies.
(vii) Farm supplies.
(viii) Foundry supplies.
(ix) Grain elevator supplies.
(x) Hardware supplies.
(xi) Industrial supplies.
(xii) Plumbing & heating supplies.
(xiii) Refrigeration supplies.
(xiv) Restaurant supplies.
(xv) Textile mill supplies.
(xvi) Transmission supplies.
(xvii) Welding & cutting supplies.

even though such items or materials may be "consumers' goods" within the meaning of that term as used in Limitation Order L-219; but supplies shall not be deemed to include any of the items or materials set forth in List A.

(2) "Supplier" means any person (other than a producer) located in the 48 states or the District of Columbia, whose business consists, in whole or in part, of the sale from stock or inventory of supplies. "Supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses of producers and other persons performing a similar function.

(3) "Producer" means any person including any branch, division or section of any enterprise, which manufactures, processes, fabricates, assembles or otherwise physically changes any material.

(4) "Sales" means sales from stock, including consigned stocks and excluding direct shipments (i. e., excluding sales made by a supplier of supplies which such supplier has never received delivery of but has ordered from the producer thereof with instructions that they be shipped directly to the supplier's customer).

(5) "Seasonal lines" means any line of supplies in which a minimum of 40% of the supplier's total annual sales are made during a period of 90 days, or less.

(6) "Maximum permissible inventory" means:

(i) In the case of a supplier located in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to the sales of such supplies at net sales figures, shipped from his inventory, during the four preceding calendar months.

(ii) In the case of a supplier located in the District of Columbia or any of the forty-eight states not enumerated in paragraph (a) (6) (i) above, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to sales of such supplies at net sales figures shipped from his inventory during the three preceding calendar months.

(b) *Limitation of supplier's inventories.* (1) Except as provided in paragraph (b) (3), (4), (5), and (6), no supplier shall accept any delivery of supplies from any person which will effect an increase in the inventories of the supplier above his maximum permissible inventory; and

(2) Except as provided in paragraphs (b) (3), (4), (5) and (6), no person shall make to any supplier any delivery of supplies which such person knows or has reason to believe will effect an increase in such supplier's inventory of supplies above the supplier's maximum permissible inventory.

(3) Any supplier, regardless of where located, shall be permitted to purchase and store an amount of seasonal lines equal to those which he purchased in the peak period of a comparable period of the previous year, but this peak period shall not exceed 120 days.

(4) A supplier may accept delivery of supplies which will increase his stock above the maximum permissible inventory, if such supplier's inventory of supplies is at the time of delivery less than his maximum permissible inventory and the delivery of the minimum quantity of such supplies that can be commercially procured.

(5) A supplier may accept delivery of specific items of supplies when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory, but only to the extent necessary to bring such supplier's inventory of those specific items (owned or consigned to him) up to a total dollar value equal to the sales of such items shipped from such supplier's inventories during the preceding month.

(6) The Civilian Production Administration may, from time to time, exempt specified suppliers or classes of suppliers from the provisions of this order, subject to such restrictions as the Civilian Production Administration may impose. Application for exemption should be made by letter.

(7) The provisions of this order shall not apply to any supplier whose total

inventory at cost, including consigned stocks, of all supplies is less than $35,000.

(8) Any person who wishes to establish an initial inventory of supplies with a value at cost of more than $35,000, including consigned stocks, may apply for authorization to do so by filing a letter in triplicate stating in full the reasons for his application. All such applications will be processed on an equitable basis. Any amount authorized shall become his maximum permissible inventory for the next four complete calendar months in the case of a supplier located in the area covered by paragraph (a) (6) (i), above, or for the next three complete calendar months in the case of a supplier located in the area covered by paragraph (a) (6) (ii), above. After this period, his maximum permissible inventory is determined by the provisions of paragraph (a) (6) (i) or paragraph (a) (6) (ii), as the case may be.

(c) *Provisions of other orders.* (1) No provision of this order shall be construed to permit the accumulation of inventories of any item of material in contravention of the provisions of any other applicable order or regulation of the Civilian Production Administration. Specifically, a supplier may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation.

(2) All restrictions of this order, including the above restriction to paragraph (c) (1), apply to materials listed in Table 3 of Priorities Regulation 32, as well as to all other items normally accepted into a supplier's inventory. Consequently, such materials are not exempt from any of the restrictions of this order.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Records and reports.* Each supplier (other than those who are exempt under paragraph (b) (6) or (b) (7)) must keep an up-to-date record of his total net monthly sales of supplies from stock, and his total inventory of supplies at the end of each month. He need not keep a separate record of his sales and inventory of each type of supplies. A record of his sales and inventory of all kinds of supplies in the aggregate will be satisfactory. In preparing his sales record he should use net selling prices, including sales from consigned stock and excluding direct shipments. His inventory record may be based either on book inventory or physical count. Inventory valuations must be at cost and must include consigned stock. The sales and inventory data required by this paragraph must be preserved for a period of at least two years, available for inspection by authorized representatives of the Civilian Production Administration. This record keeping plan has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Subject to the approval of the Bureau of the Budget, the Civilian Production Administration may at any time ask for the submission of this data.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the Civilian Production Administration, as amended from time to time.

(g) *Communications.* All communications concerning this order shall be addressed to Civilian Production Administration, Wholesale and Retail Branch, Washington 25, D. C., Ref.: L–63.

(h) *Effective date of this amendment.* Order L–63 as amended January 29, 1946, shall take effect February 1, 1946. Until that time L–63 as amended October 25, 1945 remains in effect.

Issued this 29th day of January 1946.

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

LIST A

NOTE: Item (1) amended Jan. 29, 1946.

The types of material set forth below are not deemed to be supplies within the meaning of paragraph (a) (1). Accordingly, these materials may be excluded from the monthly report required by paragraph (e), and are not subject to the inventory restrictions required by paragraph (b), provided that sales of such materials are not included in computing maximum permissible inventory as defined in paragraph (a) (6).

(1) The following general steel products and merchant trade products:

GENERAL STEEL PRODUCTS

	Types of steel included		
	Carbon	Stainless	Other alloy
Ingots, blooms, billets, slabs, tube rounds, die blocks, sheet and tin bars	X	X	X
Structural shapes and piling	X	-----	X
Plates (universal and sheared including skelp)	X	X	X
Rails and track accessories	X	-----	X
Hot rolled bars—except concrete reinforcing bars but including forged, galvanized, and wrought iron bars	X	X	X
Cold finished bars	X	X	X
Tool steel, including drill rod	X	-----	X
Mechanical tubing	X	X	X
Pressure tubing	X	X	X
Wire rods (for wire drawing only)	X	X	X
Sheet and strip, hot rolled	X	X	X
Sheets and strip, cold reduced	X	X	X
Tin mill black plate	X	-----	-----
Sheets and strip, all other (except tin plate, short ternes, and galvanized)	X	-----	-----
Wheels and axles (including steel tires and rims)	X	-----	X
Castings (rough castings only)	X	X	X
Concrete reinforcing bars (unfabricated)	X	-----	-----

MERCHANT TRADE PRODUCTS

Standard and line pipe, water well tubular products, and couplings (includes steel and wrought iron pipe).
Oil country casing, tubing, and drill pipe, and coupiings.
Tin plate and terne plate (short ternes).
Galvanized, lead coated, or painted sheets and strip (including galvanized flat sheets purchased for the manufacture of roofing and siding), formed roofing and siding (painted, black, galvanized, or lead coated), valley, ridge roll, and flashing.
Wire rope and strand.
Nails (cut and wire), fence and netting staples.
Wire, drawn.
Wire bale ties.
Wire (barbed and twisted), and wire fence (woven or welded).
Wire netting.
Fence posts.
Welded wire concrete reinforcing fabric.

(2) [Deleted Jan. 29, 1946.]

(3) [Deleted Jan. 29, 1946.]

(4) Replacement parts specially designed to fit only one model and brand of machinery or equipment, and adaptable to no other use: *Provided,* That in no event shall the supplier accept delivery of any such parts where his inventory thereof is, or will by virtue of such delivery become in excess of six times his sales of such parts during the second preceding calendar month;

(5) [Deleted Jan. 29, 1946.]

(6) Any material which is subject to rationing by the Office of Price Administration;

(7) [Deleted Jan. 29, 1946.]

(8) [Deleted Jan. 29, 1946.]

(9) [Deleted Jan. 29, 1946.]

(10) Industrial materials and finished products sold to the supplier by a special sale under Priorities Regulation No. 13.

(11) Repair and replacement parts for commercial and industrial refrigeration equipment.

(12) Electric mangles
Electric water heaters
Mechanical refrigerators
Musical instruments (including pianos and organs)
Radio receiving sets
Phonographs
Radio and phonograph combinations
Ranges—gas and electric
Sewing machines
Vacuum cleaners
Washing machines

INTERPRETATION 1

"Supplies" as listed in paragraph (a) (1) of Limitation Order L–63 do not include seeds, plants, livestock, fertilizer, clocks, watches, sporting goods, furniture, pottery, china, or glassware. (Issued May 15, 1942.)

[F. R. Doc. 46–1647; Filed, Jan. 29, 1946; 11:47 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Consumers' Goods Inventory Limitation Order L–219, as Amended, Jan. 29, 1946]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of consumers' goods for defense, for private account, and for export; and the following order, limiting consumers' goods receipts and providing for inventory reports, is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3118.1 *Consumers' Goods Inventory Limitation Order L–219—(a) Definitions.* For the purposes of this order:

(1) "Consumers' goods" means goods suitable in form and type for sale to individual ultimate consumers for personal or household use, including but not limited to goods on List B, attached to Order L–219. Consumers' goods do not include producers' goods such as farm implements, goods used in rendering personal services such as shoe repairing, or goods sold for consumption on the vendor's premises such as fountain and restaurant fare. Consumers' goods shall not include any food or beverage for human

or animal consumption, or any fuel oil, gasoline, motor oil, grease, or allied petroleum products.

(2) "Mercantile inventory" means the stock of consumers' goods held for sale by a person engaged in marketing such goods, including goods he has purchased for resale, goods he has manufactured for sale, stock consigned to him for sale, and stocks held by him on memorandum for sale.

(i) Mercantile inventory shall not include factory inventory. "Factory inventory" is an inventory of consumers' goods which are stored by the manufacturer of such goods at, or in the immediate vicinity of the place where their manufacture was completed and which are not being offered for sale to individual ultimate consumers, or to independent dealers who sell to individual ultimate consumers, and who in most instances carry in stock less than $200 worth of consumers' goods of all kinds, at cost value. Nothing contained in this subparagraph shall be construed as indicating that such independent dealers are controlled merchants.

(ii) Stocks on consignment or on memorandum for sale are to be included in the inventory of the person actually holding them for sale, and in such case are to be excluded from the inventory of the owner. Stocks on consignment or on memorandum to a person not holding them for sale are to be included in the inventory of the owner.

(iii) Goods in transit may be either included in or excluded from inventory: *Provided*, That in all computations, records, reports, and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax return practice. Goods shall cease to be considered in transit not later than one business day after they are delivered to a merchant on his premises, to his warehouse, or to a commercial warehouse for his account; except that dutiable imported consumers' goods may be considered in transit until the import duty is paid.

(iv) Goods are held for sale and are considered as part of "inventory" even though they are not currently offered for sale but are stored in a warehouse or elsewhere, with a view to sale at some future time, e. g., seasonal goods during the off season and goods held for speculative purposes. Goods held on the "layaway" plan pending payment of the purchase price may be included in or excluded from inventory: *Provided*, That in all computations, records, reports and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax practice.

(3) "Merchant" means any person engaged in retailing, wholesaling, jobbing or otherwise marketing consumers' goods, either of his own or anothers' manufacture, who maintains a mercantile inventory.

(4) "Controlled merchant" means any merchant not in any of the exempt categories established by paragraph (b), who:

(i) On or after November 30, 1942, either had a mercantile inventory of consumers' goods having a cost value of $50,000 or more at the beginning of any quarter of his federal income tax years, or, during the twelve months preceding the beginning of any quarter of his federal income tax years, had net sales of consumers' goods of $200,000 or more.

(ii) Any merchant who is or becomes a "controlled merchant" within the foregoing definition shall cease to be a "controlled merchant" if, at the beginning of each of any four consecutive quarters thereafter, his mercantile inventory has a cost value of less than $50,000 and in addition, he has failed during the preceding twelve months to make net sales of consumers' goods of $200,000.

(5) "Net sales" means the amount of a merchant's gross sales of goods in dollars, including sales of goods shipped direct from a vendor to the merchant's customer, less all returns, allowances, rebates, discounts and other proper deductions. In the case of a merchant who is also engaged in manufacturing, his net sales shall not include any sales made, as a manufacturer, out of his factory inventory.

(6) "Cost value" or "cost" of goods received, sold or in inventory means the value in dollars of such goods computed by any single method of valuation which the merchant uses consistently and which meets the requirements of generally accepted accounting practice for determining the asset value of goods, e. g., income tax practice. Goods held for sale on consignment and on memorandum are to be valued at not less than the amount which the person holding them for sale would be obligated to remit to the owner if all of them were sold. Incoming transportation costs and workroom charges shall also be included in the value of goods on consignment or on memorandum if they are included in the cost value of comparable purchased goods in the inventory of the person holding them for sale. Retail merchants who consistently employ what is known as the "retail method" of pricing inventories may reduce their inventories to cost by the method prescribed for federal income tax purposes.

(7) "Inventory year" of a merchant means the recurrent twelve calendar month period beginning either December 1, January 1, or February 1, of each year, whichever corresponds with the beginning date of a quarter of his federal income tax year. An inventory year is designated by the number of the calendar year in which most of its months fall. For example, whichever of the inventory years commencing December 1, 1942, January 1, 1943, and February 1, 1943, is selected by a merchant, is his 1943 inventory year within the meaning of this order. Each inventory year shall consist of four "quarterly periods" of three calendar months each except for the following options: Any merchant who keeps his books of account on the basis of an annual fiscal period divided into four periods of thirteen weeks each may adopt an inventory year of four thirteen-week "quarterly periods", each divided into a four-week "month", a five-week "month" and a four-week "month", in that order. Any merchant who keeps his books of account on the basis of an annual fiscal period divided into thirteen periods of four weeks each may adopt an inventory year of four "quarterly periods", in which the first "quarterly, period", shall consist of sixteen weeks, divided into a five-week "month", a six-week "month" and a five-week "month", in that order, and the second, third and fourth "quarterly periods" shall each consist of twelve weeks, divided into three four-week months". Any merchant who keeps his accounts on the basis of either of these types of fiscal year may use a date other than December 1, January 1, or February 1 as the first day of his inventory year: *Provided*, That the date selected is as near as possible to that beginning date of a quarter of his federal income tax year which falls nearest one of those three dates.

(8) "Base period" means a period of three inventory years, commencing with the beginning date of the merchant's 1939 inventory year. Ordinarily, this date will be December 1, 1938, January 1, 1939, or February 1, 1939. Any controlled merchant who lacks records for part or all of the base period so computed shall use as his special base period all the complete consecutive quarterly periods between December 1, 1938, and February 1, 1942, for which he has records. If the number of such quarterly periods is less than four, additional periods shall be taken from his 1942 inventory year sufficient to complete a single year. This treatment of inventory and sales data for such special base period shall conform as strictly as possible to the treatment of inventory and sales data for the base period prescribed in Appendix A attached to Order L–219. If a going business has changed owners since the commencement of the period which, but for such change, would have been its base period, and if the current owner possesses or can obtain the necessary data concerning his predecessor's operations, he shall compute the normal inventory of such business as if he had been its owner throughout. A controlled merchant who is unable to establish a base period, including 1942, of at least four consecutive quarterly periods, shall apply to the Civilian Production Administration for instructions, stating his monthly sales and inventories.

(9) "Normal inventory" means a mercantile inventory at the beginning of a quarterly period with a cost value no larger in relation to a merchant's projected sales during that quarterly period than he would carry at the beginning of that quarterly period when following his normal base period merchandising practices. In no event shall the normal inventory figure used by a merchant in determining his inventory limit exceed a figure correctly computed from his past inventory and sales experience by the method described and illustrated in Appendix A attached to Order L–219, and employed on Forms CPA or WPB–1620 and CPA or WPB–1621.

(10) "Normal receipts" as used in paragraph (d), means the dollar amount of consumers' goods at cost value which a merchant will need during any quarterly period to complete his anticipated sales during that quarterly period and to be-

gin his next succeeding quarterly period with his normal inventory, less the cost value of the mercantile inventory which he has at the beginning of the quarterly period. Except for merchants who elect, under paragraph (l), to use the "retail method", the normal receipts of a merchant shall be a figure correctly computed from the merchant's previous experience with respect to sales and cost of goods sold by the method described and illustrated in Appendices A and C attached to Order L–219 and employed on Form CPA or WPB–1621. However, if the normal receipts figure thus computed is less than one-third of the cost of goods sold by the merchant during the preceding quarterly period, then he may use as his normal receipts figure an amount not exceeding one-third of the cost of goods sold during the preceding quarterly period.

(i) Nothing in this paragraph shall be construed as permitting a merchant whose mercantile inventory at the beginning of any quarterly period is greater than his inventory limit to receive during such quarterly period an amount of consumers' goods in excess of his "allowable receipts" calculated in accordance with paragraph (d).

(11) "Cost of goods sold" means the cost value of goods removed from mercantile inventory by sale, spoilage, shrinkage reserve, consignment to another person or other proper deduction in accordance with generally accepted accounting practice consistently used by the merchant, plus the cost value of goods shipped direct from a vendor to the merchant's customers.

(12) "Receipts of consumers' goods" means the cost value of consumers' goods acquired by a merchant by purchase, consignment, memorandum, or otherwise, in such a way and to such an extent that they became part of the merchant's mercantile inventory, plus the cost value of consumers' goods shipped direct from a vendor to the merchant's customers. For the purposes of this order consumers' goods manufactured by a merchant are to be considered receipts by him when they first become part of his mercantile inventory. Examples are:

(i) Consumers' goods become mercantile inventory when they are transferred from factory inventory to a stock-carrying branch warehouse inventory.

(ii) Consumers' goods which are held at or in the immediate vicinity of the place where their manufacture was completed become mercantile inventory when the manufacturer first offers them for sale to individual ultimate consumers or to independent dealers as provided in paragraph (a) (2) (i) of this order.

(13) "Frozen goods" means those consumers' goods in the mercantile inventory of a controlled merchant which he is selling at a substantially less rapid rate than normal, due to governmental regulations which specifically restrict the sale of those consumers' goods, to preferred classes of persons based upon special need.

(14) "Footwear", as used in paragraphs (b) (4) and (i) (2), means the following items, regardless of the materials of which they are made: all types of shoes, including athletic shoes, slippers, moccasins, sandals, rubbers, rubber boots, sneakers, waders, arctics, overshoes, galoshes, and the like. "Footwear" does not include hosiery, leggings, or spats.

(b) *Exemption of certain types of business.* The provisions of paragraph (d) and paragraph (e) of this order shall not apply to any merchant in any of the following exempt categories.

(1) Any merchant more than fifty per cent of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of goods listed on List A.

(2) Any merchant engaged in retailing, wholesaling, jobbing, or otherwise marketing consumers' goods entirely outside the forty-eight States and the District of Columbia.

(3) Any governmental corporation, including any United States Army or Marine Corps post exchange, any United States Navy or Coast Guard ship's service department and any War Shipping Administration training organization ship's service activity.

(4) Any merchant 90% or more of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of footwear.

(c) *Calculation of inventory limit.* (1) As used in paragraph (d) and paragraph (e), the "inventory limit" of a controlled merchant at the beginning of any quarterly period of his inventory year shall mean his normal inventory as of the beginning of that quarterly period plus the percentage of such normal inventory to which he is entitled as tolerance, computed by the method described and illustrated in Appendix B attached to Order L–219, and employed on Form CPA or WPB–1621. Except for merchants who elect under paragraph (l) to use the "retail method", the percentage of tolerance shall be as follows:

(i) With respect to mercantile inventories in the Eastern and Central Time Zones, the percentage of tolerance shall be 10%. If a merchant's net sales of furniture are at least 75% of his total net sales the percentage of tolerance shall be 15%.

(ii) With respect to mercantile inventories in the Mountain and Pacific Time Zones, the percentage of tolerance shall be 15%. If a merchant's net sales of furniture are at least 75% of his total net sales the percentage of tolerance shall be 22½%.

(2) The Civilian Production Administration may issue specific instructions increasing the normal inventory figure of a controlled merchant. It may also issue specific instructions increasing or decreasing the percentage of tolerance of a controlled merchant. A request for an increased normal inventory figure or an increased percentage of tolerance, or both, may be made by filing Forms CPA or WPB–1620, CPA or WPB–1621 and CPA or WPB–1622, accompanied by a letter in triplicate stating the reasons which he considers warrant such an increase.

(d) *Restrictions on receipts of consumers' goods.* (1) No controlled merchant whose mercantile inventory at the beginning of any quarterly period of his inventory years is greater than his inventory limit shall have receipts of consumers' goods during the quarterly period which in dollar amount exceed his "allowable receipts". He shall correctly calculate his allowable receipts as follows:

(i) He shall multiply his normal receipts computed as provided in paragraph (a) (10), by the appropriate percentage selected from the following table, in accordance with the method described and illustrated in Appendix E attached to Order L–219, and employed on Form CPA or WPB–1621:

If the merchant's mercantile inventory exceeds his normal inventory by:	*His allowable receipts of consumers' goods shall be the following percentage of his normal receipts:*
0 to and including 25%	100%
26% to and including 50%	75%
51% to and including 100%	50%
Over 100%	40%

(2) A controlled merchant whose mercantile inventory is greater than his inventory limit at the beginning of any quarterly period of his inventory years shall not receive more than one-third of his allowable receipts for such quarterly period during the first month of that quarterly period, and he shall not receive more than two-thirds during the first two months of that quarterly period.

(3) The Civilian Production Administration may issue specific instructions increasing or decreasing the allowable receipts of a controlled merchant. A controlled merchant may make a request for increased allowable receipts by filing Form CPA or WPB–1620, Form CPA or WPB–1621, and Form CPA or WPB–1622, accompanied by a letter in triplicate, stating the reasons which he considers warrant such an increase.

(4) [Deleted Jan. 29, 1946.]

(e) *Special reports.* Whenever a controlled merchant is required to make a report to the Civilian Production Administration, as provided in paragraph (e) (1), he shall fill out such report in duplicate, mail one copy to the Civilian Production Administration and retain the other copy in his possession.

(1) Any controlled merchant having a mercantile inventory which is greater than his inventory limit at the beginning of any quarterly period of his inventory years, shall make each of the following reports to the Civilian Production Administration:

(i) A report on Form CPA or WPB–1621 on or before the 25th day of the first month of such quarterly period, together with Form CPA or WPB–1620.

(Form CPA or WPB–1620 is to be submitted once only, at the time of the first filing of Form CPA or WPB–1621.)

(ii) A report on Form CPA or WPB–1962, on or before the twenty-fifth day of the third month of such quarterly period.

(iii) A report on Form CPA or WPB–1962, on or before the twenty-fifth day of the third month of such quarterly period.

(iv) A report on Form CPA or WPB–1621, on or before the twenty-fifth day of the first month of the following quarterly period.

(f) *Corporate combinations and similar enterprises*—(1) *Consolidated inventories and reports.* Except as otherwise provided in paragraphs (g) and (h), every person affected by this order shall, when computing the quantity of his sales, his mercantile inventories, his receipts, and other matters pursuant to this order, include the sales, mercantile inventories, receipts and other matters of all stores, branches, divisions and sections of his enterprise and of any other enterprise under common ownership or control with his enterprise. Moreover, the reports relating to such sales, inventories and other matters shall be consolidated and shall include the sales, inventories and other matters of all branches, divisions, or sections of all enterprises under common ownership or control without regard to corporate or other distinctions between such enterprises. Concessions and leased departments shall be treated as enterprises separate from the business of the merchant whose premises they occupy, unless under common ownership or control with such business.

(2) *Intra-company and inter-company sales.* In all computations and reports pursuant to this order, transactions within the enterprise of a single person or between stores, branches, divisions or sections of enterprises subject to common ownership or control, shall not be counted as sales or as receipts of goods, even though designated on the books of such enterprise or enterprises as sales or receipts, with the following exceptions:

(i) If one or more establishments, belonging to a group of establishments under common ownership or control, engage in manufacturing and their records are consolidated under this order, the consumers' goods manufactured by such establishments are to be considered receipts (as defined in paragraph (a) (12)) by that group of establishments when such goods first become part of its mercantile inventory.

(ii) If, pursuant to paragraph (g) or paragraph (h), establishments under common ownership or control are treated as separate entities for the purpose of this order, transfers of consumers' goods from one such establishment to another are to be deducted from the mercantile inventory of the transferor, and counted as receipts by the transferee, but the transferor shall not include in his net sales the amount of money, credit or property received in exchange for such goods.

(g) *Separate accounting for company stores.* (1) If any person, as an incident of his principal business, carries on a business enterprise consisting of one or more company stores, commissaries, industrial stores, or other similar type of business enterprise marketing consumer goods chiefly to the employees of such person and their families, then that person shall determine whether such incidental enterprise is a controlled merchant as defined in paragraph (a) (4) of this order and not exempt under paragraph (b) when separately considered.

(2) If such incidental enterprise is, in itself, a controlled merchant, then, even though the principal business of that person may consist of sales of goods on List A, such person shall keep the records, report the inventories, and restrict the receipts of goods of such incidental enterprise as a separate entity. Such person shall exclude the sales, inventories, and receipts of goods of such incidental enterprise from computations and other matters respecting his principal business.

(h) *Separate accounting for ownership groups.* If a controlled merchant consists of a number of establishments, each of which would be a controlled merchant if considered separately, which are substantially independent with respect to merchandising, buying, warehousing, selling, advertising, management, and accounting, and in the operation of which the controlled merchant does not practice centralized buying for, centralized storage for, or interchange of stocks among the constituent establishments, such controlled merchant may elect by written notice to the War Production Board, mailed before February 1, 1943, to keep the records, report the inventories, and restrict the receipts of goods of each such constituent establishment as a separate entity.

(i) *Segregation of goods*—(1) *Consumers' goods.* Any merchant who is engaged in marketing both consumers' goods and other goods may include such other goods with consumers' goods in calculating inventories, sales, receipts of goods, and all other matters under this order if such other goods are consistently included and if their exclusion would be impracticable. The exclusion of such goods from consumers' goods may be considered impracticable only when such exclusion would require the compilation of data respecting the base period which that merchant does not already have available and which could be compiled, if at all, only by re-examining his original records of sales, purchases and inventories during the base period.

(2) *Footwear.* A controlled merchant who sells footwear, but who is not exempt under paragraph (b) (4), may, except for the purpose of determining whether he is a controlled merchant, exclude the dollar amount of such footwear in calculating inventories, sales, receipts of goods, and all other matters under this order: *Provided,* That he makes such exclusion of footwear consistently in his base period and current computations. If it is impracticable for him to make such exclusion of footwear, he may apply, by letter in triplicate, to the Civilian Production Administration for instructions, setting forth any method by which he believes such exclusion may be made with reasonable accuracy.

(j) *Consistency in accounting.* In the valuation of inventories, in the computation of net sales and costs of goods sold, and in all other matters of accounting under this order unless otherwise specifically authorized by the War Production Board or by the Civilian Production Administration, a merchant must use those accounting methods and figures which are in accordance with his books of account or his income tax returns, which meet the requirements of generally accepted accounting practice for the particular purpose, and which he has consistently employed since the beginning of his base period. If, since that date, there has been a material change or inconsistency in his accounting practice affecting valuation of inventories, computation of his net sales, cost of goods sold, or other matters of accounting under this order, or if his customary accounting methods do not meet the requirements of accepted accounting practice, he shall apply by letter to the Civilian Production Administration for specific instructions concerning the adjustments, if any, to be made, stating in such letter the nature of the change or inconsistency, or the variance from accepted practice.

(k) *Inter-relation with Suppliers' Inventory Limitation Order L–63 and other inventory orders and regulations.* (1) Nothing in this order shall be construed to relieve any person of the duty of complying with § 1046.1, Suppliers' Inventory Limitation Order L–63. Any controlled merchants who market supplies, as defined in Order L–63, and who are not exempt from this order by virtue of paragraph (b) (1), shall not only comply with any restrictions of Order L–63 applicable to their operations but shall also comply with the provisions of this order without distinction between those consumers' goods which are supplies and other consumers' goods.

(2) The provisions of this order do not permit the accumulation of inventories of any item of material in contravention of the provisions of any other applicable order or regulation of the Civilian Production Administration. Specifically, a merchant may not accept any item of consumers' goods if his inventory of that item is, or will be, more than a practicable minimum working inventory as defined in Priorities Regulation 32.

(3) All restrictions of this order, including the above restriction in paragraph (k) (2), apply to materials listed in Table 3 of Priorities Regulation 32, as well as to all other items normally accepted into a merchant's inventory. Consequently, such materials are not

exempt from any of the restrictions of this order.

(l) *Optional use of the "retail method."* Any retail merchant who employed during his base period what is known as the "retail method" of pricing inventories may elect to value his mercantile inventory and to compute his allowable receipts at retail, rather than at retail reduced to "cost" or "cost value," on the following conditions:

(1) He shall employ a percentage of tolerance two per cent lower than he would otherwise be entitled to use under the provisions of paragraph (c) (1).

(2) He shall consistently value his goods at retail wherever the provisions of this order specify the use of "cost value" or "cost," except for the purpose of determining whether he is a controlled merchant under paragraph (a) (4).

(3) His normal receipts at retail shall be a figure correctly computed from the merchant's previous experience with respect to sales and mark-downs by the method described and illustrated in Appendix D attached to Order L–219, and employed on Form CPA or WPB–1621. However, if the normal receipts figure thus computed is less than one-third of the sum of his net sales and mark-downs during the preceding quarterly period, then he may use as his normal receipts figure an amount not exceeding one-third of the sum of his net sales and mark-downs during the preceding quarterly period.

(i) Nothing in this paragraph shall be construed as permitting a merchant whose mercantile inventory at the beginning of any quarterly period is greater than his inventory limit to receive during such quarterly period an amount of consumers' goods in excess of his allowable receipts calculated in accordance with paragraph (d).

(iii) [Revoked July 10, 1943]

(4) His markdowns at retail used in computing his normal receipts at retail shall not be a greater percentage of his projected sales than his markdown percentage in the corresponding quarterly period of the preceding inventory year.

(m) *Special deductions*—(1) *"Frozen goods."* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant may deduct from the cost value of his mercantile inventory on hand at the beginning of any current quarterly period an amount in dollars equal to the cost value on that date of his mercantile inventory of any kind of "frozen goods" which he has had in his mercantile inventory more than four months, minus the cost value of the "frozen goods" of that kind sold by him during the immediately preceding quarterly period.

(2) [Deleted Jan. 29, 1946.]

(3) *Military and naval apparel.* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant licensed by the United States Army exchange service or by the United States Navy may exclude from his current computations, provided he does so consistently, his current receipts, sales and inventories of those articles of apparel, and only those, bearing the labels "made and sold under the authority of the United States Navy", or labels properly authorized by the Army exchange service, War Department, and prescribed for articles for the regulation Army officers' uniforms.

(4) *Surplus goods.* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant may exclude from his current computations under Order L–219, if he does so consistently, his current receipts, sales and inventories of all materials and finished products purchased by him from a seller making a special sale under CPA Priorities Regulation 13.

(n) *Special transactions.* (1) Any controlled merchant whose receipts are restricted under paragraph (d), but whose actual receipts are not in excess of his allowable receipts, may exchange consumers' goods with other persons without including the goods so acquired in computing his receipts of consumers' goods: *Provided*, That:

(i) If, during the quarterly period in which the exchange occurs, his monthly or quarterly receipts up to the date of the exchange have been less than his allowable receipts for the period, he shall include in his receipts of consumers' goods for that quarterly period the amount, expressed in dollars, of any consideration which he pays or contracts to pay to the person with whom he makes the exchange to compensate such person for the difference in dollar value between the consumers' goods exchanged, and

(ii) If, during the quarterly period in which the exchange occurs, his monthly or quarterly receipts up to the date of the exchange equal his allowable receipts for the period, he may not deliver consumers' goods less valuable than those he receives in exchange, if the difference between the values of the goods exchanged, expressed in terms of dollars, exceeds five percent (5%) of the dollar value of the goods delivered.

(2) If a merchant whose receipts are restricted under paragraph (d), but whose actual receipts are not in excess of his allowable receipts, transfers any portion of his mercantile inventory by sale (other than by way of exchange) effected outside his ordinary method of doing business, he may, while his receipts continue to be thus restricted, apply to the Civilian Production Administration, by letter, in triplicate, for an increase of his allowable receipts to the extent of the amount, expressed in dollars, of the consideration he received from such special sales. In making such application he shall state the dollar amount of such sales for which he has not already been granted increased allowable receipts. In addition, he shall state with respect to each such special sale the date of the sale, the goods sold, the amount, expressed in dollars, of the consideration he received, the purchaser's name, address and field of business operation.

(3) A controlled merchant shall not include in his net sales, to be used in calculating his projected sales during succeeding quarterly periods, the amount of consumers' goods transferred, by exchange or otherwise, to other persons in special transactions effected outside his ordinary method of doing business.

(4) Nothing in this paragraph shall be construed to prohibit any controlled merchant, whose inventory was not greater than his inventory limit at the beginning of any quarterly period, from making exchanges of consumers' goods.

(o) *Miscellaneous reports.* Merchants shall execute and file with the Civilian Production Administration such reports and answers to questionnaires as the Civilian Production Administration may from time to time request, including reports concerning the sales and inventories of subsidiaries, branches or sales units, or of separate retailing or wholesaling divisions, or of particular departments or lines of merchandise.

(p) *Records.* (1) Every merchant shall preserve those records concerning his operations necessary to determine whether he is a controlled merchant.

(2) Every controlled merchant shall preserve his records concerning sales and inventories during the base period until further notice. Complete and accurate records kept on Form CPA or WPB–1620, will satisfy this requirement.

(3) Every controlled merchant shall prepare and preserve for a period of at least two years accurate and complete records concerning his sales, inventories, cost of goods sold, and receipts of goods in such form that the extent of his compliance with this order can readily be ascertained. Complete and accurate records kept on Forms CPA or WPB–1620 and CPA or WPB–1621, and such other forms as are issued from time to time will satisfy this requirement.

(q) *Miscellaneous provisions*—(1) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Civilian Production Administration.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the Civilian Production Administration, as amended from time to time.

(3) *Appeals.* Any person subject to any requirement of this order, who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal by filing Forms CPA or WPB–1620, CPA or WPB–1621 and CPA or WPB–1622, accompanied by a letter in triplicate, referring to the particular provisions of this order from which he appeals, and stating fully the grounds of his appeal.

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

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

(5) *Communications to the Civilian Production Administration.* All reports, when ordered to be filed, and all communications concerning this order shall, unless otherwise directed, be sent to the Civilian Production Administration, Wholesale and Retail Branch, Washington 25, D. C. Ref.: L–219.

(r) *Effective date of this amendment.* Order L–219 as amended January 29, 1946 shall take effect February 1, 1946. Until that time L–219 as amended July 10, 1943 remains in effect.

Issued this 29th day of January 1946.

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

LIST A—LINES OF GOODS (WHETHER OR NOT CONSUMERS' GOODS) QUALIFYING MERCHANTS FOR EXEMPTION

Antiques.
Coal, fuel oil, gasoline and miscellaneous heat or power fuel.
Coffins, burial caskets, and burial vaults.
Farm machinery and equipment, and attachments and repair parts therefor.
Coffins, burial caskets, and burial vaults.
Foods and confections.
Grain.
Hay.
Ice.
Jewelry having a selling price of $200 or more per piece.
Lumber and building materials, except hardware.
Motor oil and grease.
Motor vehicles and motor vehicle replacement parts.
Non-alcoholic beverages.
Rubber tires.
Second-hand goods.
Stock food.
Seeds for farm use.
Tobacco products, such as cigarettes, cigars, chewing and smoking tobacco.
Typewriters.
"Consumers' goods" imported into the United States.
Supplies, as defined in § 1046.1 *Suppliers' Inventory Limitation Order L–63*, concerning which the merchant is required to keep and actually keeps records.

LIST B

NOTE: "Furs" and "Jewelry and silverware" deleted Jan. 29, 1946.

Consumers' goods shall be considered as including the commodities listed below, but this list is not intended to be exhaustive, and all items coming within the definition contained in paragraph (a) (1) shall be considered consumers' goods for the purpose of the order.

Women's, misses', wearing apparel.
Women's, misses' accessories.
Baby goods.
Men's and boys' clothing.
Men's and boys' furnishings.
Work clothing.
Footwear.
Hosiery, underwear, negligees and robes.
Gloves, handbags and millinery.
Aprons, house dresses and uniforms.
Corsets and brassieres.
Lace, trimmings, and ribbons.
Notions.
Toilet articles and toiletries (such as cosmetics, shaving equipment and soaps).
Clocks and watches.
Umbrellas.
Art, needlework and yarns for home use.
Paper and paper products, stationery, books.
Giftwares.
Piece goods (silks, velvets, rayons and synthetics, woolens, cottons, linens, mixtures, wash goods and linings).
Drugs and drug sundries.
Sporting goods and cameras.
Toys and games.
Luggage and other leather goods.
Garden supplies and seeds for garden use.
Motor vehicles, replacement parts, and accessories.
Tires.
Typewriters.
Linens, including towels.
Domestics (muslins, sheetings, etc.).
Blankets, comforters and spreads.
Furniture, bedding and domestic floor coverings.
Draperies, curtains and upholstery.
Lanterns, lamps and shades.
Chinaware and glassware.
Major household appliances, including cooking appliances.
Small electrical appliances, light bulbs, fixtures and dry cells.
Phonograph records and supplies.
Hardware and tools for home use.
Kitchenware, cutlery and miscellaneous housewares.
Sheet music.
Window shades, blinds and wallpaper.
Brushes, brooms and mops.
Soaps and household cleaning and sanitation materials.
Paints, varnishes, waxes and polishes.
Christmas ornaments and supplies.
Wheeled goods.
School supplies.
Antiques.
Coal.
Flowers and plants.
Smoking equipment.
Second-hand consumers' goods.

APPENDIX A—COMPUTATION OF A NORMAL INVENTORY

1. Computation of the normal quarterly inventory-sales ratio, using the fourth quarterly period ratio as an example.

A. Add the mercantile inventories for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example.

1939 Beginning 4th quarterly period inventory ..... $_____
1940 Beginning 4th quarterly period inventory ..... $_____
1941 Beginning 4th quarterly period inventory ..... $_____

Total A ..... $_____

B. Add the net sales for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example.

1939 sales 4th quarterly period ..... $_____
1940 sales 4th quarterly period ..... $_____
1941 sales 4th quarterly period ..... $_____

Total B ..... $_____

C. Divide Total A by Total B, computing to three decimal places.

$\frac{\text{Total A}}{\text{Total B}}$ = normal inventory-sales ratio for all fourth quarterly periods.

II. Computation of projected sales, using the fourth quarterly period of 1943 as an example.

A. First, compute the *Sales Trend Ratio* as follows: Divide the net sales during the second preceding quarterly period by the net sales during the quarterly period of the previous year corresponding to the second preceding quarterly period, computing to three decimal places.

Example.

$\frac{\text{Sales 2nd quarterly period 1943}}{\text{Sales 2nd quarterly period 1942}}$ = Sales trend ratio for 4th quarterly period 1943

B. Second, compute the *Sales Projection Ratio* as follows: (1) If the sales trend ratio is between .900 and 1.100, such ratio is the sales projection ratio to be used in calculating a merchant's projected sales.

Example. If the sales trend ratio is 1.050, the sales projection ratio is also 1.050. If the sales trend ratio is .950, the sales projection ratio is also .950.

(2) If the sales trend ratio is less than .900, determine the sales projection ratio in the following manner:

Add to the sales trend ratio one-half the difference between the sales trend ratio and .900 to obtain the sales projection ratio.

Example. Suppose the sales trend ratio is .784.

Sales trend ratio = .784
Add, ½ difference between .900 and the sales trend ratio $\frac{.900-.784}{2}$ = .058

Sales projection ratio for 4th quarterly period 1943 = .842

(3) If the sales trend ratio is greater than 1.100, determine the sales projection ratio in the following manner:

Subtract from the sales trend ratio one-half the difference between the sales trend ratio and 1.100 to obtain the sales projection ratio.

Example. Suppose the sales trend ratio is 1.368.

Sales trend ratio = 1.368
Subtract, ½ Difference between sales trend ratio and 1.100 $\frac{1.368-1.100}{2}$ = .134

Sales projection ratio for 4th quarterly period 1943 = 1.234

C. Third, compute *Projected Sales* as follows: Multiply the sales projection ratio for the quarterly period by the net sales during the corresponding quarterly period of the preceding year.

Example. Sales projection ratio 4th quarterly period 1943 × sales 4th quarterly period 1942 = projected sales 4th quarterly period 1943.

III. Computation of the normal inventory, using the fourth quarterly period of 1943 as an example.

Multiply the projected sales during the quarterly period by the normal inventory-sales ratio for that quarterly period.

Example. Projected sales 4th qt. '43 × normal inventory-sales ratio for all 4th qts. = normal inventory beginning 4th qt. '43.

IV. Computation of percentage by which mercantile inventory exceeds normal inventory.

NOTE: This percentage is based on the excess of mercantile inventory over *normal* inventory, *not* the excess over inventory limit.

If the mercantile inventory at the beginning of any quarterly period exceeds the normal inventory at the beginning of the same quarterly period, divide the mercantile inventory by the normal inventory, computing to two decimal places. Then subtract 1.00 from the result. Drop the decimal point from the figure thus obtained to secure the percentage by which the mercantile inventory exceeds the normal inventory.

Example. Suppose the mercantile inventory at the beginning of the 4th quarter '43 is $273,124
And the normal inventory at the beginning of the 4th quarter '43 is 198,635
Divide the mercantile inventory ..... $273,124 = 1.375

By the normal inventory 198,635
When, as here, the 3rd decimal is 5 or over, increase the second decimal by 1 ..... 1.38
Subtract 1.00 from the result 1.00

Drop the decimal point from the figure thus obtained ..... .38
Percentage by which the mercantile inventory exceeds the normal inventory at the beginning of the 4th quarter '43 ..... 38%

APPENDIX B—COMPUTATION OF INVENTORY LIMIT

1. Computation of the inventory limit using as an example the fourth quarterly period of 1943 of a merchant in the Eastern Time Zone operating on the cost method.

A. Compute the tolerance by multiplying the normal inventory for the beginning of the quarterly period by the appropriate percentage of tolerance.

Example. Normal inventory beginning 4th qt. '43 × .10 = Tolerance beginning 4th qt. '43.

B. Add the tolerance thus secured to the normal inventory.

Example.
Tolerance beginning 4th quarterly period '43 ..... $.....
Normal inventory beginning 4th quarterly period '43 ..... $.....

Inventory Limit beginning 4th qt. '43 ..... $.....

APPENDIX C—COMPUTATION OF NORMAL RECEIPTS AT COST VALUE ON THE BASIS OF PROJECTED SALES

I. Computation of the cost of projected sales for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Divide the cost of goods sold during the corresponding quarterly period of the preceding year by the net sales during the corresponding quarterly period of the preceding year.

Example. Cost of goods sold 4th qt. '42 ÷ Net Sales 4th qt. '42 = Cost ratio for 4th qt. '43.

B. If such data are not available, use the cost of goods sold and net sales on the most recent federal income tax return.

Example. Cost of goods sold during taxable year 1942 ÷ Net sales during taxable year 1942 = Cost ratio for any qt. of '43.

C. Multiply the projected sales for the quarterly period computed in accordance with Appendix A, by the cost ratio for the quarterly period.

Example. Cost ratio × projected sales 4th qt. '43 = Cost of projected sales for 4th qt. '43.

II. Computation of normal receipts for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Add the cost of projected sales for the quarterly period to the cost value of a normal inventory at the beginning of the next quarterly period.

Example.
Cost of projected sales 4th qt. '43 ..... $.....
Normal inventory beginning 1st qt. '44 ..... $.....

Total A ..... $.....

B. Subtract from the sum thus secured the mercantile inventory on hand at the beginning of the current quarter.

Total A ..... $.....
(Minus) Mercantile inventory beginning 4th qt. '43 ..... $.....

Normal receipts during 4th qt. '43 ..... $.....

APPENDIX D—COMPUTATION OF NORMAL RECEIPTS AT RETAIL VALUE USING PROJECTED SALES

1. Computation of normal receipts for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Add the projected sales and the projected markdowns for the quarterly period to the normal inventory at retail value at the beginning of the next quarterly period.

Example.
Projected sales 4th qt. '43 ..... $.....
Projected Markdowns at Retail 4th qt. '43 ..... $.....
Normal Inventory at Retail Beginning 1st qt. '44 ..... $.....

Total A ..... $.....

B. Subtract from the sum thus secured the mercantile inventory, at retail on hand at the beginning of the quarterly period.

Example.
Total A ..... $.....
(Minus) Mercantile inventory at retail value beginning 4th qt. '43 ..... $.....

Normal Receipts at retail during 4th qt. '43 ..... $.....

APPENDIX E—CALCULATION OF ALLOWABLE RECEIPTS

I. Every merchant whose receipts during a quarterly period are restricted (see paragraph (d) (1) to determine whether your receipts are restricted), shall calculate his allowable receipts for such quarterly period as follows:

A. Calculate the normal inventory, the normal receipts, and the percentage by which the mercantile inventory exceeds the normal inventory according to the instructions in Appendix A, Sections I, II and III, Appendix C, and Appendix A section IV, respectively.

B. Using the table set forth in paragraph (d) (1) (i) of this Order determine the allowable receipts in the manner illustrated below:

1. If the mercantile inventory exceeds the normal inventory by less than 26% of the normal inventory, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 100% of his normal receipts figure, i. e., his allowable receipts equal 100% of his normal receipts figure.

Example. A merchant's mercantile inventory is 15% greater than his normal inventory. His normal receipts figure for the quarterly period is $210,000.

Since the percentage of inventory excess is less than 26%, such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 100% of $210,000 or $210,000, i. e., his allowable receipts equal $210,000.

2. If the mercantile inventory exceeds the normal inventory by more than 25% but less than 51%, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 75% of his normal receipts figure, i. e., his allowable receipts equal 75% of his normal receipts figure.

Example. A merchant's mercantile inventory is 35% greater than his normal inventory. His normal receipts figure for the quarterly period is $755,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 75% of $755,000, or $566,250, i. e., his allowable receipts equal $566,250.

3. If the mercantile inventory exceeds the normal inventory by more than 50% but less than 101%, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 50% of his normal receipts figure, i. e., his allowable receipts equal 50% of his normal receipts figure.

Example. A merchant's mercantile inventory is 68% greater than his normal inventory. His normal receipts figure for the quarterly period is $175,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 50% of $175,000, or $87,500, i. e., his allowable receipts equal $87,500.

4. If the mercantile inventory exceeds the normal inventory by more than 100%, such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 40% of his normal receipts figure, i. e., his allowable receipts equal 40% of his normal receipts figure.

Example. A merchant's mercantile inventory is 120% greater than his normal inventory. His normal receipts figure for the quarterly period is $432,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 40% of $432,000, or $172,800, i. e., his allowable receipts equal $172,800.

[F. R. Doc. 46-1648; Filed, Jan. 29, 1946; 11:47 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Limitation Order L-219, Direction 1, as Amended Jan. 29, 1946]

EXCLUSION OF CERTAIN ITEMS

The following amended direction is issued pursuant to L-219.

Except for the purpose of determining whether he is a controlled merchant, a controlled merchant may exclude from his current computations under Order L-219, if he does so consistently, his current receipts, sales and inventories of the following consumers' goods:

Electric mangles
Electric water heaters
Furs, fur coats (except fur trimmed coats)
Jewelry and silverware
Mechanical refrigerators
Musical instruments (including pianos and organs)
Radio receiving sets
Phonographs
Radio and phonograph combinations
Ranges—gas and electric
Sewing machines
Vacuum cleaners
Washing machines

Issued this 29th day of January 1946.

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

[F. R. Doc. 46-1649; Filed, Jan. 29, 1946; 11:46 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-258, Revocation]

SALT AND PETROLEUM TYPE ANTI-FREEZE SOLUTIONS

Section 3292.71 *Limitation Order L-258* is revoked. This revocation does not affect any liabilities incurred for violation of this order or of any actions taken by the War Production Board or

Civilian Production Administration under the order.

Issued this 29th day of January 1946.

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

[F. R. Doc. 46-1650; Filed, Jan. 29, 1946; 11:46 a.m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 577[1], Amdt. 3]

ICE CREAM, LIQUID ICE CREAM MIX, SHERBET, AND OTHER FROZEN DESSERTS

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

Maximum Price Regulation No. 577 is amended in the following respects:

1. Section 2.2 is amended by adding the following sentence at the end thereof: "In addition, any reference in this regulation to the established maximum price of liquid ice cream mix shall include also any increase in the maximum price made pursuant to section 2.5a, or any adjustment for any product covered by this regulation made by the Office of Price Administration after February 15, 1945."

2. The first sentence of section 2.3 is amended to read as follows:

SEC. 2.3 *Maximum prices.* Except for the changes in butterfat and/or milk solids not fat content and accompanying changes, if any, in maximum prices as provided in this Article II, and except for the increase in the maximum prices for sales of liquid ice cream mix as provided in this Article II, the maximum price for sales of any product covered by this regulation is:

3. A new section 2.5a is added to read as follows:

SEC. 2.5a *Permitted increase where a manufacturer of liquid ice cream mix had an established maximum price prior to January 28, 1946—(a) Where a manufacturer's established maximum price for liquid ice cream mix has not been adjusted since February 15, 1945.* Where a manufacturer of liquid ice cream mix had an established maximum price prior to January 28, 1946, excluding any adjusted price under section 4.1 of this regulation, he may add to such established maximum price an increase for the liquid ice cream mix he manufactures, as follows:

Where butterfat content of mix is:	*Permitted price increase per gallon (cents)*
8% or more but less than 9%	4
9% or more but less than 11%	5
11% or more but less than 13%	6
13% or more but less than 15%	7
15% or more but less than 17%	8
17% or more but less than 19%	9
19% or more but less than 21%	10
21% or more	11

[1] 10 F.R. 1968, 11363.

(b) *Where a manufacturer's established maximum price for liquid ice cream mix has been adjusted since February 15, 1945.* Where a manufacturer's established maximum price for liquid ice cream mix has been adjusted by the Office of Price Administration under section 4.1 of this regulation since February 15, 1945, his maximum price may be the higher of the following: His maximum price as adjusted subsequent to February 15, 1945 under section 4.1; or his maximum price established prior to adjustment under section 4.1 plus the increase per gallon depending upon butterfat content permitted in paragraph (a) above.

(c) *Adjustment for sellers other than manufacturers.* Where a manufacturer's maximum price for liquid ice cream mix has been increased pursuant to paragraphs (a) or (b) above, any seller of liquid ice cream mix purchasing from that manufacturer may add to his established maximum price for such product only the amount of the increase actually added by the manufacturer. Any subsequent seller of such liquid ice cream mix, other than a manufacturer, may add to his established maximum price only that amount actually added by his supplier.

(d) *Where limitations on the permitted use of total milk solids or butterfat are reimposed.* Where the U. S. Department of Agriculture or any other agency of the Federal Government reimposes any limitation on the percentage of total milk solids or butterfat which a manufacturer is permitted to use in the manufacture of liquid ice cream mix or frozen dairy foods during any period, the increase in prices granted in paragraphs (a), (b) and (c) above shall not be operative. A manufacturer of liquid ice cream mix shall then determine his maximum price pursuant to the provisions of section 2.5 of this regulation.

This amendment shall become effective January 28, 1946.

Issued this 28th day of January 1946.

CHESTER BOWLES,
Administrator.

Approved: January 23, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-1572; Filed, Jan. 28, 1946; 4:30 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[2d Rev. MPR 183,[1] Amdt. 17]

MISCELLANEOUS COMMODITIES IN PUERTO RICO

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

Second Revised Maximum Price Regulation 183 is amended in the following respects:

1. In section 4.4 the prices of the items designated below are amended as follows:

[1] 10 F.R. 7635, 8933, 9223, 9227, 10224, 10976, 11666, 11811, 12555, 12744, 12745, 12961, 13230, 14247, 15173.

Commodity	Price at wholesale	Price at retail
	Per 100 lbs.	*Per lb.*
51. Corn meal	$4.80	0.06 (2 lbs. for $0.11).
52. Cracked corn	4.60	$0.06 (2 lbs. for $0.11).
53. Whole corn	4.30	$0.05.

2. In section 4.11 (a) the wholesale price of "Tuna Fish: Premier: White meat, 48/#1/2 can (7 oz.)" is amended to read $21.50.

3. In section 4.14 (a) the wholesale price of "Dates: Premier, Deglet, 24/10 oz. pkg." under the heading "Dried or dehydrated fruits" is amended to read $13.25, and the retail price of this item is amended to read $0.69.

4. Section 12.13 is added to read as follows:

SEC. 12.13 *Household aluminum cooking utensils imported from the United States.* (a) The maximum prices for household aluminum cooking utensils imported from the United States shall be:

(1) For an article purchased directly from the manufacturer, the direct cost to the importer multiplied by 1.20 for sales at wholesale, and by 1.68 for sales at retail.

(2) For an article purchased from a wholesaler in the United States, the direct cost to the importer for sales at wholesale, and the direct cost to the importer multiplied by 1.40 for sales at retail.

(b) *Notification to retailers.* The importer shall, at the time of, or prior to the first delivery to each retailer, notify the retailer in writing of his maximum retail price under this section.

(c) *"Cross stream" sales.* The maximum price for a sale by a wholesaler to another wholesaler or by a retailer to another retailer shall be no higher than the importer's direct cost of the article extended by the markups authorized by paragraph (a) above for sales at wholesale.

(d) *Articles covered.* This section applies to sales of all utensils made wholly or substantially of aluminum or aluminum alloys for household use, such as but not limited to, pots, pans, knives, skillets, pressure cookers, dutch ovens, coffee pots, jelly molds, muffin pans, measuring cups, spoons, funnels, slicers, strainers, clothes sprinklers, soap dishes and sink strainers.

Articles such as electric appliances, chairs, stools, vegetable bins, clothes hampers and cocktail shakers are not household aluminum cooking utensils.

5. In section 14.2 the prices for "Per-Os-Cillin Roche" and the accompanying footnote 2 are amended to read as follows:

Item	Size	Price at wholesale [1]	Price at retail [1]
Per-Os-Cillin "Roche."	25,000 Oxford units per tablet.	$4.32	$6.05

[1] Bottle of 12 tablets.

This amendment shall become effective January 28, 1946.

Issued this 28th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-1573; Filed, Jan. 28, 1946; 4:30 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 160]

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

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

Section 15 of MPR 426 is amended in the following respect:

1. In Appendix H, paragraph (d) (1), the definition of "country shipper" is amended by inserting the word, "assembles" after the word, "packs" in the first sentence.

2. In Appendix H, paragraph (e) (4), the definition of "secondary jobber" is amended to read as follows:

"Secondary jobber" means a person other than a service wholesaler, who, having purchased the listed commodity being priced in less-than-carlot quantities, distributes the same goods in less-than-carlot quantities through facilities maintained by him in a consuming market.

3. In Appendix I, paragraph (e) (1), the definition of "country shipper" is amended by inserting the word, "assembles" after the word, "packs" in the first sentence.

4. In Appendix I, paragraph (f) (4) (iii), the definition of "secondary jobber" is amended to read as follows:

"Secondary jobber" means a person other than a service wholesaler, who, having purchased the citrus fruit being priced in less-than-carlot quantities, distributes the same goods in less-than-carlot quantities through facilities maintained by him in a consuming market.

5. In Appendix J, paragraph (g) (4) (ii), the definition of "secondary jobber" is amended to read as follows:

"Secondary jobber" means a person other than a service wholesaler, who, having purchased the deciduous tree fruits being priced in less-than-carlot quantities, distributes the same goods in less-than-carlot quantities through facilities maintained by him in a consuming market.

6. In Appendix K, paragraph (i) (2) (v), the definition of "grower-packer" is amended by inserting the word "assembles" after the word "packs" in clause (2).

7. In Appendix K, paragraph (m) (4) (ii), the definition of "secondary jobber" is amended to read as follows:

"Secondary jobber" means a person other than a service wholesaler, who, having purchased the fruit being priced in less-than-carlot quantities, distributes the same goods in less-than-carlot quantities through facilities maintained by him in a consuming market.

This amendment shall become effective at 12:01 a. m. January 30, 1946.

Issued this 29th day of January 1946.

CHESTER BOWLES,
Administrator.

Approved: January 25, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-1602; Filed, Jan. 29, 1946; 11:11 a. m.]

[1] 10 F.R. 8021, 7500, 7539, 7578, 7668, 7683, 7799, 8069, 8239, 8238, 8612, 8467, 8611, 8657, 8905, 8936, 9023, 9118, 9119, 9277, 9447, 9628, 9928, 10087, 10025, 10229, 10311, 10303, 11072, 12213, 12084, 12408, 12447, 12532, 12637, 12702, 12745, 12960, 13129, 13271, 13313, 13369, 13595, 13776, 14027, 15035, 15174.

PART 1305—ADMINISTRATION

[SO 132,[1] Amdt. 16]

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

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

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

1. In section 1 (a) (2) the following commodity is added in alphabetical order:

Carrots, canned, including carrot juice (this does not include strained or chopped carrots sold as "baby food" or "junior food.")

2. In section 2 (a) (1) the commodity "Carrots, canned, including carrot juice (This does not include strained or chopped carrots sold as 'baby food' or 'junior food'.)" is deleted.

This amendment shall become effective January 28, 1946.

Issued this 28th day of January 1946.

CHESTER BOWLES,
Administrator.

Approved: January 25, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-1574; Filed, Jan. 28, 1946; 4:30 p. m.]

PART 1305—ADMINISTRATION

[SO 137,[2] Amdt. 3]

ADJUSTMENT OF MANUFACTURERS' PRICES FOR CERTAIN KNITTED GARMENTS

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.

Supplementary Order 137 is amended in the following respect:

Section 2 (b) is amended to read:

(b) *Amount of adjustment.* A manufacturer's present ceiling price for any garment described in paragraph (a) above will be adjusted to equal the current total unit cost of the garment plus 4% of such cost. However, this adjustment shall only apply to deliveries of the garment made by the manufacturer on and after October 17, 1945 but prior to April 1, 1946.

This amendment shall become effective February 1, 1946.

Issued this 28th day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-1575; Filed, Jan. 28, 1946; 4:30 p. m.]

[1] 10 F.R. 11512, 11808, 12526, 12966, 12986, 13368, 13402, 13403, 14023, 14257, 14815, 14954, 15170.

[2] 10 F.R. 12986, 13636.

PART 1499—COMMODITIES AND SERVICES

[SR 15, Amdt. 44]

IMITATION REED

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

Supplementary Regulation 15 is amended in the following respect:

Section 1499.75 (a) is amended by adding subparagraph (26) to read as follows:

(26) *Imitation reed*—(i) *Individual adjustment.* Any manufacturer of imitation reed, composed of machine-woven, glue-treated, kraft paper, customarily used in the manufacture of hampers, baby carriages, bassinets and other furniture, may apply for an individual adjustment of his maximum price on this commodity whenever it appears that his present earnings on his entire business operations are below those of the period 1936 through 1939 inclusive, or that his manufacturing costs for the product exceed his present maximum price.

(ii) *Form of application for adjustment.* Applications for adjustment shall be filed in accordance with Article III of Revised Procedural Regulation No. 1 with the Office of Price Administration, Washington, D. C. The applicant shall set forth the following data:

(*a*) Statement of the applicant's maximum price, the section of the General Maximum Price Regulation under which such price is determined, the proposed adjusted maximum price, the complete specifications of the commodity, and the length of time the applicant has been producing the commodity.

(*b*) Current cost data on the product involved.

(*c*) Profit and loss statements for the latest full fiscal or calendar year and subsequent quarters on OPA Forms A and B.

(*d*) Total sales of the product involved during the last two calendar quarters.

(*e*) The requirements for submitting any of the data under (ii) above may be waived by the Price Administrator.

(iii) *Amount of adjustment granted.* (*a*) When the product constitutes all or most of the manufacturer's output, an amount sufficient to restore overall earnings to the 1936–1939 level will be granted.

(b) When the product is neither all nor most of the manufacturer's output, and where the manufacturer's present earnings on his entire business operations are below his 1936–1939 level, an amount sufficient to restore earnings on the product to the 1936–1939 level will be granted.

(c) Where manufacturing costs for the product exceed the manufacturer's present maximum price for the product and where the manufacturer's present earnings on his entire business operations are above his 1936–1939 level, a maximum price sufficient to cover manufacturing costs will be granted.

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

This amendment shall become effective February 4, 1946.

Issued this 29th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-1600; Filed, Jan. 29, 1946; 11:10 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 229, Amdt. 4]

RETAIL AND WHOLESALE PRICES FOR RUBBER FOOTWEAR

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.

Appendix A of Revised Maximum Price Regulation 229 is amended to read as follows:

APPENDIX A—TABLE OF MAXIMUM PRICES PER PAIR OF CERTAIN WATERPROOF FOOTWEAR [1] [2]

Type of footwear	Maximum prices for sales at wholesale	Maximum prices for sales at retail											
		Class I		Class II			Class III			Class IV (except mail order sellers)		Class V (mail order sellers only)	
		If you paid—	Your maximum price is—	If you paid— From—	If you paid— To, but not including—	Your maximum price is—	If you paid— From—	If you paid— To, but not including—	Your maximum price is—	If you paid—	Your maximum price is—	If you paid—	Your maximum price is—
Boots, other than severe occupational:													
Men's short, 15"	$3.00	$2.70 or above	$4.50	$2.52	$2.70	$4.14	$2.37	$2.52	$3.90	Below $2.37	$3.69	Below $2.37	$3.50
Boys' short	2.95	2.65 "	4.43	2.48	2.65	4.13	2.33	2.48	3.89	" 2.33	3.69	" 2.33	3.48
Youths' short	2.80	2.52 "	4.20	2.35	2.52	3.98	2.21	2.35	3.75	" 2.21	3.56	" 2.21	3.36
Women's short	2.45	2.20 "	3.68	2.06	2.20	3.41	1.94	2.06	3.21	" 1.94	3.04	" 1.94	2.88
Women's short, dress	2.90	2.61 "	4.35	2.44	2.61	4.06	2.29	2.44	3.83	" 2.29	3.63	" 2.29	3.42
Misses' short	1.65	1.48 "	2.48	1.39	1.48	2.31	1.30	1.39	2.18	" 1.30	2.06	" 1.30	1.95
Child's short	1.45	1.30 "	2.18	1.22	1.30	2.03	1.14	1.22	1.91	" 1.14	1.81	" 1.14	1.71
Boys' storm king	3.80	3.42 "	5.70	3.19	3.42	5.32	3.00	3.19	5.02	" 3.00	4.75	" 3.00	4.48
Youths' storm king	3.65	3.28 "	5.48	3.07	3.28	5.11	2.88	3.07	4.82	" 2.88	4.56	" 2.88	4.31
Men's legging, short	3.60	3.24 "	5.40	3.02	3.24	5.04	2.84	3.02	4.75	" 2.84	4.50	" 2.84	4.25
Men's fishing	6.00	5.40 "	9.00	5.04	5.40	8.52	4.74	5.04	8.04	" 4.74	7.62	" 4.74	7.20
Women's fishing	5.55	4.99 "	8.33	4.66	4.99	7.88	4.38	4.66	7.44	" 4.38	7.05	" 4.38	6.66
Men's short, snug ankle	3.75	3.37 "	5.63	3.15	3.37	5.20	2.96	3.15	4.90	" 2.96	4.65	" 2.96	4.40
Men's fishing, snug ankle	6.15	5.53 "	9.23	5.17	5.53	8.73	4.86	5.17	8.24	" 4.86	7.81	" 4.86	7.38
Men's duck hunter	6.15	5.53 "	9.23	5.17	5.53	8.73	4.86	5.17	8.24	" 4.86	7.81	" 4.86	7.38
Waders:													
Men's wading shoe, cleated sole, canvas top	3.00	2.70 or above	4.50	2.52	2.70	4.14	2.37	2.52	3.90	Below 2.37	3.69	Below 2.37	3.50
Men's wading shoe, molded felt sole, canvas top	5.05	4.54 "	7.58	4.24	4.54	7.07	3.99	4.24	6.67	" 3.99	6.31	" 3.99	5.96
Men's rubber surface, stocking foot	9.25	8.32 "	13.88	7.77	8.32	13.14	7.31	7.77	12.40	" 7.31	11.75	" 7.31	11.10
Men's black body boot	12.00	10.80 "	18.00	10.08	10.80	17.04	9.48	10.08	16.08	" 9.48	15.24	" 9.48	14.40
Men's reversible, stocking foot	13.50	12.15 "	20.25	11.34	12.15	19.17	10.66	11.34	18.09	" 10.66	17.15	" 10.66	16.20
Men's rubber surface, boot foot	13.05	11.74 "	19.58	10.96	11.74	18.53	10.31	10.96	17.49	" 10.31	16.57	" 10.31	15.66
Men's jeans, covered pants and boots	18.80	16.92 "	28.20	15.79	16.92	26.70	14.85	15.79	25.19	" 14.85	23.88	" 14.85	22.56
Men's jeans, covered pants and rubber boot foot	13.50	12.15 "	20.25	11.34	12.15	19.17	10.66	11.34	18.09	" 10.66	17.15	" 10.66	16.20
Pacs and lumbermen's overs:													
Men's black 15" lace mine pac	4.35	3.91 or above	6.53	3.65	3.91	6.07	3.44	3.65	5.73	Below 3.44	5.43	Below 3.44	5.14
Men's black 15" lace mine pac, steel toe	4.85	4.36 "	7.28	4.07	4.36	6.78	3.83	4.07	6.40	" 3.83	6.07	" 3.83	5.74
Men's black 10" mine pac	3.55	3.19 "	5.33	2.98	3.19	4.92	2.80	2.98	4.63	" 2.80	4.39	" 2.80	4.16
Men's black 10" mine pac, safety toe	3.85	3.46 "	5.78	3.23	3.46	5.34	3.04	3.23	5.03	" 3.04	4.77	" 3.04	4.52
Men's black 10" mine pac, steel toe	4.05	3.64 "	6.08	3.40	3.64	5.63	3.20	3.40	5.30	" 3.20	5.03	" 3.20	4.76
Men's lace 15" molded sole, plain toe	5.30	4.77 "	7.95	4.45	4.77	7.40	4.19	4.45	6.98	" 4.19	6.61	" 4.19	6.26
Men's over-the-shoe, laced	4.05	3.64 "	6.08	3.40	3.64	5.63	3.20	3.40	5.30	" 3.20	5.03	" 3.20	4.76
Men's toplace 16", snug ankle	3.80	3.42 "	5.70	3.19	3.42	5.32	3.00	3.19	5.02	" 3.00	4.75	" 3.00	4.48
Men's toplace 12", snug ankle	3.50	3.15 "	5.25	2.94	3.15	4.84	2.76	2.94	4.56	" 2.76	4.33	" 2.76	4.10
Men's toplace 16", molded sole	4.25	3.82 "	6.38	3.57	3.82	5.95	3.36	3.57	5.61	" 3.36	5.31	" 3.36	5.02
Men's toplace 12", molded sole	3.95	3.55 "	5.93	3.32	3.55	5.53	3.12	3.32	5.21	" 3.12	4.94	" 3.12	4.66
Men's lumberman's over, half heel (rubber part only)	2.10	1.89 "	3.15	1.76	1.89	2.93	1.66	1.76	2.76	" 1.66	2.62	" 1.66	2.48
Boys' lumberman's over (rubber part only)	1.95	1.75 "	2.93	1.64	1.75	2.73	1.54	1.64	2.57	" 1.54	2.44	" 1.54	2.30
Youths' lumberman's over (rubber part only)	1.80	1.62 "	2.70	1.51	1.62	2.46	1.42	1.51	2.32	" 1.42	2.20	" 1.42	2.08
Men's black 2-buckle perfection	2.80	2.52 "	4.20	2.35	2.52	3.98	2.21	2.35	3.75	" 2.21	3.56	" 2.21	3.36
Men's 1-buckle perfection	2.80	2.52 "	4.20	2.35	2.52	3.98	2.21	2.35	3.75	" 2.21	3.56	" 2.21	3.36
Arctics:													
Men's 5-buckle rubber, heavy duty	3.95	3.55 or above	5.93	3.32	3.55	5.53	3.12	3.32	5.21	Below 3.12	4.94	Below 3.12	4.66
Men's 4-buckle rubber, heavy duty	3.55	3.19 "	5.33	2.98	3.19	4.92	2.80	2.98	4.63	" 2.80	4.39	" 2.80	4.16
Men's 5-buckle rubber, net, farmweight	3.70	3.33 "	5.55	3.11	3.33	5.18	2.92	3.11	4.88	" 2.92	4.63	" 2.92	4.37
Men's 4-buckle rubber, net, farmweight	3.25	2.92 "	4.88	2.73	2.92	4.49	2.57	2.73	4.23	" 2.57	4.01	" 2.57	3.80
Men's 4-buckle rubber, fleece, farmweight	3.40	3.06 "	5.10	2.86	3.06	4.70	2.69	2.86	4.43	" 2.69	4.20	" 2.69	3.98
Boys' 4-buckle rubber, net, farmweight	2.95	2.65 "	4.43	2.48	2.65	4.13	2.33	2.48	3.89	" 2.33	3.69	" 2.33	3.48
Men's 4-buckle rubber, farmweight (blucher)	3.25	2.92 "	4.88	2.73	2.92	4.49	2.57	2.73	4.23	" 2.57	4.01	" 2.57	3.80
Men's 5-buckle rubber, midweight bal. net lined	3.40	3.06 "	5.10	2.86	3.06	4.70	2.69	2.86	4.43	" 2.69	4.20	" 2.69	3.98
Men's 5-buckle rubber, midweight bal. fleece lined	3.50	3.15 "	5.25	2.94	3.15	4.84	2.76	2.94	4.56	" 2.76	4.33	" 2.76	4.10

[1] The domestically produced rubber footwear priced at the wholesale and retail levels is the footwear that is priced at the manufacturer's level by §1315.70 (a) and §1315.71 of Maximum Price Regulation 132 and that meets the requirements for pricing under one of those sections.

[2] The maximum prices for sales at wholesale and retail of imported waterproof rubber footwear are established under section 5 (b) and section 6 (c) respectively of this regulation and by specific authorization of the Office of Price Administration under section 6 a.

[3] From these retail and wholesale prices, the discounts and allowances required by section 5 (f) and section 6 (a), respectively, must be deducted.

APPENDIX A —TABLE OF MAXIMUM PRICES PER PAIR OF CERTAIN WATERPROOF FOOTWEAR—Continued

Type of footwear	Maximum prices for sales at wholesale	Maximum prices for sales at retail										
		Class I		Class II			Class III			Class IV (except mail order sellers)		Class V (mail order sellers only)	
		If you paid—	Your maximum price is—	If you paid— From—	If you paid— To, but not including—	Your maximum price is—	If you paid— From—	If you paid— To, but not including—	Your maximum price is—	If you paid—	Your maximum price is—	If you paid—	Your maximum price is—
Arctics:													
Men's 4-buckle rubber, midweight bal. net lined	$3.00	$2.70 or above	$4.50	$2.52	$2.70	$4.14	$2.37	$2.52	$3.90	Below $2.37	$3.69	Below $2.37	$3.50
Men's 4-buckle rubber, midweight bal. fleece lined	3.10	2.79 "	4.65	2.60	2.79	4.28	2.45	2.60	4.03	" 2.45	3.81	" 2.45	3.62
Men's 4-buckle cloth, heavy duty	3.55	3.19 "	5.33	2.98	3.19	4.92	2.80	2.98	4.63	" 2.80	4.39	" 2.80	4.16
Men's 4-buckle cloth, farmweight blucher	3.00	2.70 "	4.50	2.52	2.70	4.14	2.37	2.52	3.90	" 2.37	3.69	" 2.37	3.50
Men's 2-buckle rubber, net, farmweight	2.55	2.29 "	3.83	2.14	2.29	3.57	2.01	2.14	3.37	" 2.01	3.19	" 2.01	3.01
Men's 1-buckle rubber, snow excluder	2.35	2.11 "	3.53	1.97	2.11	3.29	1.86	1.97	3.10	" 1.86	2.94	" 1.86	2.77
Men's 1-buckle cloth, farmweight	2.10	1.89 "	3.15	1.76	1.89	2.93	1.66	1.76	2.76	" 1.66	2.62	" 1.66	2.48
Women's 1-buckle cloth	1.80	1.62 "	2.70	1.51	1.62	2.46	1.42	1.51	2.32	" 1.42	2.20	" 1.42	2.08
Men's 5-buckle rubber, medium weight	3.25	2.92 "	4.88	2.73	2.92	4.49	2.57	2.73	4.23	" 2.57	4.01	" 2.57	3.80
Men's 4-buckle rubber, medium weight	2.85	2.56 "	4.28	2.39	2.56	3.92	2.25	2.39	3.69	" 2.25	3.50	" 2.25	3.32
Men's 4-buckle rubber bal. lightweight	2.50	2.25 "	3.75	2.10	2.25	3.45	1.97	2.10	3.25	" 1.97	3.08	" 1.97	2.92
Boy's 4-buckle rubber, lightweight	2.30	2.07 "	3.45	1.93	2.07	3.22	1.82	1.93	3.04	" 1.82	2.88	" 1.82	2.71
Youth's 4-buckle rubber, lightweight	2.10	1.89 "	3.15	1.76	1.89	2.86	1.66	1.76	2.69	" 1.66	2.55	" 1.66	2.42
Women's 4-buckle rubber bal. lightweight	2.20	1.98 "	3.30	1.85	1.98	3.05	1.74	1.85	2.88	" 1.74	2.72	" 1.74	2.58
Misses' 4-buckle rubber, lightweight	2.10	1.89 "	3.15	1.76	1.89	2.86	1.66	1.76	2.69	" 1.66	2.55	" 1.66	2.42
Child's 4-buckle rubber, lightweight	2.00	1.80 "	3.00	1.68	1.80	2.74	1.58	1.68	2.58	" 1.58	2.45	" 1.58	2.32
Boys' 3-buckle rubber bal. lightweight	2.25	2.02 "	3.38	1.89	2.02	3.07	1.78	1.89	2.89	" 1.78	2.74	" 1.78	2.60
Youth's 3-buckle rubber bal. lightweight	2.10	1.89 "	3.15	1.76	1.89	2.86	1.66	1.76	2.69	" 1.66	2.55	" 1.66	2.42
Misses' 3-buckle rubber, lightweight	2.00	1.80 "	3.00	1.68	1.80	2.74	1.58	1.68	2.58	" 1.58	2.45	" 1.58	2.32
Child's 3-buckle rubber, lightweight	1.90	1.71 "	2.85	1.60	1.71	2.60	1.50	1.60	2.45	" 1.50	2.32	" 1.50	2.20
Men's high slide rubber	2.90	2.61 "	4.35	2.44	2.61	4.06	2.29	2.44	3.83	" 2.29	3.63	" 2.29	3.42
Boys' high slide rubber	2.50	2.25 "	3.75	2.10	2.25	3.45	1.97	2.10	3.25	" 1.97	3.08	" 1.97	2.92
Men's low slide rubber	2.50	2.25 "	3.75	2.10	2.25	3.45	1.97	2.10	3.25	" 1.97	3.08	" 1.97	2.92
Men's 4-buckle cloth, lightweight, cashmerette	3.00	2.70 "	4.50	2.52	2.70	4.14	2.37	2.52	3.90	" 2.37	3.69	" 2.37	3.50
Men's high slide cloth, lightweight	3.70	3.33 "	5.55	3.11	3.33	5.18	2.92	3.11	4.88	" 2.92	4.63	" 2.92	4.37
Men's 4-buckle cloth bal. lightweight	2.75	2.47 "	4.13	2.31	2.47	3.85	2.17	2.31	3.63	" 2.17	3.45	" 2.17	3.26
Men's 1-buckle cloth, lightweight	1.90	1.71 "	2.85	1.60	1.71	2.60	1.50	1.60	2.45	" 1.50	2.32	" 1.50	2.20
Men's low slide cloth, lightweight	3.40	3.06 "	5.10	2.86	3.06	4.70	2.69	2.86	4.43	" 2.69	4.20	" 2.69	3.98
Gaiters:													
Men's over-the-shoe boot type	2.45	2.20 or above	3.68	2.06	2.20	3.41	1.94	2.06	3.21	Below 1.94	3.04	Below 1.94	2.88
Women's over-the-shoe boot, 10½"	2.00	1.80 "	3.00	1.68	1.80	2.74	1.58	1.68	2.58	" 1.58	2.45	" 1.58	2.32
Misses' over-the-shoe boot, 9"	1.90	1.71 "	2.85	1.60	1.71	2.60	1.50	1.60	2.45	" 1.50	2.32	" 1.50	2.20
Child's over-the-shoe boot, 8"	1.80	1.62 "	2.70	1.51	1.62	2.46	1.42	1.51	2.32	" 1.42	2.20	" 1.42	2.08
Women's laced velveteen boot, furtrim	3.65	3.28 "	5.48	3.07	3.28	5.11	2.88	3.07	4.82	" 2.88	4.56	" 2.88	4.31
Women's warm lined (shearling trim)	3.30	2.97 "	4.95	2.77	2.97	4.62	2.61	2.77	4.36	" 2.61	4.13	" 2.61	3.89
Misses' warm lined (shearling trim)	3.20	2.88 "	4.80	2.69	2.88	4.48	2.53	2.69	4.22	" 2.53	4.00	" 2.53	3.78
Child's warm lined (shearling trim)	3.10	2.79 "	4.65	2.60	2.79	4.28	2.45	2.60	4.03	" 2.45	3.81	" 2.45	3.62
Women's high slide rubber	2.55	2.29 "	3.83	2.14	2.29	3.57	2.01	2.14	3.37	" 2.01	3.19	" 2.01	3.01
Misses' high slide rubber	2.30	2.07 "	3.45	1.93	2.07	3.22	1.82	1.93	3.04	" 1.82	2.88	" 1.82	2.71
Child's high slide rubber	2.20	1.98 "	3.30	1.85	1.98	3.05	1.74	1.85	2.88	" 1.74	2.72	" 1.74	2.58
Women's high slide rubber overboot	2.45	2.20 "	3.68	2.06	2.20	3.41	1.94	2.06	3.21	" 1.94	3.04	" 1.94	2.88
Women's low slide rubber	1.75	1.57 "	2.63	1.47	1.57	2.45	1.38	1.47	2.31	" 1.38	2.19	" 1.38	2.07
Misses' low slide rubber	1.75	1.57 "	2.63	1.47	1.57	2.45	1.38	1.47	2.31	" 1.38	2.19	" 1.38	2.07
Child's low slide rubber	1.75	1.57 "	2.63	1.47	1.57	2.45	1.38	1.47	2.31	" 1.38	2.19	" 1.38	2.07
Women's 2 snap rubber	1.25	1.12 "	1.88	1.05	1.12	1.72	.99	1.05	1.62	" .99	1.54	" .99	1.46
Misses' 2 snap rubber	1.25	1.12 "	1.88	1.05	1.12	1.71	.99	1.05	1.61	" .99	1.52	" .99	1.44
Child's 2 snap rubber	1.25	1.12 "	1.88	1.05	1.12	1.69	.99	1.05	1.59	" .99	1.51	" .99	1.44
Growing girls' strap type rubber	1.65	1.48 "	2.48	1.39	1.48	2.31	1.30	1.39	2.18	" 1.30	2.06	" 1.30	1.95
Misses' strap type rubber	1.50	1.35 "	2.25	1.26	1.35	2.13	1.18	1.26	2.01	" 1.18	1.91	" 1.18	1.80
Child's strap type rubber	1.45	1.30 "	2.18	1.22	1.30	2.03	1.14	1.22	1.91	" 1.14	1.81	" 1.14	1.71
Women's rubber oxford, cloth lined	1.10	.99 "	1.65	.92	.99	1.51	.87	.92	1.42	" .87	1.35	" .87	1.28
Women's rubber oxford, unlined	1.20	1.08 "	1.80	1.01	1.08	1.68	.95	1.01	1.58	" .95	1.50	" .95	1.42
Rubbers:													
Men's work, heavy duty	1.80	1.62 or above	2.70	1.51	1.62	2.46	1.42	1.51	2.32	Below 1.42	2.20	Below 1.42	2.08
Men's 2 buckle work, farmweight	2.10	1.89 "	3.15	1.76	1.89	2.93	1.66	1.76	2.76	" 1.66	2.62	" 1.66	2.48
Men's work, farmweight	1.65	1.48 "	2.48	1.39	1.48	2.31	1.30	1.39	2.18	" 1.30	2.06	" 1.30	1.95
Boys' work, farmweight	1.50	1.35 "	2.25	1.26	1.35	2.13	1.18	1.26	2.01	" 1.18	1.91	" 1.18	1.80
Men's work, storms and/or semi-storms	1.40	1.26 "	2.10	1.18	1.26	1.92	1.11	1.18	1.81	" 1.11	1.71	" 1.11	1.62
Boys' work, storms and/or semi-storms	1.35	1.21 "	2.03	1.13	1.21	1.84	1.07	1.13	1.74	" 1.07	1.64	" 1.07	1.56
Men's 2-buckle work	1.85	1.66 "	2.78	1.55	1.66	2.57	1.46	1.55	2.41	" 1.46	2.27	" 1.46	2.16
Men's storm, cloth top, wool jersey	1.75	1.57 "	2.63	1.47	1.57	2.45	1.38	1.47	2.31	" 1.38	2.19	" 1.38	2.07
Men's storm, cloth top, cotton jersey	1.40	1.26 "	2.10	1.18	1.26	1.92	1.11	1.18	1.81	" 1.11	1.71	" 1.11	1.62
Men's rubber oxford	1.40	1.26 "	2.10	1.18	1.26	1.92	1.11	1.18	1.81	" 1.11	1.71	" 1.11	1.62
Men's unlined clog	1.30	1.17 "	1.95	1.09	1.17	1.82	1.03	1.09	1.72	" 1.03	1.63	" 1.03	1.53
Men's unlined over	1.30	1.17 "	1.95	1.09	1.17	1.82	1.03	1.09	1.72	" 1.03	1.63	" 1.03	1.53
Women's unlined over	1.10	.99 "	1.65	.92	.99	1.51	.87	.92	1.42	" .87	1.35	" .87	1.28
Misses' unlined over	1.00	.90 "	1.50	.84	.90	1.37	.79	.84	1.29	" .79	1.22	" .79	1.16
Child's unlined over	.95	.85 "	1.43	.80	.85	1.31	.75	.80	1.24	" .75	1.18	" .75	1.12
Men's storms and/or SA. overs and clogs, full lined	1.15	1.03 "	1.73	.97	1.03	1.61	.91	.97	1.51	" .91	1.44	" .91	1.36
Boys' storms and overs, full lined	1.10	.99 "	1.65	.92	.99	1.51	.87	.92	1.42	" .87	1.35	" .87	1.28
Youth's storms and overs, full lined	1.00	.90 "	1.50	.84	.90	1.37	.79	.84	1.29	" .79	1.22	" .79	1.16
Women's overs, full lined	.95	.85 "	1.43	.80	.85	1.31	.75	.80	1.24	" .75	1.18	" .75	1.12
Growing girls' storms, full lined	.95	.85 "	1.43	.80	.85	1.31	.75	.80	1.24	" .75	1.18	" .75	1.12
Misses' storms, full lined	.88	.79 "	1.32	.74	.79	1.21	.70	.74	1.14	" .70	1.08	" .70	1.02
Child's storms, full lined	.83	.75 "	1.25	.70	.75	1.13	.66	.70	1.06	" .66	1.01	" .66	.96
Women's footholds, calendered sole	.63	.57 "	.95	.53	.57	.87	.50	.53	.82	" .50	.78	" .50	.74
Rubbers, special constructions:													
Men's sandal, molded	.92	.83 or above	1.38	.78	.83	1.27	.73	.78	1.20	Below .73	1.14	Below .73	1.08
Men's clog, molded	.77	.69 "	1.16	.65	.69	1.05	.61	.65	1.00	" .61	.95	" .61	.90
Women's footholds, molded	.25	.22 "	.38	.21	.22	.34	.20	.21	.32	" .20	.30	" .20	.28
Women's footholds, latex, black, including pouch	.79	.71 "	1.19	.66	.71	1.12	.62	.66	1.06	" .62	1.01	" .62	.95
Women's footholds, latex, spotted, including pouch	.92	.83 "	1.38	.77	.83	1.30	73	.77	1.23	" .73	1.16	" .73	1.10

APPENDIX A—TABLE OF MAXIMUM PRICES PER PAIR OF CERTAIN WATERPROOF FOOTWEAR—Continued

Type of footwear	Maximum prices for sales at wholesale	Maximum prices for sales at retail: Class I		Class II			Class III			Class IV (except mail order sellers)		Class V (mail order sellers only)	
		If you paid—	Your maximum price is—	If you paid— From—	If you paid— To, but not including—	Your maximum price is—	If you paid— From—	If you paid— To, but not including—	Your maximum price is—	If you paid—	Your maximum price is—	If you paid—	Your maximum price is—
Severe occupational boots and work shoes:													
Men's black short boot	$3.40	$3.06 or above	$5.10	$2.86	$3.06	$4.70	$2.69	$2.86	$4.43	Below $2.69	$4.20	Below $2.69	$3.98
Men's black short boot, steel toe	3.90	3.51 "	5.85	3.28	3.51	5.41	3.08	3.28	5.10	" 3.08	4.84	" 3.08	4.58
Men's black stormking boot	4.70	4.23 "	7.05	3.95	4.23	6.55	3.71	3.95	6.17	" 3.71	5.85	" 3.71	5.54
Men's black stormking boot, steel toe	5.20	4.68 "	7.80	4.37	4.68	7.26	4.11	4.37	6.84	" 4.11	6.49	" 4.11	6.14
Men's stormking, irrigation	5.30	4.77 "	7.95	4.45	4.77	7.40	4.19	4.45	6.98	" 4.19	6.61	" 4.19	6.26
Men's black short firefighter boot, duck	4.65	4.18 "	6.98	3.91	4.18	6.60	3.67	3.91	6.23	" 3.67	5.91	" 3.67	5.58
Men's short boot, firefighter, felt lined	5.85	5.26 "	8.78	4.91	5.26	8.19	4.62	4.91	7.72	" 4.62	7.31	" 4.62	6.90
Men's black stormking firefighter boot, duck lined	6.25	5.62 "	9.38	5.25	5.62	8.82	4.94	5.25	8.32	" 4.94	7.89	" 4.94	7.46
Men's black stormking firefighter boot, felt lined	6.85	6.16 "	10.28	5.75	6.16	9.68	5.41	5.75	9.13	" 5.41	8.65	" 5.41	8.18
Men's black hip and thigh boot	5.30	4.77 "	7.95	4.45	4.77	7.40	4.19	4.45	6.98	" 4.19	6.61	" 4.19	6.26
Men's black hip and thigh boot, steel toe	5.80	5.22 "	8.70	4.87	5.22	8.11	4.58	4.87	7.65	" 4.58	7.25	" 4.58	6.86
Men's short boot, heavy duty	3.90	3.51 "	5.85	3.28	3.51	5.41	3.08	3.28	5.10	" 3.08	4.84	" 3.08	4.58
Men's short boot, heavy duty, steel toe	4.40	3.96 "	6.60	3.70	3.96	6.16	3.48	3.70	5.81	" 3.48	5.50	" 3.48	5.19
Men's stormking boot, heavy duty	5.20	4.68 "	7.80	4.37	4.68	7.26	4.11	4.37	6.84	" 4.11	6.49	" 4.11	6.14
Men's stormking boot, heavy duty, steel toe	5.70	5.13 "	8.55	4.79	5.13	7.98	4.50	4.79	7.52	" 4.50	7.13	" 4.50	6.73
Men's hip and thigh boot, heavy duty	5.80	5.22 "	8.70	4.87	5.22	8.11	4.58	4.87	7.65	" 4.58	7.25	" 4.58	6.86
Men's hip and thigh boot, heavy duty, steel toe	6.30	5.67 "	9.45	5.29	5.67	8.95	4.98	5.29	8.44	" 4.98	8.00	" 4.98	7.56
Men's black work shoe	3.25	2.92 "	4.88	2.73	2.92	4.49	2.57	2.73	4.23	" 2.57	4.01	" 2.57	3.80
Men's black work shoe, steel toe	3.75	3.37 "	5.63	3.15	3.37	5.20	2.96	3.15	4.90	" 2.96	4.65	" 2.96	4.40
Men's black body boot	12.00	10.80 "	18.00	10.08	10.80	17.04	9.48	10.08	16.08	" 9.48	15.24	" 9.48	14.40
Neoprene coated, par-grip sole:													
Men's short boot, steel toe	4.65	4.18 or above	6.98	3.91	4.18	6.48	3.67	3.91	6.11	Below 3.67	5.79	Below 3.67	5.48
Men's stormking boot, steel toe	6.20	5.58 "	9.30	5.21	5.58	8.68	4.90	5.21	8.18	" 4.90	7.76	" 4.90	7.34
Men's hip boot, steel toe	6.90	6.21 "	10.35	5.80	6.21	9.67	5.45	5.80	9.12	" 5.45	8.65	" 5.45	8.18
Men's rubber work shoe, steel toe	4.15	3.73 "	6.23	3.49	3.73	5.77	3.28	3.49	5.44	" 3.28	5.15	" 3.28	4.88

This amendment shall become effective February 4, 1946.

Issued this 29th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-1603; Filed, Jan. 29, 1946; 11:11 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 164, Amdt. 3]

WESTERN SOFTWOOD SHINGLES

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.

RMPR 164 is amended in the following respects:

In section 4, Maximum prices, paragraph (a), the price tables, are amended to read as follows:

MAXIMUM PRICES F. O. B. CAR OR F. O. B. TRUCK AT MILL

Length and thickness	Width	Grade: No. 1	No. 2	No. 3	No. 3 & 4 50% No. 3	No. 4
16"—5/2 (xxxxx)	Random	$4.70	$3.85	$2.80	[1] $2.35	[1] $2.10
	5"	5.45	4.60	3.55	xx	xx
	6"	5.55	4.70	3.65	xx	xx
18"—5/2¼ (Perfection)	Random	5.10	4.00	2.95	xx	xx
	5" or 6"	5.85	4.80	3.70	xx	xx
18"—5/2 (Eurekas)	Random	4.90	3.90	2.85	xx	xx
24"—4/2 (Royals)	Random	6.20	4.35	3.00	xx	xx

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

MACHINE PROCESSED SHAKES

5/2¼—18" No. 1 (shingle grade) per square (2 bundles 14/14 courses) 14" exposure	$3.10
5/2—16" No. 1 (shingle grade) per square (2 bundles 17/17 courses) 12" exposure	$3.55

This amendment shall become effective January 29, 1946.

Issued this 29th day of January 1946.

CHESTER BOWLES,
Administrator.

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TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

APPENDIX—STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING TELEVISION BROADCAST STATIONS [1]

There are presented herein the Commission's engineering standards relating to the allocation and operation of television broadcast stations. The Commission's rules and regulations contain references to these standards, which have been approved by the Commission and thus are considered as reflecting its opinion in all matters involved.

The standards set forth herein are those deemed necessary for the construction and operation of television broadcast stations to meet the requirements of technical regulations and for operation in the public interest along technical lines not otherwise enunciated. These standards are based upon the best engineering data available, including evidence at hearings, conferences with radio engineers, and data supplied by manufacturers of radio equipment and by licensees of television broadcast stations. These standards are complete in themselves and supersede previous engineer-

[1] Appendix to Subpart D, rules governing television broadcast stations, 11 F. R. 33, superseding the Standards of Good Engineering Practice Concerning Television Broadcast Stations adopted by the Commission on April 30, 1941, 47 CFR, Cum. Supp., Part 4.

ing standards or policies of the Commission concerning television broadcast stations. While these standards provide for flexibility and indicate the conditions under which they are applicable, it is not expected that material deviation from the fundamental principles will be recognized unless full information is submitted as to the need and reasons therefor.

These standards will necessarily be revised from time to time as progress is made in the art. The Commission will accumulate and analyze engineering data available as to the progress of the art so that these standards may be kept current with technical developments.

Sec.
1. Definitions.
2. Transmission standards and changes or modifications thereof.
3. Engineering standards of allocation.
4. Topographical data.
5. Interference standards.
6. Field intensity measurements in allocation.
7. Transmitter location.
8. Antenna systems.
9. Transmitters and associated equipment.
10. Indicating instruments.
11. Operator power: Determination and maintenance.
12. Auxiliary transmitters.
13. Use of frequency and modulation monitors at auxiliary transmitters.
14. Requirements for type approval of transmitters.
15. Requirements for type approval of frequency monitors.
16. Requirements for type approval of modulation monitors.
17. Approved transmitters.
18. Approved frequency monitors.
19. Approved modulation monitors.
20. Television broadcast application forms.

SEC. 1. *Definitions*—A. *General*—1. *Television Broadcast station.* The term "television broadcast station" means a station in the television broadcast band transmitting simultaneous visual and aural signals intended to be received by the general public.

2. *Television broadcast band.* The term "television broadcast band" means those frequencies in the band extending from 44 to 216 megacycles which are assignable to television broadcast stations. These frequencies are 44 to 50 megacycles (Channel No. 1), 54 to 72 megacycles (Channels 2 through 4), 76 to 88 megacycles (Channels 5 and 6), and 174 to 216 megacycles (Channels 7 through 13).

3. *Television channel.* The term "television channel" means a band of frequencies 6 megacycles wide in the television broadcast band and designated either by number or by the extreme lower and upper frequencies.

4. *Television transmission standards.* The term "television transmission standards" means the standards which determine the characteristics of the television signal as radiated by a television broadcast station. (See section 2A.)

5. *Standard television signal.* The term "standard television signal" means a signal which conforms with the television transmission standards.

6. *Television transmitter.* The term "television transmitter" means the radio transmitter or transmitters for the transmission of both visual and aural signals.

7. *Antenna field gain.* The term "antenna field gain" of a television antenna means the ratio of the effective free space field intensity produced at one mile in the horizontal plane expressed in millivolts per meter for 1 kilowatt antenna input power to 137.6 mv/m.

8. *Free space field intensity.* The term "free space field intensity" means the field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

9. *Polarization.* The term "polarization" means the direction of the electrc vector as radiated from the transmitting antenna.

10. *Effective radiated power.* The term "effective radiated power" means the product of the antenna power (transmitter output power less transmission line loss) times (1) the antenna power gain, or (2) the antenna field gain squared.

11. *Service area.* The term "service area" as applied to television broadcasting means the service resulting from an assigned effective radiated power and antenna height above average terrain.

12. *Antenna height above average terrain.* The term "antenna height above average terrain" means the average of the antenna heights above the terrain from two to ten miles from the antenna. (In general a different antenna height will be determined by each direction from the antenna. The average of these various heights is considered as the antenna height above average terrain.

B. *Visual transmitter*—1. *Visual transmitter.* The term "visual transmitter" means the radio equipment for the transmission of the visual signal only.

2. *Amplitude modulation.* The term "amplitude modulation" (AM) means a system of modulation in which the envelope of the transmitted wave contains a component similar to the wave form of the signal to be transmitted.

3. *Aspect ratio.* The term "aspect ratio" means the numerical ratio of the frame width to frame height, as transmitted.

4. *Black level.* The term "black level" means the amplitude of the modulating signal corresponding to the scanning of a black area in the transmitted picture.

5. *Color transmission.* The term "color transmission" means the transmission of television signals which can be reproduced with different color values.

6. *Field frequency.* The term "field frequency" means the number of times per second the frame area is fractionally scanned in the interlaced scanning.

7. *Frame.* The term "frame" means one complete picture.

8. *Frame frequency.* The term 'frame frequency" means the number of times per second the picture area is completely scanned.

9. *Interlaced scanning.* The term "interlaced scanning" means a scanning process in which successively scanned lines are spaced an integral number of line widths, and in which the adjacent lines are scanned during successive cycles of the field frequency scanning.

10. *Monochrome transmission.* The term "monochrome transmission" means the transmission of television signals which can be reproduced in gradations of a single color only.

11. *Negative transmission.* The term "negative transmission" means that a decrease in initial light intensity causes an increase in the transmitted power.

12. *Positive transmission.* The term "positive transmission" means that an increase in initial light intensity causes an increase in the transmitted power.

13. *Progressive scanning.* The term "progressive scanning" means a scanning process in which scanning lines trace one dimension substantially parallel to a side of the frame and in which successively traced lines are adjacent.

14. *Scanning.* The term "scanning" means the process of analyzing successively, according to a predetermined method, the light values of picture elements constituting the total picture area.

15. *Scanning line.* The term "scanning line" means a single continuous narrow strip containing highlights, shadows, and half-tones which is determined by the process of scanning.

16. *Synchronization.* The term "synchronization" means the maintaining of one operation in step with another.

17. *Vestigial side band transmission.* The term "vestigial side band transmission" means a system of transmission wherein one of the generated side bands is partially attenuated at the transmitter and radiated only in part. (See Appendix II).

18. *Visual frequency.* The term "visual frequency" means the frequency of the signal resulting from television scanning.

19. *Visual transmitter power.* The term "visual transmitter power" means the peak power output when transmitting a standard television signal.

20. *Peak power.* The term "peak power" means the power over a radio frequency cycle corresponding in amplitude to synchronizing peaks.

C. *Aural transmitter*—1. *Aural transmitter.* The term "aural transmitter" means the radio equipment for the transmission of the aural signal only.

2. *Center frequency.* The term "center frequency" means:

(1) The average frequency of the emitted wave when modulated by a sinusoidal signal.

(2) The frequency of the emitted wave without modulation.

3. *Frequency modulation.* The term "frequency modulation" means a system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after preemphasis, if used) and the instantaneous radio frequency is independent of the frequency for the modulating signal.

4. *Frequency swing.* The term "frequency swing" means the instantaneous departure of the frequency of the omitted wave from the center frequency resulting from modulation.

5. *Percentage modulation.* The term "percentage modulation" as applied to frequency modulation means the ratio of

the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For the aural transmitter of television broadcast stations, a frequency swing of ±25 kilocycles is defined as 100 percent modulation.

SEC. 2. *Transmission standards and changes or modifications thereof*—A. *Transmission standards.* 1. The width of the television broadcast channel shall be six megacycles per second.

2. The visual carrier shall be located 4.5 megacycles lower in frequency than the aural center frequency.

3. The aural center frequency shall be located 0.25 megacycles lower than the upper frequency limit of the channel.

4. The visual transmission amplitude characteristic shall be as shown in Appendix II.

5. The number of scanning lines per frame period shall be 525, interlaced two to one.

6. The frame frequency shall be 30 per second and the field frequency shall be 60 per second.

7. The aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.

8. During active scanning intervals, the scene shall be scanned from left to right horizontally and from top to bottom vertically, at uniform velocities.

9. A carrier shall be modulated within a single television channel for both picture and synchronizing signals, the two signals comprising different modulation ranges in amplitude (See Appendices I and II [1]).

10. A decrease in initial light intensity shall cause an increase in radiated power (negative transmission).

11. The black level shall be represented by a definite carrier level, independent of light and shade in the picture.

12. The pedestal level (normal black level) shall be transmitted at 75 per cent (with a tolerance of plus or minus 2.5 per cent) of the peak carrier amplitude.

13. The maximum white level shall be 15 per cent or less of the peak carrier amplitude.

14. The signals radiated shall have horizontal polarization.

15. A radiated power of the aural transmitter not less than 50% or more than 150% of the peak radiated power of the video transmitter shall be employed.

[2] 16. *Variation of output.* The peak-to-peak variation of transmitter output within one frame of video signal due to all causes, including hum, noise, and low-frequency response, measured at both synchronizing peak and pedestal level, shall not exceed 5% of the average synchronizing peak signal amplitude.

[2] 17. *Black level.* The black level should be made as nearly equal to the pedestal level as the state of the art will permit. If they are made essentially equal, satisfactory operation will result and improved techniques will later lead to the establishment of the tolerance if necessary.

[2] 18. *Brightness characteristics.* The transmitter output shall vary in substantially inverse logarithmic relation to the brightness of the subject. No tolerances are set at this time.

B. *Change or modification of transmission standards.* The Commission will consider the question whether a proposed change or modification of transmission standards adopted for television would be in the public interest, convenience and necessity, upon petition being filed by the person proposing such change, or modification, setting forth the following:

(1) The exact character of the change or modification proposed;

(2) The effect of the proposed change or modification upon all other transmission standards that have been adopted by the Commission for Television broadcast stations;

(3) The experimentation and field tests that have been made to show that the proposed change or modification accomplishes an improvement and is technically feasible;

(4) The effect of the proposed change or modification in the adopted standards upon operation and obsolescence of receivers;

(5) The change in equipment required in existing television broadcast stations for incorporating the proposed change or modification in the adopted standards, and

(6) The facts and reasons upon which the petitioner bases his conclusion that the proposed change or modification would be in the public interest, convenience and necessity.

Should a change or modification in the transmission standards be adopted by the Commission, the effective date thereof will be determined in the light of the considerations mentioned in subparagraph (4) above.

SEC. 3. *Engineering standards of allocation.* A. Sections 3.603 through 3.606 of the Commission's rules prescribes the basis of assignment of television broadcast facilities. Section 3.601 indicates the groups of channels that are available for assignment to television broadcast stations. As indicated by these rules, the number of channels are limited and therefore have been allocated in advance to specific areas. This listing has been carefully planned with a view to providing the greatest service to a maximum number of people and in general no departure from this plan will be made. However, where it can be shown that the public interest will be benefited by an alteration or rearrangement in this listing, the Commission will consider such adjustments as are necessary.

B. The extent of service is determined by the point at which the ground wave is no longer of sufficient intensity to provide satisfactory broadcast service. The field intensity considered necessary for service is as follows:

TABLE I

Area:	*Medial field intensity*
City, business or factory areas	5000 uv/m
Residential and rural areas	500 uv/m

These figures are based upon the usual noise levels encountered in the two areas and upon the absence of interference from other television broadcast stations. The Commission will require that the transmitting antenna be so located as to provide a coverage area which is contiguous with the population density of the cities or metropolitan area with which the station is associated.

The field intensity indicated above for computing coverage is the visual transmitter operating peak power.

C. The service area is predicted as follows:

Profile graphs must be drawn for at least eight radials from the proposed antenna site. These profiles should be prepared for each radial beginning at the antenna site and extending to ten miles therefrom. Normally the radials are drawn for each 45° of azimuth; however, where feasible the radials should be drawn for angles along which roads tend to follow: (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and the correlation of such measurements with predicted field intensities). In each case one or more radials must include the principal city or cities to be served, particularly in cases of rugged terrain, even though the city may be more than 10 miles from the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200 or 400 foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see below) should be used, although only a relatively few points may be available. The profile graph should accurately indicate the topography for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the charts showing signal intensities. (Appendix IV) [1]

The average elevation of the eight mile distance between two and ten miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50% of the distance) in sectors and averaging those values.

[1] Filed as part of the original document.

[2] These items are subject to change but are considered the best practice under the present state of the art. They will not be enforced pending a further determination thereof.

To determine the distance to a particular contour concerning the range of television broadcast stations, Appendix IV should be used. These charts have been prepared for frequencies in the center of the various portions of the television band and are to be used as follows: Figure 1 for Channel 1; Figure 2 for Channels 2 through 4; Figure 3 for Channels 5 and 6; and Figure 4 for Channels 7 through 13. The distance to a contour is determined by the effective radiated power and the antenna height. The height of the antenna used in connection with Appendix IV should be the height of the center of the proposed antenna radiator above the average elevation obtained by the preceding method. The distances shown by Appendix IV are based upon an effective radiated power of one kilowatt; to use the charts for other powers the sliding scale associated with the charts should be trimmed and used as the ordinate scale. This sliding scale is placed on the charts with the appropriate gradation for power in line with the lower line of the top edge of the charts. The right edge of the scale is placed in line with the appropriate antenna height graduations and the charts then become direct reading for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points.

The foregoing process of determining the extent of the required contours shall be followed in determining the boundary of the proposed service area. The areas within the 5000 uv/m and 500 uv/m contours must be determined and submitted with each application for television broadcast stations. Each application shall include a map showing these contours, and for this purpose Sectional Aeronautical charts or other maps having a convenient scale may be used. The map shall show the radials along which the profile charts and expected field strength have been determined. The area within each contour should then be measured (by planimeter or other approximate means) to determine the number of square miles therein. In computing the area within the contours, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers. Where interference is involved such areas shall be determined as indicated by Section V.

In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the two to ten mile sector, the application of this prediction method may indicate contour distances that are different from those which may be expected in practice. In such cases the prediction method should be followed, but a showing may be made if desired concerning the distance to the contour as determined by other means. Such showing should include data concerning the procedure employed and sample calculations. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate the contour elsewhere. In cases of such limitation, the map of predicted coverage should show both the regular predicted area and the area as limited or extended by terrain. Both areas should be measured, as previously described; the area obtained by the regular prediction method should be given in the application form, with a supplementary note giving the limited or extended area. In special cases the Commission may require additional information as to the terrain in the proposed service area.

In determining the population served by television broadcast stations, it is considered that the built-up city areas and business districts in cities having over 10,000 population and located beyond the 5,000 uv/m contour do not receive adequate service. Minor Civil Division maps (1940 Census) should be used in making population counts, excluding cities not receiving adequate service. Where a contour divides a minor division, uniform distribution of population within the division should be assumed in order to determine the population included within the contour, unless a more accurate count is available.

SEC. 4. *Topographical data.* In the preparation of the profile graphs previously described, the elevations or contour intervals shall be taken from the U. S. Geological Topographical Quadrangle Sheets for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from state and municipal agencies. The data from the Sectional Aeronautical Charts (including bench marks), or railroad depot elevations and highway elevations from road maps, may be used where no better information is available. In cases where limited topographic data can be obtained, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site.

The Commission will not ordinarily require the submission of topographical maps for areas beyond 15 miles from the antenna site, but the maps must include the principal city or cities to be served. If it appears necessary, additional data may be requested.

The U. S. Geological Survey Topography Quadrangle Sheets may be obtained from the U. S. Geological Survey, Department of the Interior, Washington, D. C., for ten cents each. The Sectional Aeronautical Charts are available from the U. S. Coast and Geodetic Survey, Department of Commerce, Washington, D. C., for twenty-five cents each. Other sources of topographic maps or data will be furnished at a later date.

SEC. 5. *Interference standards.* Field intensity measurements are preferable in predicting interference between television broadcast stations and should be used, when available, in determining the extent of interference. (For methods and procedure, see section 6.) In lieu of measurements, the interference should be predicted in accordance with the method described herein.

Objectionable visual interference is considered to exist when the interfering signal exceeds that given by the ratios of Table II. In Table II the desired signal is median field and the undesired signal is the tropospheric signal intensity exceeded for 10% of the time.

TABLE II

Channel separation:	*Ratio of desired to undesired signals*
Same channel	100:1
Adjacent channel	2:1

It is considered that stations on alternate channels or on channels separated by 4 Mc can be operated in the same city or area without objectionable interference (i. e., on this basis, channels 1 and 2 or 4 and 5 could be used in the same city or area).

As an example of the application of the data contained in Table II, objectionable interference from a co-channel station is considered to exist at the 500 uv/m contour of a station if a tropospheric signal from the co-channel station equals or exceeds 5 uv/m for at least ten percent of the time. The ten percent values for one kilowatt of power and various antenna heights are given in Appendix V,[1] and values for other powers may be obtained by using the sliding scale as for Appendix IV. The values indicated by Appendix V are based upon available data, and are subject to change as additional information concerning tropospheric wave propagation is obtained.

At the present time it is considered sufficient to consider only the ground wave field intensities in determining the extent of adjacent channel interference.

In determining the points at which the interference ratio is equal to the values shown in Table II, the field intensities for the two interfering signals under consideration should be computed for a considerable number of points along the line between the two stations. Using this data, field intensity versus distance curves should be plotted (e. g., cross-curves on graph paper) in order to determine the points on this path where the interference ratios exist. The points established by this method, together with the points along the contours where the same ratios are determined, are considered to be generally sufficient to predict the area of interference. Additional points may be required in case of irregular terrain or directional antenna systems.

The area of interference, if any, shall be shown in connection with the map of predicted coverage required by the application form, together with the basic data employed in computing such interference. The map shall show the interference within the 500 uv/m contour.

SEC. 6. *Field intensity measurements in allocation.* When field intensity measurements are required by the Commission's rules or when employed in determining the extent of service or interference of existing stations, such meas-

[1] Charts for Appendix V will be available at some future date when sufficient measurements of tropospheric signals are available. Until such time as these charts are available, interference should be predicted on the basis of ground wave charts (Appendix IV).

urements should be made in accordance with the procedure outlined herein.

Measurements made to determine the service and interference areas of television broadcast stations should be made with mobile equipment along roads which are as close and similar as possible to the radials showing topography which were submitted with the application for construction permit. Suitable measuring equipment and a continuous recording device must be employed, the chart of which is either directly driven from the speedometer of the automobile in which the equipment is mounted or so arranged that distances and identifying landmarks may be readily noted. The measuring equipment must be calibrated against recognized standards of field intensity and so constructed that it will maintain an acceptable accuracy of measurement while in motion or when stationary. The equipment should be so operated that the recorder chart can be calibrated directly in field intensity in order to facilitate analysis of the chart. The receiving antenna must be nondirectional and horizontally polarized.

Mobile measurements should be made with a minimum chart speed of 3 inches per mile and preferably 5 or 6 inches per mile. Locations shall be noted on the recorder chart as frequently as necessary to definitely fix the relation between the measured field intensity and the location. The time constant of the equipment should be such as to permit adequate analysis of the charts, and the time constant employed shall be shown. Measurements should be made to a point on each radial well beyond the particular contour under investigation.

While making field intensity measurements the visual transmitter shall be used. It is recommended that a black picture be transmitted or that the transmitter be operated at black level without synchronization peaks. Operation at a power somewhat less than black level is permissible but too great a reduction in power is not recommended due to the difficulty of recording weak signals. In any event, an appropriate factor shall be used to convert the readings obtained to the field strength that would exist on synchronization peaks while operating at the authorized power. If other means of measurements are to be used a request should be made to the Commission stating the reasons therefor and the means to be used.

After the measurements are completed, the recorder chart shall be divided into not less than 15 sections on each equivalent radial from the station. The field intensity in each section of the chart shall be analyzed to determine the field intensity received 50 per cent of the distance (median field) throughout the section, and this median field intensity associated with the corresponding sector of the radial. The field intensity figures must be corrected for a receiving antenna elevation of thirty feet and for any directional effects of the automobile not otherwise compensated. This data should be plotted for each radial, using log-log coordinate paper with distance as the abscissa and field intensity as the ordinate. A smooth curve should be drawn through these points (of median fields for all sectors) and this curve used to determine the distance to the desired contour. The distances obtained for each radial may then be plotted on the map of predicted coverage or on polar coordinate paper (excluding water areas, etc.) to determine the service and interference areas of a station.

In making measurements to establish the field intensity contours of a station, mobile recordings should be made along each of the radials drawn in Section 3C above. Measurements should extend from the vicinity of the station out to the 500 uv/m measured contour and somewhat beyond. These measurements would be made for the purpose of determining the variation of the measured contours from those predicted. Adjustment of power or antenna may be required to fit the actual contours to that predicted.

In predicting tropospheric interference on the basis of the above measurements, such measurements shall be carried out in the manner indicated above to determine the 500 uv/m contour. Using the appropriate figure in Appendix IV for the channel involved and the sliding scale, the equivalent radiated power shall be determined by placing the sliding scale on the chart (using the appropriate antenna height) and moving the scale until the distance to the 500 uv/m contour (as determined above), and the 500 uv/m mark are opposite. The equivalent radiated power is then read from the sliding scale where it crosses the lower line of the top edge of the chart. Changing to the corresponding figure in Appendix V and using the equivalent radiated power just determined, the distance to the interfering contour under investigation is read in the usual manner.

In certain cases the Commission may desire more information or recordings and in these instances special instructions will be issued. This may include fixed location measurements to determine tropospheric propagation and fading ratios.

Complete data taken in conjunction with field intensity measurements shall be submitted to the Commission in affidavit form, including the following:

A. Map or maps showing the roads or points where measurements were made, the service and/or interference areas determined by the prediction method and by the measurements, and any unusual terrain characteristics existing in these areas. (This map may preferably be of a type showing topography in the area). The 5000 and 500 uv/m contours shall be shown.

B. If a directional transmitting antenna is employed, a diagram on polar coordinate paper showing the predicted free space field intensity in millivolts per meter at one mile in all directions. (See section 8.)

C. A full description of the procedures and methods employed including the type of equipment, the method of installation and operation, and calibration procedures.

D. Complete data obtained during the survey, including calibration.

E. Antenna system and power employed during the survey.

F. Name, address, and qualifications of the engineer or engineers making the measurements.

All data shall be submitted to the Commission in triplicate, except that only the original or one photostatic copy need be submitted of the actual recording tapes.

SEC. 7. *Transmitter location.* A. The transmitter location should be as near the center of the proposed service area as possible consistent with the applicant's ability to find a site with sufficient elevation to provide service throughout the area. Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the intensity of the station's signals in a particular direction. The transmitting site should be selected consistent with the purpose of the station, i. e., whether it is intended to serve a small city, a metropolitan area or a large area. Inasmuch as service may be provided by signals of 5000 uv/m or greater field intensities in metropolitan areas, and inasmuch as signals below 500 uv/m may provide service in rural areas, considerable latitude in the geographical location of the transmitter is permitted; however, the necessity for a high elevation for the antenna may render this problem difficult. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. In providing the best degree of service to an area, it is usually preferable to use a high antenna rather than a low antenna with increased transmitter power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path.

B. The transmitting location should be selected so that the 5000 uv/m contour encompasses the urban population within the area to be served and the 500 uv/m or the interference-free contour coincides generally with the limits of the area to be served. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

C. In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal city or cities to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site tests to be made. Such tests should be made in accordance with the measurement procedure previously described, and full data thereon must be supplied to the Commission. Test transmitters should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or other support if necessary and feasible. Information concerning the authorization of site tests

may be obtained from the Commission upon request.

D. Present information is not sufficiently complete to establish "blanket areas" of television broadcast stations. A "blanket area" is that area adjacent to a transmitter in which the reception of other stations is subject to interference due to the strong signal from this station. Where it is found necessary to locate the transmitter in a residential area where blanketing problems may appear to be excessive the application must include a showing concerning the availability of other sites. The authorization of station construction in areas where blanketing problems appear to be excessive will be on the basis that the applicant will assume full responsibility for the adjustment of reasonable complaints arising from excessively strong signals of the applicant's station.

Cognizance must of course be taken regarding the possible hazard of the proposed antenna structure to aviation and the proximity of the proposed site to airports and airways. In passing on proposed construction, the Commission refers each case to the Civil Aeronautics Administration for its recommendations. Antenna painting and/or lighting may be required at the time of construction or at a later date.

SEC. 8. *Antenna systems.* A. An antenna which is high in respect to the average level of the territory it serves is desirable in order to reduce the effect of shadows. The antenna must be constructed so that it is as clear as possible of surrounding buildings or objects that would cause shadow problems.

B. Applications proposing the use of directional antenna systems must be accompanied by the following:

(1) Complete description of the proposed antenna system.

(2) Orientation of array with respect to true north; time phasing of fields from elements (degrees leading or lagging); space phasing of elements (in feet and degrees); and ratio of fields from elements.

(3) Calculated field intensity pattern (on letter-size polar coordinate paper) giving the free space field intensity in millivolts per meter at one mile in the horizontal plane, together with the formula used, constants employed, sample calculations, and tabulations of calculation data.

(4) Name, address, and qualifications of the engineer making the calculations.

C. Applications proposing (1) the use of television broadcast antennas in the immediate vicinity (i. e., 200 feet or less) of television broadcast antennas operating on a channel within 20% in frequency of the proposed channel, or (2) the use of television antennas on channels 5 or 6 in the immediate vicinity of FM broadcast antennas, must include a showing as to the expected effect if any, of such proximate operation.

D. In cases where it is proposed to use a tower of a standard broadcast station as a supporting structure for a television broadcast antenna, an application for construction permit (or modification of construction permit) for such station must be filed for consideration with the television application. An application may be required for other classes of stations when the tower is to be used in connection with a television station.

When a television antenna is mounted on a non-directional standard broadcast antenna, new resistance measurements must be made of the standard broadcast antenna after installation and testing of the television antenna. During the installation and until the new resistance determination is approved, the standard broadcast station licensee should apply for authority (informal application) to operate by the indirect method of power determination. The television license application will not be considered until the application form concerning resistance measurements is filed for the standard broadcasting station.

When a television antenna is mounted on an element of a standard broadcast directional antenna, a full engineering study concerning the effect of the television antenna on the directional pattern must be filed with the application concerning the standard broadcast station. Depending upon the individual case, the Commission may require readjustment and certain field intensity measurements of the standard broadcast station following the completion of the television antenna system.

When the proposed television antenna is to be mounted on a tower in the vicinity of a standard broadcast directional array and it appears that the operation of the directional antenna system may be affected, an engineering study must be filed with the television application concerning the effect of the television antenna on the directional pattern. Readjustment and field intensity measurements of the standard broadcast station may be required following construction of the television antenna. Information regarding data required in connection with standard broadcast directional antenna systems may be found in the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

E. In the event a common tower is used by two or more licensees for antenna and/or antenna supporting purposes, the licensee who is owner of the tower shall assume full responsibility for the installation and maintenance of any painting and/or lighting requirements.

In the event of shared ownership, one licensee shall assume such responsibility and advise the Commission accordingly.

F. *Standard lamps and paints.* When necessary for the protection of air navigation, the antenna and supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303 (q) of the Communications Act of 1934, as amended.

These individual specifications are issued for and attached to each authorization for an installation. The details of the specifications depend on the degree of hazard presented by the particular installation. The tower paint shall be kept in good condition and repainted as often as necesary to maintain this condition.

General information regarding painting and lighting requirements is contained in the Obstruction Marking Manual available from the Civil Aeronautics Administration, Washington 25, D. C.

SEC. 9. *Transmitters and associated equipment*—A. *Visual transmitter design.* The general design of television broadcast visual transmitting equipment shall be in accordance with the following principles and specifications:

(1) The overall attenuation characteristics of the transmitter measured in the antenna transmission line after the vestigal side band filters shall not be greater than:

2 db at 0.5 Mc
2 db at 1.25 Mc
3 db at 2.0 Mc
6 db at 3.0 Mc
12 db at 3.5 Mc

below the ideal demodulated curve (See Appendix III [1]). The curve shall be substantially smooth between these specified points exclusive of the region from 0.75 Mc to 1.25 Mc.[2]

(2) The field strength or voltage of the lower side band as radiated or dissipated and measured as described in (3) below shall not be greater than —20 db for a modulating frequency of 1.25 Mc or greater.[2]

(3) The attenuation characteristics of a visual transmitter shall be measured by application of a modulating signal to the transmitter input terminals in place of the normal composite television video signal. The signal applied shall be a composite signal composed of a synchronizing signal to establish peak output voltage plus a variable frequency sine wave voltage occupying the interval between synchronizing pulses. The axis of the sine wave in the composite signal observed in the output monitor shall be maintained at an amplitude 0.5 of the voltage at synchronizing peaks. The amplitude of the sine wave input shall be held at a constant value. This constant value should be such that at no modulating frequency does the maximum excursion of the sine wave, observed in the composite output signal monitor, exceed the value 0.75 of peak output voltage. The amplitude of the 100 kilocycle sideband shall be measured and designated zero db as a basis for comparison. The modulation signal frequency shall then be varied over the desired range and the field strength or signal voltage of the corresponding sidebands measured.

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[1] Filed as part of the orginal document.

[2] In the case of (1) above, output measurement shall be made with the transmitter operating into a dummy load of pure resistance and the demodulated voltage measured across this load. The ideal demodulated curve is that shown in Appendix III. In the case of (2) above, field strength measurements are desired. It is anticipated that these may not yield data which are consistent enough to prove compliance with the attenuation standards prescribed above. In that case, measurements with a dummy load of pure resistance together with data on the antenna characteristics shall be taken in place of overall field measurements. The "synchronizing signal" referred to in those paragraphs means either a standard synchronizing wave form or any pulse that will properly set the peak.

As an alternate method of measuring, in those cases in which the automatic d-c insertion can be replaced by manual control, the above characteristic may be taken by the use of a video sweep generator and without the use of pedestal synchronizing pulses. The d-c level shall be set for mid-characteristic operation.[2]

(4) The radio frequency signal, as radiated, shall have an envelope as would be produced by a modulating signal in conformity with Appendix I, as modified by vestigal operation specified by Appendix II.

(5) The time interval between the leading edges of successive horizontal pulses shall vary less than one half of one percent of the average interval.

(6) The rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals shall be not greater than 0.15 percent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100 lines, such lines not to include any portion of the vertical blanking signal.

B. *Aural transmitter design.* The general design of the aural transmitting equipment associated with a television station shall be in accordance with the following principles and specifications:

(1) The transmitter shall operate satisfactorily with a frequency swing of ±25 kilocycles, which is considered 100% modulation. It is recommended, however, that the transmitter be designed to operate satisfactorily with a frequency swing of at least ±40 kilocycles.

(2) The transmitting system (from input terminals of microphone preamplifier, through audio facilities at the studio, through telephone lines or other circuits between studio and transmitter, through audio facilities at the transmitter, and through the transmitter, but excluding equalizers for the correction of deficiencies in microphone response) shall be capable of transmitting a band of frequencies from 50 to 15,000 cycles. Pre-emphasis shall be employed in accordance with the impedance-frequency characteristic of a series inductance-resistance network having a time constant of 75 microseconds (See Appendix VI[1]). The deviation of the system response from the standard pre-emphasis curve shall lie between two limits as shown by Appendix VI. The upper of these limits shall be uniform (no deviation) from 50 to 15,000 cycles. The lower limit shall be uniform from 100 to 7500 cycles, and three db below the upper limit; from 100 to 50 cycles the lower limit shall fall from three db limit at a uniform rate of one db per octave (four db at 50 cycles); from 7500 to 15,000 cycles the lower limit shall fall from the three db limit at a uniform rate of two db per octave (five db at 15,000 cycles).

(3) At any modulating frequency between 50 and 15,000 cycles and at modulation percentage of 25%, 50% and 100%, the combined audio frequency harmonics measured in the output of the system shall not exceed the root-mean-square values given in the following table:

Modulating frequency:	*Distortion (percent)*
50 to 100 cycles	3.5
100 to 7500 cycles	2.5
7500 to 15000 cycles	3.0

Measurements shall be made employing 75 microsecond de-emphasis in the measuring equipment and 75 microsecond pre-emphasis in the transmitting equipment, and without compression if a compression amplifier is employed. Harmonics shall be included to 30 kc.[3]

It is recommended that none of the three main divisions of the system (transmitter, studio to transmitter circuit, and audio facilities) contribute over one-half of these percentages, since at some frequencies the total distortion may become the arithmetic sum of the distortions of the divisions.

(4) The transmitting system output noise level (frequency modulation) in the band of 50 to 15,000 cycles shall be at least 55 db below the audio frequency level representing a frequency swing of ±25 kc.[4]

(5) The transmitting system output noise level (amplitude modulation) in the band of 50 to 15,000 cycles shall be at least 50 db below the level representing 100% amplitude modulation.[4]

(6) If a limiting or compression amplifier is employed, precaution should be maintained in its connection in the circuit due to the use of pre-emphasis in the transmitting system.

C. *Design applicable to both visual and aural transmitters.* In addition to design features applicable to the individual transmitters, the general design of television broadcast (visual and aural) transmitting equipment shall be in accordance with the following principles and specifications:

(1) Automatic means shall be provided in the transmitters to maintain the authorized carrier frequencies within the allowable tolerance. (±.002%)

(2) The transmitters shall be equipped with suitable indicating instruments for the determination of operating power and with other instruments as are necessary for proper adjustment, operation, and maintenance of the equipment.

(3) Adequate provision shall be made for varying the output power of the transmitters to compensate for excessive variations in line voltage or for other factors affecting the output powers.

(4) Adequate provisions shall be provided in all component parts to avoid overheating at the rated maximum output powers.

(5) Means should be provided for connection and continuous operation of approved frequency and modulation monitors.

D. *Construction.* In general, the transmitters shall be constructed either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code[5] and as set forth below:

(1) Means shall be provided for making all tuning adjustments, requiring voltages in excess of 350 volts to be applied to the circuit from the front of the panels with all access doors closed.

(2) Proper bleeder resistors or other automatic means shall be installed across all the capacitor banks to lower any voltage which may remain accessible with access door open to less than 350 volts within two seconds after the access door is opened.

(3) All plate supply and other high voltage equipment, including transformers, filters, rectifiers and motor generators, shall be protected so as to prevent injury to operating personnel.

(a) Commutator guards shall be provided on all high voltage rotating machinery. Coupling guards should be provided on motor generators.

(b) Power equipment and control panels of the transmitters shall meet the above requirements (exposed 220 volt AC switching equipment on the front of the power control panels is not recommended but is not prohibited).

(c) Power equipment located at a television broadcast station not directly associated with the transmitters (not purchased as part of same), such as power distribution panels, are not under the jurisdiction of the Commission; therefore § 3.654 does not apply.

(4) *Metering equipment.* (a) All instruments having more than 1,000 volts potential to ground on the movement shall be protected by a cage or cover in addition to the regular case. (Some instruments are designed by the manufacturers to operate safely with voltages in excess of 1,000 volts on the movement. If it can be shown by the manufacturer's rating that the instrument will operate safely at the applied potential, additional protection is not necessary.)

(b) In case the plate voltmeter's are located on the low potential side of the multiplier resistors with the potential of the high potential terminal of the instruments at or less than 1,000 volts above ground, no protective case is required. However, it is good practice to protect voltmeters subject to more than

[1] Filed as part of the original document.

[2] See footnote 2, page 1110.

[3] Measurements of distortion using de-emphasis in the measuring equipment are not practical at the present time for the range 7500 to 15000 cycles for 25 and 50 percent modulation. Therefore, measurements should be made at 100% modulation and on at least the following modulating frequencies: 50, 100, 400, 1000, 5000, 10,000, and 15,000 cycles. At 25 and 50% modulation measurements should be made on at least the following modulating frequencies: 50, 100, 400, 1000 and 5000 cycles.

[4] For the purpose of these measurements the visual transmitter should be inoperative since the exact amount of noise permissible from that source is not known at this time.

[5] The pertinent sections of article 810 of the National Electrical Code reads as follows: "8191. General.—Transmitters shall comply with the following: "a. Enclosing.—The transmitter shall be enclosed in a metal frame or grille or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

"b. Grounding of controls.—All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts shall have any parts exposed to direct contact. A complete dead-front type of switchboard is preferred.

"c. Interlocks on doors.—All access doors shall be provided with interlocks which will disconnect all voltages in excess of 350 volts when any access door is opened."

5,000 volts with suitable over-voltage protective devices across the instrument terminals in case the winding opens.

(c) Transmission line meters and any other radio frequency instrument which may be necessary for the operator to read shall be so installed as to be easily and accurately read without the operator having to risk contact with circuits carrying high potential radio frequency energy.

(d) It is recommended that component parts comply as much as possible with the component specifications designated by the Army-Navy Electronics Standards Agency.

E. *Wiring and shielding.* (1) The transmitter panels or units shall be wired in accordance with standard practice, such as insulated leads properly cabled and supported, concentric lines or rigid bus bar properly insulated and protected.

(2) Wiring between units of the transmitters, with the exception of circuits carrying radio frequency energy or video energy, shall be installed in conduits or approved fiber or metal raceways to protect it from mechanical injury.

(3) Circuits carrying radio frequency or video energy between units shall be either coaxial, two wire balanced lines, or properly shielded.

(4) All stages or units shall be adequately shielded and filtered to prevent interaction and radiation.

(5) The frequency and modulation monitors and associated radio frequency lines to the transmitter shall be thoroughly shielded.

F. *Installation.* (1) The installation shall be made in suitable quarters.

(2) Since an operator must be on duty during operation, suitable facilities for his welfare and comfort shall be provided.

G. *Spare tubes.* A spare tube of every type employed in the transmitters and frequency modulation monitors shall be kept on hand at the equipment location. When more than one tube of any type are employed, the following table determines the number of spares of that type required:

Number of each type employed:	*Spares required*
1 or 2	1
3 to 5	2
6 to 8	3
9 or more	4

An accurate circuit diagram and list of required spare tubes, as furnished by the manufacturer of the equipment, shall be supplied and retained at the transmitter location.

H. *Operation.* In addition to specific requirements of the rules governing television broadcast stations, the following operating requirements are specified:

(1) Spurious emissions, including radio frequency harmonics, shall be maintained at as low a level as the state of the art permits.

(2) If a limiting or compression amplifier is used in conjunction with the aural transmitter, due operating precautions should be maintained in its use due to pre-emphasis in the transmitting system.

I. *Studio equipment.* Studio equipment shall be subject to all the above requirements where applicable except as follows:

(1) If properly covered by an underwriters' certificate, it will be considered as satisfying safety requirements.

(2) Section 8191 of Article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

No specific requirements are made relative to the design and acoustical treatment of studios. However, the design of studios, particularly the main studio, shall be compatible with the required performance characteristics of television broadcast stations.

SEC. 10. *Indicating Instruments.* A. A television broadcast station shall be equipped with suitable indicating instruments of accepted accuracy to measure the direct plate voltage and current of the last radio stage of the visual and aural transmitters and an instrument for reading the transmission line of both transmitters.

The following requirements and specifications shall apply to indicating instruments used by television broadcast stations in compliance with this rule:

(1) Length of scale shall be not less than $2\frac{3}{10}$ inches.

(2) Accuracy shall be at least 2 per cent of the full scale reading.

(3) Scale shall have at least 40 divisions.

(4) Full scale reading shall be not greater than five times the minimum normal indication.

No specifications are prescribed at this time regarding the peak indicating device required by section 11B (1) of these standards.

B. No instruments indicating the plate current or plate voltage of the last radio stage shall be changed or replaced without written authority of the Commission, except by instruments of the same maximum scale readings and accuracy. Requests for authority to use an instrument of different maximum scale reading and/or accuracy shall be made by letter or telegram giving the manufacturer's name, type number, and full scale reading of the proposed instrument and the values of current or voltage the instrument will be employed to indicate. Requests for temporary authority to operate without an instrument or with a substitute instrument may be made by letter or telegram stating the necessity therefor and the period involved.

C. No required instrument the accuracy of which is questionable shall be employed. Repairs and calibration of instruments shall be made by the manufacturer, or by an authorized instrument repair service of the manufacturer, or by some other properly qualified or equipped instrument repair service. In any case, the repaired instrument must be supplied with a certificate of calibration.

D. Recording instruments may be employed in addition to the indicating instruments to record the direct plate current and/or voltage to the last radio stage provided that they do not affect the operation of the circuits or accuracy of the indicating instruments. If the records are to be used in any proceeding before the Commission, as representative of operation, the accuracy must be the equivalent of the indicating instruments and the calibration shall be checked at such intervals as to insure the retention of such accuracy.

E. The function of each instrument used in the equipment shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

SEC. 11. *Operating power: Determination and maintenance*—A. *Determination*—(1) *Visual transmitter.* The average power shall be measured while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line surge impedance, while transmitting a standard black television picture. The peak power shall be the power obtained by this method, multiplied by the factor 1.68. During this measurement the direct plate voltage and current of the last radio stage and the peak output voltage or current shall be read for use below.

(2) *Aural transmitter.* The operating power of the aural transmitter shall be determined by the indirect method. This is the product of the plate voltage (*Ep*) and the plate current (*Ip*) of the last radio stage, and an efficiency factor, *F*; that is:

$$\text{Operating power} = Ep \times Ip \times F$$

The efficiency factor, *F*, shall be established by the transmitter manufacturer for each type of transmitter for which he requests FCC approval, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment the factor F shall be furnished to the Commission by the applicant along with a statement of the basis used in determining such factor.

B. *Maintenance*—(1) *Visual transmitter.* The peak power shall be monitored by a peak reading device which reads proportionally to other voltage or current on the transmission line operating into the antenna, the meter to be calibrated during the measurement described in A (1) above. The operating power as so monitored shall be maintained as near as practicable to the authorized operating power and shall not exceed the limits of 10 percent above and 20 percent below the authorized power except in emergencies.

As a further check both plate voltage and plate current of the output stage shall be measured with a standard black television picture with the transmitter operating into the antenna. These values must agree substantially with corresponding readings taken under A (1) above.

(2) *Aural transmitter.* The operating power of aural transmitters shall be maintained as near as practicable to the authorized operating power, and shall not exceed the limits of 10 percent above and 20 percent below the authorized power except in emergencies.

(3) In the event it becomes impossible to operate with the authorized power, the station may be operated with reduced power for a period of 10 days or less provided the Commission and the Inspector in Charge of the district in which the station is located shall be notified in writing immediately thereafter and also

upon the resumption of the normal operating power.[3]

SEC. 12. *Auxiliary transmitters.* Auxiliary transmitters may not exceed the power rating of the main transmitters. As a general guide specifications for auxiliary transmitters should conform as much as possible to those of the main transmitters. No requirements are set forth at this time.

SECS. 13 to 20. These sections to be supplied.

Approved: December 19, 1945; effective immediately.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-1563; Filed, Jan. 28, 1946; 11:30 a. m.]

PART 4—BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

APPENDIX—STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING TELEVISION BROADCAST STATIONS (TELEVISION CHANNELS 1 TO 18, BOTH INCLUSIVE)

CROSS-REFERENCE: For Standards of Good Engineering Practice Concerning Television Broadcast Stations which supersedes the appendix to this part, see Part 3, *supra.*

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Corrected 3d Rev. SO 104]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

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

It appearing, that the practice of transporting refrigerator cars empty from the East to certain Western States diminishes the use, control and supply of such cars, and that the loading of these cars in lieu of box cars will reduce the shortage of such cars; in opinion of the Commission an emergency requiring immediate action exists in the western section of the country: It is ordered, that:

Substitution of refrigerator cars for box cars. (a) (1) Any common carrier by railroad subject to the Interstate Commerce Act transporting;

(i) Westbound shipments in carloads originating at points shown as origin points in Agent L. E. Kipp's tariffs, I. C. C. Nos. 1492 and 1493, supplements thereto or reissues thereof, destined to points in the States of California, Southern Idaho (on the Union Pacific main and branch lines across Southern Idaho, including the line from Pocatello to the Montana-Idaho State line and the branches north of Blackfoot, Idaho), Arizona, Nevada, or Utah, or

(ii) Westbound shipments in carloads originating at points in the State of Utah and destined to points in the States of California or Nevada.

may, when freight to be transported is suitable, and facilities are suitable, for loading in RS type refrigerator cars and when such refrigerator cars are reasonably available, furnish and transport not more than three (except as provided in paragraph (a) (2) hereof) such refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(a) (2) On shipments on which the carload minimum weight varies with the size of the car:

(i) Two (2) of the said refrigerator cars may be furnished in lieu of one (1) box car ordered of a length 40'7" or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered;

(ii) Three (3) of the said refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40'7" but not over 50'7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(c) *Application of other orders.* Fourth Revised Service Order No. 180, shall not apply on cars utilized pursuant to the provisions of this order; and the provisions of Service Order No. 68, as amended, and all other orders of the Commission, insofar as they conflict with this order are hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a. m., January 21, 1946.

(e) *Expiration date.* This order shall expire at 11:59 p. m., February 21, 1946, unless otherwise modified, changed, suspended, or annulled by order of the Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that this order shall vacate and supersede Second Revised Service Order No. 104, on the effective date hereof; 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. 46-1559; Filed, Jan. 28, 1946; 12:03 p. m.]

[3d Rev. S. O. 104, Amdt. 1]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of January, A. D. 1946.

Upon further consideration of Third Revised Service Order No. 104 (11 F.R. 815, 892) and good cause appearing therefor; It is ordered, that:

(a) *Third Revised Service Order No. 104 suspended.* Third Revised Service Order No. 104 permitting substitution of refrigerator cars for box cars be, and it is suspended until further order of the Commission.

(b) *Announcement of suspension.* Each of the railroads affected by this order, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule (9K) of the Commission's Tariff Circular No. 20 (§ 141.9 (k), of this chapter) announcing the suspension of Third Revised Service Order No. 104 and the reestablishment during the effectiveness of this order of the tariff provisions affected hereby. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that this order shall become effective at 12:01 p. m., January 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. 46-1631; Filed, Jan. 29, 1946; 11:18 a. m.]

[S. O. 439]

PART 95—CAR SERVICE

MOVEMENT OF EMPTY BOX CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of January A. D. 1946.

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[3] See Appendix 3 of Part 1 of the Rules and Regulations for addresses of Field Offices.

It appearing, that there is a shortage of box cars suitable for loading export grain, grain products and grain byproducts in the States of Oregon, Washington, Idaho and Western Montana and that certain railroads are not supplying empty box cars in sufficient number to alleviate the shortage of such cars, the Commission is of opinion that an emergency exists in the States named; It is ordered, that:

Appointment of agent—movement of box cars. (a) (1) *Designation.* Warren C. Kendall, Chairman Car Service Division, Association of American Railroads, Washington, D. C., is hereby designated and appointed as agent of the Interstate Commerce Commission and vested with authority to require the movement of empty box cars, suitable for grain or flour loading from any railroad in the United States to stations in the States of Oregon, Washington, Idaho, and Western Montana.

(2) *Outline of duties.* As agent, acting on instructions of the Director, Bureau of Service, he is hereby authorized, and directed to order any common carrier by railroad subject to the Interstate Commerce Act, to (1) accept, (2) deliver, (3) transport, or (4) accept, transport and deliver empty box cars for the purpose of providing the necessary box cars at points in the States of Oregon, Washington, Idaho and Western Montana.

(b) *Execution of Agent's orders.* Each common carrier by railroad, subject to the Interstate Commerce Act, as it may be affected by Agent Kendall's orders shall perform the service required therein without delay.

(c) *Application.* The provisions of this order shall apply to empty box cars moving in intrastate as well as interstate commerce.

(d) *Effective date.* This order shall become effective at 12:01 a. m., January 24, 1946.

(e) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 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 State railroad regulatory body of each State named in paragraph (a) hereof, and upon the Association of American Railroads, Car Service Division, as agent of the 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. 46-1632; Filed, Jan. 29, 1946; 11:18 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the Certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

National Sportswear Company, 139 Main Street, Reedsburg, Wisconsin; Slack suits and separate skirts; eighteen (18) learners (E); effective January 28, 1946 and expiring July 27, 1946.

Salant and Salant, Inc., Parsons, Tennessee; Pants, overalls, coveralls, work shirts and cotton work pants; ten (10) percent (T); effective January 21, 1946 and expiring January 20, 1947.

Shelgar Manufacturing Company, Shelbyville, Illinois; Ladies' and children's outer washables; ten (10) learners (T); effective January 24, 1946 and expiring January 23, 1947.

Hosiery learner regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Hewitt Hosiery Mills, Marion, North Carolina; seamless hosiery; ten (10) learners (E); effective February 1, 1946 and expiring July 31, 1946.

Morristown Knitting Mills, Inc., Rogersville, Tennessee; seamless hosiery; twenty-one (21) learners (E); effective February 1, 1946 and expiring July 31, 1946.

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

United Telephone Company, Richland, Missouri; (T); effective January 23, 1946 and expiring January 22, 1947.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 23d day of January 1946.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 46-1566; Filed, Jan. 28, 1946; 12:54 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6230]

JAMES F. HOPKINS, INC.

NOTICE OF HEARING

In re application of James F. Hopkins, Inc. (new), date filed, August 19, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Ann Arbor, Michigan; operating assignment specified: frequency, 1600 kc; power, 250 w; hours of operation, unlimited time; File No. B2-P-3291.

You are hereby notified that the Commission has re-examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Sabine Area Broadcasting Corp. (File No. B3-P-4011; Docket No. 6823), WOOP Incorporated (File No. B2-P-3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3-P-3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3-P-4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5-P-3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3-P-3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as the Skagit Valley Broadcasting Co. (File No. B5-P-4050; Docket No. 6829), The Gazette Company (File No. B4-P-4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1-P-4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5-P-4066; Docket No. 6832), Piedmont Carolina Broadcasting Co., Inc. (File No. B3-P-4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5-P-3610; Docket No. 6633) and Capitol Radio Corp. (File No. B4-P-3706; Docket No. 6712) on the following amended issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to receive primary service from the operation of the proposed station, and the extent and character of other broadcast services available to those areas and populations, particularly from Station WJBK, Detroit, Michigan.

3. To determine whether and to what extent the proposed station would render

primary service to the areas and populations receiving primary service from Station WJBK.

4. To obtain full information with respect to the connections and relationships, direct or indirect, and the nature, extent and effect thereof existing between the applicant and the licensee of Station WJBK, and the officers, directors, and stockholders thereof, or any of them.

5. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

6. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

8. To obtain full information with respect to the matters covered in Footnote 4, Page 3 of the Commission's Standards of Good Engineering Practice, and to determine whether the installation and operation of the proposed station would otherwise be in compliance with the said Standards.

9. To determine the most efficient and equitable manner in which the 1600 kc regional frequency may be utilized.

10. To determine on a comparative basis which if any of the applications in this consolidated proceedings should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

James F. Hopkins, Inc., 6559 Hamilton Ave., Detroit, Michigan.

Dated at Washington, D. C. January 14, 1946.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1550; Filed, Jan. 28, 1946; 11:29 a. m.]

[Docket Nos. 6677, 6817]

JOE L. SMITH, JR. AND FAYETTE ASSOCIATES, INC.

ORDER AMENDING AND ENLARGING ISSUES

In re applications of Joe. L. Smith, Jr., Charleston, West Virginia; For construction permit; Docket No. 6677, file No. B2-P-3666; Fayette Associates, Inc., Montgomery, West Virginia; For construction permit; Docket No. 6817, file No. B2-P-3876.

The Commission having under consideration a motion filed December 27, 1945 by Joe L. Smith, Jr., Charleston, West Virginia, applicant in the above-entitled matter, requesting enlargement of the issues upon the application of Fayette Associates, Inc., scheduled to be heard in the above-styled proceeding on January 17 and 18, 1946;

It is ordered, This 4th day of January 1946, that the motion be, and it is hereby, denied, insofar as it requests enlargement of the issues upon the application of Fayette Associates, Inc. (File No. B2-P-3876; Docket No. 6817).

It is further ordered, That the issues upon the application of Joe L. Smith, Jr. (File No. B2-P-3666; Docket No. 6677), moving party herein, be, and they are hereby, amended and enlarged to permit submission of proof as to the matters covered in the following issue:

To determine whether the needs and requirements of the listeners of Montgomery, West Virginia proposed to be served by the applicant, Fayette Associates, Incorporated, can be satisfied by operation of the proposed station on any other frequency (particularly 1450 kc) without substantial or objectionable interference to any existing station or conflict with any application pending at the time of hearing.

By the Commission, C. J. Durr, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1532; Filed, Jan. 28, 1946; 11:25 a. m.]

[Docket No. 6823]

SABINE AREA BROADCASTING CORP.

NOTICE OF HEARING

In re application of Sabine Area Broadcasting Corporation (New); Date filed August 27, 1945; for construction permit; class of service, standard broadcast: class of station, standard broadcast; location, Orange, Texas; operating assignment specified: frequency, 1600 kc; power, 250 w.; hours of operation, unlimited time; File No. B3-P-4011.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2-P-3291; Docket No. 6230), WOOP, Incorporated (File No. B2-P-3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3-P-3847; Docket No. 6825) Burlington-Graham Broadcasting Co. (File No. B3-P-4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5-P-3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3-P-3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5-P-4050; Docket No. 6829), The Gazette Company (File No. B4-P-4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1-P-4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5-P-4066; Docket No. 6832), Piedmont Carolina Broadcasting Co., Inc. (File No. B3-P-4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5-P-3610; Docket No. 6633), and Capitol Radio Corp. (File No. B4-P-3706; Docket No. 6712) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine the qualifications of the personnel to be employed and the operation of the proposed station.

5. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

7. To obtain full information with respect to the matters covered in Footnote 4, Page 3 (4 F.R. 2863, Footnote 5) of the Commission's Standards of Good Engineering Practice, and to determine whether the installation and operation of the proposed station would otherwise be in compliance with the said Standards.

8. To determine the most efficient and equitable manner in which the 1600 kc regional frequency may be utilized.

9. To determine on a comparative basis which if any of the applications in this consolidated proceedings should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Sabine Area Broadcasting Corporation, W. J. Godsey, Secretary, P. O. Box 2022, Orange, Texas.

Dated at Washington, D. C. January 14, 1946.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1547; Filed, Jan. 28, 1946; 11:28 a. m.]

[Docket No. 6824]

WOOP, INC.

NOTICE OF HEARING

In re application of, WOOP, Inc. (New); date filed September 18, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Dayton, Ohio; operating assignment specified: frequency, 1600 kc; power, 5 kw; hours of operation unlimited time; File No. B2-P-3987.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidition with the applications of James F. Hopkins, Inc. (File No. B2-P-3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3-P-4011; Docket No. 6823), Charlotte Broadcasting Co., (File No. B3-P-3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3-P-4026; Docket No. 6826); McClatchy Broadcasting Co. (File No. B5-P-3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3-P-3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5-P-4050; Docket No. 6829), The Gazette Company (File No. B4-P-4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1-P-4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5-P-4066; Docket No. 6832), Piedmont Carolina Broadcasting Co., Inc. (File No. B3-P-4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5-P-3610, Docket No. 6633), and Capitol Radio Corp. (File No. B4-P-3706; Docket No. 6712) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine the most efficient and equitable manner in which the 1,600 kc. regional frequency may be utilized.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

WOOP, Inc., Mr. C. E. Schindler, Secretary-Treasurer, Kentucky Home Life Building, Louisville 2, Kentucky.

Dated at Washington, D. C., January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1546; Filed, Jan. 28, 1946; 11:27 a. m.]

[Docket No. 6825]

CHARLOTTE BROADCASTING CO.

NOTICE OF HEARING

In re application of Charlotte Broadcasting Co. (New); date filed January 9, 1945; for construction permit; class of service, broadcast; class of station, standard broadcast; location, Charlotte, North Carolina; operating assignment specified: Frequency, 1600 kc.; power, 1 kw[1]; hours of operation, unlimited time. File No. B3-P-3847.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2-P-3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3-P-4011; Docket No. 6823), WOOP, Incorporated (File No. B2-P-3987; Docket No. 6824), Burlington-Graham Broadcasting Co. (File No. B3-P-4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5-P-3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3-P-3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as the Skagit Valley Broadcasting Co. (File No. B5-P-4050; Docket No. 6829), The Gazette Company (File No. B4-P-4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1-P-4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5-P-4066; Docket No. 6832), Piedmont Carolina Broadcasting Co. (File No. B3-P-4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5-P-3610; Docket No. 6633), and Capitol Radio Corp. (File No. B4-P-3706; Docket No. 6712) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

7. To obtain full information with respect to the business interests and connections of the applicant and of its officers, directors and stockholders.

8. To determine the most efficient and equitable manner in which the 1,600 kc. regional frequency may be utilized.

9. To determine on a comparative basis which, if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

[1] Directional antenna.

The applicant's address is as follows:

Charlotte Broadcasting Company,
118 South Shurch Street,
Charlotte, North Carolina

Dated at Washington, D. C., January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-1545; Filed, Jan. 28, 1946; 11:27 a. m.]

[Docket No. 6826]

BURLINGTON-GRAHAM BROADCASTING CO.

NOTICE OF HEARING

In re application of Burlington-Graham Broadcasting Company (new); date filed, September 28, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Burlington, North Carolina; operating assignment specified: Frequency, 1600 kc; power, 500 w N, 1 kw day; hours of operation, unlimited time; File No. B3-P-4026.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2-P-3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3-P-4011; Docket No. 6823) WOOP, Incorporated (File No. B2-P-3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3-P-3847; Docket No. 6825), McClatchy Broadcasting Co. (File No. B5-P-3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3-P-3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5-P-4050; Docket No. 6829), The Gazette Company (File No. B4-P-4162; Docket No. 6830), Long Island Broadcasting Corp. (WRRL) (File No. B1-P-4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5-P-4066; Docket No. 6832), Piedmont Carolina Broadcasting Co. (File No. B3-P-4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5-P-3610; Docket No. 6633), and Capitol Radio Corp. (File No. B4-P-3706; Docket No. 6712) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine the most efficient and equitable manner in which the 1600 kc regional frequency may be utilized.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Burlington-Graham Broadcasting Company, c/o Everette C. Qualls, State Theatre Building, Burlington, North Carolina.

Dated at Washington, D. C., January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-1544; Filed, Jan. 28, 1946; 11:27 a. m.]

[Docket No. 6827]

MCCLATCHY BROADCASTING CO.

NOTICE OF HEARING

In re application of McClatchy Broadcasting Company (new); date filed, December 6, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Modesto, California; operating assignment specified: Frequency, 1600 kc; power, 250 w; hours of operation, unlimited; file No. B5-P-3800.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2-P-3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3-P-4011; Docket No. 6823), WOOP, Incorporated (File No. B2-P-3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3-P-3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3-P-4026; Docket No. 6826), United Broadcasting Co., Inc. (File No. B3-P-3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5-P-4050; Docket No. 6829), The Gazette Company (File No. B4-P-4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1-P-4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5-P-4066; Docket No. 6832), Piedmont Carolina Broadcasting Co., Inc. (File No. B3-P-4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5-P-3610; Docket No. 6633), and Capitol Radio Corp. (File No. B4-P-3706; Docket No. 6712) on the following issues:

1. To determine the qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to receive primary service from the operation of the proposed station, and the extent and character of other broadcast services available to those areas and populations, particularly from Stations KFBK, KWG, KERN and KMJ.

3. To determine whether and to what extent the proposed station would render primary service to the areas and populations receiving primary service from Stations KFBK, KWG, KERN and KMJ.

4. To determine what effect a grant of the application would have upon competition in broadcasting.

5. To determine whether an additional station should be authorized to the applicant.

6. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

7. To determine who will be responsible for the management, supervision and operation of the proposed station, the qualifications of such person or persons, and the qualifications of the personnel to be employed in its operation.

8. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

9. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

10. To obtain full information with respect to the matters covered in Footnote 4, Page 3 (4 F.R. 2863, Footnote 5), of the Commission's Standards of Good Engineering Practice, and to determine whether the installation and operation of the proposed station would otherwise

be in compliance with the said Standards.

11. To determine the most efficient and equitable manner in which the 1600 kc regional frequency may be utilized.

12. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

McClatchy Broadcasting Company, 911 7th Street, Sacramento, California.

Dated at Washington, D. C. January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1543; Filed, Jan. 28, 1946; 11:27 a. m.]

[Docket No. 6828]

UNITED BROADCASTING CO., INC.

NOTICE OF HEARING

In re application of United Broadcasting Company, Inc. (new); date filed September 19, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Montgomery, Alabama; operating assignment specified: Frequency, 1600 kc; power, 1 kw; hours of operation, unlimited; File No. B3-P-3695.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2-P-3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3-P-4011; Docket No. 6823), WOOP, Incorporated (File No. B2-P-3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3-P-3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3-P-4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5-P-3800; Docket No. 6827), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5-P-4050; Docket No. 6829), The Gazette Company (File No. B4-P-4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1-P-4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5-P-4066; Docket No. 6832), Piedmont Carolina Broadcasting Co., Inc. (File No. B3-P-4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom a partnership, doing business as Valley Broadcasting Co. (File No. B5-P-3610, Docket No. 6633), and Capitol Radio Corp. (File No. B4-P-3706; Docket No. 6712) on the following issues.

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

7. To obtain full information with respect to the interests which the applicant, or any of its officers, directors or stockholders, hold in other standard broadcast stations.

8. To determine the most efficient and equitable manner in which the 1600 kc. regional frequency may be utilized.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

United Broadcasting Co. Inc., c/o T. E. Martin, Vandiver Building, Montgomery, Alabama.

Dated at Washington, D. C., January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1542; Filed, Jan. 28, 1946; 11:27 a. m.]

[Docket No. 6829]

SKAGIT VALLEY BROADCASTING CO.

NOTICE OF HEARING

In re application of Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Company, (new); date filed, September 24, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Mt Vernon, Washington; operating assignment specified: Frequency, 1600 kc; power, 250 w; hours of operation, unlimited; File No. B5-P-4050.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2-P-3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3-P-4011; Docket No. 6823), WOOP, Incorporated (File No. B2-P-3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3-P-3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3-P-4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5-P-3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3-P-3695; Docket No. 6828), The Gazette Company (File No. B4-P-4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1-P-4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5-P-4066; Docket No. 6832), Piedmont Carolina Broadcasting Co., Inc. (File No. B3-P-4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5-P-3610); Docket No. 6633), and Capitol Radio Corp. (File No. B4-P-3706; Docket No. 6712) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To obtain full information with respect to the matters covered in Footnote

4, Page 3 (4 F.R. 2863, Footnote 5) of the Commission's Standards of Good Engineering Practice, and to determine whether the installation and operation of the proposed station would otherwise be in compliance with the said Standards.

7. To determine the most efficient and equitable manner in which the 1600 kc regional frequency may be utilized.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

, Roy A. Lundquist and D. G. Wilde, copartners, doing business as the Skagit Valley Broadcasting Company, c/o Roy A. Lundquist, 5520 11th Avenue NE., Seattle 5, Washington.

Dated at Washington, D. C. January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1538; Filed, Jan. 28, 1946; 11:26 a. m.]

[Docket No. 7081]

FLORIDA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of Florida Broadcasting Company (WMBR), Jacksonville, Florida, for construction permit; File No. B3-P-3036.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December, 1945;

The Commission having under consideration the application of Florida Broadcasting Company, WMBR (B3-P-3036), for a construction permit to change operation from 1400 kc, 250 w, unlimited, to 1460 kc, 5 kw, DA (night), unlimited, and the following applications, which, on October 23, 1945, were designated for hearing in a consolidated proceeding: Thomaston Broadcasting Company (B3-P-3829, Docket No. 6818), J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr., d/b as Columbus Broadcasting Company, WRBL (B3-P-3986, Docket No. 6819), Muscogee Broadcasting Company (B3-P-4082, Docket No. 6820), Chattahoochee Broadcasting Company (B3-P-4149, Docket No. 6821), A. Frank Katzentine (B3-P-3674, Docket No. 6705), Palm Beach Broadcasting Corporation, WWPG (B3-P-3968, Docket No. 6822), and City of Sebring, Florida (B3-P-3583, Docket No. 6696):

It is ordered, That the application of Florida Broadcasting Company (WMBR), be, and it is hereby designated for hearing in a consolidated proceeding with the above-listed applications of Thomaston Broadcasting Company, J. W. Woodruff, J. W. Woodruff, Jr. and E. B. Cartledge, Jr., d/b as Columbus Broadcasting Company (WRBL), Muscogee Broadcasting Company, Chattahoochee Broadcasting Company, A. Frank Katzentine, Palm Beach Broadcasting Corporation (WWPG), and City of Sebring, Florida.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1526; Filed, Jan. 28, 1946; 11:24 a. m.]

[Docket No. 7081]

FLORIDA BROADCASTING CO.

NOTICE OF HEARING

In re application of Florida Broadcasting Company (WMBR); date filed, August 2, 1944; for construction permit for change in frequency, increase in power, installation of transmitter and DA for night use, and change in transmitter location; class of service, standard broadcast; class of station, standard broadcast; location, Jacksonville, Florida; operating assignment specified: Frequency, 1460 kc; power, 5 kw; hours of operation, unlimited time; directional antenna for night use; File No. B3-P-3036.

You are hereby notified that the Commission has re-examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr., d/b as Columbus Broadcasting Company (WRBL), (File No. B3-P-3986, Docket No. 6819, Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (File No. B3-P-4082, Docket No. 6820), Chattahoochee Broadcasting Company (File No. B3-P-4149, Docket No. 6821), Palm Beach Broadcasting Corporation (WWPG) (File No. B3-P-3968, Docket No. 6822), A. Frank Katzentine (File No. B3-P-3674, Docket No. 6705), City of Sebring, Florida (File No. B3-P-3583, Docket No. 6696), Georgia-Alabama Broadcasting Corporation (File No. B3-P-4324, Docket No. 7095), S. O. Ward, tr/as Radio Station WLAK (File No. B3-P-4307, Docket No. 7082), on the following amended issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, its officers, directors, and stockholders, to construct and operate Station WMBR as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the proposed operation of Station WMBR, and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operation of Station WMBR would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the proposed operation of Station WMBR would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To obtain full information with respect to the interests which the applicant, its officers, directors, and stockholders hold in other broadcast stations.

7. To determine whether the proposed installation and operation of Station WMBR would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Florida Broadcasting Company, 118 West Adams Street, (P. O. Box 4428), Jacksonville, Florida.

Dated at Washington, D. C. January 5, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-1541; Filed, Jan. 28, 1946; 11:26 a. m.]

[Docket No. 7087]

NORFOLK BROADCASTING CORP.

NOTICE OF HEARING

In re application of Norfolk Broadcasting Corporation (new); date filed, December 9, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Norfolk, Virginia; operating assignment specified: frequency, 1,220 kc; power, 250 w day; hours of operation, daytime; File No. B2-P-3794.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant, and of its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to receive primary service from the operation of the proposed station, and the extent and character of other broadcast services available to those areas and populations or any portions thereof, particularly from Station WLPM, Suffolk, Virginia.

3. To determine whether and to what extent the proposed station would render primary service to the areas and populations receiving primary service from Station WLPM.

4. To obtain full information with respect to the connections and relationships, contractual or otherwise, direct or indirect, and the nature, extent and effect thereof existing between the applicant and the licensee of Station WLPM, and their officers, directors and stockholders, or any of them.

5. To determine, in the event the proposed station (a) would be directly or indirectly owned, operated or controlled by any person directly or indirectly owning, controlling or operating Station WLPM and (b) would render primary service to a substantial portion of the primary service area of Station WLPM or a substantial portion of its own primary service area would be served by Station WLPM, whether public interest, convenience and necessity would be served through such multiple ownership.

[See Rule 3.35 and footnotes as amended to April 24, 1944 (Amendment No. 223), Orders 84–A and 84–B, and Public Notice (Mimeograph No. 74623) dated April 4, 1944]

6. To determine whether the proposed station would render interference-free service within a contour which includes 90% of the population of the metropolitan area of which Norfolk is a part.

7. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

8. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

9. To determine whether the use of the facilities requested by the applicant would be consistent with the best utilization of channel 1220 kilocycles within the requirements of section 307 (b) of the Communications Act of 1934, as amended, Part 3 of the Commission's rules and regulations, and section 1 of the Standards of Good Enginering Practice.

10. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

11. To determine who will be responsible for the management, supervision and operation of the proposed station, the qualifications of such person or persons, and the qualifications of the personnel to be employed in its operation.

12. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules, and Standards of Good Engineering Practice concerning standard broadcast stations.

13. To determine whether the erection of the antenna system proposed herein would be consistent with existing Civil Aeronautics Administration requirements and whether such antenna would create an undue aeronautical hazard.

14. To determine what future plans are contemplated by the applicant, its officers and directors, with respect to (a) changes in the facilities presently requested by the applicant and (b) other broadcast services such as FM, television, etc., for the Norfolk-Portsmouth-Newport News and surrounding areas.

15. To determine whether a grant of this application would be conducive to the development of FM broadcasting.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Norfolk Broadcasting Corporation, c/o Nicholas C. Wright, 21st Street and Colonial Avenue, Norfolk, Virginia.

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

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1539; Filed, Jan. 28, 1946; 11:26 a. m.]

[Docket No. 7088]

POTTSVILLE RADIO CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Evan Evans, James F. Koch, P. J. McCall, Lou Poller and James J. Curran d/b as Pottsville Radio Company (New), Pottsville, Pennsylvania; for construction permit; File No. B2–P–3881.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of December 1945;

The Commission having under consideration (1) the application of Evan Evans, James F. Koch, P. J. McCall, Lou Poller and James J. Curran d/b as Pottsville Radio Company for a construction permit to erect a new standard broadcast station at Pottsville, Pa., to be operated on 1,490 kc., with power of 100 watts, unlimited time, and (2) a petition of WGAL, Inc., dated August 25, 1945, requesting that the aforesaid application be designated for hearing;

It is ordered, That the petition of WGAL, Inc. be and it is hereby granted.

It is further ordered, That this application be, and it hereby is, designated for hearing in a consolidated proceeding with the matters of (a) Application of Miners Broadcasting Service, for a construction permit (File No. B2–P–3936, Docket No. 7089) and (b) Modification of Broadcast License of Hazleton Broadcasting Service, Inc. (Station WAZL) (File No. B2–S–815, Docket No. 7090), to be held at the offices of the Commission at Washington, D. C., on the 4th day of March 1946, at 10:00 a. m., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and of its co-partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary broadcast service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To determine the type and character of the program service which applicant may be expected to render and the extent to which such service is now being rendered by any other station, in whole or in part.

4. To obtain information concerning applicant's proposals with respect to the employment of personnel to construct and operate the proposed station.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and the operation of Station WGAL, Lancaster, Pennsylvania, and/or any other existing broadcast stations, the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

6. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of Station WAZL, at Pottsville, Pennsylvania, on the frequency 1490 kc, as proposed in the application of Miners Broadcast Service (File No. B2–P–3936, Docket No. 7089), the areas and populations affected thereby and the character of other broadcast service available to such areas and populations.

7. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

8. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

9. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautic Administration requirements.

10. To determine on a comparative basis whether, in view of the facts to be adduced under the foregoing issues and under the issues in the matter of the application of John W. Grenoble et al

d/b as Miners Broadcasting Service (File No. B2–P–3936) either or both of these applications in this consolidated proceeding should be granted, and if but one is granted which of the frequencies, 1450 kc or 1490 kc should be assigned.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141, and 1.142 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–1523; Filed, Jan. 28, 1946; 11:23 a. m.]

[Docket No. 7089]

MINERS BROADCASTING SERVICE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of John W. Grenoble, Joseph L. Maguire, John T. Maguire and Kenneth F. Maguire d/b as Miners Broadcasting Service (New), Pottsville, Pennsylvania; for construction permit; File No. B2–P–3936.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 19th day of December, 1945;

The Commission having under consideration the application of John W. Grenoble, Joseph L. Maguire, John T. Maguire and Kenneth F. Maguire d/b as Miners Broadcasting Service for a construction permit to erect a new standard broadcast station at Pottsville, Pa., to be operated on 1450 kc, with power of 250 watts, unlimited time;

It is ordered, That this application be, and it hereby is, designated for hearing in a consolidated proceeding with the matters of (a) Application of Pottsville Radio Company, for a construction permit (File No. B2–P–3881, Docket No. 7088) and (b) Modification of Broadcast License of Hazleton Broadcasting Service, Inc. (Station WAZL) (File No. B2–S–815, Docket No. 7090), to be held at the offices of the Commission at Washington, D. C., on the 4th day of March 1946, at 10:00 a. m. upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and of its co-partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary broadcast service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To determine the type and character of the program service which applicant may be expected to render and the extent to which such service is now being rendered by any other station, in whole or in part.

4. To obtain information concerning applicant's proposals with respect to the employment of personnel to construct and operate the proposed station.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and the operation of Station WAZL, Hazleton, Pennsylvania, as presently operating, and/or any other existing broadcast stations, the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference wtih the services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis whether, in view of the facts to be adduced under the foregoing issues and under the issues in the matter of the application of Evan Evans et al d/b as Pottsville Radio Company (File No. B2–P–3881, Docket No. 7088), either or both of these applications in this consolidated proceeding should be granted and if but one is granted, which of the frequencies 1450 kc or 1490 kc should be assigned.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–1527; Filed, Jan. 28, 1946; 11:24 a. m.]

[Docket No. 7090]

HAZLETON BROADCASTING SERVICE, INC.

ORDER TO SHOW CAUSE

In the matter of Modification of Broadcast License of Hazleton Broadcasting Service, Incorporated (WAZL), Hazleton, Pennsylvania; File No. B2–S–815.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of December, 1945;

The Commission having before it the application (File No. B2–P–3936) of John W. Grenoble, Joseph L. Maguire, John T. Maguire, and Kenneth F. Maguire, d/b as Miners Broadcasting Service for a construction permit to erect a new standard broadcast station at Pottsville, Pennsylvania, to be operated on the frequency 1450 kc, with power of 250 w, unlimited time, and proposing that the frequency now assigned to Hazleton Broadcasting Service, Inc. (Station WAZL), at Hazleton, Pennsylvania, be shifted to 1490 kc, from 1450 kc, and

It appearing, that the frequency 1450 kc, has heretofore been assigned by the Commission for use at Hazleton, Pennsylvania, by Hazleton Broadcasting Service, Inc., with power of 250 w, unlimited time (File No. B2–S–815), and

It further appearing, that the simultaneous operation of Station WAZL at Hazleton, Pennsylvania and of the station proposed by the above-mentioned Miners Broadcasting Service may cause objectionable interference with each other; that the use of the frequency 1450 kc at Pottsville, Pennsylvania, may result in the addition of new primary broadcast service to a substantial population and area in and around Pottsville, Pennsylvania, without resulting objectionable interference with any existing station; and that public interest, convenience and necessity may be better served by assigning the frequency 1490 kc, to Hazleton Broadcasting Service, Inc. (WAZL), at Hazleton, Pennsylvania, and the frequency 1450 kc, to the Miners Broadcasting Service at Pottsville, Pennsylvania,

Now, therefore, it is ordered, That opportunity be, and it is hereby, afforded Hazleton Broadcasting Service, Inc., licensee of Station WAZL, Hazleton, Pennsylvania, to show cause at a hearing before the Commission to be held at its offices in Washington, D. C. on the 4th day of March 1946, at 10 a. m., why the broadcast license issued to said Hazleton Broadcasting Service, Inc. should not be modified so as to specify the use by it of the frequency 1490 kc in lieu of the frequency 1450 kc, and

It is further ordered, That the hearing in the above-entitled matter be, and it hereby is, consolidated with the hearings this day ordered upon the applications of John W. Grenoble et al., d/b as Miners Broadcasting Service (File No. B2–P–3936, Docket No. 7089) and Evan Evans et al., d/b as Pottsville Radio Company (File No. B2–P–3881, Docket No. 7088), for construction permits to erect new broadcast stations at Pottsville, Pennsylvania.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–1524; Filed, Jan. 28, 1946; 11:24 a. m.]

[Docket No. 7091]

DORRANCE D. RODERICK

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Dorrance D. Roderick, El Paso, Texas; for construction permit; File No. B5–P–4037.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1945;

The Commission having under consideration the above application of Dorrance D. Roderick for a permit to construct a new standard broadcast station at Pueblo, Colorado;

It is ordered, That the said application be designated for hearing in a consolidated proceeding with the application of Pueblo Radio Co., Inc. (File No. B5–P–4175), to be held in Washington, D. C. upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine on a comparative basis which if either of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1521; Filed, Jan. 28, 1946; 11:23 a. m.]

[Docket No. 7092]

PUEBLO RADIO CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Pueblo Radio Co., Inc., Colorado Springs, Colorado; for construction permit; File No. B5–P–4175.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 19th day of December 1945;

The Commission having under consideration the above application of Pueblo Radio Co., Inc. for a permit to construct a new standard broadcast station at Pueblo, Colorado;

It is ordered, That the said application be designated for hearing in a consolidated proceeding with the application of Dorrance D. Roderick (File No. B5–P–4037), to be held in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine on a comparative basis which if either of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1522; Filed, Jan. 28, 1946; 11:23 a. m.]

[Docket No. 7094]

RADIOTELEGRAPH CIRCUITS

ORDER INSTITUTING INVESTIGATION

In the matter of Radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of December 1945;

The Commission, having under consideration the question of establishing and maintaining direct radiotelegraph circuits between the United States and various points in the British Commonwealth; and having also under consideration an agreement dated December 4, 1945 between the Government of the United States and the Governments of the British Commonwealth, providing among other things for the retention of only one direct radiotelegraph circuit between the United States, on the one hand, and Australia, New Zealand and India, on the other hand, and for the possible establishment of a direct radiotelegraph circuit between the United States and each of the following places: Ceylon, Greece, Hong Kong, Jamaica, Palestine, Saudi Arabia, South Africa and Singapore; and

It appearing, that R. C. A. Communications, Inc. and Mackay Radio and Telegraph Company are presently each authorized to operate and now operate direct radiotelegraph circuits from the United States to Australia, New Zealand and India; and that Press Wireless, Inc. is also authorized to operate a direct radiotelegraph circuit from the United States to Australia; and that questions are presented as to which radiotelegraph carrier should be authorized for the future to operate direct circuits from the United States to Australia, New Zealand and India;

It further appearing, that questions are also presented as to which radiotelegraph carrier should be authorized to establish and operate direct circuits from the United States to Ceylon, Greece, Hong Kong, Jamaica, Palestine, Saudi Arabia, South Africa and Singapore;

It is ordered, That an investigation be, and it is hereby, instituted to determine which radiotelegraph carrier subject to the Communications Act of 1934 should be authorized for the future to communicate with Australia, New Zealand and India, respectively.

It is further ordered, That R. C. A. Communications, Inc., and Mackay Radio and Telegraph Company each appear and show cause before the Commission why public interest, convenience and necessity will not be promoted by modification of their licenses so as to eliminate therefrom the authority to communicate with Australia and New Zealand, and by cancellation of their special temporary authorization to communicate with India; and that Press Wireless, Inc. appear and show cause before the Commission why public interest, convenience and necessity will not be promoted by cancellation of its special temporary authorization to communicate with Australia;

It is further ordered, That any radiotelegraph carrier subject to the Communications Act of 1934 desiring to establish and operate a radiotelegraph circuit from the United States to Ceylon, Greece, Hong Kong, Jamaica, Palestine, Saudi Arabia, Singapore, South Africa, Australia, New Zealand, or India, for furnishing public communication service, who has not already filed an appropriate application therefor, shall, not later than January 18, 1946, file such an application, setting forth in detail why public interest, convenience or necessity would be served by the granting thereof, and why the applicant is best qualified to operate the specific circuit or circuits in question;

It is further ordered, That a hearing be held with respect to the foregoing matters, beginning on the 12th day of March, 1946 at the offices of the Commission in Washington, D. C.;

It is further ordered, That R. C. A. Communications, Inc., Mackay Radio and Telegraph Company, and Press Wireless, Inc. be, and they are hereby made parties respondent herein, and copies of this order shall be served on such carriers, and on all other telegraph carriers subject to the Communications Act of 1934.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1520; Filed, Jan. 28, 1946; 11:23 a. m.]

[Docket No. 7095]

GEORGIA-ALABAMA BROADCASTING CORP.

NOTICE OF HEARING

In re application of Georgia-Alabama Broadcasting Corporation (new); date received, December 26, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Columbus, Georgia; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation, unlimited time; File No. B3–P–4324.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr., d/b as Columbus Broadcasting Company (WRBL), (File No. B3–P–3986, Docket No. 6819), Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (File No. B3–P–4082, Docket No. 6820), Chattahoochee Broadcasting Company (File No. B3–P–4149, Docket No. 6821), Palm Beach Broadcasting Corporation (WWPG) (File No. B3–P–3968, Docket No. 6822), A. Frank Katzentine (File No. B3–P–3674, Docket No. 6705), City of Sebring, Florida, (File No. B3–P–3583, Docket No. 6696), Florida Broadcasting Company (WMBR), (File No. B3–P–3036, Docket No. 7081), S. O. Ward, tr/as Radio Station WLAK, (File No. B3–P–4307, Docket No. 7082), on the following amended issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To obtain full information with respect to the interest which the applicant, its officers, directors, and stockholders hold in other broadcast stations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Georgia-Alabama Broadcasting Corporation, c/o A. H. Chapman, 17 West 12th Street, Columbus, Georgia.

Dated at Washington, D. C. January 5, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1540; Filed, Jan. 28, 1946; 11:26 a. m.]

[Docket No. 7096]

CRESCENT BROADCAST CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Crescent Broadcast Corporation, Philadelphia, Pennsylvania, for construction permit; File No. B2–P–4251.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 29th day of December, 1945;

The Commission having under consideration an application (filed December 3, 1945) by Crescent Broadcast Corporation for a construction permit (File No. B2–P–4251; Docket No. 7096) for a new standard broadcast station at Philadelphia, Pennsylvania, requesting the frequency 820 kc, 1 kw power, daytime only together with a petition requesting that the said application be consolidated for hearing with the two following applications, namely, Camden Broadcasting Company (File No. B1–P–4173; Docket No. 7065) and Chambersburg Broadcasting Company (File No. B2–P–4221; Docket No. 7066) at Camden, New Jersey and Chambersburg, Pennsylvania respectively, both seeking the use of 800 kc, 1 kw power, daytime only, which on December 6, 1945 were designated for hearing in a consolidated proceeding;

It is ordered, That the above petition be granted; and

It is further ordered, That the application of Crescent Broadcast Corporation be, and it is hereby designated for hearing in a consolidated proceeding with the above applications of Camden Broadcasting Company and Chambersburg Broadcasting Company, to be held upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the service proposed in the pending applications of Camden Broadcasting Company (File No. B1–P–4173) and Chambersburg Broadcasting Company (File No. B2–P–4221) or any other pending application, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the bill of particulars issued in connection with the applications of Camden Broadcasting Company and Chambersburg Broadcasting Company be amended to include Crescent Broadcast Corporation.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1525; Filed, Jan. 28, 1946; 11:24 a. m.]

[Docket No. 7099]

SYNDICAT. THEATRES, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Syndicate Theatres, Inc. Columbus, Indiana, for construction permit; File No. B4–P–4179.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 3rd day of January, 1946;

The Commission having under consideration an application for construction permit (File No. B4–P–4179) filed by Syndicate Theatres, Inc., for a [illegible]

standard AM broadcast station at Columbus, Indiana;

It is ordered, That this application be designated for hearing in a consolidated proceeding with the application for construction permit (File No. B4–P–4184) of Universal Broadcasting Company, Inc., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which would gain primary service during daytime through the operation of the proposed station and what other broadcast services are available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast service, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of the interference which would result from the simultaneous operation of the proposed station with the station proposed in the application (File No. B4–P–4184) of Universal Broadcasting Company, Inc.; the populations and areas affected thereby, and the nature of other broadcast services available to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine upon a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1536; Filed, Jan. 28, 1946; 11:26 a. m.]

[Docket No. 7100]

UNIVERSAL BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Universal Broadcasting Company, Inc., Indianapolis, Indiana, for construction permit; File No. B4–P–4184.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of January 1946;

The Commission, having under consideration an application for construction permit (File No. B4–P–4184) filed by Universal Broadcasting Company, Inc., for a new standard AM broadcast station at Indianapolis, Indiana;

It is ordered, That this application be designated for hearing in a consolidated proceeding with the application for construction permit (File No. B4–P–4179) of Syndicate Theatres, Inc. upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which would gain primary service through the operation of the proposed station and what other broadcast services are available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast service, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of the interference which would result from the simultaneous operation of the proposed station with the station proposed in the application (File No. B4–P–4179) of Syndicate Theatres, Inc.; the populations and areas affected thereby and the nature of other broadcast services available to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine upon a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1535; Filed, Jan. 28, 1946; 11:25 a. m.]

[Docket No. 7101]

KROW, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of KROW, Inc., Oakland, California, for construction permit; File No. B5–P–4283.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3rd day of January, 1946;

The Commission having under consideration the application of KROW, Inc. (B5–P–4283), for a construction permit to change operation from 960 kc, 1 kw, unlimited to 960 kc, 5 kw, DA (night), unlimited; and the petition for consolidation with the following applications, which were on October 25, 1945, designated for consolidated hearing on March 4 and 5, 1946; United Broadcasting Company, Ogden, Utah (B5–P–4107, Docket No. 6885); and KOVO Broadcasting Company (KOVO), Provo, Utah (B5–P–3667, Docket No. 6739);

It is ordered, That the application of KROW, Inc. (KROW), be, and it is hereby, designated for hearing in a consolidated proceeding with the above-listed applications of United Broadcasting Company and KOVO Broadcasting Company (KOVO) on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast station, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine on a comparative basis which if any of the applications in this consolidated hearing should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1530; Filed, Jan. 28, 1946; 11:25 a. m.]

[Docket Nos. 7102–7106]

PEORIA BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Peoria Broadcasting Company, Peoria, Illinois, File No. B4–PH–231; F. F. McNaughton, Peoria, Illinois, File No. B4–PH–697; Mid-State Broadcasting Co., Peoria, Illinois, File No. B4–PH–712; Radio Peoria Inc., Peoria, Illinois, File No. B4–PH–413; Midwest FM Network Inc., Peoria, Illinois, for construction permits, File No. B4–PH–507.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of January 1946;

The Commission having under consideration the above-entitled applications for construction permit for new metropolitan FM broadcast stations in the Peoria, Illinois, metropolitan area; and

Whereas, it appears that a possible maximum of four metropolitan channels

might be available in the vicinity of Peoria;

It is ordered, That the above-entitled applications be designated for consolidated hearing upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-1531; Filed, Jan. 28, 1946; 11:25 a. m.]

[Docket No. 7115]

WHP, INC.

NOTICE OF HEARING

In re application of WHP, Inc. (WHP); date filed December 19, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Harrisburg, Pennsylvania; operating assignment specified: frequency, 580 kc; power, 5 kw D 5 kw N; [1] hours of operation, unlimited; File No. B2-P-4334.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Patriot Company, Shenandoah, Pennsylvania (File No. B2-P-4091; Docket No. 6884) and Crescent Broadcast Corporation, Shenandoah, Pennsylvania (File No. B2-P-4092; Docket No. 6883), on the following issues:

1. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

1-A To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders, to operate Station WHP as proposed.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of the proposed station would involve objectionable interference with the operation of a station at Shenandoah, Pennsylvania, as proposed in the applications of The Patriot Company, Docket No. 6884, and Crescent Broadcast Corporation, Docket No. 6883, or with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

7. To determine on a comparative basis which if any of the applications in this consolidated proceedings should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

WHP, Inc., Telegraph Building, 216 Locust Street, Harrisburg, Pennsylvania.

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-1537; Filed, Jan. 28, 1946; 11:26 a. m.]

[Docket No. 7154]

VINCENT G. COFEY

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Vincent G. Cofey, Elgin, Illinois; for construction permit; File No. B4-P-4381.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of January 1946;

The Commission having under consideration the above application of Vincent G. Cofey for a permit to construct a new standard broadcast station at Elgin, Illinois;

It is ordered, That the said application be designated for hearing in a consolidated proceeding with the applications of William L. Klein (File No. B4-P-4075, Docket No. 6963), Sidney H. Bliss, tr/as Beloit Broadcasting Company (File No. B4-P-4161, Docket No. 6964), George A. Ralston and Jerry C. Miller, d/b as The Elgin Broadcasting Company (new) and Community Broadcasting Company, Oak Park, Illinois, to be held in Washington, D. C., on the 7th day of February 1946, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Bills of Particulars heretofore issued in these proceedings be, and they are hereby enlarged to include the application of Vincent G. Cofey, Elgin, Illinois.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-1529; Filed, Jan. 28, 1946; 11:25 a. m.]

[Docket No. 7155]

COMMUNITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Community Broadcasting Company, Oak Park, Illinois; for construction permit; File No. B4-P-4382.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of January, 1946;

The Commission having under consideration the above application of Community Broadcasting Company for a permit to construct a new standard broadcast station at Oak Park, Illinois;

It is ordered, That the said application be designated for hearing in a consolidated proceeding with the applications of William L. Klein (File No. B4-P-4075, Docket No. 6963), Sidney H. Bliss, tr/as Beloit Broadcasting Company (File No.

[1] DA—night.

B4–P–4161, Docket No. 6964), George A. Ralston and Jerry C. Miller, d/b as The Elgin Broadcasting Company (New) and Vincent G. Cofey, Elgin, Illinois, (New) to be held in Washington, D. C., on the 7th day of February, 1946, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Bills of Particulars heretofore issued in these proceedings be, and they are hereby enlarged to include the application of Community Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1528; Filed, Jan. 28, 1946; 11:25 a. m.]

[Docket No. 6830]

GAZETTE CO.

NOTICE OF HEARING

In re application of the Gazette Company (new); date filed October 3, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Cedar Rapids, Iowa; operating assignment specified: frequency, 1600 kc; power, 5 kw N [1] 5 kw Day; hours of operation, unlimited time; File No. B4–P–4162.

You are hereby notified that the Commission has examined the application in the above-entitled case, and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2–P–3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3–P–4011; Docket No. 6823), WOOP, Incorporated (File No. B2–P–3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3–P–3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3–P–4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5–P–3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3–P–3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5–P–4050; Docket No. 6829), Long Island Broadcasting Corp. (WWRL) (File No. B1–P–4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5–P–4066; Docket No. 6832), Piedmont Carolina Broadcasting Co. (File No. B3–P–4164; Docket No. 6833), Myron E. Kluge and Dean Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5–P–3610; Docket No. 6633), and Capitol Radio Corp. (File No. B4–P–3706; Docket No. 6712) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine the type of antenna system proposed to be erected, and whether it would be consistent with Civil Aeronautics Administration requirements.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine the most efficient and equitable manner in which the 1600 kc. regional frequency may be utilized.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

The Gazette Company, c/o Joseph F. Hladky, Jr., Vice President, 500 3d Ave., SE., Cedar Rapids, Iowa.

Dated at Washington, D. C., January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1554; Filed, Jan. 28, 1946; 11:29 a. m.]

[1] DA—night.

[Docket No. 6831]

LONG ISLAND BROADCASTING CORP. (WWRL)

NOTICE OF HEARING

In re application of Long Island Broadcasting Corporation (WWRL); date filed, October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Woodside, New York; operating assignment specified: frequency, 1600 kc; power, 5 kw;[1] hours of operation, unlimited; File No. B1–P–4163.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2–P–3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3–P–4011; Docket No. 6823), WOOP, Incorporated (File No. B2–P–3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3–P–3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3–P–4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5–P–3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3–P–3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5–P–4050; Docket No. 6829), The Gazette Company (File No. B4–P–4162; Docket No. 6830), San Juaquin Broadcasters, Inc. (File No. B5–P–4066; Docket No. 6832), Piedmont Carolina Broadcasting Co., Inc. (File No. B3–P–4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom a partnership, doing business as Valley Broadcasting Co. (File No. B5–P–3610; Docket No. 6633), and Capitol Radio Corp. (File No. B4–P–3706; Docket No. 6712) on the following amended issues:

[1] DA—night and day.

1. To determine the financial qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine the most efficient and equitable manner in which the 1600 kc regional frequency may be utilized.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Long Island Broadcasting Corporation, c/o William H. Reuman, President, 58th Street, No. 41–30, Woodside, New York.

Dated at Washington, D. C. January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1553; Filed, Jan. 28, 1946; 11:29 a. m.]

[Docket No. 6832]

SAN JOAQUIN BROADCASTERS, INC.

NOTICE OF HEARING

In re application of San Joaquin Broadcasters, Inc. (new), date filed, October 3, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Modesto, California; operating assignment specified: frequency, 1600 kc; power, 250w; hours of operation, unlimited time; File No. B5–P–4066.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2–P–3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3–P–4011; Docket No. 6823), WOOP, Incorporated (File No. B2–P–3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3–P–3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3–P–4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5–P–3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3–P–3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5–P–4050; Docket No. 6829), The Gazette Company (File No. B4–P–4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1–P–4163; Docket No. 6831), Piedmont Carolina Broadcasting Co., Inc. (File No. B3–P–4164; Docket No. 6833), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (B5–P–3610; Doc. #5633), and Capitol Radio Corp. (File No. B4–P–3706; Docket No. 6712) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine the qualifications of the personnel to be employed in the operation of the proposed station.

5. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

7. To obtain full information with respect to the matters covered in footnote 4, page 3 (4 F.R. 2863, footnote 5) of the Commission's Standards of Good Engineering Practice, and to determine whether the installation and operation of the proposed station would otherwise be in compliance with the said standards.

8. To determine the most efficient and equitable manner in which the 1600 kc regional frequency may be utilized.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

San Joaquin Broadcasters, Inc., Room 25, Black Building, Modesto, California.

Dated at Washington, D. C., January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1552; Filed, Jan. 28, 1946; 11:29 a. m.]

[Docket No. 6833]

PIEDMONT CAROLINA BROADCASTING CO., INC.

NOTICE OF HEARING

In re application of Piedmont Carolina Broadcasting Company, Inc. (new); date filed, October 19, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Reidsville, N. C.; operating assignment specified: frequency, 1,600 kc; power, 500 w night, 1 kw day; hours of operation, unlimited; File No. B3–P–4164.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of James F. Hopkins, Inc. (File No. B2–P–3291; Docket No. 6230), Sabine Area Broadcasting Corp. (File No. B3–P–4011; Docket No. 6823), WOOP, Incorporated (File No. B2–P–3987; Docket No. 6824), Charlotte Broadcasting Co. (File No. B3–P–3847; Docket No. 6825), Burlington-Graham Broadcasting Co. (File No. B3–P–4026; Docket No. 6826), McClatchy Broadcasting Co. (File No. B5–P–3800; Docket No. 6827), United Broadcasting Co., Inc. (File No. B3–P–3695; Docket No. 6828), Roy A. Lundquist and D. G. Wilde, co-partners, doing business as The Skagit Valley Broadcasting Co. (File No. B5–P–4050; Docket No. 6829), The Gazette Company (File No. B4–P–4162; Docket No. 6830), Long Island Broadcasting Corp. (WWRL) (File No. B1–P–4163; Docket No. 6831), San Juaquin Broadcasters, Inc. (File No. B5–P–4066; Docket No. 6832), Myron E. Kluge and Dean H. Wickstrom, a partnership, doing business as Valley Broadcasting Co. (File No. B5–P–3610; Docket No.

6633), and Capitol Radio Corp. (File No. B4–P–3706; Docket No. 6712) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine the type of antenna system to be erected and whether that proposed would be consistent with Civil Aeronautics Administration requirements.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine the most efficient and equitable manner in which the 1600 kc. regional frequency may be utilized.

9. To determine on a comparaive basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141, and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Piedmont Carolina Broadcasting Company, Inc., c/o Harold T. Williams, Reidsville Furniture Company, Reidsville, North Carolina.

Dated at Washington, D. C., January 14, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1551; Filed, Jan. 28, 1946; 11:29 a. m.]

[Docket No. 6920]

CENTRAL ILLINOIS RADIO CORP.

NOTICE OF HEARING

In re application of Central Illinois Radio Corp. (new); date filed August 9, 1945; for construction permit; class of service, broadcast; class of station, broadcast; location, Peoria, Illinois; operating assignment specified; frequency, 1290 kc; power, 5 kw,[1] hours of operation, unilimited; File No. B4–P–3911.

You are hereby notified that the Commission has re-examined the above-entitled case and has designated the matter for hearing in consolidation with the applications of Greater Peoria Radiobroadcasters, Inc. (File No. B4–P–3680, Docket No. 6709), Edward J. Altorfer et al d/b as Illinois Valley Broadcasting Company (File No. B4–P–3686, Docket No. 6710), and F. F. McNaughton (File No. B4–P–3803, Docket No. 6713) before Commissioner Ray C. Wakefield in Peoria, Illinois on the 25th day of March, 1946 on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with existing broadcasting stations, including particularly Stations WHIO, Dayton, Ohio, WHBF, Rock Island, Illinois, and, WMRO, Aurora, Illinois, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations,

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas, and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Central Illinois Radio Corporation, 1140 Jefferson Building, Peoria 2, Illinois.

Dated at Washington, D. C. January 17 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1555; Filed, Jan. 28, 1946; 11:30 a. m.]

[1] Directional antenna—day and night.

[Docket Nos. 6963, 6962, 6964]

WILLIAM L. KLEIN ET AL.

ORDER AMENDING AND ENLARGING ISSUES

In re applications of William L. Klein, Oak Park, Illinois, for construction permit, Docket No. 6963, File No. B4–P–4075; George A. Ralston and Jerry C. Miller, doing business as The Elgin Broadcasting Company, Elgin, Wisconsin, for construction permit, Docket No. 6962, File No. B4–P–3833; Sidney H. Bliss, trading as Beloit Broadcasting Company, Beloit, Wisconsin, for construction permit, Docket No. 6964, File No. B4–P–4161.

The Commission having under consideration a petition filed December 21, 1945, by William L. Klein, Oak Park, Illinois, for enlargement of the issues upon the above-entitled application of Sidney H. Bliss, trading as Beloit Broadcasting Company, Beloit, Wisconsin (File No. B4–P–4161; Docket No. 6964) to be heard in the above-styled proceeding now scheduled for February 7, 8 and 9, 1946;

It is ordered, This 4th day of January 1946, that the petition be, and it is hereby, granted in part; and the issues in the said proceeding upon the application of Sidney H. Bliss, trading as Beloit Broadcasting Company, Beloit, Wisconson (File No. B4–P–4161; Docket No. 6964) be, and they are hereby, amended and enlarged to include the following:

1. To determine the extent of direct or indirect ownership, operation or control of Sidney H. Bliss in both the proposed Beloit, Wisconsin, station and Station WCLO, Janesville, Wisconsin (Gazette Printing Company, Licensee).

2. To determine whether the proposed station at Beloit, Wisconsin, as proposed by Sidney H. Bliss, trading as Beloit Broadcasting Company (Docket No. 6964), will render primary service to a portion of the present primary service area of Station WCLO, Janesville, Wisconsin (Gazette Printing Company, Licensee), and if so, the areas and populations within such overlapping primary service area.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1533; Filed, Jan. 28, 1946; 11:25 a. m.]

[Docket Nos. 6942, 6943, 6944, 6945]

PERMIAN BASIN BROADCASTING CO. ET AL.

ORDER ACCEPTING SUBSTITUTED APPLICATION FOR CONSOLIDATED HEARING

In re applications of Permian Basin Broadcasting Company, Odessa, Texas, for construction permit, Docket No. 6942, File No. B3–P–4022; Wendell Mayes, C. C. Woodson and J. S. McBeath, doing business as Odessa Broadcasting company, Odessa, Texas, for construction permit, Docket No. 6943, File No. B3–P–3901; Ben Nedow, Trading as Ector County Broadcasting company, Odessa, Texas, for construction permit, Docket No. 6944, File No. B3–P–4148; D rrance D. Roderick, Odessa, Texas, for construction permit, Docket No. 6945, File No. B3–P–4038.

The Commission having under consideration a petition filed December 19, 1945 by Dorrance D. Roderick, Odessa, Texas, for leave to dismiss without prejudice his application for construction permit (File No. B3–P–4038; Docket No. 6945); to substitute therefor the application of Southwestern Broadcasting Corporation, Odessa, Texas; (File No. B3–P–4326; Docket No. 7098) and to consolidate the substituted application in the above-entitled proceeding now scheduled to be held at Dallas, Texas on January 21–24, inclusive, 1946, upon the above-entitled applications;

It is ordered, This 2d day of January 1947, that the petition be, and it is hereby, granted; the said substituted application filed simultaneously with the petition covering the matters hereinabove described be, and it is hereby, accepted; and the substituted application be, and it is hereby, consolidated for hearing with the above-entitled applications of Permian Basin Broadcasting Company (Docket No. 6942), Odessa Broadcasting Company (Docket No. 6943), and Ector County Broadcasting Company (Docket No. 6944).

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1534; Filed, Jan. 28, 1946; 11:25 a. m.]

[Docket No. 7072]

KANKAKEE DAILY JOURNAL CO.

NOTICE OF HEARING

In re application of Kankakee Daily Journal Company (New), date filed September 25, 1945, for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Kankakee, Illinois; operating assignment specified: frequency, 1320 kc; power, 1 kw; hours of operation, daytime; File No. B4–P–4013.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the application for hearing on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine whether the operation of the proposed station on the frequency 1320 kc, will involve objectionable interference with Station WJOL, Joliet, Illinois, the nature and extent of any such interference, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

3. To determine the availability of other frequencies for the operation of a full-time or parttime station at Kankakee, Illinois in conformance with the Commission's Rules and Standards.

4. To determine the areas and populations which may be expected to gain primary service from operation of the proposed station and the character of other broadcast service available to those areas.

5. To determine the type and character of program service proposed to be furnished.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Kankakee Daily Journal Company, 193 North Schuyler Avenue, Kankakee, Illinois.

Dated at Washington, D. C., January 8, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1558; Filed, Jan. 28, 1946; 11:30 a. m.]

[Docket No. 7075]

PENINSULAR BROADCASTING CORP.

NOTICE OF HEARING

In re application of Peninsular Broadcasting Corporation (New), date filed, October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Coral Gables, Florida; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation, unlimited; File No. B3–P–4187.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Everglades Broadcasting Company, Fort Lauderdale, Florida (File No. B3–P–4258); Docket No. 7076), and Paul Brake, Miami, Florida (File No. B3–P–4282; Docket No. 7077), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in the pending applications of the Everglades Broadcasting Company (File No. B3–P–4258; Docket No. 7076) and Paul Brake (File No. B3–P–4282; Docket No. 7077) or in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Peninsular Broadcasting Corporation, Mr. George W. Thorpe, 660 Grand Concourse, Miami, Florida.

Dated at Washington, D. C., January 8, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1557; Filed, Jan. 28, 1946; 11:30 a. m.]

[Docket No. 7076]

EVERGLADES BROADCASTING CO.

NOTICE OF HEARING

In re application of Everglades Broadcasting Company (new); date filed October 16, 1945; for construction permit; class of service, standard broadcast; class

of station, standard broadcast; location, Fort Lauderdale, Florida; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation, unlimited; File No. B3–P–4258.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of the Peninsular Broadcasting Corporation, Coral Gables, Florida (File No. B3–P–4187; Docket No. 7075), and Paul Brake, Miami, Florida (File No. B3–P–4282; Docket No. 7077), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in the pending applications of the Peninsular Broadcasting Corporation (File No. B3–P–4187; Docket No. 7075), and Paul Brake (File No. B3–P–4282; Docket No. 7077), or in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Everglades Broadcasting Company, c/o R. R. Saunders, 803 Sweet Building, Fort Lauderdale, Florida.

Dated at Washington, D. C., January 8, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–1556; Filed, Jan. 28, 1946; 11:30 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–580]

NATURAL GAS INVESTIGATION

ORDER CHANGING DATE OF HEARING AND FIXING PLACES OF HEARING

JANUARY 24, 1946.

It appearing to the Commission that good cause exists therefor:

The Commission orders that:

(a) The hearing in this investigation heretofore ordered to be held in Chicago, Illinois, beginning at 10 a. m., February 19, 1946, shall be held in the courtroom of the Circuit Court of Appeals, 1212 Lake Shore Drive, Chicago, Illinois.

(b) The hearing heretofore scheduled to begin in Charleston, West Virginia, at 10 a. m., on March 19, 1946, is hereby postponed to 10 a. m., April 2, 1946.

(c) The hearing herein ordered to be held in Charleston, West Virginia, commencing at 10 a. m., April 2, 1946, shall be held in the House of Delegates Chamber, State Capitol Building, Charleston, West Virginia.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 46–1595; Filed, Jan. 29, 1946; 9:34 a. m.]

[Docket No. IT–5915]

PENNSYLVANIA WATER & POWER CO.

ORDER FURTHER POSTPONING HEARING

JANUARY 24, 1946.

Upon consideration of the application of the Public Service Commission of Maryland, filed January 21, 1946, for a sixty-day postponement of the hearing in the above-entitled matter; and

It appearing to the Commission that: Good cause has been shown for a postponement as hereinafter ordered;

The Commission orders that: The hearing in the above-entitled matter now set for February 4, 1946, be and the same is hereby postponed to March 25, 1946, at 10:00 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 46–1596; Filed, Jan. 29, 1946; 9:34 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 433]

EMBARGO OF LESS CARLOAD FREIGHT AT ST. LOUIS AND VICINITY

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

It appearing, that a strike of local truck lines has caused congestion of freight houses of freight forwarders and rail carriers serving St. Louis, Missouri and vicinity, and that the said carriers are unable to accept the less-than-carload traffic offered to them for movement over their lines; the Commission is of the opinion an emergency exists requiring immediate action at those points to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people; It is ordered, that:

Embargo of less carload freight at St. Louis and vicinity. (a) No common carrier by railroad or freight forwarder subject to the Interstate Commerce Act serving St. Louis, Clayton, Jennings, Maplewood, Prospect Hill, Richmond Heights, University City and Wellston, Missouri, East St. Louis, Cahokia, Fairmont City, Granite City, Madison, Monsanto, National Stock Yards, Venice and Washington Park, Illinois, shall accept any outbound less-than-carload shipment of freight at those points, except such freight loaded by shipper which does not require handling through railroad or forwarder freight houses and except—freight loaded in trucks or trailers prior to effective date of this order may be accepted during the 24-hour period after order becomes effective, upon certification of shipper that freight was so loaded.

(b) *Effective date.* This order shall become effective at 9:00 a. m., January 25, 1946.

(c) *Expiration date.* This order shall expire at 11:59 p. m., February 4, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 56 Stat. 298; 49 U.S.C.1 (10)–(17), 15 (4), 420)

It is further ordered, that this order shall vacate and supersede Service Order No. 433; that copies of this order and direction be served upon the freight forwarders serving points named in paragraph (a) hereof, and upon the Association of American Railroads, Car Service Division, as agent of all 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 thereof 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. 46–1560; Filed, Jan. 28, 1946; 12:03 p. m.]

[S. O. 396, Special Permit 25]

RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F.R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, January 23, 1946, by Steinberg Brothers Company of car PFE 71657, carrots, now on the C. P. T. to New York, N. Y. (Erie).

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 23d day of January 1946.

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

[F. R. Doc. 46-1633; Filed, Jan. 29, 1946; 11:18 a. m.]

[S. O. 396, Special Permit 26]

RECONSIGNMENT OF CELERY AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F.R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, January 23, 1946, by Simon Siegel Company of car PFE 60302, celery, now on the Wabash to M. Degaro, Cincinnati, Ohio (C&O).

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 23d day of January 1946.

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

[F. R. Doc. 46-1634; Filed, Jan. 29, 1946; 11:18 a. m.]

[S. O. 436, Special Permit 1]

REMOVAL AND RETURN OF EMPTY REFRIGERATOR CAR AT DEPERE, WIS.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 436 (11 F.R. 814), permission is granted for the C. M. St. P. & P. RR. Co.

To disregard the provisions of paragraph (b) of Service Order No. 436 insofar as it applies to SFRD 24316 at DePere, Wisconsin, until January 23, 1946.

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 23d day of January 1946.

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

[F. R. Doc. 46-1635; Filed, Jan. 29, 1946; 11:18 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN

[Vesting Order 5547]

ADOLPH BREMER

In re: Trust under the will of Adolph Bremer, deceased; File D-28-1983; E.T. sec. 2037.

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

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Bruno Sommer, Greta Wolten and Kate Zuchner, and each of them, in and to the trust estate created under the Will and Codicil of Adolph Bremer, deceased,

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

Nationals and Last Known Address

Bruno Sommer, Germany.
Greta Wolten, Germany.
Kate Zuchner, Germany.

That such property is in the process of administration by Paul G. Bremer, 206 Bremer Arcade, St. Paul, Minnesota, Edward G. Bremer, 92 N. Mississippi Boulevard, St. Paul, Minnesota and Adolph Bremer Jr., 928 Brookview Street, Dayton, Ohio, as Co-executors and co-trustees under the Will and Codicil of Adolph Bremer, deceased, acting under the judicial supervision of the District Court, Second Judicial District, State of Minnesota, County of Ramsey;

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 at nationals of a designated enemy country (Germany);

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

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

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

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

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

Executed at Washington, D. C., on January 7, 1946.

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

[F. R. Doc. 46-1482; Filed, Jan. 28, 1946; 11:01 a. m.]

[Vesting Order 5579]

SHIDZUE ISHIMOTO

In re: Bank account owned by Shidzue Ishimoto.

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

1. That Shidzue Ishimoto, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shidzue Ishimoto, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled Baroness Shidzue Ishimoto, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

Executed at Washington, D. C., on January 8, 1946.

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

[F. R. Doc. 46–1483; Filed, Jan. 28, 1946; 11:01 a. m.]

[Vesting Order 5594]

RUDOLPH E. LANDAHL

In re: Bank account owned by Rudolph E. Landahl.

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

1. That Rudolph E. Landahl, whose last known address is Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Metropolitan Tobacco Company, by Chemical Bank & Trust Company, arising out of a dollar account, entitled Metropolitan Tobacco Company, for account of Rudolph E. Landahl, maintained at the main office of the aforesaid bank located at 165 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

Executed at Washington, D. C., on January 9, 1946.

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

[F. R. Doc. 46–1484; Filed, Jan. 28, 1946; 11:01 a. m.]

[Vesting Order 5595]

MAX LANGE AND THERESE LANGE

In re: Bank account owned by Max Lange and/or Therese Lange.

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

1. That Max Lange and Therese Lange, whose last known address is Kurmaerkischestrasse 3, Berlin W35, Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Max Lange and/or Therese Lange, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Compound Interest Department Account, Account Number A–49867, entitled Max Lange &/or Miss Therese Lange, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 January 9, 1946.

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

[F. R. Doc. 46–1485; Filed, Jan. 28, 1946; 11:01 a. m.]

[Vesting Order 5597]

PETER F. LENTZ

In re: Bank account owned by Peter F. Lentz.

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

1. That Peter F. Lentz, whose last known address is c/o Lentz & Hirschfeld, Bremen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to New York Cotton Exchange, by Chemical Bank & Trust Company, arising out of a dollar account, entitled New York Cotton Exchange for account of Peter F. Lentz, maintained at the main office of the aforesaid bank located at 165 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

Executed at Washington, D. C., on January 9, 1946.

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

[F. R. Doc. 46–1486; Filed, Jan. 28, 1946; 11:01 a. m.]

[Vesting Order 5599]

HERMANN LUFFT

In re: Bank account owned by Hermann Lufft.

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

1. That Hermann Lufft, whose last known address is Keimplatz 16, Berlin-Wilmersdorf, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hermann Lufft, by The National City Bank of New York, New York, New York, arising out of a Compound Interest Department Account, entitled Dr. Hermann Lufft, maintained at the branch office of the aforesaid bank located at 17 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 January 9, 1946.

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

[F. R. Doc. 46–1487; Filed, Jan. 28, 1946; 11:01 a. m.]

[Vesting Order 5601]

SHOJI MATSUDA

In re: Bank account owned by Shoji Matsuda.

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

1. That Shoji Matsuda, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shoji Matsuda, by Corn Exchange Bank Trust Company, 13 William Street, New York, New York, arising out of a dollar account, entitled Shoji Matsuda, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

Executed at Washington, D. C., on January 9, 1946.

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

[F. R. Doc. 46–1488; Filed, Jan. 28, 1946; 11:01 a. m.]

[Vesting Order 5602]

KOJI MATSUMOTO

In re: Bank account owned by Koji Matsumoto.

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

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

1. That Koji Matsumoto, whose last known address is Japan is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Koji Matsumoto, by Corn Exchange Bank Trust Company, 13 William Street, New York, New York, arising out of a dollar account, entitled Koji Matsumoto, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

Executed at Washington, D. C., on January 9, 1946.

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

[F. R. Doc. 46–1489; Filed, Jan. 28, 1946; 11:02 a. m.]

[Vesting Order 5603]

FUSAGORO MATSUSHITA

In re: Bank account owned by Fusagoro Matsushita.

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

1. That Fusagoro Matsushita, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Fusagoro Matsushita, by Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled F. Matsushita, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 January 9, 1946.

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

[F. R. Doc. 46–1490; Filed, Jan. 28, 1946; 11:02 a. m.]

[Vesting Order 5604]

ELFRIEDE MAYER

In re: Bank account owned by Elfriede Mayer.

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

1. That Elfriede Mayer, whose last known address is Keithstrasse 36–III, Berlin W. 62, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elfriede Mayer, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Miss Elfriede Mayer, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

Executed at Washington, D. C. on January 9, 1946.

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

[F. R. Doc. 46–1491; Filed, Jan. 28, 1946; 11:02 a. m.]

[Vesting Order 5605]

HEINRICH MEIDERT

In re: Bank account owned by Heinrich Meidert.

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

1. That Heinrich Meidert, whose last known address is Schmaehlingen Noerdlinger, Bavaria, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Heinrich Meidert, by Manufacturers Trust Company, 55 Broad Street, New York, New York, arising out of a dollar account, entitled Heinrich Meidert, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 January 9, 1946.

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

[F. R. Doc. 46–1492; Filed, Jan. 28, 1946; 11:02 a. m.]

[Vesting Order 5607]

MIMAJI MITSUBISHI

In re: Bank account owned by Mimaji Mitsubishi.

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

1. That Mimaji Mitsubishi, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Mimaji Mitsubishi, by Corn Exchange Bank Trust Company, 13 William Street, New York, New York, arising out of a dollar account, entitled Mimaji Mitsubishi, maintained at the branch office of the aforesaid bank located at 1 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 January 9, 1946.

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

[F. R. Doc. 46–1493; Filed, Jan. 28, 1946; 11:02 a. m.]

[Vesting Order 5608]

MITTELDEUTSCHE MONTANWERKE, G. m. b. H.

In re: Bank accounts owned by Mitteldeutsche Montanwerke, G. m. b. H.

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

1. That Mitteldeutsche Montanwerke, G. m. b. H., the last known address of which is Berlin, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mitteldeutsche Montanwerke, G. m. b. H., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, Account Number FS22114, entitled Mitteldeutsche Montanwerke, G. m. b. H., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Mitteldeutsche Montanwerke, G. m. b. H., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar account, entitled Mitteldeutsche Montanwerke, G. m. b. H., General Ruling No. 6 Account #F87715, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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 January 9, 1946.

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

[F. R. Doc. 46-1494; Filed, Jan. 28, 1946; 11:03 a. m.]

[Vesting Order 5609]

MOTONARI MIWADA

In re: Bank account owned by Motonari Miwada.

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

1. That Motonari Miwada, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Motonari Miwada, by Corn Exchange Bank Trust Company, 13 William Street, New York, New York, arising out of a dollar account, entitled Motonari Miwada, and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

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

Executed at Washington, D. C., on January 9, 1946.

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

[F. R. Doc. 46-1495; Filed, Jan. 28, 1946; 11:03 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1569]

BARTLEY COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

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

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

BARTLEY COAL CO., c/o DEWEY BARTLEY, BIG BRANCH, KY., BARTLEY NO. 1 MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7629, PIKE COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, HELLIER, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	K	K	K	K	H	H	G	E	C	C	D	G	G	G
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	330	330	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

BIG SHOAL COLLIERIES, c/o K. S. MCKINNEY, BIG SHOAL, KY., BIG SHOAL NO. 2 MINE, ELKHORN NO. 3 SEAM, MINE INDEX NO 7605, PIKE COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, BIG SHOAL, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	H	H	G	E	C	C	D	G	G	G
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	330	330	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

CASTLE AND OSBORNE COAL CO., c/o OSCAR WELLINGTON CASTLE, HUEYSVILLE, KY., CASTLE & OSBORNE COAL CO., MINE, ELKHORN NO. 1 SEAM, MINE INDEX NO. 7633, FLOYD COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, WILCO, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	H	H	H	H	H	H	G	E	C	E	C	H	H	H
Rail shipments and railroad fuel	395	390	375	375	360	350	330	330	330	385	315	310	300	295
Truck shipment	420	400	365	365	335	315	275	270	-----	-----	-----	-----	-----	-----

DAMRON ELKHORN MINING CO., ROUTE NO. 2, BOX 31, PIPEVILLE, KY., STEWART MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7628, PIKE COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, YEAGER, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	H	H	G	E	C	C	D	G	G	G
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	330	330	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

BEN FARMER, LILY, KY., FARMER MINE, LILY SEAM, MINE INDEX NO. 7474, LAUREL COUNTY, KY., SUBDISTRICT 6 DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

GENIS FORK COAL CO., c/o E. B. MULLINS PARTNER, ROUTE NO. 2, PIKEVILLE, KY., GENIS FORK MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7638, PIKE COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, SHELBY, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	H	H	G	E	C	C	D	G	G	G
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	330	330	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

[1] Subject to the provisions of Second Revised Order No. 1432 under MPR 120 as amended.

HARD LUCK COAL CO., FARRADAY, KY., HARD LUCK COAL CO. MINE, ELKHORN SEAM, MINE INDEX NO. 7642, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, WINTERS, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel[1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

KING MINING CO., KITE, KY., KING MINING CO. MINE, ELKHORN NO. 1 AND ELKHORN NO. 2 SEAM, MINE INDEX NO. 7626, FLOYD COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, DRIFT, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	H	H	H	H	H	H	G	E	C	E	C	H	H	H
Rail shipments and railroad fuel[1]	395	390	375	375	360	350	330	330	330	385	315	310	300	295
Truck shipment	420	400	365	365	335	315	275	270	-----	-----	-----	-----	-----	-----

[1] Subject to the provisions of Second Revised Order No. 1432 under MPR 120 as amended.

This order shall become effective January 29, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-1511; Filed, Jan. 28, 1946; 11:35 a. m.]

[MPR 591, Order 253]

BALTIMORE PORCELAIN STEEL CORP.

AUTHORIZATION OF MAXIMUM PRICES

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

(a) The maximum net prices, f. o. b. point of shipment, for sales by Baltimore Porcelain Steel Corporation to Sears, Roebuck and Company of Chicago, Illinois of the following steel porcelain sink manufactured by the Baltimore Porcelain Steel Corporation of Baltimore, Maryland and described in its application dated January 4, 1946, shall be:

No. S-54—54" x 24" steel porcelain enameled sink and drainboard combination: $18.13.

(b) The maximum net prices, f. o. b. point indicated below, for sales by Sears, Roebuck and Company of Chicago, Illinois, to any person of the following steel porcelain sink manufactured by the Baltimore Porcelain Steel Corporation of Baltimore, Maryland, shall be:

	Unit price on sales through mail order catalog, f. o. b. Philadelphia, Pa.	Unit price on sales through retail stores, f. o. b. store
No. S-54—54" x 24" steel porcelain enameled sink and drainboard combination	$23.85	$26.50

(c) The Baltimore Porcelain Steel Corporation shall notify Sears, Roebuck and Company, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for Baltimore Porcelain Steel Corporation to Sears, Roebuck and Company as well as the maximum prices established for Sears, Roebuck and Company upon resale, including allowable transportation.

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

This order shall become effective January 29, 1946.

Issued this 28th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-1512; Filed, Jan. 28, 1946; 11:35 a. m.]

[MPR 591, Order 254]

AMERICAN WIRE FABRICS CORP.

AUTHORIZATION OF MAXIMUM PRICES

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

(a) *Manufacturer's maximum prices.* (1) The maximum list prices, f. o. b. point of shipment, for sales by the American Wire Fabrics Corporation of 16x16 Mesh Alclad Aluminum Wire Insect Screen Cloth manufactured by it and as described in the application dated November 30, 1945 which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be: $13.75 per 100 sq. ft.

(2) The maximum list price set forth in (1) above is subject to the following discounts:

	Percent
On sales in carloads	47-20
On sales in less-than-carloads	47-17½
On direct shipments	47-15

(b) *Jobbers maximum prices.* The maximum delivered price for sales by jobbers of 16x16 Mesh Alclad Aluminum Wire Insect Screen Cloth manufactured by American Wire Fabrics Corporation, shall be: $7.50 per 100 sq. ft. plus actual incoming freight paid to obtain delivery.

(c) *Retailers maximum prices.* The maximum prices for sales by retailers of 16x16 Mesh Alclad Aluminum Wire Insect Screen Cloth manufactured by American Wire Fabrics Corporation, shall be:

On sales in 100 linear feet rolls—9 cents per sq. ft.

On sales in less than 100 linear feet rolls—10 cents per sq. ft.

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

(e) Each seller covered by this order, except a retailer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except retailers, upon resale.

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

This order shall become effective January 29, 1946.

Issued this 28th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-1513; Filed, Jan. 28, 1946; 11:35 a. m.]

[SO 119, Order 58]

LIGHTOLIER CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's maximum prices.* Lightolier Company, Incorporated, 346 Claremont Avenue, Jersey City 5, New Jersey may increase by no more than 15.7 percent its existing maximum prices to each class of purchaser for lamps of its manufacture.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of portable electric lamps and shades which the manufacturer has sold at adjusted maximum prices permitted by paragraph (a) above, shall determine their adjusted maximum prices as follows:

(1) *Jobbers.* Jobbers shall determine their maximum prices in accordance with the provisions of section 4.5 of Revised Supplementary Regulation 14J, using their actual invoice prices as their costs.

(2) *Retailers subject to Maximum Price Regulation 580.* A retailer who must determine his maximum prices under Maximum Price Regulation 580 by the use of a pricing chart, shall compute his maximum prices in the manner provided by that regulation.

(3) *Other purchasers for resale.* (i) A purchaser for resale who must determine his maximum prices under the General Maximum Price Regulation, and

who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article", contained in § 1499.3 (a) of that regulation, except that it need not be currently offered for sale, shall find his ceiling prices according to the method and procedure set forth in that section using as his "cost" his invoice cost.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620–759 with regard to how he determined his maximum price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(ii) If a purchaser for resale cannot determine his maximum price under any of the above methods, he shall apply to the Office of Price Administration for the establishment of his maximum price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

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

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

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

(f) *Effective date.* This order shall become effective on January 29, 1946.

Issued this 28th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46–1514; Filed, Jan. 28, 1946; 11:36 a. m.]

[SO 119, Order 59]

CLIMAX MACHINERY CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's maximum prices.* Climax Machinery Company, 121–153 E. Morris Street, Indianapolis, Indiana, may increase by no more than 13 percent its ceiling prices to each class of purchaser for window fans and evaporating coolers, covered by Maximum Price Regulation No. 188, of its manufacture.

(b) *Ceiling prices of purchasers for resale.* Purchasers for resale of such articles which the manufacturer has sold at adjusted maximum prices shall determine their ceiling prices as follows:

(1) A purchaser for resale who delivered or offered for delivery during March 1942 on article which meets the definition of "most comparable article" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale shall calculate his ceiling price by adding to his invoice cost the same markup which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620–759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a purchaser for resale cannot determine his ceiling price under the above method, he shall apply to the Office of Price Administration for the establishment of his ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser in effect during March 1942, or established under any applicable OPA regulation.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale showing a ceiling price adjusted in accordance with the terms of this order, the seller shall notify each purchaser in writing of the adjusted ceiling prices for resales of the articles covered by this order. This notice may be given in any convenient form.

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

(f) *Effective date.* This order shall become effective on the 29th day of January 1946.

Issued this 28th day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46–1515; Filed, Jan. 28, 1946; 11:36 a. m.]

[SO 119, Order 60]

VOSS BROS. MANUFACTURING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, *It is ordered:*

(a) This order establishes ceiling prices for sales of five models of washing machines listed in subparagraphs (2) and (3) below, manufactured by the Voss Bros. Manufacturing Company, 1355 W. 2d Street, Davenport, Iowa.

(1) The manufacturer shall determine his ceiling prices for each model in accordance with the provisions of sections 3 and 5 of Maximum Price Regulation No. 86, except that he shall increase his ceiling prices for each model by 12.4 percent instead of 7.7 percent as provided in Section 5.

(2) For sales by distributors to dealers the ceiling prices are those set forth below:

Article and model	Ceiling price for sales by distributors to dealers		
	Zone 1	Zone 2	Zone 3
WRINGER-TYPE WASHING MACHINE	*Each*	*Each*	*Each*
41A	$37.74	$41.11	$44.41
41B	42.28	45.42	48.57
41C	48.75	51.90	55.05
41CP	55.23	58.38	61.53
41CG	70.11	73.49	76.88

These prices are f. o. b. seller's city. When, however, shipment is made directly from the factory to the dealer pursuant to the distributor's order, the above prices are f. o. b. the dealer's city.

(3) The ceiling prices for sales by dealers in each zone for the models listed below are as follows:

Article and Model	Dealers' ceiling prices to consumers		
	Zone 1	Zone 2	Zone 3
WRINGER TYPE WASHING MACHINE	*Each*	*Each*	*Each*
41 A	$55.95	$60.95	$65.95
41 B	66.15	71.15	76.15
41 C	76.35	81.35	86.35
41 CP	86.50	91.50	96.50
41 CG	102.20	107.20	112.20

These ceiling prices are subject to each retail seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) For purposes of this order Zones 1, 2 and 3 are those listed in Order No. 14 under Maximum Price Regulation No. 86.

Zone 1: Illinois, Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

Zone 2: Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.

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

(c) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify him of the method of determining ceiling prices established by this order for resales by the distributor. This notice may be given in any convenient form.

(d) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that those provisions are modified by this order.

(e) Unless the context requires otherwise, the definitions set forth in the vari-

ous sections of Maximum Price Regulation No. 86 shall apply to the terms used herein.

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

This order shall become effective on the 29th day of January 1946.

Issued this 28th day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-1516; Filed, Jan. 28, 1946; 11:36 a. m.]

[SO 119, Order 61]

A. L. SWETT IRON WORKS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the provisions of section 13 of Supplementary Order No. 119, it is ordered:

(a) *Adjustment of maximum prices for A. L. Swett Iron Works.* (1) The above manufacturer may determine his maximum prices for his line of items in the general category of miscellaneous cast and sheet metal work by increasing by 15.3 percent his prices on these items in effect on October 1, 1941, to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941, plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 61 under Supplementary Order No. 119 authorizes a 15.3 percent increase in October 1, 1941 net prices for sales of items in the general category of miscellaneous cast and sheet metal work manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted by Order No. 61.

(d) All prayers for relief not granted herein are denied.

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

This order shall become effective January 29, 1946.

Issued this 28th day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-1517; Filed, Jan. 28, 1946; 11:36 a. m.]

[SO 119, Order 62]

C. SCHMIDT CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Supplementary Order No. 119, it is ordered:

(a) *Maximum prices for The C. Schmidt Company.* (1) The above manufacturer may determine his maximum prices for his line of refrigerated display cases, bottle drink coolers, and reach-in and walk-in commercial refrigerators by increasing by 18.5 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941 plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category on October 1, 1941.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 62 under Supplementary Order No. 119 authorizes a 18.5 percent increase in October 1, 1941 net prices for sales of refrigerated display cases, bottled drink coolers, and reach-in and walk-in commercial refrigerators manufactured by this company.

Resellers, (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted by Order No. 62.

(d) All prayers for relief not granted herein are denied.

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

This order shall become effective January 29, 1946.

Issued this 28th day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-1518; Filed, Jan. 28, 1946; 11:37 a. m.]

[SO 142, Order 14]

KEYSTONE DRILLER CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 14 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Keystone Driller Company. Docket No. 6083-SO 142-136-30.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 2 of Supplementary Order No. 142; *It is ordered:*

(a) The maximum prices for sales by the manufacturer, Keystone Driller Company, Beaver Falls, Pennsylvania, of power cranes, power shovels, and drilling machines, and repair parts and accessories for such machinery, shall be determined as follows: The manufacturer shall multiply its published list prices and established prices on the base date (using October 1, 1941, as the base date) by 114.3% and shall deduct from the resultant prices all discounts, allowances, and other deductions that it had in effect to a purchaser of the same class just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order. The reseller shall deduct from such maximum prices all discounts, allowances and other deductions, that he had in effect to a purchaser of the same class just prior to the issuance of this order.

(c) The Keystone Driller Company shall notify each purchaser who buys the products listed in paragraph (a) above for resale, of the amount in percent, by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, 25, D. C.

(d) All requests not granted herein are denied.

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

This order shall become effective January 29, 1946.

Issued this 28th day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-1519; Filed, Jan. 28, 1946; 11:37 a. m.]

[MPR 592, Amdt. 28 to Order 1]

WAREHOUSES AND RESELLERS' PRICES ON DIRECT CARLOAD SHIPMENTS

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

Order No. 1 is amended in the following respects:

1. The first sentence of section 7.11 (a) is redesignated as 7.11 (a) (1) and a new section 7.11 (a) (2) is added to read as follows:

(2) Notwithstanding the provisions of (1) above, the manufacturer's maximum list prices for shipments from his separately established warehouses shall not be in excess of the maximum list prices established for resellers pursuant to section 7.11 (b) below.

2. A new section 7.11 (b) (3) is added to read as follows:

(3) Notwithstanding the provisions of (1) and (2) above, resellers' maximum list prices for direct carload shipments from the manufacturer's plant shall be the same as the manufacturer's maximum list prices for carload shipments.

This amendment shall become effective February 4, 1946.

Issued this 29th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-1625; Filed, Jan. 29, 1946; 11:17 a. m.]

Regional and District Office Orders.

[Syracuse Adopting Order 1 Under Basic Order 2 Under RMPR 251, Suspension]

PLUMBING AND HEATING SERVICES IN BINGHAMTON, N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as amended, and by section 9 of Revised Maximum Price Regulation No. 251, as amended, which authority has been duly delegated by such Regional Administrator to the Binghamton District Director, *It is hereby ordered:*

(1) All provisions of Adopting Order No. 1 issued under Basic Order No. 2 under section 9 of Revised Maximum Price Regulation No. 251 on January 8, 1946 by the District Director of the Binghamton District Office, such order having become effective on January 14, 1946, shall be suspended until such time as that order may be re-issued.

(2) During the period of this suspension all sellers who would otherwise have been subject to the provisions of Adopting Order No. 1 shall establish their maximum prices for hourly service charges to customers for plumbing and heating services as well as their maximum prices for plumbing fixtures and specialties, heating equipment and materials sold on an installed basis in accordance with the provisions of Maximum Price Regulation No. 251.

This order shall become effective January 22, 1946.

Issued this 22d day of January 1946.

GEORGE G. MOORE,
Acting District Director.

[F. R. Doc. 46-1467; Filed, Jan. 25, 1946; 4:37 p. m.]

[Twin Cities Order G-1 Under Gen. Order 68]

HARD BUILDING MATERIALS IN ST. PAUL, MINN. AREA

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68 and to the authority duly vested in the District Director of the Twin Cities District Office of the Office of Price Administration, this order is issued.

SECTION 1. *What this order does.* This order establishes, in Appendix A hereof, maximum prices for retail sales of the items specified therein, by all sellers except manufacturers, when delivered to purchasers in the St. Paul, Minnesota Area.

SEC. 2. *Prohibition.* On and after the effective date of this order, no person subject hereto shall sell or deliver any item for which maximum prices are fixed herein at a price higher than the maximum prices herein established nor shall any person subject hereto agree, offer, solicit or attempt to charge prices in excess of those fixed herein.

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 items listed in Appendix A. Except to the extent that they are inconsistent with the provisions of this order, all of the provisions of the General Maximum Price Regulation, 3d 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 381 shall continue to apply to sales covered by this order.

SEC. 4. *Definitions.* (a) St. Paul, Minnesota, Area shall be and constitute the territory comprising the County of Ramsey and the Cities of South St. Paul and West St. Paul in the County of Dakota, all in the State of Minnesota.

(b) Retail sale means a sale to an ultimate user or to any person for resale on an installed basis.

(c) Delivered to purchasers in the St. Paul, Minnesota, Area means delivered to the premises of an ultimate user or to the site where such materials will be installed.

SEC. 5. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers.

SEC. 6. *Notification.* Every seller making sales covered by this order shall, if requested by the purchaser, make available to the purchaser for inspection a copy of this order.

SEC. 7. *Sales slips and records.* Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer, such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description, quantity, and price of each item sold. The description shall be in sufficient detail in order to determine whether the price charged has been properly computed under this order. If he customarily prepared his sales slips in more than one copy, he must keep for at least 6 months after delivery a duplicate copy of each sales slip delivered by him pursuant to this section. Each such seller shall also keep such rceords of each sale as he customarily kept.

SEC. 8. This order may be modified, amended or revoked at any time. This order shall become effective December 1, 1945.

SEC. 9. *Appendix A.* The following is a list of the commodities covered by this order and the maximum prices fixed for retail sales thereof: (See attached list).

Issued this 23d day of November 1945.

CAREL C. KOCH,
District Director.

APPENDIX A

Commodity	Unit	Maximum price
Plaster:		
Hard wall	Paper sack	$0.95
Ganging	do	.95
Moulding	do	1.20
Keenes cement	do	1.75
Finishing lime	do	.65
Gypsum lath, ⅜"	Sq. yd	.20
Metal lath:		
2.5#, painted diamond mesh, 26 gauge.	do	.23
2.5# galvanized, 26 gauge	do	.27½
3.4# painted diamond mesh, 24 gauge.	do	.26
3.4# galvanized	do	.30
2.75# flat rib, painted	do	.29
3.4# copper bearing	do	.27
3.4#-⅜" high rib painted	do	.32
Corner bead, straight edges.	Per lin. ft	.03½

APPENDIX A—Continued

Commodity	Unit	Maximum price
Expanded type	Per lin. ft	$0.04
Portland cement	Paper bag	.76¾
	Cloth bag	.84¼
Masonry mortar	Paper bag	.63
	Cloth bag	.69¼
Portland cement:		
Bulk	Bbl	2.52
White	Paper sack	2.12½
Hi-Early cement	do	.95½
Gypsum block—Partitions: 4" hollow.	4 x 12 x 30 sq. ft.	.10
Vitrified clay sewer pipe:		
4"	Lin. ft	.23
6"	do	.26
Fine lining:		
8 x 8	Per ft	.40
8 x 12	do	.54
12 x 12	do	.70
Wallboard, gypsum:		
⅜ in	1,000 ft	42.00
½ in	do	47.00
Asphalt roofing, mineral surface, 90#	Per roll	2.65
Asphalt or tarred felt:		
15#	do	2.50
30#	do	2.50
Asphalt shingles:		
210 lb. (3 in one)	Thick butt per sq.	6.50
165 lb. (2 tab.)	Hexagon per sq.	5.00
Fibre insulation board:		
½" standard lath and board	1,000 sq. ft	51.00
25/32" standard asphalt sheathing.	do	66.00
Hard density synthetic fibre board ⅛".	do	90.00

The above maximum prices are subject to all discounts, allowances, free deliveries or other price differentials in effect prior to the issuance of this order.

[F. R. Doc. 46-1465; Filed, Jan. 25, 1946; 4:36 p. m.]

[Region II Adopting Order 21 Under Basic Order 1 Under Gen. Order 68]

WESTERN SOFTWOOD PLYWOOD IN WESTERN NEW YORK AND NORTH-WESTERN PENNSYLVANIA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as amended, by General Order 68, as amended, and by Revised Procedural Regulation No. 1, it is hereby ordered:

SECTION 1. *What this order covers.* This adopting order under Basic Order No. 1 as amended, under General Order 68 as amended, covers all retail sales of the sizes and types of plywood listed in the annexed price tables made by sellers located in the counties of Niagara, Erie, Chautauqua, and Cattaraugus in the State of New York, and the counties of Warren, Forest, Clarion, Armstrong, Westmoreland, Washington, Beaver, Butler, Allegheny, Lawrence, Mercer, Crawford, Erie, and Venango, in the State of Pennsylvania, which counties constitute the portion of the states of New York and Pennsylvania in which the carload freight rate of plywood from Seattle, Washington, is 93¢ per cwt. All provisions of Basic Order No. 1 as amended, under General Order 68 as amended, are adopted in this order, and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 1 is further amended in any respect, the provisions of said order, as amended, shall likewise, without further action, become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1 as amended, under General Order 68 as amended, and should be familiar with the provisions of said order.

SEC. 2. *Definition of retail sales.* A retail sale means any sale to the ultimate consumer, or to a contractor for installation rather than resale, except where the sale is made by a plywood manufacturer, or a plywood distribution plant who in 1941 received more than 20 percent of its dollar income from the sales of plywood or veneer of any kind. These latter types of sales remain subject to the provisions of 3d RMPR 13.

SEC. 3. *Maximum prices.* Maximum prices as herein set forth are different for each of two classes of retailers:

Class I retailers are those who since June 20, 1945, purchased or purchase at least one carload of plywood on direct mill shipment. Any shipment which comes directly from the mill without becoming an integral part of the stock of a distribution plant or a retail yard is a direct mill shipment no matter who the seller is. Class II retailers are all other retail sellers, principally those who buy their plywood from distribution plants.

Maximum prices for Class I retailers are set forth in Tables I–A and I–B. Maximum prices for Class II retailers are set forth in Tables II–A and II–B. Tables I–A, I–B, II–A, and II–B are hereby annexed to and made a part of this order.

SEC. 4. *Additions for delivery.* The above prices include all charges and additions for delivery in the seller's free delivery zone as recognized by him during March 1942. No deduction need be made if the purchaser elects to do his own delivery. If delivery is made outside the free delivery zone, the seller may add for delivery as prescribed in section 4 and 5 of 3d RMPR 13, namely the amount computed by multiplying the estimated weights in section 22 of 3d RMPR 13 by the applicable rail freight rate. Any addition for delivery must be shown separately on the invoice.

SEC. 5. *Discounts and allowances.* The maximum prices in this order include all commissions. All customary discounts for cash must be continued. Differentials in price based on quantity sold must be observed as set forth in the price tables.

SEC. 6. *Relationship of this order to Basic Order No. 1, as amended, under General Order No. 68, as amended, and to 3d RMPR 13.* As previously stated all provisions of Basic Order No. 1, as amended, are adopted by this order. The maximum prices fixed by this order supersede any maximum price or pricing method previously established by any other regulation or order and specifically by 3d RMPR 13. Except to the extent that they are inconsistent with the provisions of this order all other provisions of 3d RMPR 13 shall remain applicable to sales covered by this order.

SEC. 7. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of his list of maximum prices as fixed by this order in each place of business within the area covered by this order. Class I sellers shall post Tables I–A and I–B, and Class II sellers shall post Tables II–A and II–B. Posting of Tables II–A and II–B by Class I sellers is a violation of this order.

SEC. 8. *Records and sales slips.* The provisions of section (e) of Basic Order No. 1, as amended, covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein; and also on any sale of $50.00 or more each seller regardless of previous custom, must keep records showing at least the following:

(1) Name and address of buyer.
(2) Date of transaction.
(3) Place of delivery.
(4) Complete description of each item sold and price charged.

SEC. 9. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Regional Administrator or the Price Administrator.

This order shall become effective February 1, 1946.

Issued this 17th day of January 1946.

LEO F. GENTNER,
Regional Administrator.

TABLE I-A—FIR PLYWOOD RETAIL MAXIMUM PRICES

[For sellers who purchase plywood in carload quantities, located in those portions of the States of New York and Pennsylvania where the carload freight rate on plywood from Seattle, Washington, is 93¢ per CWT. See section 1 of Order. For quantities sold under 1,000 sq. ft. Price per square foot]

82S thickness widths to 48" (except plypanel [1] lengths to 96" [2]	Plywall	Plyform	Plypanel [1] sound 2 sides [3]	Exterior grades			
				Marine	Sound 2 sides	Industrial	Sound 1 side
	Cents	Cents	Cents	Cents	Cents	Cents	Cents
¼"—3 ply	8	8	6¾	10¼	8¼	8⅛	8¼
⅜"—3 ply	8		9	12⅜	11¼	11	10¾
½"—5 ply	10¾	14¼	12	18¼	16¼	15¾	15¼
⅝"—5 ply		16¼	14¼	21¼	19	18¾	18¼
¾"—5 ply		18¾	16¼	24½	22½	22	21¾

[1] Plypanel prices are for widths over 36" through 48"; for widths over 24" through 36" deduct ¼¢ per sq. ft.; for widths 24" and under deduct ½¢ per square foot from the sound 2 sides price.

[2] For plypanel Sound 1 side deduct ½¢ per square foot.

[3] For widths over 48" through 60" (except plywall) add 1¼¢ per square foot; for lengths over 8' through 9' add ¾¢ per square foot; for lengths over 9' through 10' add 1¼¢ per square foot; for lengths over 10' through 11' add 2¢ per square foot; for lengths over 11' through 12' add 2½¢ per square foot.

TABLE I-B—FIR PLYWOOD RETAIL MAXIMUM PRICES

For sellers who purchase plywood in carload quantities, located in those portions of the States of New York and Pennsylvania where the carload freight rate on plywood from Seattle, Washington is 93 cents per CWT. See section 1 of Order. For quantities sold 1,000 sq. ft. or over. Prices per 1,000 square feet]

S2S thickness, widths to 48" (except plypanel) [1] lengths to 96" [2]	Plywall	Plyform	Plypanel [1] sound 2 sides [3]	Marine	Exterior grades		
					Sound 2 sides	Industrial	Sound 1 side
¼"—3 ply	$54.05	$47.60	$61.40	$94.55	$81.25	$78.30	$75.35
⅜"—3 ply	73.80	----------	81.90	117.20	103.85	100.90	98.00
½"—5 ply	99.40	131.10	109.95	168.50	148.55	145.60	142.65
⅝"—5 ply	----------	148.70	129.95	195.15	175.10	172.20	169.25
¾"—5 ply	----------	166.75	148.55	225.95	205.90	202.95	200.00

[1] Plypanel prices are for widths over 36" through 48"; for widths over 24" through 36" deduct $2.65 per M sq. ft.; for widths 24" and under, deduct $4.00 per M.
[2] For Plypanel Sound 1 side, deduct from the Sound 2 Sides price $3.70 per M square feet.
[3] For widths over 46" through 60" (except plywall) add $11.75 per M sq. ft.; for lengths over 8' through 9' add $7.75 per M sq. ft.; for lengths over 9' through 10' add $11.75 per M. sq. ft.; for lengths over 10' through 11' add $19.45 per M. sq. ft.; for lengths over 11' through 12' add $23.45 per M sq. ft.

TABLE II-A—FIR PLYWOOD RETAIL MAXIMUM PRICES

[For sellers who purchase plywood only from jobbers and who are located in those portions of the States of New York and Pennsylvania where the carload freight rate on plywood from Seattle, Washington is 93¢ per CWT. See section 1 of Order. For quantities sold less than 1,000 square feet. Price per square feet.]

S2S thickness widths to 48" (except plypanel) [1] lengths to 96" [2]	Plywall	Plyform	Plypanel [1] sound 2 sides [3]	Marine	Exterior grades		
					Sound 2 sides	Industrial	Sound 1 side
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
¼"—3 ply	6¼	8¾	7¼	11	9½	9	8¾
⅜"—3 ply	8½	----------	9½	13⅛	12	11¾	11½
½"—5 ply	11½	15¼	12¾	19½	17¼	17	16½
⅝"—5 ply	----------	17¼	15	22¾	20¼	20	19¾
¾"—5 ply	----------	19½	17¼	26¼	24	23½	23¼

[1] Plypanel prices for widths over 36" through 48"; for widths over 24" through 36" deduct ¼¢ per sq. foot; for widths 24" and under deduct ½¢ per sq. ft.
[2] For Plypanel Sound 1 side deduct from the Sound 2 Sides price ¼¢ per square foot.
[3] For widths over 48" through 60" (except Plywall) add 1½¢ per sq. ft.; for lengths over 8' through 9' add 1¢ per sq. ft.; for lengths over 9' through 10' add 1¼¢ per sq. ft.; for lengths over 10' through 11' add 2¼¢ per sq. ft.; for lengths over 11' through 12' add 2¾¢ per sq. ft.

TABLE II-B—FIR PLYWOOD RETAIL MAXIMUM PRICES

[For sellers who purchase plywood only from jobbers and who are located in those portions of the States of New York and Pennsylvania where the carload freight rate on plywood from Seattle, Washington, is 93¢ per cwt. See section 1 of Order. For quantities sold 1,000 square feet or over. Price per 1,000 square feet.]

S2S thickness widths to 48" (except plypanel) [1] lengths to 96" [2]	Plywall	Plyform	Plypanel [1] sound 2 sides [3]	Exterior grades			
				Marine	Sound 2 sides	Industrial	Sound 1 side
¼"—3 ply	$58.80	$51.15	$66.80	$102.80	88.35	85.15	81.95
⅜"—3 ply	80.25	----------	89.05	127.45	112.95	109.75	108.55
½"—5 ply	108.10	142.55	119.55	183.25	161.55	158.35	155.15
⅝"—5 ply	----------	161.70	141.30	212.25	190.45	187.25	184.05
¾"—5 ply	----------	181.35	161.55	245.70	223.90	220.70	217.50

[1] Plypanel prices are for widths over 36" through 48"; for widths over 24" through 36" deduct $2.90 per M sq. ft.; for widths 24" and under deduct $4.35 per M sq. ft.
[2] For plypanel sound 1 side deduct from Plypanel Sound 2 side prices $4.00 per M square feet.
[3] For widths over 48" through 60" (except plywall) add $12.75 per M square feet; for lengths over 8' through 9' add $8.40 per M square feet; for lengths over 9' through 10' add $12.75 per M square feet; for lengths over 10' through 11' add $21.15 per M square feet; for lengths over 11' through 12' add $25.50 per M square feet.

[F. R. Doc. 46-1466; Filed, Jan. 25, 1946; 4:36 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[Docket Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

ORDER GRANTING JOINT APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of January, A. D. 1946.

In the matter of the United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File No. 59-17; The United Light and Power Company and Its Subsidiary Companies, Respondents, File No. 59-11; The United Light and Power Company, Applicant, File No. 54-25.

American Light & Traction Company ("American Light"), a registered holding company, and its subsidiary, Madison Gas and Electric Company ("Madison"), having filed a joint application and declaration and amendments thereto, designated as "Application No. 26", pursuant to the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder wherein application is made by Madison under section 6 (b) of the act for exemption from the provisions of section 6 (a) of the act of its proposed issue and sale pursuant to the competitive bidding requirements of Rule U-50 of $4,500,000 principal amount of —% First Mortgage Bonds, the proceeds to be used to (1) redeem Madison's outstanding First Mortgage Bonds 4% Series due 1960 in the principal amount of $3,400,000 at 104½% of the principal amount thereof plus accrued interest, (2) redeem Madison's outstanding 5,000 shares of 6½% Preferred Stock, Series A, par value $100 per share at $105 per share plus accrued dividends and (3) provide additional funds for plant construction; and Madison having proposed to amend its Articles of Incorporation by changing its authorized common stock from 30,000 shares, par value $100 per share to 300,000 shares, par value $16 per share, and to issue 187,500 shares of such new common stock in exchange for 30,000 shares of common stock now outstanding; and Madison having further proposed to issue and distribute to American Light as a stock dividend 89,305 shares of said new common stock; and American Light having proposed to acquire 8 shares of the present common stock of Madison and to acquire the shares of new common stock that it will receive from Madison as set forth above; and

Madison and American Light having requested that our order herein contain a recital that the issuance by Madison of a stock dividend of 89,305 shares of common stock par value $16 per share is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 within the meaning of section 1808 (f) of the Internal Revenue Code; and

A public hearing having been held after appropriate notice and the Commission having considered the record and made and filed its findings and opinion herein:

It is ordered, That the joint application and declaration, as amended, be and the same hereby is granted and permitted to become effective subject however to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

1. That the proposed issue and sale of the bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 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 or conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose;

2. That Madison obtain from the Public Service Commission of Wisconsin prior to the consummation of the issue and sale a certificate of authority expressly authorizing the issue of the ------% First Mortgage Bonds, 1976 Series; and

3. That jurisdiction be reserved with respect to the payment of any and all legal fees and expenses of counsel in-

curred or to be incurred in connection with the consummation of the proposed transactions.

It is further ordered and recited, That the issuance by Madison of a stock dividend of 89,305 shares of common stock is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-1593; Filed, Jan. 29, 1946; 9:34 a. m.]

[File No. 70-1216]

CITIES SERVICE POWER & LIGHT CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of January A. D. 1946.

In the matter of Cities Service Power & Light Company, The Ohio Public Service Company, The Marion-Reserve Power Company, Ohio River Power, Inc., File No. 70-1216.

Notice is hereby given that applications and declarations (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Cities Service Power & Light Company (Power & Light), a subsidiary of Cities Service Company, both registered holding companies, and its subsidiaries, The Ohio Public Service Company (Public Service), The Marion-Reserve Power Company (Marion-Reserve) and Ohio River Power, Inc. (Power Company).

All interested persons are referred to the aforesaid applications and declarations (or both) on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

It is proposed to merge Marion-Reserve and Power Company into Public Service as the continuing or surviving corporation (designated herein as the Surviving Company) under and pursuant to the General Corporation Act of the State of Ohio, which company, upon consummation of the merger and related transactions, is to have the following capital structure:

----% First Mortgage bonds due 1976	$32,000,000
----% Debentures due serialy through 1956	5,500,000
4% Cumulative preferred stock, 156,332 shares par value $100 per share	15,633,200
Common stock, 131,908 shares, per value $100 per share	13,190,800
Surplus	----------
Total capitalization and surplus	66,324,000

The merger is proposed to be effectuated upon the following terms and conditions:

1. All of the outstanding preferred stocks of Public Service and Marion-Reserve held by others than Power & Light, consisting of 183,920 shares of 7%, 6%, 5½%, 5% and $5 series, are to be converted into shares of 4% cumulative preferred stock of the Surviving Company on the basis of one share of said preferred stock plus a cash adjustment equal to the dividends accrued and unpaid on the old shares to and including the day preceding the merger date and the difference between the company's estimated market value of $105 per share of the new preferred stock and the redemption price of the preferred stock being converted.

2. The Surviving Company proposes to offer to those preferred stockholders who dissent from the proposed merger and take such action as may be required by law to obtain payment of the fair cash value of their shares, to pay an amount in cash equivalent to the redemption price of their shares, including dividends accrued and unpaid, as and for such fair cash value. However, the right is reserved to the applicants-declarants to abandon the proposed merger if holders of more than 15% of the total outstanding preferred stock, other than Power & Light, shall dissent from the merger as aforesaid.

3. The Surviving Company is to limit the shares of new preferred stock to be outstanding upon consummation of the merger and related transactions to not more than 156,332 shares and, therefore, upon stockholders' approval of the proposed merger, proposes to invite tenders from all preferred stockholders of Public Service and Marion-Reserve, other than Power & Light, during a 15 day period so that such stockholders may offer to sell the Surviving Company the new preferred stock to be issued to them under the terms of the proposed merger agreement, at $105 per share plus dividends accrued and unpaid. To the extent that the amount of new preferred stock to be outstanding shall not have been reduced to said 156,332 shares by dissents from the proposed merger and sales of new preferred stock by tenders, the Surviving Company will call for redemption by lot a sufficient amount of new preferred stock so as to reduce the total outstanding to the aforesaid amount at a "special" redemption price of 105% of par value plus accumulated and unpaid dividends. This "special" redemption price is to be available to the Surviving Company for a period of 60 days after the proposed merger for the purpose of permitting the reduction of the new preferred stock to 156,332 shares. The redemption price of the new preferred stock, except as noted above, is to be 110% of the par value thereof during the first 5 years, during the next 5 years 107½%, and subsequently thereafter 105% of par value together with dividends accumulated and unpaid to date of redemption. However, should the number of shares tendered, together with dissenting shares, aggregate more than enough shares to make the reduction aforesaid, the Surviving Company proposes to reduce the aggregate amount of the offers to be accepted by lot, or, at its option, arrange for the acquisition by others of such excess stock so tendered.

4. The presently issued and outstanding common stock of Public Service is to continue to be common stock of the Surviving Company.

5. Power & Light proposes to surrender its entire holdings of preferred stock of Public Service (2,083 shares) in exchange for a similar number of shares of common stock of the Surviving Company and in addition proposes to purchase for $5,000,000 in cash 50,000 shares of additional common stock of the Surviving Company.

6. The common stocks of Marion-Reserve and of Power Company (owned by Public Service) are to be cancelled and retired.

7. Stockholders' meetings of each constituent company are to be called for the purpose of voting on the proposed merger. In connection therewith, Marion-Reserve proposes to solicit proxies from its preferred stockholders to vote in favor of the proposed merger. It is represented that preferred stockholders of Public Service are not entitled to vote on said merger.

Prior to the proposed merger, Marion-Reserve proposes to pay or redeem its 2⅞% promissory notes in the principal amount of $390,625 for the consideration specifically designated therein.

In connection with the transactions herein, Public Service proposes to eliminate certain items from its utility plant and other accounts principally by charges to its earned surplus account.

As soon as practicable after consummation of the proposed merger, the Surviving Company proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50:

1. $32,000,000 principal amount of first mortgage bonds due 1976, and

2. $5,500,000 principal amount of Debentures due 1956. The sales prices and the interest rates are to be determined by competitive bidding.

The Surviving Company proposes to use the net proceeds from the sale of the 50,000 shares of common stock to Power & Light and from the sale of its bonds and debentures as follows:

1. To redeem the securities of Public Service for the consideration specifically designated therein together with interest accrued to the respective redemption dates which were outstanding at October 31, 1945 in the following principal amounts:

	Principal amount	Premium rate	Amount of premium
		Percent	
First mortgage bonds 4% series, due 1962	$28,900,000	4¼	$1,228,250
5% serial notes, due 1947	320,000	2	6,400
2⅞% promissory notes	762,000	1	7,620

2. To redeem a 4% secured promisory note of Power Company payable in monthly installments with final maturity May 29, 1957. At October 31, 1945, the unpaid balance due on said note was $6,922,966.

3. To pay interest overlap, retire publicly-held preferred stock, to make cash adjustments on conversion of shares of preferred stock and pay expenses. The balance of the net proceeds is to be

added to the treasury funds of the Surviving Company.

Power & Light proposes, in addition to the transactions mentioned above:

1. To pledge the 52,083 shares of common stock of the Surviving Company, to be acquired as above indicated, with The Chase National Bank of the City of New York, as Custodian, as security for the Bank Loan Notes of Power & Light in accordance with the terms of the Loan Agreement dated January 5, 1944.

2. To raise such funds as may be necessary through the medium of a short term or temporary bank loan to consummate its proposal to purchase 50,000 shares of additional common stock of the Surviving Company in the event it will not have available all of the $5,000,000 required for such acquisition.

Pending consummation of the transactions above described, Public Service proposes to provide such funds as may be necessary to enable Power Company to pay expenses and cost coming due and payable for capital expenditures by purchasing, with treasury funds, shares of common stock of Power Company.

The filing has designated sections 6 (b), 9 (a), 10, 12 (c), 12 (d), 12 (e), and 12 (f) of the act and Rules U-42, U-43, U-44, U-50, and U-62 as being applicable to the proposed transactions. It is stated in the filing that the issuance and sale by the Surviving Company of the securities mentioned above will be solely for the purpose of financing its business and will be expressly authorized by the Public Utilities Commission of Ohio. It is further stated that the sale of the common stock by the Surviving Company and the exchange by Power & Light of 2,083 shares of preferred stock of Public Service for an equal number of shares of common stock of the Surviving Company are exempt from Rule U-50 by Clauses (a) (3) and (a) (4) of said rule, respectively. An exemption is requested from Rule U-50 if, and to the extent that, such rule applies in respect of the issuance by the Surviving Company of the new preferred stock pursuant to Clause (a) (5) of said rule.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said matters and that said applications or declarations (or both) shall not be granted or be permitted to become effective except pursuant to further order of the Commission.

It is ordered, That a hearing on said matters under the applicable provisions of the Act and the Rules of the Commission thereunder be held on February 4, 1946 at 11:00 a. m., e. s. t., at the office of the Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania; in such room as the hearing room clerk in Room 318 will at that time advise. Any person proposing to be heard or otherwise to participate in these proceedings shall file with the Secretary of the Commission on or before January 31, 1946, a written request relative thereto as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Allen MacCullen or any other officer or officers of this Commission designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed merger will serve the public interest by tending toward the economical and efficient development of an integrated public utility system.

2. Whether the proposed transactions constitute a plan of reorganization and, if so, whether they comply with the fair and equitable standards of section 11 of the act.

3. Whether the proposed issue and sale of securities by the Surviving Company is solely for the purpose of financing the business of said company and has been expressly authorized by the State Commission of the state in which it is organized and doing business.

4. Whether the terms and conditions of the securities proposed to be issued are detrimental to the public interest and the interest of investors or consumers.

5. Whether the proposed alteration of the priorities, preferences and other rights of the preferred stockholders of Public Service and Marion-Reserve complies with the applicable provisions and requirements of section 7 of the act.

6. Whether it is appropriate in the public interest and in the interest of investors and consumers to except the issuance of preferred stock by the Surviving Company from the competitive bidding requirements of Rule U-50.

7. Whether the proposed solicitation of authorizations by Marion-Reserve in connection with the proposed merger program complies with the applicable provisions of section 12 (e) of the act and Rules U-62 and U-65 thereunder.

8. Whether the proposed acquisition by Power & Light of the 52,083 shares of common stock of the Surviving Company meets the applicable statutory standards of sections 9 and 10 of the act.

9. Whether the fees, commissions or other remunerations to be paid in connection with the proposed transactions are reasonable.

10. Whether the accounting entries to be made in connection with the proposed transactions are proper and in accordance with sound accounting principles.

11. Generally, whether the proposed transactions comply with all of the applicable provisions of the act and the rules and regulations promulgated thereunder.

12. Whether, in the event the applications and declarations shall be granted or permitted to become effective, it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

It is further ordered, That notice of said hearing is hereby given to the applicants-declarants and to all other persons; said notice to be given to Cities Service Power & Light Company, The Ohio Public Service Company, The Marion-Reserve Power Company, Ohio River Power, Inc., Federal Power Commission, and the Public Utilities Commission of the State of Ohio, by registered mail, and to all other persons by general release of this Commission, distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-1594; Filed, Jan. 29, 1946; 9:34 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, and 4470, as amended, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244 (46 U.S.C. 375, 391a, 404, 463, 369, 367, 463a, 450 U.S.C. 1275), Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), as amended by Executive Order No. 9666, dated December 28, 1945 (11 F.R. 1), and Coast Guard Order 1-46 of the Secretary of the Treasury, dated January 1, 1946 (11 F.R. 185), the following approval of equipment is prescribed, effective upon the date of publication in the FEDERAL REGISTER:

FIRE RETARDANT MATERIAL FOR VESSEL CONSTRUCTION: DECK COVERINGS

DEX-O-TEX, Magnabond No. 1 deck covering, for use as a Class B deck covering, minimum ¼ inch DEX-O-TEX underlay and ⅜ inch magnesite, total weight 4.6 pounds per square foot as laid, submitted by Crossfield Products Corp., 191 Centre Street, Brooklyn 31, New York.

DEX-O-TEX, Magnabond No. 2 deck covering, for use as a Class B-1 deck covering, minimum ¾ inch DEX-O-TEX underlay and ¼ inch magnesite, total weight 3.4 pounds per square foot as laid, submitted by Crossfield Products Corp., 191 Centre Street, Brooklyn 31, New York.

Dated: January 25, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 46-1561; Filed, Jan. 28, 1946; 12:08 p. m.]