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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 18—WAR SERVICE REGULATIONS EXTENT OF REGULATIONS, AMENDMENT

Section 18.11 *Extent of regulations* issued, as amended, on September 26, 1942 (7 F.R. 7723) and on September 28, 1942 (7 F.R. 8007) is amended by the addition of a sentence which reads as follows:

§ 18.11 *Extent of regulations.* (a) * * * All actions taken under or pursuant to these regulations shall be subject to the directives and orders of the War Manpower Commission.

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

OCTOBER 24, 1942.

[F. R. Doc. 42-10910; Filed, October 27, 1942; 11:49 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

[Amendment to Rules and Regulations—Series 2—as Amended]

PART 202—PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

WITNESSES, DEPOSITIONS AND SUBPENAS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations—Series 2—as amended (General Rules and Regulations) which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations—Series 2—as amended, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Section 202.20—National Labor Relations Board Rules and Regulation—Series 2—as amended, is hereby amended to read as follows:

§ 202.20 *Examination of witnesses; depositions.* Witnesses shall be examined orally under oath, except that for good cause shown, after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the Regional Director prior to the hearing and to the Trial Examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to §§ 202.32 or 202.36. Such application shall be served upon the Regional Director or the Trial Examiner, as the case may be, and upon the other parties, not less than seven days (when the deposition is taken within the continental U. S.) and fifteen days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The Regional Director or Trial Examiner, as the case may be, shall, upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time when, the place where, and shall contain a designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all parties by the Regional Director or the Trial Examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

AGRICULTURE DEPARTMENT:	Page
Resettlement, authorizing use of land.....	8715
BITUMINOUS COAL DIVISION:	
Minimum price schedules amended:	
District 3.....	8682
District 4.....	8631
District 10 (2 documents)....	8682, 8684
CIVIL SERVICE COMMISSION:	
War service regulations, extent; amendment.....	8679
FEDERAL COMMUNICATIONS COMMISSION:	
Hearings, etc.:	
Lee Bros. Broadcasting Co. (KFXM).....	8715
Olympic Broadcasting Corp.....	8715
Wichita Broadcasting Co. (KWFT).....	8715
FEDERAL POWER COMMISSION:	
Fees, W. S.; hearing.....	8716
FEDERAL TRADE COMMISSION:	
Hearings, etc.:	
Atlantic Packing Co., et al.....	8716
Fraering Brokerage Co., Inc.....	8716
Southgate Brokerage Co., Inc.....	8716
NATIONAL LABOR RELATIONS BOARD:	
Witnesses, depositions and subpenas.....	8679
OFFICE OF DEFENSE TRANSPORTATION:	
Motor equipment conservation, certificates of war necessity (ODT 21-1).....	8714
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, etc.:	
Barnhardt Manufacturing Co.....	8717
Burdick Coal Co., et al.....	8718
Comstock-Castle Stove Co.....	8718
Dry-Pack Corp.....	8693
Durr Drug Co.....	8707
Fogarty, Arthur A.....	8699
Gastro Food Co.....	8697
Keasbey and Mattison Co.....	8717
Stegner Food Distributing Co.....	8696
Alaskan furs, etc. (GMPR § 1499.3 (b), Order 111)....	8712
Cadmium, primary and secondary (RFS 71, Am. 2).....	8703
Egg crates, used GMPR 117, Am. 2).....	8707

(Continued on next page)



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Telephone information: District 0525.

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION— Continued.	
Fats and oils:	Page
RPS 53, Am. 13.....	8702
RPS 53, Am. 14.....	8702
Food products, certain seasonal; sales at wholesale:	
MPR 249.....	8702
MPR 250.....	8705
Fuel oil rationing regulations (Ration Order 11, Supp. 1).....	8708
Gasoline rationing regulations, temporary limited banking amendment (Ration Order 5A, Am. 14).....	8708
Halvah (GMPR, Supp. Reg. 14, Am. 45).....	8707
Machines and parts, etc. (MPR 136, Am. 35).....	8707
Manganese ores (MPR 248).....	8694
Petroleum and petroleum prod- ucts (RPS 88, Am. 36).....	8701
Regional administrators, dele- gation of authority, etc. (Administrative Order 25, Am. 2).....	8717
Rubber:	
Footwear, victory line water- proof, etc. (MPR 229, Am. 2).....	8701
Mechanical goods (MPR 149, Am. 2).....	8699

CONTENTS—Continued	
OFFICE OF PRICE ADMINISTRATION— Continued.	
Rubber—Continued.	Page
Scrap (RPS 87, Am. 3).....	8700
Sugar rationing regulations, temporary limited banking amendment (Rationing Or- der 3, Am. 20).....	8710
PETROLEUM COORDINATOR FOR WAR:	
Foreign operations.....	8713
PUBLIC DEBT BUREAU:	
Treasury bills.....	8685
SECURITIES AND EXCHANGE COMMISS- SION:	
Kentucky Natural Gas Corp., exemption granted.....	8718
SELECTIVE SERVICE SYSTEM:	
Chemung County, N. Y.; waiving local board physical exam- inations.....	8685
WAGE AND HOUR DIVISION:	
Handkerchief manufacturing indus- try minimum wage rec- ommendation, notice of argu- ment, etc.....	8715
WAR PRODUCTION BOARD:	
Canning or processing fruits, vegetables, etc.; mainte- nance and operation of plants (P-115).....	8692
Copper (M-9-c-4).....	8691
Electric equipment (L-183-a).....	8689
Fats and oils (M-71, Am. 1).....	8692
Lumber:	
Pulpwood:	
Columbia-Willamette area (M-251, Schedule 2).....	8687
Puget Sound area (M-251, Schedule 1).....	8686
Softwood (M-208, Am. 5).....	8693
Para-phenyl-phenol resins (M- 254).....	8685
Preference rating revocation:	
Consolidated Builders, Inc.....	8718
U. S. Bureau of Reclamation (6 documents).....	8719-8721
Sperm oil (M-40).....	8690
Suspension orders:	
Crescent Electric Co.....	8688
Firestone Tire and Rubber Co.....	8687
Philadelphia Brewing Co.....	8689
Stiegler, Richard.....	8688
WAR SHIPPING ADMINISTRATION:	
General agents and agents, compensation.....	8714

held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any Secretary of Embassy or Legation, Consul General, Consul, Vice Consul, or Consular Agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all of the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections, but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript; together with his certificate, in person or by registered mail to the Regional Director or the Trial Examiner, care of the Chief Trial Examiner, Washington, D. C., as the case may be.

(d) The Trial Examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions. (Sec. 6 (2), 49 Stat. 452; 29 U.S.C., Sup. IV, 156).

Signed at Washington, D. C., this 26th day of October 1942.

[SEAL]

H. A. MILLIS,
Chairman.
WM. M. LEISERSON,
Member.
GERARD D. REILLY,
Member.

[F. R. Doc. 42-10833; Filed, October 27, 1942; 9:49 a. m.]

TITLE 30—MINERAL RESOURCES
Chapter III—Bituminous Coal Division
 [Docket No. A-1675]

PART 324—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 4

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4, for the establishment of price classifications and minimum prices for the coals of the Jefferson Coal Company, Piney Fork No. 5 Mine, in District No. 4.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Jefferson Coal Company's Piney Fork No. 5 Mine, in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and
 No petitions of intervention having been filed with the Division in the above-entitled matter; and
 The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-1,

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4
 Note: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R-1

[Alphabetical list of code members having railway landing facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Subdistrict No.	Type	Shipping points in Ohio	Railroad	Price classification by size group Nos.																										
3059	Jefferson Coal Company, Piney Fork No. 5 Mine, W. Va.	Piney Fork No. 5 Mine, W. Va.	1	Strip	Adena, Ohio	W&LE	<table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td>6</td> <td>7</td> <td>8</td> <td>9</td> <td>10</td> <td>11</td> <td>12</td> <td>13</td> </tr> <tr> <td>Q</td> </tr> </table>	1	2	3	4	5	6	7	8	9	10	11	12	13	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
1	2	3	4	5	6	7	8	9	10	11	12	13																					
Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q																					

§ 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R-II, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R-III, § 324.11 (*Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R-IV, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and made a part hereof.

It is further ordered, That, pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Dated: October 10, 1942.

[SEAL] **DAN H. WHEELER,**
Director.

§ 324.2 Seasonal discounts—Supplement R-II

On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all Market Areas except Market Areas 1 to 13, Inclusive, 88 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine Index Nos.	Additional mine Index Nos.	Amount of discount for shipments during the month of—			
					Apr.	May	June	July
Ohio No. 8.	12, 14, 17, 18.	-----	12, 10, 37, 45, 68, 92, 110, 161.	Add mine index No. 3087.	30	20	10	-----

Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 Recapitulation of price classifications—Supplement R-III

Prices for all shipment from mines indexed below into market areas as shown. For shipment into all market areas, see Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applied to Market Areas 68 and 69 (Great Lakes), § 324.11 (b) and § 324.11 (c), and Vessel Fuel, § 324.11 (d)

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine Index numbers	Additional mine Index Nos.
Ohio No. 8.	12, 14, 17, 18.	-----	12, 10, 37, 45, 68, 92, 110, 161.	Add mine index No. 3087.

Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-IV. Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below.

[For shipment to railroads as shown, see Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine Index Nos.	Additional mine Index No.
Wheeling & Lake Erie Railway Co.	5, 12, 37, 45, 119, 119.	Add mine index No. 3337.
Allegheny, Cambria & Youngstown Railway Co.	-----	-----
Ann Arbor Railroad Co.	-----	-----
Canadian National Railway and Grand Trunk Rail.	-----	-----
Way 887 Fein	-----	-----
Canadian Pacific Railway Co.	-----	-----
Indiana and Michigan Railway Co.	-----	-----
Illinois Central Railroad	-----	-----
Chicago & North Western Railway Co.	-----	-----
Rock Island Railroad	-----	-----
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)	-----	-----
Pere Marquette Railway Co.	-----	-----
For all Railroads not shown above.	-----	-----

Prices as shown, § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

1 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 16, inclusive; (2) the classification of the coals of Foster No. 31 Mine (Mine Index No. 590) of T. E. Foster be changed from "J" to Size Groups 1 to 6, inclusive, and "H" in Size Groups 7 to 10, inclusive, to "D" in Size Groups 1 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 13, inclusive, and of "A" in Size Groups 14 to 16, inclusive; and that (3) the classification of the coals of Bolair Mine (Mine Index No. 762) of Russell Talbert² be changed from "J" to "D" in Size Groups 1 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 16, inclusive.

In support of these requests, the uncontroverted testimony of Daniel T. Buckley, Chairman of District Board No. 3, was to the following effect. An analysis of the coals in these four mines shows them to be in practically every respect like the No. 5 Block Seam coals. These coals compete with the mid-volatile high fusion coals of District No. 1 and also with the high grade, high fusion, high volatile coals of District No. 2. The coals of these mines would seek their markets in the East because the older types of burning equipment there require a coal of extremely high fusion to operate many of the plants. The low fusion Pittsburgh Seam coal would not perform satisfactorily in plants which could successfully burn this coal. No Pittsburgh Seam operator has objected to the classifications in question because they would have no effect on his business. While the coals of the Tioga Coal Company Mine, the only mine in the No. 5

tory of District Board 3 was unable to get samples of the coals. Since it is the same seam and contiguous to the Moore Mine No. 2, Witness Buckley is of the opinion that it should be given a like classification.

²Mine 762 was erroneously named in Supplement R of the Acting Director's Order of August 5, 1942, as the Talbert Mine with W. A. Talbert given as the code member. The record shows that it is in fact the Bolair Mine, and that the code member is Russell Talbert.

block coal in Northern West Virginia that produces a substantial amount of tonnage, have an "A" classification for Sizes 14 to 16, inclusive, and while that classification has been given in those sizes to the coals of Foster No. 31 Mine, "B" in those sizes is more nearly correct and will allow freer and more equal competition. Sizes 14 to 16 in Foster No. 31 Mine should be classified "A" for by-product use.

In the second group of mines, District Board 3 requested that:

(1) The classification of the coals of Morgan Brothers No. 1 and No. 2 Mines (Mine Index Nos. 1236 and 687) of Donald Morgan be changed from "F" in Size Groups 1 to 10, inclusive, to "DE" in Size Groups 1 to 6, inclusive, and to "DF" in Size Groups 7 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 16, inclusive; and (2) the classification of the coals of Joe Morgan Mine (Mine Index No. 946) of Joe Morgan be changed from "F" in Size Groups 1 to 10, inclusive, to "DE" in Size Groups 1 to 6, inclusive, and "DF" in Size Groups 7 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 16, inclusive.

The coals of the Morgan Brothers No. 1 and No. 2 Mines and of the Joe Morgan Mine are about the same in all factors of analysis as the low sulphur Pittsburgh Seam coals. The analyses show the coals of these three mines not to be the high sulphur coals of the "F" grade now given them. The classifications requested in the petition are similar to the classifications of other low volatile District No. 3 "D" coals, i. e., coals of under 1.35 sulphur.⁴ Witness Buckley stated it to be his opinion that in view of the

³It appeared at the hearing that the Size "17" on page 4 of the petition and on page 2 of the Notice of and Order for Hearing and Order of August 5, 1942, 7 F.R. 6162, Granting Temporary Relief was an error, and in the petition it was intended to request that the mine be given a "B" classification in Sizes 11 to 16, inclusive.

⁴A considerable amount of time has been spent trying to find new sources of coal for

analyses made by the District 3 laboratory, and the market history of coals in District No. 3, the requested changes should be made in the classifications of the coals in both groups of mines.

Interested parties, including the mine owners, have been notified, and no objections have been presented.

Upon the basis of the uncontroverted evidence, I find and conclude: (1) that the relief sought herein is reasonable and necessary to enable the coals of the Moore No. 1 and Moore No. 2 Mines (Mine Index Nos. 1102 and 337), the Foster No. 31 Mine (Mine Index No. 590), the Bolair Mine (Mine Index No. 762), Morgan Bros. No. 1 and No. 2 Mines (Mine Index Nos. 1236 and 687), and the Joe Morgan Mine (Mine Index No. 946) to compete upon a fair and competitive basis with coals of other producers in District No. 3; (2) that the relief prayed for by the petitioner is necessary to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof; and (3) that, therefore, the temporary relief granted by the Order of the Acting Director dated August 5, 1942, should be made permanent.

It is therefore ordered That, effective fifteen (15) days from the date of this Order, § 323.6 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck be, and it hereby is, amended in accordance with the classifications and minimum prices set forth in Supplement R which is annexed hereto and made a part hereof.

Dated October 13, 1942.

[SEAL]

DAN H. WHEELER,
Director.

the Dupont plant at Morgantown, West Virginia, now making materials essential to the war effort. The plant, which is owned by the United States Army and run by the Ordnance Department, is trying to raise its stock pile of coal in accordance with a directive order of the War Department. It can use anything up to \$1.50 sulphur in its by-product oven, but the coal must have a classification permitting the producer to ship by-product coal.

TITLE 31—MONEY AND FINANCE:
TREASURY

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[1942, 1st Amendment to Dept. Circ. 418,
as Amended]PART 309—ISSUE AND SALE OF TREASURY
BILLS

TENDERS

OCTOBER 24, 1942.

Paragraph 8 of Department Circular No. 418, as amended,¹ dated February 28, 1941, is hereby amended to read as follows: (31 CFR 309)

§ 309.8 *Tenders; when cash deposit required.* Tenders should be submitted on the printed forms and forwarded in the special envelopes which will be supplied on application to any Federal Reserve Bank, or Branch. If a special envelope is not available, the inscription "*Tender for Treasury Bills*" should be placed on the envelope used. The instructions of the Federal Reserve Banks with respect to the submission of tenders should be observed. Tenders from incorporated banks and trust companies, and from responsible and recognized dealers in investment securities will be received without deposit. Tenders from all others must be accompanied by a payment of such percent of the face amount of the Treasury bills applied for as the Secretary of the Treasury may from time to time prescribe: *Provided, however,* That such deposit will not be required if the tender is accompanied by an express guaranty of payment in full by an incorporated bank or trust company. Forfeiture of the prescribed payment may be declared by the Secretary of the Treasury, if payment is not completed, in the case of accepted tenders, on the prescribed date.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-10869; Filed, October 26, 1942;
3:45 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

LOCAL BOARD NO. 505, CHEMUNG COUNTY,
NEW YORK

ORDER WAIVING PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, and the authority vested in me by the rules and regulations prescribed thereunder, and more particularly the provisions of § 623.35 of the Selective Service Regulations,² I hereby waive the requirement that registrants be physically examined by an examining physician in the manner provided in Part 623, Selective Service Regulations, when such registrants are being classified by Local Board No. 505, Chemung County, New York, and I hereby direct that the classification of

such registrants be completed in the manner provided in § 623.51 (f), Selective Service Regulations,³ without such physical examination by a local board examining physician.

LEWIS B. HENSHEY,
Director.

OCTOBER 24, 1942.

[F. R. Doc. 42-10352; Filed, October 26, 1942;
1:53 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 3125—PARA-PHENYL-PHENOL RESINS

[General Preference Order M-254]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of para-phenyl-phenol resins 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:

§ 3125.1 *General Preference Order M-254—(a) Definitions.* For the purpose of this order:

(1) "Para-phenyl-phenol resins" means resins manufactured from para-phenyl-phenol, whether or not modified with other materials, including but not limited to those resins designated by the trade names and sales numbers BR-254, BK-3962X, BR-17,000, (manufactured by Bakelite Corporation) and Super-Beckacite 3000 (manufactured by Reichold Chemical Company). The term para-phenyl-phenol resins shall not include such resins incorporated into protective or technical coatings.

(2) "Producer" means any person who produces para-phenyl-phenol resins.

(b) *Restrictions on use and delivery of para-phenyl-phenol resins.* (1) On and after October 26, 1942, no producer shall deliver and no person shall accept from a producer para-phenyl-phenol resins except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d) or as provided in paragraph (b) (3).

(2) On and after October 26, 1942, no person shall use, consume, deliver or accept delivery of stocks of para-phenyl-phenol resins designated by the trade symbols BR-254, BK-3962X, BR-17,000, or Super-Beckacite 3000, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d), or except as provided in paragraph (b) (3): *Provided, however,* That nothing contained in this order shall prevent use and consumption by the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration of stocks of para-phenyl-phenol resins held by such departments or agencies on the date of issuance of this order.

(3) Specific authorization of the Director General for Operations shall not be required with respect to use, consump-

tion or acceptance of delivery from a producer by any person in any calendar month of five pounds or less of para-phenyl-phenol resins; and the delivery of para-phenyl-phenol resins by the producer thereof in lots of five pounds, provided that in the aggregate no such producer shall deliver more than one-tenth of one percent of his monthly production of para-phenyl-phenol resins to fill such small orders.

(4) Each person specifically authorized to accept delivery of para-phenyl-phenol resins shall use such para-phenyl-phenol resins for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(c) *Special directions with respect to para-phenyl-phenol resins.* The Director General for Operations in his discretion may at any time issue special directions to any person with respect to the production, use or delivery of para-phenyl-phenol resins by such persons.

(d) *Applications and reports.* (1) Each person seeking authorization to use or accept delivery of para-phenyl-phenol resins shall file application on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. With respect to use or delivery during October and November, 1942, applications may be made at any time prior to the use or acceptance of delivery for which authorization is sought. With respect to use and delivery thereafter, application shall be made on or before the 15th day of the month preceding the month for which authorization for use or delivery is sought. In emergency, application may be made by wire and special authorization may be granted by return wire. Such emergency applications and temporary authorizations must be confirmed by application as soon as possible thereafter on Form PD-600, which will be returned with final authorization signed by the Director General for Operations.

Number of copies. A set of five copies should be prepared; three copies filled out completely and the fourth copy with tables II and III blank (omit where supplier is "own stocks") shall be certified and sent to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-254; and the fifth complete copy shall be retained by the applicant. After having been signed by the Director General for Operations, one copy will be returned to the applicant and another (with tables II and III blank) to the supplier, unless supplier is "own stocks."

Number of sets. A separate set of PD-600 application forms shall be submitted for each preferred supplier and for each different delivery destination or plant of the applicant. The preferred supplier is the supplier from whom the applicant has regularly procured, or prefers to procure para-phenyl-phenol resins.

Heading. Under name of chemical, specify para-phenyl-phenol resins; under War Production Board order number, specify M-254; under unit of measure specify pounds, including solvent (as supplied by producer); under name of company, specify name and mailing address of applicant; specify delivery destination, supplier, and his shipping point (where application is being made for authorization to use exclusively from own stock write in under supplier "own stock"); and specify the month and year for which use or acceptance of delivery is sought, whether the

¹ 6 FR. 1213.² 6 FR. 6643.³ 6 FR. 6643; 7 FR. 6517.

month is the next month or is the current month.

Columns 1, 11 and 19. Specify grade according to trade name and sales number.

Column 2. Specify separately quantities from own stocks for which authorization is sought, and quantities sought from producer, as follows: Opposite amounts requested in column 2 for use from inventory write in "inventory" in column 10, and opposite amounts requested in column 2 from a producer write in "above producer" in column 10. Also, specify separately quantities requested for each grade and for each primary product and product use.

Column 3. Specify primary product as follows:

Protective coating.

Other (specify).

Leave column 3 blank opposite "inventory" in column 4.

Column 4. Specify product use as follows:

Primer for aircraft.

Primer for merchant and naval ships.

Other (specify).

Inventory.

In addition, specify governing contract number and specification number. Para-phenyl-phenol resins allocated for inventory shall not be used except as specially directed by the Director General for Operations, or to fill orders authorized by the Director General for Operations pending the arrival of the para-phenyl-phenol resins allocated to fill such orders, provided that the allocated inventory is restored upon the arrival of such allocated resins.

Columns 5, 6, 7, 8 and 9. Leave blank.

Tables II, III and IV. Fill in as indicated.

Additional space. Where additional space is needed, continue on reverse side of sheet, identifying subject matter by column number.

(2) Receipt by a supplier from the War Production Board of a copy of Form PD-600 signed by the Director General for Operations, shall constitute authorization to such supplier to make the deliveries called for by the form.

(3) Each person shall file an inventory report on or before November 10, 1942, covering those para-phenyl-phenol resins designated by the trade names and sales numbers BR-254, BK-3962X, BR-17,000 and Super-Beckacite 3000. Those persons, including producers, distributors and consumers, who have not reported inventory prior to November 10, 1942, in the course of filing application for authorization pursuant to paragraph (d) (1) above, and who, on October 31, 1942, had 100 lbs. or more in the aggregate of the aforesaid types of para-phenyl-phenol resins, shall file a special inventory report on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. File report on or before November 10, 1942.

Number of copies. A set of two copies shall be prepared; one copy shall be certified and sent to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-254, and the other copy shall be retained by the person reporting.

Heading. Under name of chemical, specify para-phenyl-phenol resins; under War Production Board Order number, specify M-254; under unit of measure, specify pounds, including solvent (as supplied by producer); under name of company, specify name and mailing address of the person re-

porting; and leave delivery destination, supplier and his shipping point blank.

Table I. Leave blank.

Table II. State in heading "Report for month of October, 1942".

Column 11 (eleven). Specify grade in terms of the following trade names: BR-254, BK-3962X, BR-17,000, and Super-Beckacite 3000.

Columns 12, 13, 14 and 16. Leave blank.

Column 15. Specify amount of para-phenyl-phenol resins in inventory on October 31, 1942, corresponding to each grade listed in Column 11. Para-phenyl-phenol resins in transit on October 31, 1942 to the person reporting, shall be included in reported stocks, and all other amounts in transit on October 31, 1942 shall be excluded from stock reported.

Tables III and IV. Leave blank.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Form PD-600.

(e) **Notification of customers.** Each producer shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) **Miscellaneous provisions—(1) Applicability of priorities regulations.** This order and all transactions affected hereby are subject to all applicable provisions of the War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order where inconsistent herewith.

(2) **Applicability of other orders.** This order shall control use and delivery of resins as such manufactured from or combined with para-phenyl-phenol, whether or not manufactured from or combined with other materials, to the exclusion of any other War Production Board order, now or hereafter issued, governing the use or delivery of resins as such, but not to the exclusion of any other such order governing use or delivery of materials (including para-phenyl-phenol) entering into the production of resins (including para-phenyl-phenol resins) or governing the use or delivery of protective or technical coatings containing resins (including para-phenyl-phenol resins). Nothing contained in General Exports Order M-148 shall be construed to permit use or delivery of para-phenyl-phenol resins in violation of this order.

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

(4) **Communications to War Production Board.** All reports required to be

filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board; Chemicals Branch, Washington, D. C. Ref: M-254.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-10872; Filed, October 26, 1942; 4:45 p. m.]

PART 3113—PULPWOOD

[Schedule 1 to Paragraph (d) of M-251]

PUGET SOUND AREA

§ 3113.2 *Schedule 1 to paragraph (d) of General Preference Order M-251.* Pursuant to paragraph (d) of General Preference Order M-251, the Director General for Operations hereby determines that there prevails in the following area a shortage in the supply of the following type(s) of pulpwood required for the production of materials needed in the public interest and for national defense:

Area. That portion of the State of Washington, known as the Puget Sound area, which is described as follows: bounded on the West by the Pacific Ocean, bounded on the north by the Canadian Border, bounded on the east by the crest of the Cascade Mountain Range and bounded on the south by a line having the following course: east from the Pacific Ocean along north boundary of township 11 to range line between Townships 7 and 6 East; then south 3 miles; then east through Range 6 to Pacific County line; then south along Pacific County line to southern boundary of Lewis County line; then east along southern boundary of Lewis County line through Ranges 5 West and 4 West, and east 3 miles to center of Range 3 West; then north 3 miles through Range 3 West; then east through remainder of Range 3 West and through Range 2 West; then north on the range line between Range 2 West and Range 1 West to northern boundary of Township 11; then east along northern boundary of Township 11 through Range 1 West, Range 1 East, and Range 2 East; then south 3 miles on range line between Range 2 East and Range 3 East; then east through the center of townships in Ranges 3, 4 and 5 East; then south 3 miles to southern boundary of Lewis County line; then east on Lewis County line to the crest of the Cascade Mountain Range.

Type(s) of pulpwood. All grades and sizes of pulpwood logs of the following species (excepting cants, slabs or other sawmill waste):

(1) True firs of the botanical species: *Abies grandis* (white fir), *Abies Lasiocarpa* (balsam fir), *Abies amabilis* (silver fir) and *Abies concolor* (white fir).

(2) Sitka spruce of the botanical species: *Picea sitchensis*, except those grades of logs specified by the War Production Board under General Preference Order M-186 as "Sitka spruce logs, Grades No. 1 and 2 and cants and flitches of such logs". General Preference Order M-186 defines "Grades No. 1 and No. 2, Sitka spruce logs" as such grades as under-

stood in the particular district¹ on August 1, 1941.

(3) Engelmann spruce of the botanical species: *Picea Engelmannii*.

(4) Western Hemlock of the botanical species, *Tsuga heterophylla* and *Tsuga mertensiana*, except the log grade specified by the War Production Board under General Preference Order M-229 as "Western Hemlock aircraft logs". General Preference Order M-229 defines "Western Hemlock aircraft logs" as "Logs of the botanical species of *Tsuga mertensiana* or *Tsuga heterophylla* (including cants and flitches of such logs), which are produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountain Range, or in Alaska, and which meet the following specifications:

(i) Are from stands of timber of approximately 1,200 feet or higher elevation and are medium to light in weight;

(ii) Are not less than 26 inches top diameter and not less than 12 feet long;

(iii) Are of straight grain so that the majority of the clear lumber can be produced with a slope of grain not greater than 1 in 15;

(iv) Are free of deep bark seams or other defects with the clear portion of the log;

(v) Have reasonably uniform annual rings, not fewer than eight to the inch within the clear portion of the log; and

(vi) Are of a character which will produce at least 50% No. 2 Clear and Better, or B and Better Clear lumber".

Pursuant to subparagraph (3) of paragraph (d) of said order, the Director General for Operations hereby directs that on and after the day upon which this schedule is issued, and until this schedule is revoked, no holder of pulpwood, as defined in subparagraph (3) of paragraph (b) of M-251, shall consume, process, or deliver any such pulpwood except upon specific authorization or direction by the Director General for Operations.

Application for authorization or direction to consume, process or transfer such pulpwood may be submitted on Form PD-556.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10870; Filed, October 26, 1942;
4:45 p. m.]

PART 3113—PULPWOOD

[Schedule 2 to Paragraph (d) of M-251]

COLUMBIA—WILLAMETTE AREA

§ 3113.3 *Schedule No. 2 to Section (d) of General Preference Order No. M-251.* Pursuant to paragraph (d) of General Preference Order M-251, the Director General for Operations hereby determines that there prevails in the following area a shortage in the supply of the following type(s) of pulpwood required for the production of materials needed

¹ General Preference Order M-186 also defines "district".

in the public interest and for national defense:

Area. That portion of the states of Washington and Oregon, known as the Columbia-Willamette area, which is described as follows: bounded on the east by the crest of the Cascade Mountain Range, bounded on the south by the California-Oregon state line, bounded on the west by the Pacific Ocean, and bounded on the north by a line having the following course: starting in the state of Washington, east from the Pacific Ocean along north boundary of Township 11 to range line between Townships 7 and 6 East; then south 3 miles; then east through Range 6 to Pacific County line; then south along Pacific County line to southern boundary of Lewis County line; then east along southern boundary of Lewis County line through Ranges 5 West and 4 West, and east 3 miles to center of Range 3 West; then north 3 miles through Range 3 West; then east through remainder of Range 3 West and through Range 2 West; then north on the range line between Range 2 West and Range 1 West to northern boundary of Township 11; then east along northern boundary of Township 11 through Range 1 West, Range 1 East, and Range 2 East; then south 3 miles on range line between Range 2 East and Range 3 East; then east through the center of townships in Ranges 3, 4 and 5 East; then south 3 miles to southern boundary of Lewis County line; then east on Lewis County line to the crest of the Cascade Mountain Range.

Types of pulpwood. All grades and sizes of pulpwood logs of the following species (excepting cants, slabs or other sawmill waste):

(1) True firs of the botanical species: *Abies grandis* (white fir), *Abies lasiocarpa* (balsam fir), *Abies amabilis* (silver fir), *Abies concolor* (white fir) and *Abies magnifica* (red fir).

(2) Sitka spruce of the botanical species: *Picea sitchensis*, except those grades of logs specified by the War Production Board under General Preference Order M-186 as "Sitka spruce logs, Grades No. 1 and 2 and cants and flitches of such logs". General Preference Order M-186 defines "Grades No. 1 and No. 2, Sitka spruce logs" as such grades as understood in the particular district¹ on August 1, 1941.

(3) Engelmann spruce of the botanical species: *Picea Engelmannii*.

(4) Western Hemlock of the botanical species, *Tsuga heterophylla* and *Tsuga mertensiana*, except the log grade specified by the War Production Board under General Preference Order M-229 as "Western Hemlock aircraft logs". General Preference Order M-229 defines "Western Hemlock aircraft logs" as "logs of the botanical species of the *Tsuga mertensiana* or *Tsuga heterophylla* (including cants and flitches of such logs), which are produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountain Range, or in Alaska, and which meet the following specifications:

(i) Are from stands of timber of approximately 1200 feet or higher elevation and are medium to light in weight;

(ii) Are not less than 26 inches top diameter and not less than 12 feet long;

(iii) Are of straight grain so that the majority of the clear lumber can be produced with a slope of grain not greater than 1 in 15;

(iv) Are free of deep bark seams or other defects with the clear portion of the log;

(v) Have reasonably uniform annual rings, not fewer than eight to the inch within the clear portion of the log; and

(vi) Are of a character which will produce at least 60% No. 2 Clear and Better, or B and Better Clear lumber".

The Director General for Operations may, pursuant to subparagraph (1) of

paragraph (d) of said order, by further and individual directions, allocate specific quantities of such pulpwood from and to specific persons. Meanwhile, unless and until he receives such further directions, any person may consume or dispose of such pulpwood as if this Schedule had not been issued.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10871; Filed, October 26, 1942;
4:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-103]

FIRESTONE TIRE AND RUBBER CO.

Firestone Tire and Rubber Company, whose principal place of business is at Akron, Ohio, is engaged in the operation of service stations for the sale of motor fuel in and about Boston, Massachusetts. It owns and operates several service stations in the Boston District which are supplied with gasoline from bulk plants owned by the Company. Its supplier of motor fuel established a quota under Limitation Order L-70 for each of its bulk plants, but the company, although it was a supplier, did not establish any quotas for its service stations. The company distributed the motor fuel delivered by its supplier among its service stations without regard to their proper quotas. This resulted in substantial over-deliveries of motor fuel to the company's service station located in Brockton, Massachusetts, during the months of April and May, 1942. The company also made over-deliveries to other service stations during these months because of its failure to compute quotas for such stations, but in subsequent months attempted to compensate for this by under-deliveries to these stations.

The over-deliveries of motor fuel to these service stations constituted a willful violation of Limitation Order L-70, which has hampered and impeded the war effort of the United States. In view of the foregoing; *It is hereby ordered:*

§ 1010.103 *Suspension Order S-103.* (a) Firestone Tire and Rubber Company, its successors and assigns, shall not sell or deliver to any person any motor fuel, as defined in Limitation Order L-70, at the service station owned and operated by it, located in Brockton, Massachusetts, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Firestone Tire and Rubber Company, its successors and assigns, from any restriction, prohibition, or provision contained in any other

order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent herewith.

(c) This order shall take effect on October 28th, 1942, and shall expire on December 28, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-10873; Filed, October 26, 1942; 4:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-123]

CRESCENT ELECTRIC CO.

J. B. Roxburgh, an individual doing business as Crescent Electric Company, of San Francisco, California, is engaged in the business of distributing electrical supplies as a wholesaler. It is a warehouse, as defined in General Preference Order M-9-a.

From April 30, 1942, to May 6, 1942, J. B. Roxburgh, doing business as Crescent Electric Company, accepted and filled wholesale orders for 72,279 feet of copper wire, having a value of \$558.70, which did not bear a preference rating of A-10 or higher, notwithstanding the fact that he had knowledge of said Order. These acts constituted wilful violations of General Preference Order M-9-a, as amended on February 6, 1942.

From May 7, 1942, to June 1, 1942, J. B. Roxburgh, doing business as Crescent Electric Company, accepted and filled wholesale orders for 88,204 feet of copper wire, having a value of \$1,331.00, which did not bear a preference rating of A-1-k or higher, notwithstanding the fact that he had knowledge of said order. These acts constituted wilful violations of General Preference Order M-9-a, as amended on May 7, 1942.

On February 27, 1942, and May 28, 1942, J. B. Roxburgh, doing business as Crescent Electric Company, applied preference ratings of A-10 under Preference Rating Order P-100 to certain purchase orders for copper wire, certifying that such material was for maintenance, repair, or operating supplies. 342,105 feet of copper wire, included in the purchase order of February 27, 1942, and 15,750 feet of copper wire included in the purchase order of May 28, 1942, were not for maintenance, repair, or operating supplies, as defined in Preference Rating Order P-100, and the applications of the rating to these purchase orders constituted violations of Preference Rating Order P-100 and misrepresentations to the War Production Board.

These violations of General Preference Order M-9-a and Preference Rating Order P-100 have impeded and hampered the war effort of the United

States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts; *It is hereby ordered:*

§ 1010.123 *Suspension Order S-123.*

(a) Deliveries of material to J. B. Roxburgh, doing business as Crescent Electric Company or otherwise, or his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to J. B. Roxburgh, doing business as Crescent Electric Company or otherwise, his successors or assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) This order shall take effect on October 31, 1942, and shall expire on January 31, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-10874; Filed, October 26, 1942; 4:46 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-125]

RICHARD STIEGLER

Richard Stiegler, 230 Fifth Avenue, New York, New York, bought certain property on Liberty Street in Springfield, Massachusetts in December, 1941, on which he planned to erect a super market which was to be rented to the Great Atlantic and Pacific Tea Company (hereinafter referred to as "A & P"). Construction of this store had not been commenced on April 9, 1942, and due to Conservation Order L-41 it became necessary for Mr. Stiegler to obtain authorization from the War Production Board for such construction. On April 17, 1942, Mr. Stiegler signed an application on Form PD-200 for authorization to build this store which application was granted May 9, 1942. Question 15 of Form PD-200 requests the applicant to explain in detail what consideration has been given either to temporarily using other available facilities or to reconditioning existing facilities. In answer to this question Mr. Stiegler stated "none available". In signing the application he also certified

that there was no omission of any material fact.

At the time this application was filed, A & P was operating another super market within a half mile of the proposed new store. The company on completion of the new building planned to cancel its lease on the existing store which it considered inadequate and unsatisfactory. Despite the fact that Mr. Stiegler knew that other facilities were in fact available and presently occupied by A & P, he made no qualification or explanation of his answer to Question 15 in the PD-200 form. Prior to the filing of this application he had been informed by a representative of the War Production Board that such application would probably not be granted if other facilities were available so he knew that his answer to this question was inadequate and misleading.

Construction on the store commenced in July, 1942, pursuant to the authorization which had been given and had reached an advanced stage when halted by an order from the Director General for Operations. Joseph Chiarelli of Springfield, Massachusetts, is the general contractor.

The inadequate and misleading statement made by Mr. Stiegler on the application form prevented full consideration of the application, which might not have been approved if the facts had been fully disclosed; and has made it appropriate to suspend the effectiveness of the authorization for a period of time. In view of the foregoing; *It is hereby ordered, That:*

§ 1010.125 *Suspension Order S-125.*

(a) Neither Richard Stiegler nor Joseph Chiarelli nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to continue construction on the property located at 761 Liberty Street, Springfield, Massachusetts, except as specifically authorized in writing by the Regional Compliance Chief of the Boston Regional Office of the War Production Board for the purpose of protecting the said premises from the elements.

(b) Nothing contained in this order shall be deemed to relieve Richard Stiegler or Joseph Chiarelli or any other person from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 28, 1942, and shall expire January 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-10875; Filed, October 26, 1942; 4:46 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-126]

PHILADELPHIA BREWING COMPANY

Philadelphia Brewing Company, Philadelphia, Pennsylvania, is engaged in the production and selling of malt beverages. It uses closures made of tinplate, terneplate, or blackplate (hereinafter simply referred to as "closures") in the bottling of such beverages. The use of closures for this purpose is restricted by Conservation Order M-104.

Shortly after the issuance of Conservation Order M-104, the Company filed an appeal from the restrictions of the order and was specifically authorized on June 12, 1942, by a telegram signed by the Director of Industry Operations to use, during June and July, 1942, not more than 100% of its corresponding consumption of closures in June and July, 1941, for the bottling of malt beverages. In June, 1941, the Company had used 4,803 gross of closures and in July, 1941, 5,190 gross. In June, 1942, it used 9,582 gross of closures in the bottling of malt beverages and in July, 1942, 11,755 gross in violation of Conservation Order M-104 as modified by the telegram of June 12, 1942, despite the fact that its appeal for relief had been granted. During August, 1942, the Company was permitted to use only 3,240 gross of closures in the bottling of malt beverages but despite this restriction used 11,281 gross of closures in that month for such purpose. At all times during June, July, and August, 1942, the Company was fully aware of the restrictions contained in Conservation Order M-104 and its excessive use of closures constituted a wilful violation of that order.

These violations of Conservation Order M-104 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing; *It is hereby ordered*, That:

§ 1010.126 *Suspension Order S-126.*

(a) Philadelphia Brewing Company, its successors and assigns, shall not use any closures made of tinplate, terneplate, or blackplate (as said terms are defined in Conservation Order M-104, as amended September 26, 1942) in the bottling of malt beverages, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Philadelphia Brewing Company, its successors and assigns, from any restriction, prohibition, or provision of any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 28, 1942, and shall expire on February 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O.

9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 83 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10876; Filed, October 26, 1942; 4:46 p. m.]

PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L-183-a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of electronic equipment 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.

§ 3037.2 *General Limitation Order L-183-a—(a) Definitions.* For the purpose of this order:

(1) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and electrical equipment used for communications, detection and signalling.

(2) "Producer" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, to the extent engaged in the production or assembly of electronic equipment which is manufactured for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, and the Civil Aeronautics Administration; or

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its dominions, Crown Colonies and Protectorates, and Yugoslavia; or

(iii) Any other country, including those of the Western Hemisphere, now or hereafter designated, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Precedence list" is the schedule issued, and as amended from time to time by the Joint Communications Board of the Army and Navy, which sets forth by numerical designation the relative urgency of deliveries of certain types and quantities of electronic equipment. The order of urgency established by this list is:

PLA1.
PLA1a, etc.
PLA2, etc.
PLB1, etc.; PLA1 being the highest urgency presently assigned.

(b) *Operation of the precedence list.* (1) The numerical designations of the precedence list shall establish the relative urgency of certain deliveries of types and quantities of electronic equipment and of those components and parts referred to in subparagraphs (3) and (4) of this

paragraph, within any single category of preference rating. Any delivery bearing a lower numerical designation in any category of preference rating shall be deferred to the extent necessary to assure, within the time specified, those deliveries bearing higher designations within the same category of preference rating, even though such deferment may cause default in deliveries bearing lower designations.

(2) The assignment of a precedence list designation shall not affect production or delivery under any order (including an order for electronic equipment or components or parts thereof) which does not bear a precedence list designation. The sequence of deliveries among such orders bearing no precedence list designation and as between any order bearing no precedence list designation and any order bearing a precedence list designation shall be determined pursuant to Priorities Regulation No. 1 in accordance with the preference ratings which such orders respectively bear.

(3) Each producer shall review his production and delivery schedules for electronic equipment to which numerical designations under the precedence list have been applied; and on January 1, 1943, and thereafter, notwithstanding the provisions of any other applicable priorities regulations or orders of the War Production Board, he shall schedule or reschedule within each category of preference rating his production schedules of deliveries of types and quantities of electronic equipment to which numerical designations of urgency have been applied, in relation to each other only, and in accordance with such designations, so that, as to deliveries of those bearing lower designations, production shall be deferred to the extent necessary to assure those deliveries bearing higher designations within the time specified.

(4) When numerical designations of urgency have been applied to deliveries by a producer, such producer shall immediately transmit such designations, in writing, to his suppliers and fabricators of components or parts to be incorporated into such deliveries of the producer. The numerical designations of urgency shall be applied only to deliveries of fabricated and semifabricated components and parts but not to deliveries of raw materials.

(5) Any such supplier or fabricator receiving such numerical designations of urgency, from one or more producers, shall thereupon schedule or reschedule, within each category of preference rating, his production schedules of deliveries of types and quantities of components or parts to which such designations apply, in relation to each other only, and in accordance with such designations, so that, as to deliveries of those bearing lower designations, production shall be deferred to the extent necessary to assure those deliveries bearing higher designations in accordance with the purchase orders therefor.

(6) The Director General for Operations may from time to time issue special orders or directions varying or changing dates of deliveries or production schedules of electronic equipment and parts

PART 991—SPERM OIL

[General Preference Order M-40, as Amended
October 27, 1942]

Section 991.1 is hereby amended in its entirety to read as follows:

§ 991.1 *General Preference Order M-40*—(a) *Definition*. For the purpose of this order "sperm oil" means that oil obtained from the head or body of the sperm whale, alone or combined, including sperm oil which has been winterized, pressed, distilled, deodorized, sulphonated, sulphurized, sulfo-chlorinated, sulphated, blown or otherwise physically or chemically treated, but excluding crude and refined spermaceti.

(b) *Restriction on use, processing and delivery of sperm oil*. No person shall use, process, deliver or accept delivery of sperm oil except as specifically authorized by the Director General for Operations upon application of the user, processor or deliverer of Form PD-481, or except as provided in paragraph (c).

(c) *Exemptions*. Specific authorization of the Director General for Operations shall not be required with respect to:

(1) The delivery by any one person of 2,000 pounds or less of sperm oil in any one calendar month (in lots of not more than 100 pounds to any one person in any one calendar month).

(2) The use, processing, and acceptance of delivery of 100 pounds or less of sperm oil by any one person in any one calendar month.

(3) The delivery of sperm oil by (but not to), and the use or processing of sperm oil by, the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration.

(d) *Restriction on use of sperm oil in lubricating oils and greases*. (1) No person shall, in the production of lubricating or cutting oils or compounds, use sulphurized sperm oil having a sulphur content of less than ten percent (10%) by weight (including in the weight of such sulphurized sperm oil, the weight of any unsulphurized sperm oil used in conjunction therewith); and

(2) No person shall, in the production of lubricating or cutting oils or compounds, use sperm oil to an extent which will increase the sulphur content of such oil or compound to an amount in excess of that of the same grade of such oil or compound as prepared by the producer thereof during the 30-day period immediately prior to May 16, 1942.

(e) *Reports*. (1) Each person who shall bring sperm oil into the United States or its possessions shall file a letter with the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-40, within ten days after such importation, stating the port of entry, place of storage, ownership, grade and amount of such sperm oil.

(2) Each person affected by this order shall file such other reports as may from

time to time be required by the Director General for Operations.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations*. This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Intra-company deliveries*. The prohibitions and restrictions of this order with respect to deliveries of sperm oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations*. Any person who willfully violates any provision of this order or who willfully furnishes false information to the War Production Board in connection with this order 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 by the Director General for Operations.

(4) *Appeal*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of sperm oil conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director General for Operations by addressing a letter in triplicate to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-40, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(5) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-40.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10890; Filed, October 27, 1942;
10:53 a. m.]

and components therefor, and such orders or directions when issued shall be complied with irrespective of preference ratings or Precedence List designations.

(c) *Records*. All producers and suppliers and fabricators affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning production deliveries and orders for electronic equipment and components and parts therefor, deliveries of which are governed by this order.

(d) *Reports*. All producers and suppliers and fabricators affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(e) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, except as specifically provided to the contrary in paragraph (b) hereof.

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

(g) *Appeals*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment, in the community, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications*. All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Radio and Radar Branch, Washington, D. C., Ref: L-183-a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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ERNEST KANZLER,
Director General for Operations.

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10:50 a. m.]

PART 933—COPPER

[Supplementary Conservation Order M-9-c-4 as Amended October 27, 1942]

Section 933.15 *Supplementary Conservation Order M-9-c-4* is hereby amended so as to read as follows:

§ 933.15 *Supplementary Conservation Order M-9-c-4*—(a) *Definitions*. For the purposes of this order:

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy metal. It shall include alloy metal produced from scrap.

(3) "Copper or copper base alloy pipe or tubing" means any pipe, tube or tubing into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 5% of copper or copper base alloy by weight).

(4) "Copper or copper base alloy fittings" means any fittings (other than a valve) for plumbing or heating use or for a cooling tower or water tower into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 5% of copper or copper base alloy by weight).

(5) "Copper water tubing" means copper tubing type "K" and any other type of copper tubing lighter in gauge for the same outside diameter than type "K," if such tubing has been put to any plumbing or heating use.

(6) "Copper or copper base alloy building material" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 5% of copper or copper base alloy by weight):

Grilles.
Gutters, leaders, downspouts, expansion joints and accessories thereto.
Mouldings.
Nails, screws, nuts, bolts and rivets.
Ornamental metal work.
Railings.
Reglets.
Roof, roofing, flashing valleys and other roofing items.
Shear rings.
Sheet, roll, and strip for building construction.
Stair and threshold treads.
Strip for laying linoleum.
Terrazzo strips.
Termite shields.
Tie rods.
Washers.
Weatherstripping and insulation.

NOTE: For copper and copper base alloy screening, see Conservation Order M-9-c (§ 933.4) as amended April 9, 1942 and thereafter.

(7) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(8) "Scrap" means all copper or copper base alloy materials or objects which are the waste or by-product of industrial fabrication or which have been discarded

on account of obsolescence, failure or other reason.

(9) "To install in or connect to a structure or system" means to attach or build material to or into a building or other structure for plumbing or heating use, or to or into a water tower, water supply or water distribution system or installation; but does not mean to attach or build material to or into a machine such as a heater, refrigerator or other device (except a cooling tower or water tower) which itself has been or may be attached to or built into the structure or to or into an industrial processing system.

(b) *Restrictions on installation*. Notwithstanding any contract or agreement to the contrary or the receipt of any preference rating other than one described in paragraph (b) (4) hereof, on and after October 27, 1942, no person shall install in or connect to a structure or system (as such operations are defined in paragraph (a) (9) of this order) any copper or copper base alloy pipe, tubing, fittings or building material, except that:

(1) Any person may install in or connect to a structure or system any copper or copper base alloy pipe, tubing or building material in an aggregate amount not in excess of 25 pounds for each necessary repair of a structure or system, provided that such pipe, tubing or building material is used to repair or replace copper or copper base alloy pipe, tubing or building material and provided that such pipe, tubing or building material was, on or before October 26, 1942, in the possession of the person owning the structure or system; and

(2) Any person may connect for purposes of repair and maintenance copper or copper base alloy fittings to copper water tubing (as such tubing is defined in paragraph (a) (5) of this order) already installed; and any person may connect for any purpose copper or copper base alloy fittings to a water supply or distribution system outside of a building; and

(3) Any person may install in or connect to a structure or system any copper or copper base alloy pipe, tubing, fittings or building material purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Coast Guard or the Panama Canal: *Provided, however, that nothing in this order shall supersede any applicable instructions to any officers of the foregoing, including without limitation the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War and the Secretary of the Navy or of the List of Prohibited Items for Construction Work dated April 1, 1942, issued by the Army and Navy Munitions Board, as amended from time to time; and*

(4) Any person may install in or connect to a structure or system any copper or copper base alloy pipe, tubing, fittings or building material (I) upon the written authorization of the Director General for Operations given under this order authorizing the specific installation, or (II) pursuant to a specific authorization, or preference rating certificate or order con-

stituting authorization, to begin construction pursuant to the provisions of Conservation Order L-41, as amended from time to time. Applications for authorization under this order may be made by letter setting forth the reasons why the person believes such material should be installed in or connected to a building.

(c) *Restrictions on delivery*. Notwithstanding any contract or agreement to the contrary or the receipt of any preference rating other than one described in paragraph (c) (3) hereof, on and after October 27, 1942, no person shall deliver, sell or otherwise dispose of any copper or copper base alloy pipe, tubing, fittings or building material for the purpose of installing them in or connecting them to a structure or system (as such operations are defined in paragraph (a) (9) of this order) otherwise than as permitted by subparagraphs (b) (2), (3) and (4) of this order; and no person shall accept delivery or a transfer of such pipe, tubing, fittings or building material or purchase such pipe, tubing, fittings or building material unless the person making the delivery, sale or other disposition was permitted to do so. The foregoing shall not prevent:

(1) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, a scrap dealer or a brass mill; or

(2) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Act as amended (except Defense Plant Corporation) or any person acting as agent for any such corporation (except Defense Plant Corporation); or

(3) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, any person of any copper or copper base alloy pipe, tubing, fittings or building material (i) upon the written authorization of the Director General for Operations given under this order authorizing the specific delivery, sale or disposal, or (ii) pursuant to a specific authorization, or preference rating certificate or order constituting authorization, to the person accepting delivery or transfer or making the purchase, to begin construction pursuant to the provisions of Conservation Order L-41 as amended from time to time. Applications for authorization under this order may be made by the person seeking to make delivery, sale or disposal, by letter setting forth the reasons why the person believes such material should be delivered, sold or otherwise disposed of.

(d) *Communications to the War Production Board*. All requests for authorizations and communications referring to this order, shall, unless otherwise directed, be addressed to: War Production Board, Copper Branch, Washington, D. C., Ref: M-9-c-4.

(e) *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 depart-

ment 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.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

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PART 1053—FATS AND OILS

[General Preference Order M-71, as Amended September 22, 1942, Amendment 1]

Section 1053.1 *General Preference Order M 71, as amended September 22, 1942* is hereby amended in the following respects:

1. By adding a new paragraph (a) (6) reading as follows:

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, merchant and naval ships, tanks and vehicles) and any parts, assemblies, and material to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

2. By amending subdivision (ii) of paragraph (b) (6) to read:

(ii) The use of fats and oils in the manufacture of any edible product delivered or to be delivered to the Army or Navy of the United States, or delivered or to be delivered pursuant to the Act of March 11, 1941, entitled "An act to promote the defense of the United States" (Lend-Lease Act), or the processing of fats and oils for delivery to another manufacturer for use in the manufacture of any such edible product: *Provided, however,* That this paragraph shall not exempt the use of fats and oils by any person other than the person having the prime contract with the Army or Navy or with the administrator of such Lend-Lease Act, unless the Quartermaster General of the Army or the Chief of the Bureau of Supplies and Accounts of the Navy, or the administrator of the Agricultural Marketing Administration (as the procurement agency for the administrator of such Lend-Lease Act), or the duly authorized representative of any of them, shall have issued to the manufacturer (whether prime contractor or subcontractor) who uses the fat or oil in the manufacture of the edible product contracted for, a certificate setting forth that such product is for direct Army or Navy issue or for delivery pursuant to

such Lend-Lease Act and that the manufacture of such product will require a stated quantity of fats or oils, and designating the supplier or suppliers of such fats or oils to be exempted under the terms of this paragraph of this order.

3. By amending subdivision (iii) of paragraph (b) (6) to read:

(iii) The use of fats and oils in the manufacture of soap, including soap made from foots derived from domestic vegetable oils or their fatty acids, where such soap is delivered to the Army or Navy of the United States by the manufacturer or is delivered by such manufacturer, as a prime contractor, pursuant to such Lend-Lease Act.

4. By adding a new subdivision (iv) to paragraph (b) (6) reading:

(iv) The use of fats and oils in the manufacture, preparation or finishing of implements of war.

5. By amending paragraph (b) (7) to read:

(7) For the purposes of determining a manufacturer's permissible use or consumption under paragraphs (b) (1) and (b) (2) hereof, there shall be excluded from the period or quarter during which use or consumption is hereby limited, any fat or oil used in the manufacture of the products referred to in subdivisions (ii), (iii) and (iv) of paragraph (b) (6) hereof, and there shall be excluded from the base period any fat or oil used by such manufacturer in such base period in the manufacture of any edible product or soap delivered by him to the Army or Navy of the United States or delivered by him, as a prime contractor, pursuant to such Lend-Lease Act, and there also shall be excluded from such base period any fat or oil used in the manufacture, preparation or finishing of implements of war.

6. By amending subdivisions (i) and (ii) of paragraph (c) (1) by striking out the figure "80%" which appears in each of said subparagraphs and substituting therefor "70%".

7. By adding a new paragraph (c) (3) reading:

(3) This order shall not restrict the delivery by any person of linseed oil to the Army or Navy of the United States or pursuant to such Lend-Lease Act, and any amount so delivered by him shall be excluded both from the base period on which his quota is based and from the period or quarter during which future deliveries are hereby limited.

8. Schedule A annexed to said order is amended to read:

Class of use	Permitted Percentage
Manufacture of margarine.....	110
Manufacture of other edible finished products, including shortening, mayonnaise and salad dressing.....	88
Manufacture of soap, exclusive of soap made from domestic vegetable oil foots or their fatty acids.....	88
Manufacture of soap from foots made from domestic vegetable oils or their fatty acids.....	150
Manufacture of paints, varnishes, lacquers and all other protective coatings.....	70

Class of use	Permitted Percentage
Manufacture of linoleum, oilcloth, and oil or oleo-resinous coated fabrics and pyroxylin coated fabrics.....	70
Manufacture of printing inks, including lithographing, offset, silk screen and other processing inks.....	90

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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Director General for Operations.

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PART 1085—MAINTENANCE AND OPERATION OF PLANTS CANNING OR PROCESSING FRUITS, VEGETABLES, OR FISH

[Preference Rating Order P-115, as Amended October 27, 1942]

Part 1085 (formerly entitled "Maintenance and Expansion of Plants Canning Fruits and Vegetables") is hereby amended to read "Part 1085, Maintenance and Operation of Plants Canning or Processing Fruits, Vegetables or Fish," and Preference Rating Order P-115 (§ 1085.1) is hereby amended to read as follows:

§ 1085.1 *Preference Rating Order P-115—(a) Definitions.* For the purposes of this order:

(1) "Producer" means any person located in the United States, its territories and possessions, engaged in the business of canning or otherwise processing fruits, vegetables, or fish, or any person, located in the Dominion of Canada, to whom and in whose name a copy of this order is specifically issued.

(2) "Canning" means the preparation of fruits, vegetables, or fish for market by packing such fruits, vegetables, or fish (either alone or in combination with other commodities) in hermetically sealed containers and sterilizing by the use of heat and includes all operations required for or usually incidental to such preparation.

(3) "Processing" means the primary preparation of fruits, vegetables, or fish for market by freezing, dehydration, and fresh packing in a processing plant.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind, used in the canning or processing of fruits, vegetables or fish, but does not include any planting or harvesting equipment, fishing vessels, or fishing equipment, or equipment used in the transportation of food products from the producer's plant.

(5) "Maintenance" means minimum upkeep necessary to enable the producer's existing plant and equipment to be used at its maximum rate of operation permissible under Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) and other like orders.

(6) "Repair" means restoration of a producer's machinery, plant or equip-

ment to sound working condition after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction.

(7) "Material required for operation" means operating supplies including strapping and stitching wire but not including metal containers and closures, fuel, and office supplies.

(8) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment, when not constituting repair.

(9) "Material required for more efficient operation" means material necessary for the most effective use of machinery in existing production lines, and material required to adapt such lines to the requirements of Order M-81, as amended from time to time, and other orders restricting permitted uses of containers and closures.

(10) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a producer or to another supplier.

(11) "Fish" includes shellfish.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (c) and (d) hereof:

(1) AA-2X to deliveries, to a producer, of material directly required for emergency maintenance or repair, to avert spoilage of fruit, vegetables or fish because of an actual breakdown or suspension of a producer's operations.

(2) AA-5 to deliveries, to a producer, of material required for repair, maintenance or operation.

(3) AA-3 to deliveries, to a producer, of material required for replacement, or for more efficient operation, excluding, however, any deliveries:

(i) For the construction of new buildings, or the establishment of new plants.

(ii) For the establishment of new production lines.

(iii) For any other purpose that, in the opinion of the Director General for Operations at the time application is made, as provided in paragraph (d) (3) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of Conservation Order M-81. (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like orders.

(c) *Restrictions on application of ratings by producer.* (1) The producer shall not apply any preference rating assigned by (b) (1) above to deliveries of material to replace other material withdrawn from his inventory of stores for maintenance, repair or operation.

(2) The producer shall not apply any preference rating assigned by (b) (2) above, if, in view of the current rate of consumption of his inventory of stores for repair and maintenance or operation, the delivery of the material to be rated would increase his inventory or stores above the minimum permitted or provided in paragraph (e) below.

(3) The producer shall not apply any preference rating hereunder unless the material to be delivered cannot be se-

cured when required without such rating.

(4) The producer may apply the rating only to those quantities and kinds of materials necessary to enable him to maintain his canning or processing schedules up to the end of the calendar year 1943.

(d) *Application of preference rating.*

(1) A producer or any supplier, in order to apply or extend the preference ratings assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time.

(2) If preference rating AA-2X is applied, for emergency maintenance or repair, the producer must, immediately upon placing his order for such material, telegraph to the War Production Board the following with respect to such order:

(i) The name and address of the supplier;

(ii) Brief statement of what necessitated application of rating for emergency maintenance and repair;

(iii) A specific description of the material included in the order, and

(iv) The invoice cost of each item of such material.

(3) If the material is required for replacement or more efficient operation, the producer shall not apply preference rating AA-3, unless he shall have communicated with the War Production Board, describing the material needed and the nature of the proposed replacement or addition, and shall have received from the Director General for Operations a specific authorization to apply such rating, notwithstanding the fact that he may have previously been authorized to apply a rating of A-3, or A-1-c. Such application for authorization may be made by a written statement on Form PD-285 or, in any emergency, by telegram giving substantially the information called for by said Form PD-285.

(e) *Inventory provisions.* A producer shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the producer for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, a producer, and each supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Reports.* Each producer who applies a preference rating hereunder shall file such reports as may be required from

time to time by the War Production Board; and until further notice any producer who applies a preference rating hereunder for "emergency maintenance or repair", or for "repair, maintenance or operation" shall file with the War Production Board on or before the 10th day of each month copies of all purchase orders on which such ratings have been applied during the previous month.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D. C. Ref.: P-115.

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

(j) *Revocation or amendment.* This order may be revoked or amended at any time as to any producer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the producer or supplier affected by such revocation.

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

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 83 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,

Director General For Operations.

[F. E. Doc. 42-10332; Filed, October 27, 1942; 10:53 a. m.]

PART 3049—SOFTWOOD LUMBER

[Conservation Order M-203, Amendment 5]

Section 3049.1 *Conservation Order M-203* is amended in the following respects:

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

(1) "Softwood lumber" means any sawed lumber (except shingles or lath) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shipped, worked to pattern, or grooved for splines, of any

¹⁷ F.R. 6337, 7202, 7201, 8224, 8474.

species of softwood, but not including plywood, veneer or used lumber; provided, that "softwood lumber" shall not include Douglas fir lumber sold, shipped or delivered by producers in accordance with the provisions of Limitation Order L-218.

2. Subdivisions (i), (ii), and (iii) of paragraph (f) (1) are amended to read as follows:

(i) Southern pine or western larch sold as meeting specifications of 1800 or 2000 lbs. fiber stress per square inch, or 1300 or 1450 lbs. compression stress, except on Class 1 orders;

(ii) Southern pine, cypress or western larch sold as meeting specifications of 1400 or 1600 lbs. fiber stress per square inch, or 1100 or 1200 lbs. compression stress, except on Class 1 or Class 2 orders;

(iii) West Coast hemlock, noble fir or Sitka spruce, of grades No. 1, No. 2, or any higher common grade, except on Class 1, Class 2 or Class 3 orders.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10893; Filed, October 27, 1942;
10:53 a. m.]

Chapter XI—Office of Price Administration
PART 1405—FERRO-ALLOYS

[MPR 248]

MANGANESE ORES

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of manganese ores by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of manganese ores prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as

*Copies may be obtained from the Office of Price Administration.

amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 248 is hereby issued.

Sec.

- 1405.51 Prohibition against dealing in manganese ores at prices above the maximum.
1405.52 Less than maximum prices.
1405.53 Export sales.
1405.54 Sales or deliveries of manganese ores to the United States or any agency thereof.
1405.55 Sales of manganese ores located without the continental United States.
1405.56 Sales or deliveries of domestic battery or chemical manganese ores.
1405.57 Adjustable pricing.
1405.58 Evasion.
1405.59 Records and reports.
1405.60 Enforcement.
1405.61 Petitions for amendment.
1405.62 Applicability of General Maximum Price Regulation.
1405.63 Definitions.
1405.64 Effective date.
1405.65 Appendix A: Maximum prices for metallurgical manganese ores.
1405.66 Appendix B: Maximum prices for battery and chemical manganese ores.

AUTHORITY: §§ 1405.51 to 1405.66, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1405.51 *Prohibition against dealing in manganese ores at prices above the maximum.* On and after November 9, 1942, regardless of any contract, agreement, lease, or other obligation, no person, except as provided in §§ 1405.54, 1405.55, and 1405.56, shall sell, offer to sell, deliver or transfer manganese ores, and no person in the course of trade or business shall buy or receive manganese ores, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as §§ 1405.65 and 1405.66; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Maximum Price Regulation No. 248 shall not apply to the sale or delivery of manganese ores if prior to November 9, 1942, such ores had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1405.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1405.65 and 1405.66) may be charged, demanded, paid or offered.

§ 1405.53 *Export sales.* The maximum price at which any person may export manganese ores shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,⁷ issued by the Office of Price Administration.

§ 1405.54 *Sales or deliveries of manganese ores to the United States or any agency thereof.* Neither the provisions of this Maximum Price Regulation No. 248, other than § 1405.59, nor the provi-

⁷ F.R. 5059, 7242.

sions of the General Maximum Price Regulation² shall apply to the sale or delivery of manganese ores to the United States or any agency thereof.

§ 1405.55 *Sales of manganese ores located without the continental United States.* (a) Neither the provisions of this Maximum Price Regulation No. 248, other than § 1405.59, nor the provisions of the General Maximum Price Regulation shall apply to the sale or delivery of manganese ores which are located at a point without the continental United States both at the time of the contract of sale and the vesting of title to the ores in the buyer.

(b) The Administrator will entertain no petition or application for amendment, adjustment, exception or other relief from the maximum prices established for standard ferromanganese by Maximum Price Regulation No. 138,³ or for any other product of manganese ores, to the extent that such petition or application is based directly or indirectly, on delivered costs of manganese ores, purchased by the petitioner or applicant pursuant to paragraph (a) of this § 1405.55, which are in excess of what the delivered costs would have been if the petitioner or applicant had purchased ores of equivalent grade for which maximum prices are established by this Maximum Price Regulation No. 248.

§ 1405.56 *Sales or deliveries of domestic battery or chemical manganese ores.* Neither the provisions of this Maximum Price Regulation No. 248, other than § 1405.59, nor the provisions of the General Maximum Price Regulation shall apply to the sale or delivery of domestic battery or chemical manganese ores.

§ 1405.57 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In any appropriate situation where a petition for an adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1405.58 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 248 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt, of or relating to manganese ores, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

² 7 F.R. 3153, 3330, 3666, 3900, 3951, 4330, 4487, 4659, 4735, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 6007, 7322, 7454, 7758, 7913, 8431.

³ 7 F.R. 3212, 5646, 3448.

§ 1405.59 *Records and reports.* (a) On and after November 9, 1942, every person making a purchase or sale of manganese ore shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing (1) the date thereof, (2) the names and addresses of the buyer and the seller, (3) the quantity, source and analysis of each kind or grade of ore purchased or sold, (4) the purpose for which such ore was purchased, (5) the date of delivery of each shipment, (6) the price paid or received, and (7) in case of a purchase of ore pursuant to § 1405.55 the delivered cost of such ore.

(b) Persons affected by this Maximum Price Regulation No. 248 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1405.60 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 248 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 248 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1405.61 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 248 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1405.62 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 248 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 248. Neither shall the General Maximum Price Regulation apply to those sales or deliveries expressly excluded therefrom by the provisions of this Maximum Price Regulation No. 248.

§ 1405.63 *Definitions.* (a) When used in this Maximum Price Regulation No. 248, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of the political subdivisions, or any agency of any of the foregoing.

(2) "Manganese ore" means any metallurgical, battery or chemical manganese ore as defined below.

(3) "Metallurgical manganese ore" means any mineral substance in a crude state used chiefly as a source of manganese in the production of ferro-alloys or manganese metal. It includes such ore even though it has been concentrated or beneficiated. It shall not include any ore which contains less than 35% metallic manganese by weight, nor shall it include any ore which is sold for use in the dry battery or chemical industries or for resale for such use.

(4) "Battery manganese ore" means any mineral substance in a crude state which is sold for use or for resale for use in the dry battery industry as a source of manganese dioxide. It includes such ore even though it has been concentrated, beneficiated, or sized.

(5) "Chemical manganese ore" means any mineral substance in a crude state which is sold for use or for resale for use in the chemical industry as a source of manganese or any compound of manganese. It includes such ore even though it has been concentrated, beneficiated, or sized.

(6) "Long ton unit" means one one-hundredth part of a long or gross ton of 2240 pounds.

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

(8) "Domestic battery or chemical manganese ore" means any battery or chemical manganese ore mined within the continental United States.

(9) "Import" means to bring into the continental United States from any place outside the continental United States.

(10) "Buyer's receiving point" means the place at which the buyer will convert or process a particular lot of ore, or at which he will stockpile it for conversion, processing or resale at some future time.

(11) "Buyer's most favorable basing point" means that one of the basing points listed from which a delivery of the particular lot of manganese ore to the buyer's receiving point would yield the buyer the lowest delivered cost. The delivered costs shall be computed by adding to the base price applicable to the particular basing point the rail freight for delivering the particular lot of ore from such basing point to the buyer's receiving point.

(12) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 248.

§ 1405.64 *Effective date.* This Maximum Price Regulation No. 248 (§§ 1405.-51 to 1405.66, inclusive) shall become effective November 9, 1942.

§ 1405.65 *Appendix A: Maximum prices for metallurgical manganese ores.* (a) The maximum prices for metallurgical manganese ores shall be determined by using the following base prices and base analysis with the premiums and penalties herein prescribed:

Base Analysis on Dry Basis

Manganese—43%;
Iron—6%;
Silica plus alumina—11%;
Phosphorus—18%.

Maximum Base Price Per Long Ton Unit of Contained Manganese, Duty, if any, Paid

85¢ f. o. b. railroad cars Mobile or New Orleans; or
90¢ f. o. b. railroad cars Norfolk, Baltimore, Philadelphia, or New York; or
80¢ f. o. b. railroad cars Fontana, California, Pueblo, Colorado, or Provo, Utah.

Premiums

Manganese content above 43%: ½¢ for each 1%.

Iron content below 6%: ½¢ for each 1%.

Silica plus alumina content below 11%: nothing.

Phosphorus below 18%: nothing.

Penalties

Manganese Content

Below 43%: 1¢ for each 1% down to and including 42%.

Below 44%: 4¢, plus 1½¢ for each 1% down to and including 40%.

Below 40%: 10¢, plus 2¢ for each 1% down to and including 35%.

Iron Content

Above 6%: 1¢ for each 1% up to and including 8%.

Above 8%: 2¢, plus ¾¢ for each 1%.

Silica plus alumina content

Above 11%: 1¢ for each 1% up to and including 15%.

Above 15%: 4¢, plus ¾¢ for each 1%.

Phosphorus Content

Above 18%: ½¢ for each .01%.

The above premiums and penalties shall be applied pro rata to variations of a fraction of 1%.

The basing point to be used in the determination of the maximum price for particular lots of metallurgical manganese ore shall be the buyer's most favorable basing point. If metallurgical ore is sold on a delivered price basis and the buyer's receiving point is located at a place elsewhere than the buyer's most favorable basing point, the maximum delivered price shall be the applicable base price, plus rail freight from such basing point to the buyer's receiving point. If, however, ore is sold f. o. b. a point other than the buyer's most favorable basing point or the buyer's receiving point, the maximum price shall be the applicable base price, plus rail freight from the f. o. b. point to the buyer's receiving point, minus rail freight from the f. o. b. point to the buyer's receiving point.

(b) *Quantity differential.* The maximum prices set forth in paragraph (a), above, may be increased by 10¢ per long ton unit of contained manganese if the seller, at the request of and for the convenience of the buyer, sells and delivers

metallurgical manganese ore in lots of one carload or less.

(c) *Analysis.* In any case where the buyer contracts for or requests settlement for a particular lot of metallurgical manganese ore on the basis of an independent analysis, the buyer may pay, in addition to the maximum price as determined under paragraphs (a) and (b), above, an amount equal to but not exceeding one-half the actual expenses of such analysis incurred pursuant to such contract or request: *Provided*, That, if the buyer pays more than one-half the cost of such independent analysis, the maximum price shall be adjusted downward by an amount equal to the amount by which such payment exceeds one-half the actual expenses of such analysis.

(d) *Credit.* The maximum prices set forth above shall not be increased by any charges for the extension of credit.

§ 1405.66 *Appendix B: Maximum prices for battery and chemical manganese ores.* (a) The maximum prices for battery and chemical manganese ores, other than domestic battery and chemical ores, shall be:

(1) The highest price which the seller charged for such kind and grade of ore delivered by him to a purchaser of the same class during March 1942; or

(2) If the seller did not deliver such kind and grade of ore to a purchaser of the same class during March 1942, the highest price quoted in the seller's price list, or, if he had no price list, the highest price which the seller regularly quoted in any other manner, for delivery of such kind and grade of ore to a purchaser of the same class during March 1942; or

(3) If the maximum price for such kind and grade of ore cannot be determined under the foregoing provisions of this paragraph (a), a price approved by the Administrator, which shall be in line with the level of maximum prices established by subparagraphs (1) and (2) of this paragraph (a). Pending such approval by the Administrator, any person may sell or deliver, and any person may buy or receive, such ore at the price submitted for approval. If, however, the Administrator disapproves the price submitted, the contract price shall be revised downward to the maximum price which the Administrator shall approve, and, if any payment has been made at a price higher than that so approved, the seller shall refund the excess: *Provided*, That the price submitted by the seller for approval shall be deemed to be approved unless the Administrator specifically disapproves such price and establishes an approved maximum price within 20 days from the date on which the report required herein is received by the Office of Price Administration, or, if further information is requested from the seller within such 20-day period, then within 20 days from the date on which all such information is received by the Office of Price Administration.

(4) On and after November 9, 1942, every person selling ores pursuant to the provisions of subparagraph (3) of this paragraph (a) shall report every such

sale to the Office of Price Administration, Washington, D. C. within five days from the date thereof, stating:

(i) The name and address of the buyer;

(ii) The source and analysis of the ore;

(iii) The quantity sold;

(iv) The date of purchase and the cost of the ore to the seller;

(v) The use for which the buyer is purchasing; and

(vi) The price submitted for approval.

(5) The provisions of subparagraphs (3) and (4) of this paragraph (a) shall not apply to sales of any kind and grade of ore at a price previously reported to and approved by the Administrator, for a sale of such kind and grade of ore to a purchaser of the same class, in accordance with the provisions of subparagraphs (3) and (4), above. Whenever the price proposed for a particular kind and grade of ore has been so approved, the price so approved shall be the maximum price at which such person may thereafter sell such ore to a purchaser of the same class. Nothing contained herein, however, shall be construed to prevent the Administrator from adjusting any price so approved when in his judgment such adjustment is warranted.

(b) *Sales of imported battery or chemical manganese ores.* (1) Any person may sell battery or chemical manganese ores, imported after March 31, 1942, at prices higher than the maximum prices for such ores which are established by subparagraphs (1) and (2) of paragraph (a) of this § 1405.66 or which would have been approved by the Administrator pursuant to subparagraph (3) thereof: *Provided*, That (i) the seller, at the time when he offers to sell such ores, shall advise the buyer that such higher prices are being charged pursuant to this paragraph (b) and shall inform him of the provisions of this paragraph (b); and (ii) if the seller delivered or offered such ores for delivery, during March 1942, the increase in price shall not exceed the amount by which his delivered costs for such ores exceed his delivered costs for the same kind and grade of ores which he delivered, or offered for delivery, during March 1942; or (iii) if the seller did not deliver such ores, or offer them for delivery, during March 1942, the prices charged by him shall be subject to revision or adjustment by the Administrator if, in the opinion of the Administrator, such prices exceed the maximum prices which, in the absence of this paragraph (b), would have been approved by the Administrator pursuant to the provisions of subparagraph (3) of paragraph (a) of this § 1405.66, plus a fair allowance for increases in the costs of importation over the importation costs which prevailed during March 1942.

(2) Within 10 days after the first delivery made pursuant to the first sale at a higher price permitted by this paragraph (b), the seller shall report such sale to the Office of Price Administration, Washington, D. C., stating:

(i) The name and address of the buyer;

(ii) The source and analysis of such ore and the uses for which the buyer purchased it;

(iii) The price and terms of sale;

(iv) The dates at which such ore was bought by the seller and at which it was imported into the continental United States;

(v) The price at which the person who imported such ore purchased it, the terms of his purchase, and the charges for freight, insurance and duties incurred by him in connection with such purchase;

(vi) The delivered cost to him of ore of the same kind and grade if he delivered, or offered such ore for delivery during March 1942; and

(vii) The maximum price to which the seller would have been limited under paragraph (a) of this § 1405.66, except for the provisions of this paragraph (b). If it would have been necessary for him to submit a price for approval pursuant to subparagraph (3) of paragraph (a), he shall so state.

(3) The Administrator will entertain no petition or application for amendment, adjustment, exception or other relief from the maximum prices established for any commodity made from or with imported battery or chemical manganese ores to the extent that such petition or application is based, directly or indirectly, on delivered costs of imported battery or chemical manganese ores, purchased by the petitioner or applicant pursuant to paragraph (b) of this § 1405.66, which are in excess of what the delivered costs would have been if the petitioner or applicant had purchased ores of equivalent grade at the maximum prices for such ores which are established by subparagraphs (1) and (2) of paragraph (a) of this § 1405.66, or which would have been approved by the Administrator pursuant to subparagraph (3) thereof.

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10847; Filed, October 26, 1942; 12:22 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 105 Under § 1499.3 (b) of GMPR]

STEGNER FOOD DISTRIBUTING CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 105.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.969 *Authorization of a maximum price for sales of "Stegner's" Chill Con Carne with beans, packed 25 ounces in a glass jar, by Stegner Food Distributing Company, Cincinnati, Ohio by wholesalers and by retailers.* (a) On and after October 27, 1942, the maximum price for sale by Stegner Food Company of Cincinnati, Ohio, of "Stegner's" Chill Con Carne with beans shall be \$2.65 per dozen of 25 ounce glass jars, delivered to buyer's stations.

(b) Sellers at wholesale shall determine their maximum delivered prices for "Stegner's" Chili Con Carne with beans in 25 ounce glass jars, by adding to their net cost a maximum profit margin of 20 percent of their net cost. The maximum prices so determined shall not exceed \$3.18 per dozen of 25 ounce jars. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for "Stegner's" Chili Con Carne with beans in 25 ounce glass jars delivered at the customary receiving point less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Stegner's" Chili Con Carne with beans in 25 ounce glass jars by adding to their net cost a maximum profit margin of 33½ percent of this net cost. The maximum prices so determined shall not exceed 35 cents for each 25 ounce jar. Where a maximum price per jar determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per jar to the next higher cent.

Net cost for a retailer shall be his invoice price paid for "Stegner's" Chili Con Carne with beans delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) All sellers shall apply to their maximum selling prices for "Stegner's" Chili Con Carne with beans in 25 ounce jars the same discounts, allowances and price differentials which they customarily apply to "Stegner's" Chili Con Carne with beans in 10½ ounce tins or (if "Stegner's" Chili Con Carne with beans was not sold) to comparable items.

(e) The Stegner Food Distributing Company shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this Company of "Stegner's" Chili Con Carne with beans written notice as follows:

The Office of Price Administration has authorized us by order to sell "Stegner's" Chili Con Carne with beans in 25 ounce glass jars at a maximum selling price of \$2.65 per dozen, delivered at purchasers' station.

The same Office of Price Administration order authorized wholesalers to determine their maximum delivered price of "Stegner's" Chili Con Carne with beans by adding to their net cost of this product a margin of profit of

20% of this net cost. Where a maximum price per dozen so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent. Maximum prices determined by this procedure shall not exceed \$3.18 per dozen of 25 ounce glass jars.

Wholesaler's net cost shall be his invoice price for "Stegner's" Chili Con Carne with beans delivered at his customary receiving point less all discounts allowed, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

This order also requires us to print on, include in or securely attach to each shipping case of "Stegner's" Chili Con Carne with beans for a period of three months after the original offering, written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of "Stegner's" Chili Con Carne with beans. You, as a wholesaler, are not required to give notification to retailers on full shipping case sales. However, you are required on any broken case sale, to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.

You are required to keep this notice for examination.

(f) The Stegner Food Distributing Company shall print on, include in, or securely attach to each shipping case of "Stegner's" Chili Con Carne with beans for a period of three months after the initial offering of this product, written notice as follows:

The Office of Price Administration has authorized for us a maximum selling price of "Stegner's" Chili Con Carne with beans.

As a retailer, you are to determine your maximum selling price of "Stegner's" Chili Con Carne with beans by adding to your net cost of each size a margin of profit of 33½% of this net cost. Where a maximum price per jar so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per jar to the next higher cent.

Your maximum price so determined shall not exceed 35 cents per 25 ounce glass jar.

Your net cost shall be your invoice price paid for "Stegner's" Chili Con Carne with beans delivered to your customary receiving point less all discounts allowed, except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the customary mode of transportation.

You are required to keep this notice for examination.

(g) This Order No. 105 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 105 (§ 1499.969) shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10249; Filed, October 26, 1942; 12:22 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 108 Under § 1499.3 (b) of GMPER]
GASTRO FOOD COMPANY

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 106.

For the reasons set forth in an opinion issued simultaneously herewith,

It is ordered:

§ 1499.970 Authorization of maximum prices for sales of "V-BO" Bouillon Paste by Gastro Food Company, by wholesalers and by retailers. (a) On and after October 27, 1942, the maximum prices for sale by Gastro Food Company, 647 Hudson Street, New York City, New York, of "V-BO" Bouillon Paste shall be:

\$8.60 per dozen of 16 ounce jars
\$3.45 per dozen of 6 ounce jars
\$1.80 per dozen of 2 ounce jars

delivered at purchaser's station.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of "V-BO" Bouillon Paste by adding to their net cost of each size a maximum profit margin of 25 percent of this net cost. The maximum delivered prices so determined shall not exceed \$10.75 per dozen of 16 ounce jars, \$4.30 per dozen of 6 ounce jars and \$2.35 per dozen of 2 ounce jars. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for "V-BO" Bouillon Paste delivered at the customary receiving point less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "V-BO" Bouillon Paste by adding to their net cost of each size a maximum profit margin of 40% of this net cost. The maximum prices so determined shall not exceed \$1.25 for each 16 ounce jar, 50¢ for each 6 ounce jar, and 27¢ for each 2 ounce jar. Where a maximum price per jar determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per jar to the next higher cent.

Net cost for a retailer shall be his invoice price paid for "V-BO" Bouillon Paste delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall ever be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) Wholesalers and retailers shall apply to their maximum selling prices for "V-BO" Bouillon Paste the same discounts, allowances and price differentials which they customarily apply to comparable items, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) The Gastro Food Company shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this Company of "V-BO" Bouillon Paste written notice as follows:

The Office of Price Administration has authorized us by order to sell "V-BO" Bouillon Paste in the following sizes at the following maximum price:

16 ounce jars at \$8.20 per dozen
6 ounce jars at \$3.45 per dozen
2 ounce jars at \$1.90 per dozen

delivered at purchaser's station.

This same order authorizes wholesalers to determine their maximum delivered prices of "V-BO" Bouillon Paste by adding to their net cost of each size of this product a margin of profit of 25% of this net cost. Where a maximum price per dozen so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent. Maximum prices determined by this procedure shall not exceed:

\$10.75 per dozen of 16 ounce jars.
\$4.30 per dozen of 6 ounce jars.
\$2.35 per dozen of 2 ounce jars.

Wholesaler's net cost shall be his invoice price for "V-BO" Bouillon Paste delivered at his customary receiving point less all discounts allowed except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

This order also requires us to print on, include in or securely attach to each shipping case of "V-BO" Bouillon Paste for a period of three months after the original offering written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of "V-BO" Bouillon Paste. You, as a wholesaler, are not required to give similar notification to retailers on full shipping case sales. However, you are required on a broken case sale to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.

You are required to keep this notice for examination.

(f) The Gastro Food Company shall print on, include in or securely attach to each shipping case of "V-BO" Bouillon Paste for a period of three months after the initial offering of this product, written notice as follows:

The Office of Price Administration has authorized for us and for wholesalers maximum selling prices of "V-BO" Bouillon Paste.

As a retailer, you are to determine your maximum selling prices of "V-BO" Bouillon Paste by adding to your net cost of each size a margin of profit of 40% of this net cost. Where a maximum price per jar so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per jar to the next higher cent.

Your maximum prices so determined shall not exceed:

\$1.25 per 16 ounce jar.
50¢ per 6 ounce jar.
27¢ per 2 ounce jar.

Your net cost shall be your invoice price paid for "V-BO" Bouillon Paste delivered to your customary receiving point less all discounts allowed, except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the usual mode of transportation.

You are required to keep this notice for examination.

(g) This Order No. 106 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 106 (§ 1499.970) shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10850; Filed, October 26, 1942;
12:23 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 7 Under § 1499.3 (b) of GMPR]

DRY-PACK CORPORATION

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 107.

For the reasons set forth in an opinion issued simultaneously herewith,
It is ordered:

§ 1499.971 *Authorization of maximum prices for sales of "Dry-Pack" dehydrated soup mixes by Dry-Pack Corporation, by wholesalers and by retailers.*

(a) On and after October 27, 1942, the maximum prices for sales by Dry-Pack Corporation, having its principal place of business at 420 Madison Avenue, New York City, New York, of "Dry-Pack" Dehydrated Soup Mixes shall be \$1.10 per dozen packages of an item in Price Line (A) as described below and \$77½¢ per dozen packages of an item in Price Line (B) as described below. These prices shall include delivery to purchaser's station.

Price Line A consists of the following items:

"Dry-Pack" Cream of Potato Soup Mix in 2¼ ounce packages,
"Dry-Pack" Cream of Spinach Soup Mix in 2¼ ounce packages,
"Dry-Pack" French Onion Soup Mix in 1 ounce packages,
"Dry-Pack" Fresh Pea Soup Mix in 3 ounce packages.

Price Line B consists of the following items:

"Dry-Pack" Pepper-Corn Soup Mix in 2½ ounce packages,
"Dry-Pack" Yellow Pea Soup Mix in 3 ounce packages,
"Dry-Pack" Vegetable Soup Mix in 1½ ounce packages,
"Dry-Pack" Russian Soup Mix (Bortsch) in 2½ ounce packages.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of "Dry-Pack" Dehydrated Soup Mixes by adding to their net cost of each item a maximum profit margin of 20 percent of this net cost. The maximum delivered prices so determined shall not exceed \$1.32 per dozen for any item in Price Line (A) described in paragraph (a) above and shall not exceed \$.93 per dozen for any item in Price Line (B) described in paragraph (a) above. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for an item of "Dry-Pack" Dehydrated Soup Mix delivered at his customary receiving point, less all discounts allowed him except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Dry-Pack" Dehydrated Soup Mix by adding to their net cost of each item a maximum profit margin of 33⅓ percent of this net cost. The maximum prices so determined shall not exceed 15 cents per package for any item in Price Line (A) described in paragraph (a) above and shall not exceed 10 cents per package for any item in Price Line (B) described in paragraph (a) above. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for an item of "Dry-Pack" Dehydrated Soup Mix delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall ever be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) Wholesalers and retailers shall apply to their maximum selling prices for "Dry-Pack" Dehydrated Soup Mixes the same discounts, allowance and price differentials which they customarily apply to comparable items of dehydrated soup mixes, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) Dry-Pack Corporation shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this company of "Dry-Pack" Dehydrated Soup Mixes written notice as follows:

The Office of Price Administration has authorized us by order to sell "Dry-Pack" Dehydrated Soup Mixes for the following maximum prices delivered at purchaser's station:

PRICE LINE (A)		Per dozen
"Dry-Pack" Cream of Potato Soup Mix	-----	\$1.10
"Dry-Pack" Cream of Spinach Soup Mix	-----	1.10
"Dry-Pack" French Onion Soup Mix	-----	1.10
"Dry-Pack" Fresh Pea Soup Mix	-----	1.10

PRICE LINE (B)		
"Dry-Pack" Pepper-Corn Soup Mix	-----	.77½
"Dry-Pack" Yellow Pea Soup Mix	-----	.77½
"Dry-Pack" Vegetable Soup Mix	-----	.77½
"Dry-Pack" Russian Soup Mix (Bortsch)	-----	.77½

The same order authorizes wholesalers to determine their maximum delivered prices of "Dry-Pack" Dehydrated Soup Mixes by adding to their net cost of each item a margin of profit of 20% of this net cost. Where a maximum price per dozen so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum selling price per dozen to the next higher cent. Maximum prices determined by this procedure shall not exceed \$1.32 per dozen for the items in Price Line (A) and shall not exceed \$.93 per dozen for the items in Price Line (B).

Wholesalers' net cost shall be his invoice price paid for "Dry-Pack" Dehydrated Soup Mixes delivered at his customary receiving point less all discounts allowed except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

This order also requires us to print on, include in or securely attach to each shipping case of "Dry-Pack" Dehydrated Soup Mix for a period of three months after the original offering written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of "Dry-Pack" Dehydrated Soup Mixes. You, as a wholesaler, are not required to give similar notification to retailers with full shipping case sales. However, you are required on any broken case sale to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.

You are required to keep this notice for examination.

(f) The Dry-Pack Corporation shall print on, include in or securely attach to each shipping case of "Dry-Pack" Dehydrated Soup Mix for a period of three months after the initial offering of this product written notice as follows:

The Office of Price Administration has authorized for us and for wholesalers maximum selling prices of the following "Dry-Pack" Dehydrated Soup Mixes.

PRICE LINE (A)	
"Dry-Pack" Cream of Potato Soup Mix	-----
"Dry-Pack" Cream of Spinach Soup Mix	-----
"Dry-Pack" French Onion Soup Mix	-----
"Dry-Pack" Fresh Pea Soup Mix	-----

PRICE LINE (B)	
"Dry-Pack" Pepper-Corn Soup Mix	-----
"Dry-Pack" Yellow Pea Soup Mix	-----
"Dry-Pack" Vegetable Soup Mix	-----
"Dry-Pack" Russian Soup Mix (Bortsch)	-----

As a retailer, you are to determine your maximum selling prices of "Dry-Pack" Dehydrated Soup Mixes by adding to your net

cost of each item a margin of profit of 33½% of this net cost. Where a maximum price per package so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per package to the next higher cent.

Your maximum prices so determined shall not exceed 15 cents per package for the items in Price Line (A) and shall not exceed 10 cents per package for the items in Price Line (B).

Your net cost shall be your invoice price paid for "Dry-Pack" Dehydrated Soup Mixes delivered to your customary receiving point less all discounts allowed except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the usual mode of transportation.

You are required to keep this notice for examination.

(g) This Order No. 107 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 107 (§ 1499.971) shall become effective as of October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10851; Filed, October 26, 1942; 12:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.18 (c) of GMPR]

ARTHUR A. FOGARTY—GREAT ATLANTIC & PACIFIC TEA CO.

Order No. 1 under § 1499.78 (c) of the General Maximum Price Regulation—Docket No. GF3-630.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.1001 *Adjustment of maximum prices for contract carrier services sold by Arthur A. Fogarty.* (a) Arthur A. Fogarty, 8 West Street, Springfield, Massachusetts, may sell and deliver and the Great Atlantic and Pacific Tea Company, 130 Auckland Street, Dorchester, Massachusetts may buy and receive from said Arthur A. Fogarty contract carrier services at prices not more than 12½ per cent higher than the prices which prevailed for similar services received from said Arthur A. Fogarty during the month of March, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1001) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 1 (§ 1499.1001) shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10348; Filed, October 23, 1942; 12:22 p. m.]

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

[MPR 149; Amendment 2]

MECHANICAL RUBBER GOODS

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

A new § 1315.21a is added, as set forth below:

§ 1315.21a *Maximum prices for rubber horseshoe pads manufactured by the Dryden Rubber Company.* Notwithstanding any other provision of this Maximum Price Regulation No. 149, the maximum price of rubber horseshoe pads manufactured by the Dryden Rubber Company shall be determined as follows:

(a) Dryden Rubber Company of Chicago, Illinois, may sell and deliver and offer, agree, solicit, and attempt to sell and deliver the following sizes of rubber horseshoe pads, and any person may buy from the Dryden Rubber Company the following sizes of rubber horseshoe pads at prices no higher than those hereinafter set forth:

TABLE OF MAXIMUM PRICES

Size:	Price per pair
0.....	23
1.....	315
2.....	34
2½.....	353
3.....	33
3½.....	415
4.....	435
4½.....	45
5.....	475
5½.....	505
6.....	525
7.....	555
8.....	53
9.....	515
10.....	65

(b) (1) Any wholesaler or retailer may sell and deliver and any purchaser from a wholesaler or retailer may buy and receive rubber horseshoe pads, manufactured by the Dryden Rubber Company, at the maximum price for the corresponding size of the Elk or Harlem brands of rubber horseshoe pads, manufactured by the Phoenix Manufacturing Company, or the Tobin, Junior or Vacuum Mule brands, manufactured by the Fruit Drop Forge Company, whichever is lower, (i) established for such seller or (ii), established for the most closely competitive seller of the same class, if, during March

*Copies may be obtained from the Office of Price Administration.

* 7 F.R. 3853, 7173.

1942, the seller did not deliver or offer to deliver any of these brands.

(2) If the seller had no competitive seller of the same class who, during March 1942, delivered or offered to deliver any of the brands of rubber horseshoe pads, manufactured by companies other than Dryden Rubber Company, set forth in paragraph (b) (1), the maximum prices for sales and deliveries of rubber horseshoe pads, manufactured by the Dryden Rubber Company, by such seller shall be determined by adding to the maximum price for the particular size of such rubber horseshoe pads, as established by the General Maximum Price Regulation, the amount indicated in the following table:

Size:	Amount to be added
0	\$0.00
1	.015
2	.04
2½	.045
3	.045
3½	.065
4	.065
4½	.07
5	.035
5½	.05
6	.055
7	.08
8	.07
9	.075
10	.09

(c) No seller shall change his customary allowances, discounts or other price differentials, unless such change shall result in a lower price.

(d) (1) Dryden Rubber Company shall notify each person to whom it sells rubber horseshoe pads of the modification of their maximum prices made by this section by sending him a copy of paragraphs (b), (c) and (d) (2) of this section;

(2) Every person who buys rubber horseshoe pads from the Dryden Rubber Company for resale shall advise in writing all persons (other than ultimate consumers) to whom they sell rubber horseshoe pads, manufactured by the Dryden Rubber Company, of the modification of the maximum prices for such resale permitted by this section. Such notification shall be made prior to the first delivery after October 26, 1942.

§ 1315.33a Effective dates of amendments. * * *

(b) Amendment No. 2 (§ 1315.21a) to Maximum Price Regulation No. 149 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10855; Filed, October 26, 1942; 3:41 p. m.]

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

[RPS 87, as Amended, Amendment 3]

SCRAP RUBBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously

17 F.R. 4781, 5177, 6002.

herewith and filed with the Division of the Federal Register.*

In § 1315.1263, Tables I, II and III in paragraph (a) and subdivisions (i) and (ii) of paragraph (e) (1) are amended, as follows:

§ 1315.1263 Appendix A: Maximum prices for scrap rubber—(a) Chief consuming centers. * * *

*Copies may be obtained from the Office of Price Administration.

TABLE I
[Dollars per short ton]

Kind of scrap rubber	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	Naugatuck, Conn.	East St. Louis, Ill.	Memphis, Tenn.	Gadsden, Ala.	Los Angeles, Calif.
Pneumatic tire casings: ¹							
Mixed tires ²	30.00	29.20	27.50	27.35	25.85	23.35	20.00
S. A. G. ³	27.50	26.80	25.10	24.95	23.45	20.95	17.60
Beadless tires ⁴	38.00	37.00	34.75	34.75	32.75	29.75	25.50
Tire dykes ⁵	36.00	35.00	33.00	33.00	31.50	28.50	24.75
Solid tires ⁶	34.00	33.50	31.50	31.00	29.50	27.00	23.50

¹ Pneumatic Tire Casings.—Shall consist of whole pneumatic tire casings and shall be free from bicycle tires, hard, oxidized, and non-pneumatic tires, and from leather and metal.
² Mixed Tires.—This kind shall consist of miscellaneous Pneumatic Tire Casings.
³ S. A. G.—This kind shall consist of pieces of Mixed Tires from which the treads and beads have been removed but may contain sidewall rubber or beads from which the wire has been removed.
⁴ Beadless Tires.—This kind shall consist of Mixed Tires from which the beads have been removed but which conform otherwise to the specifications for Mixed Tires.
⁵ Tire Dykes.—This kind shall consist of Beadless Tires from which two or more layers of fabric have been removed, and shall be free from oxidized tires, metal, hard bases fibre bases and cloth bases.
⁶ Solid Tires.—This kind shall consist of solid motor truck tires and shall be free from oxidized tires, metal, hard bases fibre bases and cloth bases.

TABLE II

Kind of scrap rubber	Maximum prices at consuming centers	
	Akron, Ohio; Buffalo, N. Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	Dollars per short ton
No. 1 Peelings ¹	75.00	63.00
No. 2 Peelings ²	47.50	35.50
No. 3 Peelings—(Bald Head Peelings) ³	42.50	31.00
No. 1 Light colored carcass ⁴	62.50	62.75
No. 2 Light colored carcass ⁴	80.00	62.00
Gray carcass ⁵	75.00	59.50
	Cents per pound	Cents per pound
Passenger tubes: ⁶		
No. 2 passenger tubes ⁷	7½	7½
Light colored No. 2 passenger tubes ⁸	8¾	7¾
Red passenger tubes ⁹	7½	7
Black passenger tubes ¹⁰	6¾	6¾
Mixed passenger tubes ¹¹	6½	6
Truck tubes: ¹²		
No. 2 truck tubes ¹³	7½	7
Red truck tubes ¹⁴	7½	6¾
Black truck tubes ¹⁵	6½	6
Mixed truck tubes ¹⁶	6¼	5¾
Two-toned black-gold tubes ¹⁷	6¾	6¾
Two-toned red-black tubes ¹⁸	6½	6
Miscellaneous inner tubes ¹⁹	6	5½

¹ No. 1 Peelings.—This kind shall consist of treads stripped from Pneumatic Tire Casings. The material shall be free from fabric, metal, leather, and from hard, burnt or oxidized treads.
² No. 2 Peelings.—This kind shall consist of treads stripped from Pneumatic Tire Casings. The material may contain cushion rubber, breaker fabric and sidewalls, plus not more than one full ply of carcass fabric.
³ No. 3 Peelings—(Bald Head Peelings).—This kind shall consist of No. 2 Peelings from which a part of the tread has been removed.
⁴ No. 1 Light Colored Carcass.—This kind shall consist of all white zinc carcass fabric and shall be free from black edges and from any other colored rubber.
⁵ No. 2 Light Colored Carcass.—This kind shall consist of light colored carcass fabric such as white, pink, light gray, pure gum and light brown carcass fabric, and shall be free from all dark colored rubber, from black edges and from black rubber.
⁶ Gray Carcass.—This kind shall consist of colored carcass fabric too dark for delivery under No. 2 Light Colored Carcass, and shall be free from all black edges and from black rubber.
⁷ Passenger Tubes.—Shall consist of inner tubes for pneumatic tire casings having six plies or less, and shall be free from puncture-proof tubes, from crusty and oxidized tubes, and from metal and punchings. All Passenger Tubes, except Mixed Passenger Tubes, shall be free from metal valves. All Passenger Tubes, except Mixed Passenger Tubes and Black Passenger Tubes, shall be free from black rubber valve coats and from the bases of such valves.
⁸ No. 2 Passenger Tubes.—This kind shall consist of all Passenger Tubes except Black and Red Passenger Tubes.
⁹ Light Colored No. 2 Passenger Tubes.—This kind shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and seller.
¹⁰ Red Passenger Tubes.—This kind shall consist of strictly red Passenger Tubes.
¹¹ Black Passenger Tubes.—This kind shall consist of strictly black Passenger Tubes.
¹² Mixed Passenger Tubes.—This kind shall consist of Passenger Tubes of various colors and qualities.
¹³ Truck Tubes.—Shall consist of inner tubes for pneumatic tire casings having seven plies or more, and shall be free from puncture proof tubes, from crusty and oxidized tubes, and from metal and punchings. All Truck Tubes, except Mixed Truck Tubes, shall be free

from metal valves. All Truck Tubes, except Mixed Truck Tubes and Black Truck Tubes, shall be free from black rubber valve-cots and from the bases of such valves.

¹¹ No. 2 Truck Tubes.—This kind shall consist of all Truck Tubes except Black and Red Truck Tubes.

¹² Red Truck Tubes.—This kind shall consist of strictly red Truck Tubes.

¹³ Black Truck Tubes.—This kind shall consist of strictly black Truck Tubes.

¹⁴ Mixed Truck Tubes.—This kind shall consist of Truck Tubes of various colors and qualities.

¹⁵ Two-Toned Black-Gold Tubes.—This kind shall consist of two-toned black and gold Passenger or Truck Tubes.

¹⁶ Two-Toned Red-Black Tubes.—This kind shall consist of two-toned red and black Passenger or Truck Tubes.

¹⁷ Miscellaneous Inner Tubes.—This kind shall consist of all kinds of inner tubes for pneumatic tires, not elsewhere listed in Table II, and miscellaneous lots of any kinds of unsorted inner tubes for pneumatic tires.

TABLE III

Kind of scrap rubber	Maximum prices at all consuming centers
	<i>Cents per pound</i>
Black Mechanical Scrap, 1.15 or below ¹	5
Colored Mechanical Scrap, 1.10 or below ²	10
Colored Mechanical Scrap, 1.30 or below ³	5
Colored Mechanical Scrap, 1.50 or below ⁴	4½
Colored Mechanical Scrap above 1.50 ⁵	4
White or Colored Friction Scrap, Unprocessed ⁶	10
Black or Mixed Friction Scrap, Unprocessed ⁷	6
White or Colored Friction Scrap, Processed ⁸	12½
Black or Mixed Friction Scrap, Processed ⁹	8½
Other Unvulcanized Scrap Rubber, White or Colored ¹⁰	18
Other Unvulcanized Scrap Rubber, Black or Mixed ¹¹	9
	<i>Dollars per short ton</i>
Black Mechanical Scrap, above 1.15 ¹²	20.00
Buffings ¹³	35.00
Bicycle Tires ¹⁴	15.00
Passenger Tire Beads ¹⁵	5.00
Truck Tire Beads ¹⁶	7.00
Air Bags & Water Bags ¹⁷	15.00
Air Brake Hoses ¹⁸	25.00
Miscellaneous Hoses ¹⁹	17.00
Mats & Matting ²⁰	15.00
Rubber Boots & Shoes ²¹	33.00
No-mark Soles & Trimmings ²²	35.00
Black Soles & Trimmings ²³	32.00
Rubber Heels ²⁴	16.00
Miscellaneous Scrap Rubber ²⁵	15.00

¹ Black Mechanical Scrap, 1.15 or below.—This kind shall consist of all forms of black rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity of 1.15 or below.

² Colored Mechanical Scrap, 1.10 or below.—This kind shall consist of all forms of white or colored rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity of 1.10 or below.

³ Colored Mechanical Scrap, 1.30 or below.—This kind shall consist of all forms of white or colored rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity above 1.10 and not exceeding 1.30.

⁴ Colored Mechanical Scrap, 1.50 or below.—This kind shall consist of all forms of white or colored rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity above 1.30 and not exceeding 1.50.

⁵ Colored Mechanical Scrap above 1.50.—This kind shall consist of all forms of white or colored rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity of more than 1.50.

⁶ White or Colored Friction Scrap, Unprocessed.—This kind shall consist of white or colored unvulcanized factory scrap containing fabric.

⁷ Black or Mixed Friction Scrap, Unprocessed.—This kind shall consist of black unvulcanized factory scrap containing fabric, but may include white or colored unvulcanized factory scrap.

⁸ White or Colored Friction Scrap, Processed.—This kind shall be the same as No. 6 except that it must be processed in accordance with standard trade practice.

⁹ Black or Mixed Friction Scrap, Processed.—This kind shall be the same as No. 7, except that it must be processed in accordance with standard trade practice.

¹⁰ Other Unvulcanized Scrap Rubber, White or Colored.—This kind shall consist of white or colored unvulcanized scrap rubber, and shall be free from fabric and from all extraneous materials.

¹¹ Other Unvulcanized Scrap Rubber, Black or Mixed.—This kind shall consist of black unvulcanized scrap rubber, and shall be free from fabric and from all extraneous materials, but may include white or colored unvulcanized scrap rubber.

¹² Black Mechanical Scrap, above 1.15.—This kind shall consist of all forms of black rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity above 1.15.

¹³ Buffings.—This kind shall consist of buffings from tires or rubber stocks comparable in quality to tires, and shall be commercially clean.

¹⁴ Bicycle Tires.—This kind shall consist of bicycle tires, with or without beads, and shall be free from oxidized tires and metal valves.

¹⁵ Passenger Tire Beads.—This kind shall consist of the beads of all motor car tires having six plies or less.

¹⁶ Truck Tire Beads.—This kind shall consist of the beads of all motor car tires having seven or more plies.

¹⁷ Air Bags and Water Bags.—This kind shall consist of air bags or water bags and shall be free from metal and from burnt, cracked rubber.

¹⁸ Air Brake Hoses.—This kind shall consist of railroad air brake hoses and shall be free from steam hoses or any other kind of hose.

¹⁹ Miscellaneous Hoses.—This kind shall consist of all types of rubber hoses except Air Brake Hoses and shall be free from metal, rags, and rope.

²⁰ Mats and Matting.—This kind shall consist of all types of rubber mats and matting, and shall be free from metal, rags, and rope.

²¹ Rubber Boots and Shoes.—This kind shall consist of rubber boots and shoes, untrimmed articles, and tennis shoes, including black, white or colored boots and shoes, both top shoes and gaiters, and light all-rubber gaiters. It shall be free from leather.

²² No-Mark Soles and Trimmings.—This kind shall consist of rubber soles, and the trimmings from rubber soles, made from white or light colored stock but shall be free from black rubber stock, metal, leather, wood, and other extraneous materials.

²³ Black Soles and Trimmings.—This kind shall consist of rubber soles, and the trimmings from rubber soles, made from black rubber stock and shall be free from metal, leather, wood, and other extraneous materials.

²⁴ Rubber Heels.—This kind shall consist of rubber heels with or without nails and shall be free from leather.

²⁵ Miscellaneous Scrap Rubber.—This kind shall consist of miscellaneous unsorted rubber articles and articles not elsewhere classified in Tables I, II or III.

(e) *Packing.* (1) Mixed and beadless tires, solid tires and bicycle tires may be shipped bundled or loose in cars.

(ii) All other kinds of scrap rubber shall be packed in bags, bales or bundles, with each kind packed separately. Each bale or bundle shall weigh not less than 500 pounds nor more than 1500 pounds and shall be well and securely bound.

§ 1315.1262 *Effective dates of amendments.*

(d) Amendment No. 3 (§ 1315.1263 (a) and (e) (1)) to Revised Price Schedule No. 87, as amended, shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.
LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10357; Filed, October 26, 1942; 3:38 p. m.]

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

[MPR 229, Amendment 2]

RETAIL AND WHOLESALE PRICES FOR VICTORY LINE WATERPROOF RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment

17 F.R. 7740.

has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new sentence is added to § 1315.1702, as set forth below:

§ 1315.1702 *Maximum retail and wholesale prices for Victory line footwear.* * * *

A seller to whom unserviceable footwear is surrendered by a buyer in accordance with Ration Order No. 6, issued by the Office of Price Administration, is not required to make any deduction from the maximum price determined in accordance with § 1315.1703 or § 1315.1704 of this regulation for the footwear sold to such buyer.

§ 1315.1712a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1315.1702) to Maximum Price Regulation No. 229 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.
LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10356; Filed, October 26, 1942; 3:43 p. m.]

PART 1340—FUEL

[RPS 23, Amendment 36]

PETROLEUM AND PETROLEUM PRODUCTS

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

Subdivision (viii) set forth in § 1340.159 (c) (1) as amended by Amendment No. 24 is hereby made effective as of February 2, 1942. A new subdivision (x) is added to § 1340.159 (c) (1) as follows:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(1) *Crude petroleum.* * * *

(x) *Texas.* Effective February 2, 1942 the maximum price at the receiving tank for crude distillate of 50° gravity and above produced from the Partlow lease, Hardin field, Liberty County, Texas, shall be \$1.53 per barrel.

§ 1340.158a *Effective dates of amendments.* * * *

(jj) (1) The provisions of § 1340.159 (c) (1) (viii) added by Amendment No. 24 shall become effective as of February 2, 1942. (2) Amendment No. 36 (§§ 1340.159 (c) (1) (viii) and 1340.159 (c) (1) (x) to Revised Price Schedule No.

* Copies may be obtained from the Office of Price Administration.

¹⁷ F.R. 1107, 1371, 1733, 1799, 1836, 2132, 2304, 2462, 2634, 2345, 3116, 3482, 3524, 3576, 3835, 3963, 4483, 4653, 4854, 4857, 5481, 5557, 5863, 5983, 6357, 6167, 6471, 6680, 7242, 7333, 8433, 8478.

88) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10858; Filed, October 26, 1942;
3:41 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[RPS 53¹ Amendment 13]

FATS AND OILS

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

A new paragraph (f) is added to § 1351.151 as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(f) The purchase of oil-bearing materials from a processor who is to process the oil-bearing materials for the purchaser is forbidden, if the combined cost of (1) the oil-bearing materials and (2) the processing toll exceeds the maximum price established by Revised Price Schedule No. 53 for the type and quantity of oil produced from the oil-bearing materials. If the meal or other by-products produced from the oil-bearing materials are to be retained by the processor, the value of the meal or other by-product retained must be considered in determining the cost of the processing toll.

§ 1351.159 *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§ 1351.151 (f)) to Revised Price Schedule No. 53 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10859; Filed, October 26, 1942;
3:41 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53¹ Amendment 14]

FATS AND OILS

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

Subdivisions (i), (iii), (ix), (x) and (xi) of § 1351.151 (b) (8) are amended, and inferior subdivisions (m), (n), (o), and (p) are added to § 1351.151 (b) (8) to read as set forth below:

*Copies may be obtained from Office of Price Administration.

¹ 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204.

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(8) * * *

(i) *Chicago and East St. Louis basing points area.* This area shall include that part of the continental United States east of the Mississippi River and north of the northern boundaries of Tennessee and North Carolina, except Minnesota. Chicago and East St. Louis basing points maximum prices: * * *

(iii) *Multiple basing point area.* This area shall include that part of the continental United States west of the Mississippi River and all of the State of Minnesota. Basing points shall be as follows: * * *

(ix) The maximum prices for processors, established by § 1351.151 (b) (8), (i), (ii) and (iii) of this schedule, are maximum prices for carload sales of a lard commodity or combination of lard commodities where such carload is sold to one buyer and shipped in one shipment whether a through car shipment, single destination, or a stop-over joint car shipment, more than one destination.

(x) The processor's maximum price for less than carload sales shall be the processor's maximum delivered price at the community of sale, as established by § 1351.151 (b) (8) (i), (ii) and (iii) of this schedule, plus $\frac{3}{4}$ cent per pound.

(xi) Section 1351.151 (b) (8) (ix) and (x) shall apply whether the sale is made direct or through branch house or car-routé activity or similar form of selling, so long as such selling unit is processor-owned or operated.

(xii) * * *

(m) "Tare" means 15% of the packing house product freight rate, whether carload sale or less than carload sale and regardless of package or type of lard.

(n) "Packing house product freight rate" means the packing house product freight rate, published in public tariffs for minimum 30,000 pound weight packing house products (except canned meats) or if no rate for 30,000 pound minimum weight same class is available the nearest minimum weight carload established for same class shall apply in computing maximum prices under § 1351.151 (b) (8) of this schedule.

(o) "Community of sale" means that point at which the purchaser from the processor resells the lard so purchased, regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place.

(p) "The maximum price delivered" means the maximum price delivered at the community of sale, as established by § 1351.151 (b) (8) (i), (ii) and (iii), regardless of the method of shipment and regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place. It also means the actual dollars and cents figure, as computed decimally under § 1351.151 (b) (8), and no higher price may be charged, although the processor may adjust this maximum price downward to the next nearest eighth of a cent or lower figure, if he so desires.

§ 1351.159 *Effective date of amendments.* * * *

(n) Amendment No. 14 (§ 1351.151 (b) (8) (i), (iii), (ix), (x), (xi) and (xii)) to Revised Price Schedule No. 53 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

• Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10860; Filed, October 26, 1942;
3:39 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 249]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS
AT WHOLESALE

Mince-meat	Glaced or candied
Plum pudding	fruits and peels
Fig pudding	Stuffed dried fruits
Date pudding	Dried figs
Christmas cookies	Pure sorghum
Fruit cake	syrup
Holiday candy	Pitted and macer-
Chocolate covered	ated dates and date
cherries	products
Sweet apple cider	

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for the sale at wholesale of certain seasonal food products which were not generally sold at wholesale during March 1942.

The maximum prices established by this Maximum Price Regulation No. 249 are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 249 has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 249 is hereby issued.

Sec.

1351.751	Applicability of this Maximum Price Regulation No. 249.
1351.752	Prohibition against selling or buying at prices higher than those established.
1351.753	How a wholesaler calculates his maximum prices for seasonal food products listed in Appendix A.
1351.754	Maximum prices cannot be changed.
1351.755	Maximum prices must be listed.
1351.756	Maximum prices where rules of § 1351.753 cannot be applied.
1351.757	Fractions of cents.
1351.758	Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.
1351.759	Evasion.
1351.760	Enforcement.
1351.761	Export sales.
1351.762	Definitions.
1351.763	Effective date.
1351.764	Appendix A: List of seasonal food products.

Sec.
1351.765 Appendix B: Form for listing maximum prices computed under this Maximum Price Regulation No. 249.

AUTHORITY: §§ 1351.751 to 1351.765, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.751 *Applicability of this Maximum Price Regulation No. 249*—(a) *What commodities may be priced under this Maximum Price Regulation No. 249.* This Maximum Price Regulation No. 249 applies only to the particular seasonal food products listed in Appendix A (§ 1351.764) of this Maximum Price Regulation No. 249.

(b) *To what types of sellers this Maximum Price Regulation No. 249 applies.* This Maximum Price Regulation No. 249 applies only to sellers at wholesale of seasonal food products (hereinafter referred to as wholesalers).

(c) *Geographical applicability of this Maximum Price Regulation No. 249.* This Maximum Price Regulation No. 249 applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1351.752 *Prohibition against selling and buying at higher than maximum prices.* On and after October 26, 1942, the date this Maximum Price Regulation No. 249 takes effect, regardless of any contract or obligation, no person is permitted to sell or deliver at wholesale any item of the seasonal food products listed in § 1351.754, Appendix A, at a price which is higher than the maximum price established by this Maximum Price Regulation No. 249, and no person is permitted to buy or receive any item of these seasonal food products from a wholesaler in the course of trade or business at a price which is higher than that maximum price. Lower prices than the maximum prices may be charged and paid.

§ 1351.753 *How a wholesaler calculates his maximum price for seasonal food products listed in Appendix A.* The wholesaler shall calculate his maximum price for each item of a seasonal food product (that is, for each kind, style or type, grade, brand, container type and size) listed in Appendix A as follows:

(a) *The maximum price rule.* The wholesaler shall first find his "net cost" of the item of the seasonal food product he is pricing. He must then multiply that "net cost" by his "1941 percentage markup". The meanings of "net cost" and "1941 percentage markup" are explained in paragraphs (b) and (c) which follow.

(b) *The meaning of "net cost".* "Net cost" as used in the maximum price rule above means the amount the wholesaler paid for the item delivered at his customary receiving point less all discounts and all allowances allowed him, except the discount for prompt payment. No charge or cost for local unloading or local trucking shall be included in "net cost". "Net cost" shall be based on the first lot delivered to the wholesaler after August 1, 1942 of a customary quantity from a customary supplier and by the customary

mode of transportation: *Provided*, that if the cost to the wholesaler of a seasonal food product is adjusted by any regulation issued after August 1, 1942, by the Office of Price Administration, then "net cost" shall be based on the first lot delivered to the wholesaler at prices subject to the new regulation.

(c) *The meaning of "1941 percentage markup".* The percentage which the wholesaler shall use as his "1941 percentage markup" depends upon whether or not in 1941 he sold the same item of the seasonal food product being priced:

(1) *If the wholesaler did sell the item being priced during 1941, he shall:*

(i) Select the class of purchasers to whom he made the largest proportion of total sales of all merchandise during 1941, then

(ii) Take the price at which he made the first sale of the item being priced to a customer in this class out of stocks received after January 1, 1941, and

(iii) Divide this price by his net cost¹ of the item in the first shipment received in 1941.

The resulting figure is the wholesaler's "1941 percentage markup" for that class of purchasers.

(2) *If the wholesaler did not sell the item being priced during 1941, but did sell another item of the same seasonal food product, he shall use his "1941 percentage markup" calculated as in (c) (1) above, on the largest volume item of that seasonal food product which he did sell during 1941.*

(d) *Prices for other classes of purchasers.* If a wholesaler had a practice during March, 1942 of giving to different classes of purchasers, allowances, discounts or other price differentials, he shall add to or subtract from the maximum price he has set for the particular class of purchasers under paragraph (c) as follows: (1) For each class to whom the wholesaler customarily sells at higher prices, he adds to the maximum price first calculated the amount of his customary percentage increase and thus obtains the maximum price for that class. (2) For each class to whom the wholesaler customarily sells at a lower price, he subtracts from the maximum price first calculated the amount of his customary percentage discount and thus obtains the maximum price for that class.

(e) *If the wholesaler did not sell any item of that seasonal food product during 1941, his maximum price for any item of a seasonal food product listed in Appendix A shall be the same as the maximum price determined under this Maximum Price Regulation No. 249 for that item by his most closely competitive seller of the same class to the same class of purchasers, or if this competitor has not established a maximum price for the same item, his maximum price determined for a similar item. A similar item is one which is of the same kind, quality and quantity and would ordinarily sell*

¹ Net cost in 1941 shall be defined as in paragraph (b) of § 1351.763, except that it shall be based on the first shipment received during 1941.

in the same price line as the item being priced.

§ 1351.754 *Maximum prices cannot be changed.* Once established, a maximum price determined under this Maximum Price Regulation No. 249 may not be changed except with the written permission of a district, state or regional office of the Office of Price Administration, in cases of clerical error or other formal mistakes. A wholesaler's maximum price is "established" as soon as he has listed a price for an item in accordance with § 1351.755, or has disclosed it by offer of sale or notice of any kind.

§ 1351.755 *Maximum prices must be listed.* Before making any sales of any seasonal food product covered by this Maximum Price Regulation No. 249, every wholesaler shall list in writing his maximum prices for that seasonal food product on a form similar to the form set out in Appendix B (§ 1351.765), and shall preserve this form for examination by the Office of Price Administration. In addition to the records required by § 1499.11 of the General Maximum Price Regulation, every wholesaler shall keep all records and invoices from which he calculated his maximum prices under this Maximum Price Regulation No. 249 for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

§ 1351.756 *Maximum prices where rules of § 1351.753 cannot be applied.* If a wholesaler cannot determine his maximum price for any item of a seasonal food product under the provisions of § 1351.753 he shall file an application with the appropriate Regional Office of the Office of Price Administration setting forth (a) a description in detail of the item of a seasonal food product for which a maximum price is sought; (b) a statement of the reasons why the maximum price cannot be determined under the provisions of § 1351.753; (c) a statement of the nature of applicant's business, pricing methods and customary markups on comparable items; and (d) a request that a maximum price be established for that item of that seasonal food product for applicant.

§ 1351.757 *Fractions of cents.* If the calculation of a maximum price for a customary unit of sale, i. e., case, carton, dozen, etc., under this regulation results in a fraction of less than one-half cent, the maximum price shall be reduced to the nearest lower cent; if the calculation results in a fraction of one-half cent or more, it shall be increased to the nearest higher cent.

§ 1351.758 *Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.* The provisions of this Maximum Price Regulation No. 249 supersede the provisions of the General Maximum Price Regulation or any other applicable price regulation, order or supplementary regulation issued by the Office of Price Administration with respect to sales and deliveries of the seasonal food products listed in Appendix A (§ 1351.764). However, the following sections of the General Maxi-

imum Price Regulation, as well as the amendments to them, shall continue to be applicable to every wholesaler selling such seasonal food product:

- (a) *Transfers of business or stock in trade* (§ 1499.5).
- (b) *Federal and state taxes* (§ 1499.7).
- (c) *Base-period records* (§ 1499.11).
- (d) *Current records* (§ 1499.12).
- (e) *Sales slips and receipts* (§ 1499.14).
- (f) *Registration* (§ 1499.15).
- (g) *Licensing* (§ 1499.16).
- (h) *Definitions* (§ 1499.20).

§ 1351.759 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 249 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this Maximum Price Regulation No. 249, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other trade understanding, or by calculating "net cost" on purchases from non-customary suppliers, purchases by non-customary modes of transportation, or otherwise.

§ 1351.760 *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 249, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

§ 1351.761 *Export sales.* The maximum prices at which a person may export any commodity covered by this Maximum Price Regulation No. 249 shall be determined in accordance with the provisions of the Revised Maximum Export Regulations issued by the Office of Price Administration.

§ 1351.762 *Definitions.* (a) When used in this Maximum Price Regulation No. 249 the terms:

(1) "Wholesaler" means any purchaser of a seasonal food product for resale who, without substantially changing its form, resells the seasonal food product other than as a retailer.

(2) "Retailer" means any purchaser for resale of a seasonal food product who, without substantially changing its form, resells the seasonal food product to an ultimate consumer other than an industrial, institutional or commercial user.

(3) "Item" means any kind, style or type, grade, brand, container type and size.

(4) "Christmas cookies" means novelty cookies baked from special formulae or baked in special shapes, exclusively for the Holiday Season which begins with Thanksgiving and ends with New Year's Day.

(5) "Fruit cake" means cake baked for sale primarily during the Holiday Season which begins with Thanksgiving Day and ends New Year's Day, the ingredients of which cake include a large portion of dried fruits, glazed fruits, nuts, and spices.

(6) "Holiday candy" means any candy which is manufactured and marketed specifically for such holidays or festivals as the following: St. Valentine's Day, Washington's Birthday, St. Patrick's Day, Easter, Mother's Day, Fourth of July, Halloween, Thanksgiving, and Christmas, and the form, color, or style of which definitely identifies it with the particular holiday or festival to the extent that such candies cannot readily be sold after the special occasion for which they were made.

(7) "Pure sorghum syrup" means the juice from sorghum cane evaporated to a syrup consistency.

(8) "Pitted dates" means domestic or imported dates, from which the pits have been removed, but which otherwise remain whole.

(9) "Macerated dates" means domestic or imported dates from which the pits have been removed and which have been cut into two or more pieces or have been chopped, sliced or ground.

(10) "Date products" means any product containing ninety per cent or more by weight of macerated domestic or imported dates combined with other ingredients.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the Gen-

eral Maximum Price Regulation shall apply to the terms used herein.

§ 1351.763 *Effective date.* This Maximum Price Regulation No. 249 (§§ 1351.751 to 1351.765, inclusive) shall become effective October 26, 1942.

§ 1351.764 *Appendix A: List of seasonal food products.* Any food commodity that falls within any of the following classifications is designated as a seasonal food product:

- (a) Mince-meat.
- (b) Plum pudding.
- (c) Fig pudding.
- (d) Date pudding.
- (e) Christmas cookies.
- (f) Fruit cake.
- (g) Holiday candy.
- (h) Chocolate covered cherries.
- (i) Sweet apple cider.
- (j) Glaced or candied fruits and peels.
- (k) Stuffed dried fruits.
- (l) Dried figs.
- (m) Pure sorghum syrup.
- (n) Pitted and macerated dates and date products.

§ 1351.765 *Appendix B: Form for listing maximum prices computed under this Maximum Price Regulation No. 249.* The wholesaler is required to keep a list of his maximum prices for seasonal food products, together with the information which he used in calculating his maximum prices. The following form is suggested for such listing:

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Recommended Wholesaler's Form For Recording Maximum Prices Computed on Certain Seasonal Food Products Authorized in MPR 249

Do not file this form with OPA. Keep in your place of business for inspection at any time.

Name of wholesaler..... Street address..... City..... State.....

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Date of calculating new ceiling price	Commodity, description (name, brand, weight, or container size)	Name of supplier	Net cost first lot	1941 opening sale price	Percentage mark-up used	1942 maximum price
10/25/42	A. Star ² Apple Cider ½-gal. jug	Star Apple Co., Inc.	\$2.10	.....	1.10	\$2.31
	B. Star Apple Cider ½-gal. jug	Star Apple Co., Inc.	\$1.80	\$1.93	1.10	.....
	A. ....	.....	.....	.....	.....	.....
	B. ....	.....	.....	.....	.....	.....
	A. ....	.....	.....	.....	.....	.....
	B. ....	.....	.....	.....	.....	.....

INSTRUCTIONS TO WHOLESALERS IN PREPARING RECOMMENDED FORM FOR RECORDING MAXIMUM PRICES COMPUTED ON SEASONAL FOOD PRODUCTS

Prices shown on this form should apply to the wholesaler's largest class of customers.

Attach a statement to the form showing customary allowances, discounts or price differentials in effect during March, 1942.

Two horizontal lines, A and B, should be used on the form for each item. Line A should show the information regarding the new item offered in the 1942 holiday season. Line B should show the corresponding information for the corresponding item offered in the 1941 season.

Column 1. *Date of Calculating New Ceiling Price.* Write the date you calculate your ceiling price for this item. You can make no

sales until you have calculated your new price and made this entry.

Column 2. *Commodity Description.* Write the name of the item and weight or container size. Also show any other information affecting price, such as brand, package, type, etc.

Column 3. *Name of Supplier.* Write the name of the processor or distributor from whom you first received this item each season.

Column 4. *Net Cost of First Lot.* Write the net cost for the first shipment you received at the beginning of the 1941 and 1942 seasons. "Net cost" means the price you paid delivered at your customary receiving point, less all discounts, except discount for prompt payment. See § 1351.763.

Column 5. *Opening Sale Price.* Write the price at which you made your first sale of

this item in the 1941 holiday season to the customer shown in column 6, line B. (Leave line A, 1942, blank.)

Important.—For column 5. The 1941 sale to which you refer must be the first sale to a customer in your largest class of customers. For example, if you do a cash and carry business, but you have a few customers to whom you offer delivery service, you must refer to your first cash and carry sale in the 1941 season, even though you sold to some of your "delivery" customers before making a sale to a "cash and carry" customer.

Column 6. Percentage Mark-Up Used. Divide your 1941 selling price for this item (col. 5) by your 1941 net cost (col. 4, line B) and show this mark-up in col. 6, line B. Show this same figure in col. 6, line A.

Column 7. 1942 Maximum Price. Multiply the percentage mark-up shown in col. 6, line A by the 1942 net cost shown in col. 4, line A. The figure so obtained will be your 1942 maximum price. (Leave line B, 1941, blank.)

If the maximum price is determined by using a competitor's 1942 ceiling price, show the following information:

Line A. Fill out as explained above.

Line B. Show the date of calculating the price in column 1; write a description of the commodity your competitor stocks in column 2; write your competitor's name and address in column 3 and his maximum price in column 7.

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10861; Filed, October 26, 1942; 3:39 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 250]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT RETAIL

Mincemeat	Glaced or candled
Plum pudding	fruits and peels
Fig pudding	Stuffed dried fruits
Date pudding	Dried figs
Christmas cookies	Pure sorghum syr-
Fruit cake	up
Holiday candy	Pitted and macer-
Chocolate covered	ated dates and date
cherries	products
Sweet apple cider	

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for the sale at retail of certain seasonal food products which were not generally sold at retail during March 1942.

The maximum prices established by this Maximum Price Regulation No. 250 are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 250 has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250,

*Copies may be obtained from the Office of Price Administration.

Maximum Price Regulation No. 250 is hereby issued.

- Sec.
- 1351.851 Applicability of this Maximum Price Regulation No. 250.
 - 1351.852 Purpose.
 - 1351.853 Prohibition against selling or buying at prices higher than those established.
 - 1351.854 How a retailer calculates his maximum prices for seasonal food products listed in Appendix A.
 - 1351.855 Maximum prices cannot be changed.
 - 1351.856 Records required; maximum prices must be added to base-period records.
 - 1351.857 Maximum prices where rules of § 1351.854 cannot be applied.
 - 1351.858 Fractions of cents.
 - 1351.859 Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.
 - 1351.860 Evasion.
 - 1351.861 Enforcement.
 - 1351.862 Export sales.
 - 1351.863 Definitions.
 - 1351.864 Effective date.
 - 1351.865 Appendix A: List of seasonal food products.

AUTHORITY: §§ 1351.851 to 1351.865, inclusive, issued under Pub. Laws 421 and 723, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.851 *Applicability of this Maximum Price Regulation No. 250*—(a) *What commodities may be priced under this Maximum Price Regulation No. 250.* This Maximum Price Regulation No. 250 applies only to the particular seasonal food products listed in Appendix A (§ 1351.865) of this Maximum Price Regulation No. 250.

(b) *To what types of sellers this Maximum Price Regulation No. 250 applies.* This Maximum Price Regulation No. 250 applies only to sellers at retail of seasonal food products (hereinafter referred to as retailer).

(c) *Geographical applicability of this Maximum Price Regulation No. 250.* This Maximum Price Regulation No. 250 applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1351.852 *Purpose.* The purpose of this Maximum Price Regulation No. 250 is to permit a retailer to take the same percentage markup on certain seasonal food products sold after the effective date of this regulation as he obtained on the same items in 1941.

§ 1351.853 *Prohibition against selling and buying at higher than maximum prices.* On and after October 26, 1942, the date this Maximum Price Regulation No. 250 takes effect, regardless of any contract or obligation, no person is permitted to sell or deliver at retail any item of the seasonal food products listed in § 1351.865, Appendix A, at a price which is higher than the maximum price established by this Maximum Price Regulation No. 250, and no person is permitted to buy or receive any item of these seasonal food products from a retailer in the course of trade or business at a price which is higher than that maximum price. Lower prices than the maximum prices may be charged and paid.

§ 1351.854 *How a retailer calculates his maximum price for seasonal food products listed in Appendix A.* The retailer shall calculate his maximum price for each item of a seasonal food product (that is, for each kind, style or type, grade, brand, container type and size) listed in Appendix A as follows:

(a) *The maximum price rule.* The retailer shall first find his "net cost" of the item of the seasonal food product he is pricing. He must then multiply that "net cost" by his "1941 percentage markup." The meanings of "net cost" and "1941 percentage markup" are explained in paragraphs (b) and (c) which follow.

(b) *The meaning of "net cost".* "Net cost" as used in the maximum price rule above means the amount the retailer paid for the item delivered at his customary receiving point less all discounts and all allowances allowed him, except the discount for prompt payment. No charge or cost for local unloading or local trucking shall be included in "net cost." "Net cost" shall be based on the first lot delivered to the retailer after August 1, 1942 of a customary quantity from a customary supplier and by the customary mode of transportation: *Provided*, That if the cost to the retailer of a seasonal food product is adjusted by any regulation issued after August 1, 1942, by the Office of Price Administration, then "net cost" shall be based on the first lot delivered to the retailer at prices subject to the new regulation.

(c) *The meaning of "1941 percentage markup".* The percentage which the retailer shall use as his "1941 percentage markup" depends upon whether or not in 1941 he sold the same item of the seasonal food product being priced:

(1) *If the retailer did sell the item being priced during 1941, he shall:*

(i) Take the price at which he made the first sale of the item being priced, out of stocks received after January 1, 1941 and

(ii) Divide this price by his net cost¹ of the item in the first shipment received in 1941.

The resulting figure is the retailer's "1941 percentage markup." This is the figure by which the retailer should multiply his 1942 "net cost" to arrive at his ceiling price.

Example: A retailer purchases from his supplier a shipment of Blank brand of plum pudding at a net cost of 24 cents per package in November 1942. Last year he made his first purchase of Blank plum pudding at a net cost of 20 cents per package and his first sales were made at a retail price of 25 cents.

He shall find his 1942 ceiling price for Blank plum pudding as follows:

(a) He divided 25 cents (his 1941 opening retail price) by 20 cents (his net cost on the first shipment received in 1941).

¹Net cost in 1941 shall be defined as in paragraph (b) of § 1351.854, except that it shall be based on the first shipment received during 1941.

	1.25
20)	25.00
	20
	50
	40
	100
	100

The resulting figure of 1.25 is his "1941 percentage markup" over net cost.

(b) He multiplies 24 cents (his 1942 net cost) by 1.25 (his "1941 percentage markup")

	8.24
	1.25
	120
	48
	24
	3000

(c) 30 cents is his 1942 ceiling price.

(2) If the retailer did not sell the item being price during 1941, but did sell another item of the same seasonal food product, he shall use his "1941 percentage markup" calculated as in (c) (1) above, on the largest volume item of that seasonal food product which he did sell during 1941.

(d) *Adjustment of maximum prices for different classes of purchasers.* If a retailer had a practice during March 1942 of giving to different classes of purchasers allowances, discounts or other price differentials, he is required to reduce his maximum price calculated for any food product by the amount of such allowances, discounts or price differentials. No retailer shall change his customary allowances, discounts and price differentials if the change results in a higher net price.

(e) *If the retailer did not sell any item of that seasonal food product during 1941,* his maximum price for any item of a seasonal food product listed in Appendix A shall be the same as the maximum price determined under this Maximum Price Regulation No. 250 for that item by his most closely competitive seller of the same class, or if this competitor has not established a maximum price for the same item, his maximum price determined for a similar item. A similar item is one which is of the same kind, quality and quantity and would ordinarily sell in the same price line as the item being priced.

§ 1351.855 *Maximum prices cannot be changed.* Once established, a maximum price determined under this Maximum Price Regulation No. 250 may not be changed except with the written permission of a district, state or regional office of the Office of Price Administration, in cases of clerical error or other formal mistake. A retailer's maximum price is "established" for an item as soon as he has recorded it in accordance with § 1351.856, or has disclosed it by offer of sale or notice of any kind.

§ 1351.856 *Records required; maximum prices must be added to base-period records.* (a) On the same day that a retailer calculates his maximum price under this regulation, he shall record this price on his base-period record, required in § 1499.11 of the General Maximum Price Regulation. If he had

an old maximum price, the record of this old price shall not be destroyed.

(b) The retailer shall preserve the records of how he arrived at his "1941 percentage markup" and his 1942 ceiling price, including all appropriate invoices, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. It is recommended that he write directly on his 1942 invoice—that is, the invoice from which he has taken his 1942 net cost for any seasonal food product—the "percentage markup" he has calculated and used.

§ 1351.857 *Maximum prices where rules of § 1351.853 cannot be applied.* If a retailer cannot determine his maximum price for any item of a seasonal food product under the provisions of § 1351.853 he shall file an application with the appropriate Regional Office of the Office of Price Administration setting forth (a) a description in detail of the item of a seasonal food product for which a maximum price is sought; (b) a statement of the reasons why the maximum price cannot be determined under the provisions of § 1351.854; (c) a statement of the nature of applicant's business, pricing methods and customary mark-ups on comparable items; and (d) a request that a maximum price be established for that item of that seasonal food product for applicant.

§ 1351.858 *Fractions of cents.* If the calculation of a maximum price for a customary unit of sale, i. e., can, package, bottle, jar, pounds, etc., under this regulation results in a fraction of less than one-half cent, the maximum price shall be reduced to the nearest lower cent; if the calculation results in a fraction of one-half cent or more, it shall be increased to the nearest higher cent.

§ 1351.859 *Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.* The provisions of this Maximum Price Regulation No. 250 supersede the provisions of the General Maximum Price Regulation or any other applicable price regulation, order or supplementary regulation issued by the Office of Price Administration with respect to sales and deliveries of the seasonal food products listed in Appendix A (§ 1351.865). However, the following sections of the General Maximum Price Regulation, as well as the amendments to them, shall continue to be applicable to every retailer selling such seasonal food product:

- (a) *Determination of maximum prices by sellers at retail operating more than one retail establishment* (§ 1499.4 a).
- (b) *Transfers of business or stock in trade* (§ 1499.5).
- (c) *Federal and state taxes* (§ 1499.7).
- (d) *Base-period records* (§ 1499.11).
- (e) *Current records* (§ 1499.12).
- (f) *Sales slips and receipts* (§ 1499.14).
- (g) *Registration* (§ 1499.15).
- (h) *Licensing* (§ 1499.16).
- (i) *Definitions* (§ 1499.20).

§ 1351.860 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 250 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation,

agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this Maximum Price Regulation No. 250, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other trade understanding, or by calculating "net cost" on purchases from non-customary suppliers, purchases by non-customary modes of transportation, or otherwise.

§ 1351.861 *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 250, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

§ 1351.862 *Export sales.* The maximum prices at which a person may export any commodity covered by this Maximum Price Regulation No. 250 shall be determined in accordance with the provisions of the Revised Maximum Export Regulation² issued by the Office of Price Administration.

§ 1351.863 *Definitions.* (a) When used in this Maximum Price Regulation No. 250 the term:

(1) "Retailer" means any purchaser for resale of a seasonal food product who, without substantially changing its form, resells the seasonal food product to an ultimate consumer other than an industrial, institutional, or commercial user.

(2) "Item" means any kind, style or type, grade, brand, container type and size.

(3) "Christmas cookies" means novelty cookies baked from special formula or baked in special shapes, exclusively for the Holiday Season which begins with Thanksgiving Day and ends New Year's Day.

(4) "Fruit cake" means cake baked for sale primarily during the Holiday Season which begins with Thanksgiving Day and ends New Year's Day, the ingredients of which cake include a large portion of dried fruits, glazed fruits, nuts, and spices.

(5) "Holiday candy" means any candy which is manufactured and marketed specifically for such holidays or festivals as the following: St. Valentine's Day, Washington's Birthday, St. Patrick's Day, Easter, Mother's Day, Fourth of July, Halloween, Thanksgiving, and Christmas, and the form, color, or style of which definitely identifies it with the particular holiday or festival to the extent that such candies cannot readily be sold after the special occasion for which they were made.

(6) "Pure sorghum syrup" means the juice from sorghum cane evaporated to a syrup consistency.

(7) "Pitted dates" means domestic or imported dates, from which the pits have been removed, but which otherwise remain whole.

(8) "Macerated dates" means domestic or imported dates from which the pits have been removed and which have been

² 7 F.R. 5059, 7242.

cut into two or more pieces or have been chopped, sliced or ground.

(9) "Date products" means any product containing ninety percent or more by weight of macerated domestic or imported dates combined with other ingredients.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

§ 1351.864 *Effective date.* This Maximum Price Regulation No. 250 (§§ 1351.-851 to 1351.865, inclusive) shall become effective October 26, 1942.

§ 1351.865 *Appendix A: List of seasonal food products.* Any food commodity that falls within any of the following classifications is designated as a seasonal food product:

- (a) Mincemeat.
- (b) Plum pudding.
- (c) Fig pudding.
- (d) Date pudding.
- (e) Christmas cookies.
- (f) Fruit cake.
- (g) Holiday candy.
- (h) Chocolate covered cherries.
- (i) Sweet apple cider.
- (j) Glaced or candied fruits and peels.
- (k) Stuffed dried fruits.
- (l) Dried figs.
- (m) Pure sorghum syrup.
- (n) Pitted and macerated dates and date products.

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10862; Filed, October 26, 1942; 3:38 p. m.]

PART 1377—WOODEN CONTAINERS

[MPR 117, Amendment 2]

USED EGG CASES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.*

The following provisos are added to paragraph (e) of Appendix A, § 1377.21, and § 1377.21, *Effective dates of amendments*, added by Amendment No. 1, is amended to read § 1377.20a:

§ 1377.21 *Appendix A.* * * *

(e) * * *

* * * *Provided*, That where the retail establishment is located more than 150 miles from the establishment of any bulk emptier or breaker (as defined in § 1377.18 (a) (4)) or used egg case broker or dealer (as defined in § 1377.18 (a) (6)), the maximum prices established in this paragraph (e) may be increased 5 cents per case on all cases sold by the retailer if (and only if) the retailer does not purchase any used egg cases from sellers located in an area other than that in which the retailer is located. (Note: The used egg case areas are the "Eastern Area", "Central Area", and "Western Area".) *Provided further*, That where the retail establishment is located within

150 miles of the establishment of a bulk emptier or breaker or used egg-case broker or dealer, the retail establishment can charge this extra 5 cents per case if: (1) the retailer writes a letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., certifying that his establishment cannot obtain cases from any bulk emptier or breaker or used egg-case broker or dealer located within 150 miles of the retailer's establishment, and that the retailer does not purchase used egg cases from sellers located in an area other than that in which the retailer is located; and (2) the Office of Price Administration by letter authorizes the retailer to charge the extra 5 cents per case.

§ 1377.20a *Effective dates of amendments.* * * *

(b) This Amendment No. 2 (§ 1377.21 (e)) to Maximum Price Regulation 117 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10863; Filed, October 26, 1942; 3:38 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended, Amendment 35]

MACHINES AND PARTS AND MACHINERY SERVICES

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

New subparagraph (24) is added to § 1390.25 (c) and new paragraph (jj) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(24) *The Tabor Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by The Tabor Manufacturing Company, Philadelphia, Pennsylvania of a Jar-Ram, Power Squeeze, Trunnion type, Rollover Machine with 15" diameter squeeze cylinder, electrically operated, shall be \$2750 f. o. b. Philadelphia.

§ 1390.31a *Effective dates of amendments.* * * *

(jj) Amendment No. 35 (§ 1390.25 (c) (24)) to Maximum Price Regulation No. 136, as amended, shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10864; Filed, October 29, 1942; 3:42 p. m.]

¹⁷ F.R. 5047, 5362, 5665, 5903, 6225, 6532, 6699, 6964, 6965, 6937, 6973, 7010, 7246, 7329, 7365, 7509, 7602, 7739, 7744, 7807, 7912, 7945, 7944, 8198, 8362, 8433, 8479.

PART 1493—COMMODITIES AND SERVICES [Supp. Reg. 14 to GMPR, Amendment 45]

HALVAH

Subparagraph 34 of § 1499.73 (a) is added to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(34) *Halvah.* (i) Maximum price for halvah, sold and delivered by any seller, whether producer, wholesaler or retailer, shall be determined by adding 2½ cents per pound to the maximum price as heretofore determined under § 1499.2 of the General Maximum Price Regulation by any such seller, and the sum resulting shall be the adjusted maximum price for such seller.

(ii) *Definition of halvah.* "Halvah" means all kinds of halvah including plain, nut and chocolate halvah made by the processing of approximately 50% ground hulled sesame seed with sugar, flavoring, and other ingredients resulting in a hardened paste-like confection.

(b) *Effective dates of amendments.* * * *

(46) Amendment No. 45 (§ 1499.73 (a) (34)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10866; Filed, October 26, 1942; 3:43 p. m.]

PART 1499—COMMODITIES AND SERVICES [Order 93 Under § 1499.18 (c) of GMPR]

DURR DRUG COMPANY

Order No. 98 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-763.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.948 *Denial of petition for adjustment of maximum price of Salters Dental Floss in ¼ ounce and ½ ounce sizes sold by the Durr Drug Company, of Montgomery, Alabama.* (a) The petition of the Durr Drug Company of Montgomery, Alabama, filed July 16, 1942, and assigned Docket No. GF3-763 requesting permission to increase the maximum price to retailers of Salters Dental Floss in ¼ ounce and ½ ounce sizes is denied.

(b) This Order No. 98 (§ 1499.948) shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10865; Filed, October 26, 1942; 3:42 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹⁷ F.R. 2998, 4526.

PART 1357—CADMIUM

[RPS 71, Amendment 2]

PRIMARY AND SECONDARY CADMIUM

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

A new § 1357.2a is added as set forth below:

§ 1357.2a. Adjustable pricing. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1357.8a. Effective dates of amendments. * * *

(b) Amendment No. 2 (§ 1357.2a) to Revised Price Schedule No. 71 shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-10879; Filed, October 26, 1942; 5:02 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Supplement 1 to Ration Order 11*]

FUEL OIL RATIONING REGULATIONS

§ 1394.9101 Designation of unit value in gallons of fuel oil.

(a) The value of one unit represented by coupons on Class 1 coupon sheets is hereby fixed as ten (10) gallons of fuel oil, in all thermal zones.

(b) The value of ten units represented by coupons on Class 2 coupon sheets is hereby fixed as one hundred (100) gallons of fuel oil, in all thermal zones.

(c) This Supplement No. 1 (§ 1394.9101) shall become effective October 29, 1942, and shall continue in force and effect until amended by further order or direction of the Office of Price Administration.

(Pub. Law 421, 77th Cong., W.P.E. Dir. 1, Supp. Dir. 1-0, 7 F.R. 562, 8418.)

Issued this 26th day of October 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-10878; Filed, October 26, 1942; 5:02 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1346, 1836, 2132, 4586.

² 7 F.R. 8480.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 14 to Ration Order 5A¹]

GASOLINE RATIONING REGULATIONS

TEMPORARY LIMITED BANKING AMENDMENT

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

Sixteen new sections, §§ 1394.1915 through 1394.1930, are added as set forth below:

Gasoline Ration Bank Accounts

§ 1394.1915 Meaning of terms used in §§ 1394.1915 through 1394.1930. When used in §§ 1394.1915 through 1394.1930:

(a) "Accounts" means gasoline ration bank account.

(b) "Albany Ration Banking Office" means the Ration Banking Office of the Office of Price Administration, 76 State Street, Albany, New York.

(c) "Area" means introductory area.

(d) "Depositor" means a person required by § 1394.1919 to open a gasoline ration bank account.

(e) "Introductory area" means the following area of New York State: the cities of Albany, Schenectady, Troy, Cohoes, Rensselaer, Mechanicville, and Watervliet; and the towns of Glenville, Rotterdam, Niskayuna, Guilderland, Colonie, Waterford, Schaghticoke, Brunswick, North Greenbush, East Greenbush, and Bethlehem.

(f) "Issue" when used with respect to a voucher, means the delivery of a completed voucher.

(g) "Listed bank" means one of the following banks or bank branches:

First Trust Company, Main Office, 31-37 State Street, Albany, New York.

First Trust Company, Branch, 135 South Pearl Street, Albany, New York.

First Trust Company, Branch, 252 Washington Avenue, Albany, New York.

Mechanics and Farmers Bank, 63 State Street, Albany, New York.

National Commercial Bank and Trust Company, Main Office, 60 State Street, Albany, New York.

National Commercial Bank and Trust Company, Branch, 200 Washington Avenue, Albany, New York.

National Commercial Bank and Trust Company, Branch, Broadway, Corner of Pleasant, Albany, New York.

National Commercial Bank and Trust Company, Altamont Branch, Altamont, New York.

National Commercial Bank and Trust Company, Delmar Branch, Delmar, New York.

State Bank of Albany, Main Office, 63 State Street, Albany, New York.

State Bank of Albany, Branch, 339 Central Avenue, Albany, New York.

State Bank of Albany, Mechanicville Branch, Mechanicville, New York.

Manufacturers Bank of Cohoes, Cohoes, New York.

National Bank of Cohoes, Cohoes, New York. Rensselaer County Bank and Trust Company, Main Office, 810 Broadway, Rensselaer, New York.

¹ 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7510, 7399, 7748, 7811, 7907.

Rensselaer County Bank and Trust Company, Branch Office, 166 Broadway, Rensselaer, New York.

Citizens Trust Company, Main Office, 436 State Street, Schenectady, New York.

Citizens Trust Company, Branch Office, Broadway, corner Westinghouse Place, Schenectady, New York.

Mohawk National Bank, Main Office, 216 State Street, Schenectady, New York.

Mohawk National Bank, Branch, Albany Street, Corner Hulet, Schenectady, New York.

Morris Fian Industrial Bank, 244 State Street, Schenectady, New York.

Schenectady Trust Company, Main Office, 320 State Street, Schenectady, New York.

Schenectady Trust Company, Branch, 959 Crane Street, Schenectady, New York.

Schenectady Trust Company, Branch, 1050 State Street, Schenectady, New York.

Union National Bank, 334 State Street, Schenectady, New York.

Glenville Bank, Scotia, New York.

National Bank of Watervliet, Watervliet, New York.

Bank of Waterford, Waterford, New York. Manufacturers National Bank, Main Office, 4th and Grand Streets, Troy, New York.

Manufacturers National Bank, Branch, 604 2nd Street, Troy, New York.

Manufacturers National Bank, Branch, 31 3rd Street, Troy, New York.

National City Bank of Troy, 89 Third Street, Corner State Street, Troy, New York.

Union National Bank (of Troy), 50 Fourth Street, Troy, New York.

(h) "Listed board" means any one of the following Boards:

Table with 2 columns: Local board name and Local Board No. Lists boards for Albany City and County, Cohoes City, Watervliet City, Rensselaer City, Rensselaer County, Troy City, Saratoga County, Mechanicville City, and Schenectady City and County.

(i) "Named transferee" means the depositor, listed board or Office of Price Administration named in a voucher as the person to whom or to whose account the amount specified thereon is to be transferred.

(j) "Person" shall have the meaning designated in § 1394.151 (a) (25) and shall also include Board.

(k) "Voucher" means a gasoline transfer voucher on Form OPA RB-30.

§ 1394.1916 Scope of §§ 1394.1915 through 1394.1930. The provisions of §§ 1394.1915 through 1394.1930 shall apply only in the introductory area.

§ 1394.1917 Administration of §§ 1394.1915 through 1394.1930. In addition to the administrative personnel provided for in § 1394.301, §§ 1394.1915 through 1394.1930 shall be administered by the listed banks acting in the performance of such duties as agents for, and under the direction of, the Office of Price Administration, and responsible only to the Office of Price Administration.

§ 1394.1918 Prohibition. Notwithstanding anything to the contrary contained in Ration Order No. 5A, on and after October 28, 1942, except as otherwise provided in paragraph (a) of § 1394.1921 and § 1394.1928, no evidences

shall be surrendered by or accepted from a depositor, but vouchers shall be issued or accepted in place thereof.

§ 1394.1919 *Persons required to open gasoline ration bank accounts.* Every intermediate distributor registered with a listed board, and every licensed distributor having a place of business within the introductory area shall open a gasoline ration bank account.

§ 1394.1920 *Application for an account.* (a) Application for an account shall be made by the intermediate or licensed distributor on or after October 26, 1942, at a listed bank at which the intermediate or licensed distributor carries a checking account. If the intermediate or licensed distributor does not carry a checking account at a listed bank application shall be made to any listed bank.

(b) Application shall be made in duplicate on Form OPA RB-10, and shall contain specimen signatures of all persons authorized to sign and issue vouchers for the depositor against such account, and shall be accompanied by proof satisfactory to the bank that the execution of the application and the designation thereon of persons authorized to sign vouchers was duly authorized. The depositor shall also submit to the bank such references and other proofs of identity or of authority to engage in business as the bank may require.

(c) The application shall be signed in the presence of an officer of the bank, who shall witness the signature and certify to the compliance by the applicant with all the requirements of paragraphs (a) and (b) of this section. The bank shall thereupon open a gasoline ration bank account in the name of the applicant, assign a number to the account and issue to the applicant a set of gasoline credit slips (Form OPA RB-31) and serially numbered vouchers. It shall retain the original of the application and forward the duplicate to the Albany Ration Banking Office. The bank shall prepare for each account a depositor's ledger card on which debits and credits shall be stated in gallons and posted in accordance with the bank's general posting practice.

§ 1394.1921 *Deposits.* (a) On opening the account each depositor shall deposit all evidences on hand. Thereafter he shall deposit all evidences received within fifteen (15) days after their receipt and all vouchers issued to him within fifteen (15) days after the date appearing on the face thereof.

(b) On and after October 28, 1942, vouchers not deposited as required in paragraph (a) hereof shall be invalid.

(c) Each deposit shall be accompanied by a two-part credit slip (Form OPA RB-31) bearing the depositor's name and address and the number assigned to the account in which the deposit is made, and listing the items deposited. Coupons deposited shall be properly affixed to a coupon sheet (Form OPA-R-542) as provided in § 1394.1611. Evidences and vouchers shall be endorsed by the depositor before deposit.

(d) The bank shall acknowledge receipt of the deposit on the stub and return it to the depositor. It may, however, accept a deposit subject to verification by the end of the following business day, in which case it shall immediately notify the depositor of any errors discovered. Upon receipt of such notification, the depositor shall return his stub for correction.

(e) The account shall be credited with the gallonage value of evidences and vouchers deposited therein.

§ 1394.1922 *Issuance of vouchers; effect.* (a) A voucher shall be issued by or accepted from a depositor only for the purposes for which the surrender of evidences of equal gallonage value by, or the acceptance thereof from, a person other than a depositor is permitted. The issuance of a voucher by a depositor shall have the same effect as the surrender of evidences of equal gallonage value under like circumstances by a person other than a depositor. However, a voucher may be issued to the Office of Price Administration pursuant to § 1394.1926, to a listed board pursuant to paragraph (a) of § 1394.1923, or to a listed board to obtain an exchange certificate or inventory coupons of gallonage value equal to the voucher, for surrender pursuant to § 1394.1928. A listed board, upon issuance to it of a voucher for such purpose, shall issue an exchange certificate or inventory coupons in gallonage value equal thereto.

(b) No voucher shall be issued by or accepted from a person other than a depositor, or issued to or accepted by a person other than a depositor, a listed board, or the Office of Price Administration named thereon as transferee. Vouchers shall not be negotiable. No bank shall accept for deposit to the account of any depositor a voucher of which a person other than such depositor is the named transferee.

(c) Upon the deposit of a voucher pursuant to paragraph (a) of § 1394.1921, the bank of deposit shall return the voucher to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1394.1923 *Vouchers issued to listed boards.* (a) Whenever a depositor is required to surrender evidences to a listed board, he shall issue to such board a voucher in the same gallonage value as such evidences.

(b) A voucher issued to a listed board, pursuant to paragraph (a) of this section or to paragraph (a) of § 1394.1922 shall be returned by such board to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1394.1924 *Overdrafts; post-dated vouchers.* (a) No voucher shall be drawn on any account in an amount in excess of the balance on deposit therein, less the amount of outstanding vouchers drawn thereon. A drawee bank receiving for debit a voucher which is drawn in an amount in excess of the balance on deposit in the account, or which is drawn on a non-existent account, shall immediately transmit the voucher, together

with a statement of the circumstances, to the Albany Ration Banking Office.

(b) No voucher shall bear a date later than the date on which it is issued.

§ 1394.1925 *Invalid and lost vouchers.* (a) Vouchers which are torn, mutilated, or incorrectly made out or on which an erasure or other alteration appears (whether initialed or not) shall be invalid.

(b) A named transferee having an invalid voucher shall return it to the depositor from whom it was received, retaining a record of the amount and the account and serial numbers of the voucher. No bank shall accept for deposit an invalid voucher. A named transferee who has lost a voucher shall immediately notify the depositor from whom it was received in writing of the loss.

(c) A depositor receiving a returned invalid voucher or advised pursuant to paragraph (b) of this section of the loss of a voucher shall replace such voucher within five (5) days if the named transferee is a listed board or a depositor who has already delivered gasoline against such voucher. If he fails to do so, the named transferee shall immediately notify the Albany Ration Banking Office.

(d) A depositor who is notified of the loss of a voucher shall immediately file with the bank from which he obtained the voucher form a Missing Voucher Statement (Form OPA RB-12). A drawee bank which receives for debit a voucher as to which it has on file a missing voucher statement shall immediately notify the Albany Ration Banking Office.

(e) A depositor shall insert the account number, mark "cancelled", and return all invalid vouchers and all vouchers made out but not issued to the bank carrying the account with respect to which the voucher forms were obtained.

(f) If a drawee bank receives for debit to the account of a depositor a voucher bearing a serial number not immediately succeeding the highest serial number of any voucher drawn on such account and theretofore received by the bank, and if the voucher or vouchers bearing the intervening serial numbers, or missing voucher statements for each intervening voucher, are not received by the drawee bank within fifteen (15) days thereafter, the drawee bank shall notify the depositor of such fact. If the depositor fails properly to account for such vouchers within five (5) days after such notification, the bank shall notify the Albany Ration Banking Office.

(g) A drawee bank receiving for debit a voucher which appears to be invalid for any reason other than that it is an overdraft or is drawn on a non-existent account shall immediately notify the depositor on whose account the voucher is drawn. The depositor shall notify the bank in writing within two (2) days whether or not the voucher is valid. If he verifies the voucher, it shall be debited to his account. If he fails to verify it, the bank shall immediately send the voucher and a report of the circum-

stances to the Albany Ration Banking Office.

§ 1394.1926 *Vouchers issued by licensed distributors to the Office of Price Administration.* Each licensed distributor who is a depositor shall attach to his monthly State motor fuel tax report a voucher drawn on his account, payable to the Office of Price Administration, and confirmed by his bank, in an amount equal to the gallonage value of evidences he would otherwise be required by § 1394.1620 to attach to such report with respect to transfers from a place of business within the introductory area. Such confirmation by the bank shall constitute a certification that the balance in depositor's account is sufficient to meet the voucher. The bank shall debit the depositor's account in the amount of the voucher immediately upon making the confirmation.

§ 1394.1927 *Reversal of credits; stop orders.* (a) No bank which has accepted for deposit a voucher valid on its face shall cancel the credit resulting from such deposit except upon order of the Office of Price Administration.

(b) No depositor shall issue a stop order and no stop order shall be honored as to any voucher.

(c) Upon receipt of instructions from the Office of Price Administration to debit or credit an account of a depositor, the bank shall debit or credit such account in the amount instructed and notify the depositor thereof.

§ 1394.1928 *Permitted surrender by depositors of exchange certificates or inventory coupons.* A depositor may surrender to a person other than a depositor, a listed board, or the Office of Price Administration, exchange certificates or inventory coupons received from a listed board pursuant to § 1394.1922 (a).

§ 1394.1929 *Records and duties of depositors.* (a) Each depositor shall retain, for a period of one (1) year, all depositor's stubs, voucher stubs, and statements obtained pursuant to paragraph (b) of this section.

(b) Each depositor shall obtain from his bank monthly a statement of his account. He shall check this statement against his records, and any errors or other discrepancies shall be reported to the bank within twenty (20) days after the date of issuance of the statement. Otherwise any errors shall be deemed to have been waived by the depositor. Each depositor shall be entitled to examine his cancelled vouchers at his bank on one day each month designated by the bank for that purpose.

(c) Any dispute between a depositor and his bank with respect to the amount of the balance in an account shall be referred to the Albany Ration Banking Office for decision by the Office of Price Administration.

§ 1394.1930 *Bank records and accounts confidential.* All records kept by any bank with respect to an account shall be confidential and shall be subject to inspection, removal or other disposition only as the Office of Price Administration may from time to time order.

Effective Date

§ 1394.1902 *Effective dates of amendments.* * * *

(o) Amendment No. 14 (§§ 1394.1915 through 1394.1930) to Ration Order No. 5A shall become effective October 26, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507 and 421, 77th Cong.; W.P.B. Dir. 1, Amendment 2 to Supp. Dir. 1 (H); 7 F.R. 562, 3478, 3877, 5216).

Issued this 26th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10877; Filed, October 26, 1942;
5:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 20 to Rationing Order 3¹]

SUGAR RATIONING REGULATIONS

TEMPORARY LIMITED BANKING AMENDMENT

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

Fifteen new sections, §§ 1407.261 through 1407.275, are added as set forth below:

Sugar Ration Bank Accounts

§ 1407.261 *Meaning of terms used in §§ 1407.261 through 1407.275.* When used in §§ 1407.261 through 1407.275:

(a) "Account" means sugar ration bank account.

(b) "Albany Ration Banking Office" means the Ration Banking Office of the Office of Price Administration, 76 State Street, Albany, New York.

(c) "Area" means introductory area.

(d) "Depositor" means a registering unit which is required by § 1407.265 to open a sugar ration bank account, or which is authorized by said section to open, and does open, a sugar ration bank account.

(e) "Introductory area" means the following area of New York State: the cities of Albany, Schenectady, Troy, Cohoes, Rensselaer, Mechanicville, and Watervliet; and the towns of Glenville, Rotterdam, Niskayuna, Guilderland, Colonie, Waterford, Schaghticoke, Brunswick, North Greenbush, East Greenbush, and Bethlehem.

(f) "Issue" when used with respect to a voucher, means the delivery of a completed voucher.

(g) "Listed bank" means one of the following banks or bank branches:

First Trust Company, Main Office, 31-37 State Street, Albany, New York.

First Trust Company, Branch, 135 South Pearl Street, Albany, New York.

First Trust Company, Branch, 252 Washington Avenue, Albany, New York.

Mechanics and Farmers Bank, 63 State Street, Albany, New York.

*Copies may be obtained from the Office of Price Administration.

17 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7610, 7557, 8402.

National Commercial Bank and Trust Company, Main Office, 60 State Street, Albany, New York.

National Commercial Bank and Trust Company, Branch, 200 Washington Avenue, Albany, New York.

National Commercial Bank and Trust Company Branch, Broadway, Corner of Pleasant, Albany, New York.

National Commercial Bank and Trust Company, Altamont Branch, Altamont, New York.

National Commercial Bank and Trust Company, Delmar Branch, Delmar, New York.

State Bank of Albany, Main Office, 63 State Street, Albany, New York.

State Bank of Albany, Branch, 330 Central Avenue, Albany, New York.

State Bank of Albany, Mechanicville Branch, Mechanicville, New York.

Manufacturers Bank of Cohoes, Cohoes, New York.

National Bank of Cohoes, Cohoes, New York.

Rensselaer County Bank and Trust Company, Main Office, 810 Broadway, Rensselaer, New York.

Rensselaer County Bank and Trust Company, Branch Office, 156 Broadway, Rensselaer, New York.

Citizens Trust Company, Main Office, 436 State Street, Schenectady, New York.

Citizens Trust Company, Branch Office, Broadway, corner Westinghouse Place, Schenectady, New York.

Mohawk National Bank, Main Office, 216 State Street, Schenectady, New York.

Mohawk National Bank, Branch, Albany Street, Corner Hulett, Schenectady, New York.

Morris Plan Industrial Bank, 234 State Street, Schenectady, New York.

Schenectady Trust Company, Main Office, 320 State Street, Schenectady, New York.

Schenectady Trust Company, Branch, 959 Crane Street, Schenectady, New York.

Schenectady Trust Company, Branch, 1050 State Street, Schenectady, New York.

Union National Bank, 334 State Street, Schenectady, New York.

Glenville Bank, Scotia, New York.

National Bank of Watervliet, Watervliet, New York.

Bank of Waterford, Waterford, New York.

Manufacturers National Bank, Main Office, 4th and Grand Streets, Troy, New York.

Manufacturers National Bank, Branch, 604 2nd Street, Troy, New York.

Manufacturers National Bank, Branch, 31 3rd Street, Troy, New York.

National City Bank of Troy, 89 Third Street, Corner State Street, Troy, New York.

Union National Bank (of Troy), 50 Fourth Street, Troy, New York.

(h) "Listed board" means any one of the following boards:

Local board name:	Local Board No.
Albany City and County Board.....	1-4-1
Cohoes City Board.....	1-1-2
Watervliet City Board.....	1-1-3
Rensselaer City Board.....	38-1-1
Rensselaer County Board.....	38-0-1
Troy City Board.....	38-1-2
Saratoga County Board.....	41-0-1
Mechanicville City Board.....	41-4-1
Schenectady City and County Board.....	42-4-1

(i) "Named transferee" means the depositor or listed board named in a voucher as the person to whom or to whose account the weight value specified thereon is to be transferred.

(j) "Person" shall have the meaning designated in § 1407.21 (c) (11) and shall also include board.

(k) "Voucher" means a sugar transfer voucher on OPA Form No. RB-20.

§ 1407.262 *Scope of §§ 1407.261 through 1407.275.* The provisions of

§§ 1407.261 through 1407.275 shall apply only in the introductory area.

§ 1407.263 *Administration of §§ 1407.262 through 1407.275.* In addition to the administrative personnel provided for in § 1407.41, §§ 1407.261 through 1407.275 shall be administered by the listed banks acting in the performance of such duties as agents for, and under the direction of, the Office of Price Administration, and responsible only to the Office of Price Administration.

§ 1407.264 *Prohibition.* Notwithstanding anything to the contrary contained in Rationing Order No. 3, on and after October 28, 1942, except as otherwise provided in paragraph (a) of § 1407.267 and § 1407.273, no stamps or certificates shall be surrendered by or accepted from a depositor, but vouchers shall be issued or accepted in place thereof.

§ 1407.265 *Persons required or authorized to open sugar ration bank accounts.* (a) Every registering unit registered with a listed board and having a component establishment or establishments within the introductory area shall, unless all such establishments take delivery of sugar exclusively from retailers, open one or more sugar ration bank accounts to serve all such establishments. A registering unit may open one or more sugar ration bank accounts to serve such of its component establishments within the introductory area as it selects if (1) it is registered with a listed board and all its component establishments within the introductory area take delivery of sugar exclusively from retailers, or (2) it is not registered with a listed board.

(b) One account may be opened to serve all the component establishments of a registering unit within the introductory area, or separate accounts may be opened to serve any such establishment or group of such establishments: *Provided,* That no establishment may be served by more than one account. All accounts shall be opened in the name of the owner of the registering unit.

§ 1407.266 *Application for an account.* (a) Application for an account shall be made by the owner of a registering unit on or after October 26, 1942, at a listed bank at which the owner carries a checking account serving one or more of the establishments to be served by the sugar ration bank account. If the owner does not carry such a checking account application shall be made to any listed bank.

(b) Application shall be made in duplicate on OPA Form No. RB-10, an shall contain specimen signatures of all persons authorized to sign vouchers for the depositor against such account and shall be accompanied by proof satisfactory to the bank that the execution of the application and the designation thereon of persons authorized to sign vouchers was duly authorized. The depositor shall also submit to the bank such references and other proofs of identity or of authority to engage in business as the bank may require. If the account is to serve more than one establishment, a list of all

such establishments with the address of each shall be attached to the application.

(c) The application shall be signed in the presence of an officer of the bank, who shall witness the signature and certify to the compliance by the applicant with all the requirements of paragraphs (a) and (b) of this section. The bank shall thereupon open a sugar ration bank account in the name of the applicant, assign a number to the account and issue to the applicant a set of sugar credit slips (OPA Form No. RB-21) and serially numbered vouchers. It shall retain the original of the application and forward the duplicate to the Albany Ration Banking Office. The bank shall prepare for each account a depositor's ledger card on which debits and credits shall be stated in pounds and posted in accordance with the bank's general posting practice.

§ 1407.267 *Deposits.* (a) Stamps surrendered to a depositor and received by a component establishment served or required to be served by an account shall be deposited in such account within twelve (12) days after the expiration of the ration period assigned to such stamps by Schedule C of § 1407.243. A certificate issued to a depositor by a listed board shall be deposited in an account of such depositor within sixty (60) days of the valid date of the certificate. A certificate issued in the name of a depositor by a person other than a listed board, and received by a component establishment served or required to be served by an account, shall be deposited in such account within sixty (60) days after the valid date of the certificate. A certificate surrendered to a depositor and received by a component establishment served or required to be served by an account shall be deposited in such account within sixty (60) days after the date of the last endorsement on the certificate, whichever is later. Vouchers issued to a depositor shall be deposited in an account of such depositor within fifteen (15) days after the date appearing on the face thereof.

(b) On and after October 28, 1942, stamps, certificates, and vouchers not deposited as required in paragraph (a) hereof shall be invalid.

(c) Each deposit shall be accompanied by a two-part credit slip (OPA Form No. RB-21) bearing the depositor's name and address and the number assigned to the Account in which the deposit is made, and listing the items deposited. Stamps deposited shall be properly affixed to a war ration stamp card (OPA Form No. R-304) or a facsimile thereof, as provided in paragraph (b) of § 1407.142. Stamp cards, certificates and vouchers shall be endorsed by the depositor before deposit.

(d) The bank shall acknowledge receipt of the deposit on the stub and return it to the depositor. It may, however, accept a deposit subject to verification by the end of the following business day, in which case it shall immediately notify the depositor of any errors discovered. Upon receipt of such notification, the depositor shall return his stub for correction.

(e) The account shall be credited with the weight value of stamps, certificates, and vouchers deposited therein.

§ 1407.268 *Issuance of vouchers; effect.* (a) A voucher shall be issued by or accepted from a depositor only for the purposes for which the surrender of stamps or certificates of equal weight value by, or the acceptance thereof from, a person other than a depositor is permitted. The issuance of a voucher by a depositor shall have the same effect as the surrender of stamps or certificates of equal weight value under like circumstances by a person other than a depositor. However, a voucher may be issued to transfer credits between accounts of the same depositor, or may be issued to a listed board pursuant to paragraph (a) of § 1407.269 or to a listed board to obtain a certificate of weight value equal to the voucher for surrender pursuant to paragraph (b) of § 1407.273. A listed board, upon issuance to it of a voucher for such purpose, shall issue a certificate in weight value equal thereto.

(b) No voucher shall be issued by or accepted from a person other than a depositor, or issued to or accepted by a person other than a depositor or a listed board named thereon as transferee. Vouchers shall not be negotiable. No bank shall accept for deposit to the account of any depositor a voucher of which a person other than such depositor is the named transferee.

(c) Upon the deposit of a voucher pursuant to paragraph (a) of § 1407.267, the bank of deposit shall return the voucher to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1407.269 *Vouchers issued to listed boards.* (a) Whenever a depositor is required to surrender stamps or certificates to a listed board, he shall issue to such board a voucher in the same weight value as such stamps or certificates.

(b) A voucher issued to a listed board pursuant to paragraph (a) of this section or to paragraph (a) of § 1407.263, shall be returned by such board to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1407.270 *Overdrafts; post-dated vouchers.* (a) No voucher shall be drawn on any account in an amount in excess of the balance on deposit therein, less the amount of outstanding vouchers drawn thereon. A drawee bank receiving for debit a voucher which is drawn in an amount in excess of the balance on deposit in the account, or which is drawn on a non-existent account, shall immediately transmit the voucher, together with a statement of the circumstances, to the Albany Ration Banking Office.

(b) No voucher shall bear a date later than the date on which it is issued.

§ 1407.271 *Invalid and lost vouchers.* (a) Vouchers that are torn, mutilated, or incorrectly made out or on which an erasure or other alteration appears (whether initialed or not) shall be invalid.

(b) A named transferee having an invalid voucher shall return it to the de-

positor from whom it was received, retaining a record of the amount and the account and serial numbers of the voucher. No bank shall accept for deposit an invalid voucher. A named transferee who has lost a voucher shall immediately notify the depositor from whom it was received in writing of the loss.

(c) A depositor receiving a returned invalid voucher, or properly advised pursuant to paragraph (b) of this section of the loss of a voucher, shall replace such voucher within five (5) days if the named transferee is a listed board or a depositor who has already shipped sugar against such voucher. If he fails to do so, the named transferee shall immediately notify the Albany Ration Banking Office.

(d) A depositor who is notified of the loss of a voucher shall immediately file with the bank from which he obtained the voucher form a missing voucher statement (OFA Form No. RB-12). A drawee bank which receives for debit a voucher as to which it has on file a missing voucher statement shall immediately notify the Albany Ration Banking Office.

(e) A depositor shall insert the account number, mark "cancelled", and return all invalid vouchers and all vouchers made out but not issued, to the bank carrying the account with respect to which the voucher forms were obtained.

(f) If a drawee bank receives for debit to the account of a depositor a voucher bearing a serial number not immediately succeeding the highest serial number of any voucher drawn on such account and theretofore received by the bank, and if the voucher or vouchers bearing the intervening serial numbers, or missing voucher statements for each intervening voucher, are not received by the drawee bank within fifteen (15) days thereafter, the drawee bank shall notify the depositor of such fact. If the depositor falls properly to account for such vouchers within five (5) days after such notification, the bank shall notify the Albany Ration Banking Office.

(g) A drawee bank receiving for debit a voucher which appears to be invalid for any reason other than that it is an overdraft or is drawn on a non-existent account shall immediately notify the depositor on whose account the voucher is drawn. The depositor shall notify the bank in writing within two (2) days whether or not the voucher is valid. If he verifies the voucher, it shall be debited to his account. If he fails to verify it, the bank shall immediately send the voucher and report of the circumstances to the Albany Ration Banking Office.

§ 1407.272 *Reversal of credits; stop orders.* (a) No bank which has accepted for deposit a voucher valid on its face shall cancel the credit resulting from such deposit except upon order of the Office of Price Administration.

(b) No depositor shall issue a stop order and no stop order shall be honored as to any voucher.

(c) Upon receipt of instructions from the Office of Price Administration to debit or credit an account of a depositor, the bank shall debit or credit such account in the amount instructed and notify the depositor thereof.

§ 1407.273 *Permitted surrender by depositors of stamps or certificates.* (a) A depositor may surrender (1) stamps or certificates surrendered to such depositor and not received by a component establishment served or required to be served by an account; and (2) certificates issued in the name of such depositor by a person other than a listed board and not received by a component establishment served or required to be served by an account.

(b) A depositor may also surrender to an establishment not served or required to be served by an account, or to a person other than a depositor or a listed board, certificates received from a listed board pursuant to paragraph (a) of § 1407.268.

§ 1407.274 *Records and duties of depositors.* (a) Each depositor shall retain, for a period of two years, all depositor's stubs, voucher stubs, and statements obtained pursuant to paragraph (b) of this section, all of which shall be made available for inspection by the Office of Price Administration or by a listed board.

(b) Each depositor shall obtain from his bank monthly a statement of his account. He shall check this statement against his records, and any errors or other discrepancies shall be reported to the bank within twenty (20) days after the date of issuance of the statement. Otherwise any errors shall be deemed to have been waived by the depositor. Each depositor shall be entitled to examine his cancelled vouchers at his bank on one day each month designated by the bank for that purpose.

(c) Any dispute between a depositor and his bank with respect to the amount of the balance in an account shall be referred to the Albany Ration Banking Office for decision by the Office of Price Administration.

§ 1407.275 *Bank records and accounts confidential.* All records kept by any bank with respect to an account shall be subject to the provisions of § 1407.44.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(u) Amendment No. 20 (§§ 1407.261 through 1407.275) to Rationing Order No. 3 shall become effective October 26, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10881; Filed, October 26, 1942; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES [Order 111 Under § 1499.3 (b) of GMPR]

ALASKA FURS

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 111—Department of the Interior of the United States Government.

The Department of the Interior of the United States Government has made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of maximum prices for its sales of dyed and dressed Alaska fur seal skins and dressed blue and white Alaska fox pelts. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is ordered:*

§ 1499.975 *Approval of maximum prices for sales by the Department of the Interior of the United States Government of dyed and dressed Alaska fur seal skins and dressed blue and white Alaska fox pelts.* (a) On and after October 24, 1942, the maximum prices at which the Department of the Interior of the United States Government, or the Fouke Fur Company of St. Louis, Missouri, acting as its agent, may sell, deliver and offer for sale dyed and dressed Alaska fur seal skins and dressed blue and white Alaska fox pelts shall be the highest price received by the Department of the Interior of the United States Government for the same or similar skins or pelts sold by it at the auction sale conducted for its accounts by Fouke Fur Company of St. Louis, Missouri, on September 8, 1941.

(b) Within ten days after a maximum price for any such skin or pelt has been determined in accordance with subparagraph (a) of this order, the Department of the Interior of the United States Government shall report such price to the Office of Price Administration, Washington, D. C.

(c) The maximum prices authorized by paragraph (a) of this Order No. 111 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 111 may be amended or revoked by the Office of Price Administration at any time.

(e) This Order No. 111 (§ 1499.975) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10880; Filed, October 26, 1942; 5:02 p. m.]

*Copies may be obtained from the Office of Price Administration.

Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation 38, Amendment]

PART 1500—ADMINISTRATIVE; GENERAL
FOREIGN OPERATIONS

To the Foreign Operations Committee, The Anglo American Purchasing Company, Asiatic Petroleum Corporation, The Atlantic Refining Company, California-Texas Oil Company, Ltd., Consolidated Oil Corporation, Gulf Oil Corporation, Socony-Vacuum Oil Company, Inc., Standard Oil Company (New Jersey), Standard Oil Company of California, Standard Vacuum Oil Company, Superior Oil Company of California, The Texas Company, Tidewater Associated Oil Company, Union Oil Company of California, and their respective subsidiary and affiliated companies, and any other American companies and American citizens, engaged in producing, refining, transporting, or marketing petroleum or petroleum products outside, or for consumption outside, the continental United States:

In order further to aid in the accomplishment of the purposes and objectives of the petroleum war policy defined by the President of the United States in his letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, and particularly in view of the existence of a state of war between the Government and the people of the United States and the Imperial Japanese Government, the Government of Germany, and the Government of Italy, the Petroleum Coordinator for War has heretofore provided for the establishment of the Foreign Operations Committee of the Office of Petroleum Coordinator for War. The purpose of the Committee is to provide an adequate and responsible body equipped and authorized to advise and make recommendations to the Petroleum Coordinator on any subject relating to or affecting petroleum matters outside the continental United States, and to provide for the effectuation of measures recommended or approved by the Petroleum Coordinator or the Deputy Petroleum Coordinator to serve the interests of the United States, and its allies and other friendly nations in the availability, supply, and utilization of petroleum outside the continental United States. It is essential that the Foreign Operations Committee be enabled to accomplish the purposes indicated above adequately and expeditiously. It is imperative that all persons, natural or artificial, employ every possible means to supply for the United States and its allies and other friendly nations, outside the continental United States, the petroleum needs of the military forces, the war industries, and essential civilian requirements.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, §§ 1500.15 to 1500.21, inclusive, of this Chapter (Recommendation No. 38, dated March 24, 1942, 7 F.R. 2638, 2950) are hereby amended to read as follows:

AUTHORITY: §§ 1500.15 to 1500.21, inclusive, issued under the President's letter of May 28, 1941, to the Secretary of the Interior; 6 F.R. 2760.

§ 1500.15 *Duties and functions.* The Foreign Operations Committee shall:

(a) advise and make recommendations to the Petroleum Coordinator for War on any subject relating to or affecting any petroleum matters outside the continental United States, submitted to it by the Petroleum Coordinator for advice or recommendation; (b) whenever deemed necessary or advisable, consider and propose on its own motion to the Petroleum Coordinator any action which is designed to serve the needs or interests of the United States and its allies and friendly nations and which shall relate to or affect the production, refining, transportation, or distribution of petroleum or petroleum products outside the continental United States, or the availability supply or utilization thereof, including, but without limitation, the joint use of facilities, the fixing of allocations and the taking of other cooperative action in the production, refining, transportation, and distribution of petroleum and petroleum products outside the continental United States, and (c) take all such action and perform all such functions and duties as shall be required of it in any written request or direction of the Petroleum Coordinator or Deputy Petroleum Coordinator or Director of the Foreign Division pursuant to this or any other Recommendation or Directive of the Office of Petroleum Coordinator for War, or to any Plan approved thereunder.

§ 1500.16 *Surreys and investigations.* In accomplishing the purposes and objectives of the Foreign Operations Committee as defined in § 1500.15 of this Chapter, the Foreign Operations Committee shall obtain, compile, and analyze all pertinent and available facts, figures, and other data with respect to any matter which may properly be before it. In this connection the Committee is authorized:

(a) To direct such inquiries and questionnaires to such companies, organizations, or persons, foreign or domestic, as may be necessary or appropriate;

(b) To ask and receive expert assistance from any company, organization, or person, foreign or domestic;

(c) To afford any interested or affected persons opportunity to present their views;

(d) To consult with any of the committees or subcommittees established by or under the authority of the Petroleum Coordinator, and with any appropriate representative of the Office of Petroleum Coordinator for War.

§ 1500.17 *Organization of the Committee.* The Foreign Operations Committee shall select from its membership an Executive Committee which, when the Foreign Operations Committee is not in session, shall have all the duties, functions, and authority of the Foreign Operations Committee except as may be otherwise directed from time to time by the Petroleum Coordinator

The Foreign Operations Committee may appoint such subcommittees, and maintain such staff and employ such persons, as its finds necessary for carrying out its duties, functions, and responsibilities under §§ 1500.15 to 1500.21, inclusive, of this Chapter. The expenses of the Committee shall be met as provided in § 1500.21 of this Chapter.

Minutes shall be kept of all meetings of the Foreign Operations Committee and of the Executive Committee, and two copies thereof shall be filed in the Office of Petroleum Coordinator for War.

§ 1500.18 *Formulation of plans.* (a) The Foreign Operations Committee shall, at the request of the Petroleum Coordinator, or on its own motion, if it shall deem such action necessary or advisable, formulate and submit to the Chief Counsel of the Office of Petroleum Coordinator for War plans concerning any matter which may properly be before it.

Effectuation of plans. (b) The Foreign Operations Committee and all persons affected by any plan formulated in accordance with this § 1500.18 shall, upon approval of any such plan by the Chief Counsel of the Office of Petroleum Coordinator for War and pursuant to the direction of the Petroleum Coordinator for War or the Deputy Petroleum Coordinator carry into effect such plan according to its terms, conditions, and intent.

§ 1500.19 *Cooperation with industry.* Without limiting the duties and authority elsewhere provided in this Recommendation, the Foreign Operations Committee, The Anglo American Purchasing Company, Asiatic Petroleum Corporation, The Atlantic Refining Company, California-Texas Oil Company, Ltd., Consolidated Oil Corporation, Gulf Oil Corporation, Socony-Vacuum Oil Company, Inc., Standard Oil Company (New Jersey), Standard Oil Company of California, Standard Vacuum Oil Company, Superior Oil Company of California, The Texas Company, Tidewater Associated Oil Company, Union Oil Company of California, and their respective subsidiary and affiliated companies, and any other American companies and American citizens, engaged in producing, refining, transporting, or marketing petroleum or petroleum products outside or for consumption outside the continental United States, shall cooperate with each other and with other persons, natural or artificial, and with the appropriate agencies of the governments of the United States and its allies and other friendly nations for the purpose of meeting adequately and expeditiously, in the manner provided in § 1500.20 of this Chapter, the petroleum needs of the military forces, the war industries, and essential civilian requirements of the United States and its allies and such other friendly nations outside the continental United States.

§ 1500.20 *Use of facilities and products.* Without limitation upon the authority elsewhere conferred by this or any other recommendation, directive, or by any plan approved thereunder, the Foreign Operations Committee, or any subcommittee thereof, or the companies or persons designated in § 1500.19 of this Chapter, or any of them, in order to effectuate the purposes set forth in said section, shall:

(a) Arrange so to utilize available tanker and cargo vessel capacity, without regard to individual ownership or control thereof, as to transport petroleum and petroleum products from the points of supply nearest the areas out-

side of the continental United States to be supplied, and in such manner as to avoid multiple port loading and discharging, cross hauling, and unnecessary ballast voyages;

(b) Arrange so to utilize barge, terminal, and storage facilities, without regard to individual ownership or control thereof, as to reduce to a minimum idle time in port and the splitting of cargoes between two or more ports of discharge;

(c) Arrange for the exchange, loan, or sale of petroleum and petroleum products among themselves, or any of them whenever and to whatever extent may be necessary to effect a maximum reduction of the tanker and cargo vessel tonnage required to supply to areas outside the continental United States the petroleum and petroleum products required to accomplish the purposes set forth in § 1500.19 of this Chapter: *Provided*, That any proposals for action to be taken within the territorial limits of continental United States pursuant to this section shall require the prior approval of the Director of the Foreign Division and the Chief Counsel of the Office of Petroleum Coordinator for War.

§ 1500.21 *Meetings; coordination; expenses and contributions.* (a) Meetings of the Foreign Operations Committee, any subcommittee thereof, and representatives of the companies, and persons, designated herein and other persons who may be affected, or any of them, may be held from time to time for the purpose of formulating plans and working out the physical and contractual details and arrangements necessary to carry into effect the provisions and purposes of §§ 1500.15 to 1500.20, inclusive, of this Chapter. The companies and persons affected, after receipt of approval of any of the aforesaid plans, may, from time to time, hold meetings for the purpose of doing all things necessary to carry into effect any such plan.

(b) The Foreign Operations Committee, the subcommittees thereof, and the companies and persons designated herein shall coordinate their activities pursuant to §§ 1500.15 to 1500.20, inclusive, of this Chapter, with the Petroleum Supply Committees for Latin America, the British Petroleum Committee, the British Tankers Committee, and the Petroleum Supply and Distribution Board, and with such other appropriate agencies as may be established or approved by the Government of the United States or of any of its allies or friendly nations.

(c) Operating expenses heretofore or hereafter incurred or paid for by the Foreign Operations Committee or any subcommittees thereof shall be met from a fund to which contributions may be made by companies or individuals engaged in the petroleum industry upon solicitation by the Committee.

RALPH K. DAVIES,
Deputy Petroleum
Coordinator for War.

OCTOBER 20, 1942.

[F. R. Doc. 42-10884; Filed, October 27, 1942; 9:41 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[G. O. 12, Supp. 8]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION OF AGENTS

The amendments to General Order No. 12, Part I, Dry Cargo Vessels, published in the FEDERAL REGISTER on October 23, 1942, Page 8565, are hereby cancelled and the following amendments, which shall be effective from the dates applicable as provided in General Order No. 12, Part I, substituted in lieu thereof:

Strike out paragraphs (a) and (d) of § 306.7 and insert in lieu thereof the following:

§ 306.7 *Compensation of agents in continental United States ports.* (a) 2½¢ per handled ton for all Army and Navy cargo outward or homeward where the cargo is handled by the Army or Navy and the agent is not required to check the details of the cargo handled: *Provided further*, Where the vessel handles a full cargo and the detail of the tonnage handled is not made available by the Army or Navy to the agent, the agent shall receive a fee of \$250.00. 15¢ per handled ton outward and 12½¢ per handled ton homeward and way for Army and Navy cargo shipped under standard form of Government bill of lading as required under Traffic Regulation No. 3, issued September 9, 1942, and when not coming within the preceding provisions hereof.

(d) 25¢ per handled ton for all other cargoes outward and 20¢ per handled ton for all other homeward or way cargoes, not falling within paragraphs (a), (b) and (c). (The Administrator reserves the right to determine the reasonableness of commercial rates on bulk and other cargoes, from the effective date of this order.)

and add the following paragraph (e):

(e) 2½% of the vessel's revenue on outward ad valorem cargo and mail, and 1½% of the vessel's revenue on homeward and way ad valorem cargo and mail.

Strike out paragraphs (a) and (c) of § 306.8 and insert in lieu thereof the following:

§ 306.8 *Compensation of agents at ports outside of continental United States.* (a) 2½¢ per handled ton for all Army and Navy cargo outward or homeward where the cargo is handled by the Army or Navy and the agent is not required to check the details of the cargo handled: *Provided further*, Where the vessel handled a full cargo and the detail of the tonnage handled is not made available by the Army or Navy to the agent, the agent shall receive a fee of \$250.00. 15¢ per handled ton outward and 12½¢ per handled ton homeward and way for Army and Navy cargo shipped under standard form of Government bill of lading as required under Traffic Regulation No. 3, issued Septem-

ber 9, 1942, and when not coming within the preceding provisions hereof.

(c) 10¢ per handled ton for outward or homeward cargo shipped for Lend-Lease account.

and add the following paragraph (e):

(e) 2½% of the vessel's revenue on outward ad valorem cargo and mail, and 1½% of the vessel's revenue on homeward and way ad valorem cargo and mail.

Strike out the first part of paragraph (a) Basic Scale (§ 306.9) and substitute in lieu thereof the following:

§ 306.9 *Compensation of general agents—(a) Basic scale.* For each calendar month or prorata thereof beginning with the month in which the first vessel subject hereto is delivered to the general agent and ending with the calendar month or prorata thereof (part days shall count as whole days) in which the last vessel subject hereto is redelivered by the general agent, the basic compensation, computed on the basis of payable tons of the vessels handled during each such month, shall be calculated in accordance with the following scale:

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 21, 1942.

[F. R. Doc. 42-10895; Filed, October 27, 1942; 11:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exemption Order ODT 21-1]

PART 521—CONSERVATION OF MOTOR EQUIPMENT; EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART M—CERTIFICATES OF WAR NECESSITY

SPECIAL INDUSTRIAL, CONSTRUCTION, AND MAINTENANCE VEHICLES, ETC.

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942: *It is hereby ordered*, That:

§ 521.3500 *Partial exemption of special industrial, construction, and maintenance vehicles, farm machines, certain trailers, and motorcycles and motor scooters available for public rental.* Industrial motor vehicles equipped with solid rubber tires or pneumatic tires, not designed for use on the highways, and used within industrial plants, warehouses, docks and terminals for intraplant movement of property; motor graders, scrapers, scoops, bulldozers, and other similar vehicles equipped with solid rubber tires or pneumatic tires and used in construction or maintenance work; planters, broadcast seeders, fertilizer distributors, sprayers, and other similar machines equipped with solid rubber tires or pneumatic tires and used in farming operations; farm trailers and semitrailers, and other trailers and semi-

trailers equipped with solid rubber tires or pneumatic tires, regularly drawn or powered by private passenger automobiles; and motorcycles and motor scooters available for public rental, are hereby exempted from the provisions of Subpart M, (General Order ODT 21¹) Part 501, this chapter and title of the Code of Federal Regulations, except § 501.101.

This Exemption Order (§ 521.3500) shall become effective on November 15, 1942, and shall remain in full force and effect until further ordered.

(E.O. 8989 and E.O. 9156; 6 F.R. 6725, 7 F.R. 3349)

Issued at Washington, D. C., this 22d day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10902; Filed, October 27, 1942;
11:36 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

[Memorandum 748,² Supp. 1]

LAND FOR RESETTLEMENT PURPOSES

AUTHORIZATION OF USE

OCTOBER 26, 1942.

Authorizing the use of land acquired for resettlement purposes in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act.

Pursuant to the powers vested in me by the Bankhead-Jones Farm Tenant Act, and as Secretary of Agriculture, paragraph 1 of Memorandum No. 748 of the Secretary of Agriculture, dated February 14, 1938, is hereby amended to read as follows:

1. Upon determination by the Administrator of the Farm Security Administration that any land acquired by the United States for resettlement purposes, including lands transferred by a rural rehabilitation corporation under a trust agreement or purchased out of a fund established pursuant to such an agreement, is suitable for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, said Administrator is authorized to utilize said land for the purposes of said title and to authorize the making of loans for the necessary improvements thereon to such individuals and upon such terms as shall be in accordance with the provisions of said title.

[SEAL]

PAUL H. APPLEBY,
Acting Secretary.

[F. R. Doc. 42-10901; Filed, October 27, 1942;
11:28 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

HANDKERCHIEF MANUFACTURING INDUSTRY

NOTICE OF ORAL ARGUMENT

Notice of oral argument in the matter of the minimum wage recommendation

of Industry Committee No. 46 for the handkerchief manufacturing industry and the prohibition, restriction or regulation of home work in the industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will hear on Thursday, November 12, 1942 at 10:00 a. m. at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on October 7, 1942 on the minimum wage recommendation of Industry Committee No. 46 for the Handkerchief Manufacturing Industry and the prohibition, restriction or regulation of home work in the industry, oral argument bearing on the issues which are before him in this matter, provided that on or before November 9, 1942 such persons notify the Wage and Hour Division of their intention to offer oral argument and of the amount of time they will require to make their presentation.

Dated: October 26, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10397; Filed, October 27, 1942;
11:21 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6223]

WICHITA BROADCASTING COMPANY

NOTICE OF HEARING

In re application of Wichita Broadcasting Company (KWFT), dated March 2, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Wichita Falls, Texas; operating assignment specified: frequency, 620 kc.; power, 5 kw. (DA—night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

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 who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Wichita Broadcasting Company, Radio

Station KWFT, 800 Eighth Street, Wichita Falls, Texas.

Dated at Washington, D. C., October 22, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10335; Filed, October 27, 1942;
10:26 a. m.]

[Docket No. 6432]

LEE BROS. BROADCASTING SYSTEM

NOTICE DENYING PETITION, ETC.

In re application of J. C. and E. W. Lee (Lee Bros. Broadcasting Company) (KFXM), dated January 20, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, San Bernardino, California; operating assignment specified: Frequency, 1300 kc.; power, 1 kw. (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission on September 15, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of the application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

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 who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: J. C. and E. W. Lee (Lee Brothers Broadcasting Company), Radio Station KFXM, California Hotel, 512 Fifth Street, San Bernardino, California.

Dated at Washington, D. C., October 22, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10336; Filed, October 27, 1942;
10:26 a. m.]

[Docket No. 6445]

OLYMPIC BROADCASTING CORPORATION

NOTICE DENYING PETITION, ETC.

In re application of Olympic Broadcasting Corporation (New), dated Octo-

¹ 7 F.R. 7100.

² 3 F.R. 451.

ber 15, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Bremerton, Washington; operating assignment specified: Frequency, 1540 kc.; power, 500 w.; hours of operation, unlimited.

You are hereby notified that the Commission on October 6, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942 and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

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 who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Olympic Broadcasting Corporation, 30 Harrison Building, Fourth and Pacific, Bremerton, Washington.

Dated at Washington, D. C., October 22, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10887; Filed, October 27, 1942;
10:26 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-305]

W. S. FEES

ORDER FIXING DATE OF HEARING

OCTOBER 24, 1942.

It appearing to the Commission that:

(a) On May 7, 1942, W. S. Fees of Iola, Kansas, filed an application for a certificate of public convenience and necessity for continued operation as a natural gas company based on alleged bona fide operation on February 7, 1942, and since that date, as specified in section 7 (c) of the Natural Gas Act as amended;

(b) The application does not set forth sufficient facts to justify a finding by the Commission that W. S. Fees was a natural gas company bona fide engaged in the transportation or sale of natural gas on February 7, 1942, and since that date, within the meaning of section 7 (c) of the Natural Gas Act as amended;

The Commission orders, That:

A public hearing be held in Room 664, U. S. Court House, Kansas City, Mis-

souri, beginning at 10:00 a. m. on November 2, 1942, to determine (1) whether W. S. Fees was on February 7, 1942, and has been since that date, a natural gas company bona fide engaged in the transportation or sale of natural gas within the meaning of section 7 (c) of the Natural Gas Act, as amended; and (2) all relevant facts and circumstances relating to the purchase and sale of natural gas by W. S. Fees, as set forth in his application for a certificate, or otherwise.

By the Commission.

[SEAL] LEON M. FUGUAY,
Secretary.

[F. R. Doc. 42-10896; Filed, October 27, 1942;
11:13 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4821]

SOUTHGATE BROKERAGE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A., section 13, as amended),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 4, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 409, Post Office Building, Norfolk, Virginia.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10898; Filed, October 27, 1942;
11:24 a. m.]

[Docket No. 4823]

FRAERING BROKERAGE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pur-

suant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A., section 13, as amended),

It is ordered, That William W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, November 12, 1942, at ten o'clock in the forenoon of that day (central standard time), Room 713, Pere Marquette Building, New Orleans, Louisiana.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10900; Filed, October 27, 1942;
11:24 a. m.]

[Docket No. 4822]

ATLANTIC PACKING CO., ET AL.

ORDER APPOINTING TRIAL EXAMINER, ETC.

In the matter of Atlantic Packing Company and Atlantic Packing Company, Distributors, et al.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 9, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room No. 6, United States Post Office, William Penn Annex, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10899; Filed, October 27, 1942;
11:24 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Amendment 2 to Administrative Order 25]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ACT FOR THE
PRICE ADMINISTRATOR

Subparagraphs (2) and (3) of paragraph (a) and subparagraphs (2) and (3) of paragraph (b) of Administrative Order No. 25 are hereby amended to read as set forth below:

(a) * * *

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended, (Services) or §§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation, or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(b) * * *

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended (Services) or §§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation, or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended, (Women's Fur Garments).

This Amendment No. 2 to Administrative Order No. 25 shall be effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10846; Filed, October 26, 1942;
12:24 p. m.]

[Order 15 Under § 1499.158 of MPR 183]

KEASBEY & MATTISON Co.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 15 under § 1499.158 of Maximum price Regulation No. 188—Manu-

facturers' Maximum Price for Specified Building Materials and Consumers' Goods Other Than Apparel.

On August 8, 1942, Keasbey & Mattison Company of Ambler, Pennsylvania filed an application with the Office of Price Administration seeking a specific authorization pursuant to § 1499.158 of Maximum Price Regulation No. 188 to determine maximum prices for certain "custom-made" products (as defined in paragraph (b) below) and for instructions as to the method to be used in determining maximum prices for such products to be manufactured by them.

Authorization for Keasbey & Mattison Company to determine maximum prices for certain custom-made products. (a)

The maximum price which may be charged by Keasbey & Mattison Company for custom-made products shall be determined in accordance with the following formula:

(1) Determine the unit cost of the direct labor involved in the production of the custom-made product based upon the highest wage rates in effect in the company's plant for any substantial portion of March 1942, for each class of labor involved in the production of the article.

(2) Add to this sum the unit cost of the direct materials used in manufacturing the custom-made product based upon the highest price charged during March 1942, by the manufacturer's supplier to the Keasbey & Mattison Company or, failing a sale to Keasbey & Mattison Company, to a purchaser of the same class as the Keasbey & Mattison Company; except that if the Office of Price Administration has established a lower maximum price for the sale of the material to the manufacturer by his supplier, such lower price shall govern.

(3) Add to the amounts determined under (1) and (2) above the sum arrived at by applying to the cost of the direct labor and material for the particular custom-made product being priced, as determined under (1) and (2) above, the percentage mark-up in effect during March 1942, as filed in the Office of Price Administration, for each of the following types of products:

Asbestos paper and millboard.
High and low pressure insulations.
Cements, insulating and adhesive.
Sprayer "Limpet" fibre.
Asbestos-cement wallboards.
Corrugated asbestos and asbestos lumber.
Impregnated and plain asbestos-cement sheets used for electrical purposes.
Asbestos-cement shingles and siding.
Asbestos-cement "Century" pipe and accessories.

(4) The price so determined shall be the maximum price for the custom-made product being priced. All freight equalization practices and allowances, all trade or cash discounts applicable to the sale of any type of custom-made product, whether based on quantity, class of purchaser, or any other cause, shall be applicable to the sale of any custom-made products whose maximum prices are determined under this order.

(b) The term "custom-made product" as used in this order No. 15 shall include all items manufactured by Keasbey &

Mattison Company of the types designated in paragraph (a) (3) above, which are subject to Maximum Price Regulation No. 188; and

(1) Which are not part of, and will not become a part of, Keasbey & Mattison Company's standard line of products; or

(2) Which were not delivered or offered for delivery during March 1942, by Keasbey & Mattison Company; or

(3) Whose prices cannot be determined upon the basis of prices which Keasbey & Mattison Company had in effect for standard items and for special processing during March 1942; or

(4) Which may not be priced under § 1499.155 of Maximum Price Regulation No. 188.

(c) Within ten days after a maximum price has been determined in accordance with this order, the Keasbey & Mattison Company shall report that price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining that price, including a description of the product and the labor and materials used. This report shall be filed under oath or affirmation and shall be filed in triplicate.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 15 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 15 shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10363; Filed, October 26, 1942;
3:41 p. m.]

[Order 16 Under § 1499.158 of MPR 183]

BARNHARDT MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 16 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel.

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 Price Administrator by the Emergency Price Control Act of 1942 and under § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered That:*

(a) The maximum prices at which the Barnhardt Manufacturing Company is authorized to sell, deliver and offer for sale, and all other persons are authorized to receive or buy from it in the course of trade "Natur-Temp" flame-proof cotton insulation, f. o. b. Charlotte, North Carolina, full freight allowed to destination, are as follows:

Thickness of insulation	Jobbers ¹		Dealers ²	
	Without paper backing	Encased in Kraft paper	Without paper backing	Encased in backing
1"-----	\$18.00	\$20.00	\$20.00	\$22.22
1 1/2"-----	22.50	25.00	25.00	27.78
2"-----	27.50	30.00	30.00	33.33
3"-----	37.00	40.00	41.11	44.44
3 3/8"-----	40.00	44.00	44.00	48.59

Discount on all above prices 2%, 10 days, net 30 days.

¹ Includes insulation contractors, distributors and builders of large defense housing projects.

² Includes building supply dealers, lumber dealers and all sellers at retail.

(b) The authorization granted to the Barnhardt Manufacturing Company, in paragraph (a) is subject to the condition that it shall forthwith notify the dealers purchasing "Natur-Temp" flame-proof cotton insulation from it that the Office of Price Administration has by this order authorized its maximum prices as provided in paragraph (a).

(c) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 16 shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10867; Filed, October 28, 1942; 3:43 p. m.]

[Order 25 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Dockets 3122-127, 3122-128, and 3122-251]

BURDICK COAL CO.—CITY OF WATERTOWN, ET AL.

ORDER GRANTING ADJUSTMENT

Correction

Paragraph (g) of the order appearing on page 8369 of the issue for Friday, October 16, 1942, should read as follows:

(g) This Order No. 25 shall become effective October 15, 1942.

[Order 29 Under RFS 64]

COMSTOCK-CASTLE STOVE CO.

APPROVAL OF MAXIMUM PRICES

Correction

In the eleventh line of paragraph (a) of the order appearing on page 8448 of the issue for Tuesday, October 20, 1942, "1G971R" should be "1C971R".

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-522]

KENTUCKY NATURAL GAS CORPORATION

ORDER GRANTING EXEMPTION, ETC.

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 24th day of October 1942.

Kentucky Natural Gas Corporation, a Delaware corporation and a holding company within the meaning of the Public Utility Holding Company Act of 1935, having filed an application and amendments thereto, pursuant to section 3 (a) (3) of said Act, for exemption from the provisions of section 4 (a) (4) thereof, relating to a proposed acquisition of certain utility assets; and

A public hearing on said application having been duly held; the record having been considered; and the Commission having issued and filed its Findings and Opinion therein;

It is ordered, That Kentucky Natural Gas Corporation, and every subsidiary company thereof as such, be and they hereby are granted an exemption from section 4 (a) (4) of the Act with respect to the proposed acquisition of all of the utility assets of Kentucky Public Service Company, Inc., a non-affiliated company.

It is further ordered, That any future exemption will be governed by, and subject to, the limitations contained in Rule U-9 of the Rules and Regulations promulgated by the Commission under the Public Utility Holding Company Act of 1935, without prejudice, however, to the right of Kentucky Natural Gas Corporation to obtain such further exemption by order as may be found appropriate upon application therefor.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10882; Filed, October 27, 1942; 9:38 a. m.]

WAR PRODUCTION BOARD.

[P-19-a, Serial No. 1775-A]

CONSOLIDATED BUILDERS, INC., MASON CITY, WASHINGTON

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense: *It is therefore ordered*:

1. *Revocation of project ratings.* Preference Rating Order P-19-a, Serial No. 1775-A, heretofore issued and assigned under date of October 18, 1941, to deliveries to the above-named Builder, and to deliveries to his Suppliers, is hereby revoked, insofar as it applies to the following described part of the Defense Project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"):

All of that part of the project related to the Right (East) Power House. Completion of that portion of the Grand Coulee Dam and the Left (West) Power House necessary to place the hydro-generators authorized for installation in the left power house in effective operation is not included in this revocation.

2. *Revocation of other ratings.* All preference rating certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942, all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

7. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671,

76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10903; Filed, October 27, 1942;
11:51 a. m.]

[P-19-a, Serial No. 984-A]

U. S. BUREAU OF RECLAMATION, DENVER,
COLORADO

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense: *It is therefore ordered:*

1. *Revocation of ratings.* Preference Rating Order P-19-a, Serial No. 984-A, heretofore issued and assigned under date of September 23, 1941, to deliveries to the above-named builder and to deliveries to his suppliers, is hereby revoked. All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the defense project described and defined in Preference Rating Order P-19-a, Serial No. 984-A, (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders of contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the builder, and effective October 28, 1942 all suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destina-

tion of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10904; Filed, October 27, 1942;
11:51 a. m.]

[P-19-a, Serial No. 983-A]

U. S. BUREAU OF RECLAMATION, DENVER,
COLORADO

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense: *It is therefore ordered:*

1. *Revocation of ratings.* Preference Rating Order P-19-a, Serial No. 983-A, heretofore issued and assigned under date of September 24, 1941 to deliveries to the above-named Builder and to deliveries to his Suppliers, is hereby revoked. All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the Defense Project described and defined in Preference Rating Order P-19-a, Serial No. 983-A (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942, all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10907; Filed, October 27, 1942;
11:52 a. m.]

[P-19-a, Serial No. 981-A]

U. S. BUREAU OF RECLAMATION, DENVER,
COLORADO

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest, and to promote the national defense; *It is therefore ordered:*

1. *Revocation of Ratings.* Preference Rating Order P-19-a, Serial No. 981-A, heretofore issued and assigned under date of September 24, 1941 to deliveries to the above-named Builder and to deliveries to his Suppliers, is hereby revoked. All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the Defense Project described and defined in Preference Rating Order P-19-a, Serial No. 981-A (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942 all suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The Builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his Suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts

and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.C. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.[F. R. Doc. 42-10905; Filed, October 27, 1942;
11:51 a. m.]

[P-19-a, Serial No. 982-A]

U. S. BUREAU OF RECLAMATION, DENVER,
COLORADO

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense. *It is therefore ordered:*

1. *Revocation of ratings.* Preference Rating Order P-19-a, Serial No. 982-A, heretofore issued and assigned under date of September 24, 1941 to deliveries to the above-named Builder and to deliveries to his Suppliers, is hereby revoked. All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the Defense Project described and defined in Preference Rating Order P-19-a, Serial No. 982-A (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been filled completely, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The Builder shall neither perform nor permit

the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942 all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.[F. R. Doc. 42-10906; Filed, October 27, 1942;
11:51 a. m.][Preference Rating Order P-10-a, Serial No.
3748-A]U. S. BUREAU OF RECLAMATION, DENVER,
COLORADO

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in

the public interest and to promote the national defense.

It is therefore ordered:

1. *Revocation of ratings.* Preference Rating Order P-19-a, Serial No. 3748-a, heretofore issued and assigned under date of January 10, 1942 to deliveries to the above-named Builder and to deliveries to his Suppliers, is hereby revoked. All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the Defense Project described and defined in Preference Rating Order P-19-a, Serial No. 3748-A (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942 all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or

temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E. O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10909; Filed, October 27, 1942;
11:52 a. m.]

[P-19-a, Serial No. 36-A]

U. S. BUREAU OF RECLAMATION, DENVER,
COLORADO

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense. *It is therefore ordered:*

1. *Revocation of project ratings.* Preference Rating Order P-19-a, Serial No. 36-A, heretofore issued and assigned under date of July 25, 1941, to deliveries to the above-named Builder and to the following described part of the defense project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"), is hereby revoked:

(1) Hydro generating unit #5 including accessory equipment and transmission line capacity necessary to place this unit in operation.

2. *Revocation of other ratings.* All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated

orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942 all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

7. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10909; Filed, October 27, 1942;
11:52 a. m.]

