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Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 44-1]

PART 1465—FISH AND SHELLFISH

FILING OF REPORTS IN CONNECTION WITH RESTRICTED FISH AND SHELLFISH

Pursuant to the authority vested in me by Food Distribution Order No. 44 (8 F.R. 4227), dated April 1, 1943, issued pursuant to Executive Order No. 9280, dated December 5, 1942, and to effectuate the purposes of such orders, *It is hereby ordered,* As follows:

§ 1465.21 *Reports in connection with restricted fish and shellfish*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "fish and shellfish" means fish and shellfish of the species designated in § 1465.20 (b) of Food Distribution Order No. 44: *Provided,* That for the purpose of the reporting requirements contained in this order, Yellowfin, Skip jack, and Bluefin tuna designated in Group 7 of said section shall be considered as one species.

(2) The term "packing season" means the period from the time when a canner first commences to pack fish and shellfish on or after April 1, 1943, until the date that such canner ceases to pack fish and shellfish, or February 29, 1944, whichever date is the earlier.

(b) *Weekly reports.* Each canner shall report to the Director on Form FDO-44-1, entitled "Canned Fish and Shellfish: Weekly Pack Report", the quantity of each species of fish or shellfish packed by him in each calendar week of his packing season. Such reports shall be submitted for each calendar week during the respective canner's packing season, and such reports shall be submitted even though no fish or shellfish may be packed by such canner during a particular week. Reports for the calendar weeks, or parts of calendar weeks, prior to the effective date hereof shall be submitted as aforesaid on or before May 8, 1943. Reports for the calendar weeks or parts of calendar weeks subsequent to the effective date hereof shall be submitted as aforesaid within four days after the last day of each such calendar week.

(c) *Seasonal reports.* In addition to the weekly reports described in (b) hereof, each canner shall report on Form FDO-44-1 the total quantity of each species of fish and shellfish, respectively, which were packed by him during his packing season, and submit such report to the Director within 15 days after the termination of such packing season.

(d) *Completion of reports.* All reports submitted to the Director pursuant to (b) and (c) hereof shall be completed pursuant to the instructions contained on Form FDO-44-1. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) This order shall take effect on May 6, 1943.

(E.O. 9280, 7 F.R. 10179; FDO No. 44, 8 F.R. 4227)

Issued this 4th day of May 1943.

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-7021; Filed, May 4, 1943; 5:04 p. m.]

[FDO 52]

PART 1468—GRAIN

LIMITS ON CORN INVENTORIES

Pursuant to the authority vested in me by Executive Order No. 9322, dated March 26, 1943 (8 F.R. 3607), as amended by Executive Order No. 9334, dated April 19, 1943 (8 F.R. 5423), and to assure an adequate supply and efficient distribution of corn to meet war and essential civilian needs, *It is hereby ordered,* As follows:

§ 1468.1 *Limits on corn inventories*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "corn" means any grain which consists of 50 percent or more of

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shelled corn, whole corn, cracked corn, ear corn, or snap corn, of the dent or flint varieties, but excluding seed corn, popcorn, grain sorghum, sweet corn, broom corn, ground corn, and corn used for canning purposes.

(2) The term "futures contract" means a contract of sale for future delivery of corn traded in on any contract market designated under the Commodity Exchange Act.

(3) The term "purchase" means to purchase or to acquire corn by contract, barter, exchange, or otherwise, not including futures contracts.

(4) The terms "sell" and "sale" means to sell or to transfer title to corn by contract, barter, exchange, or otherwise, not including sales of futures contracts.

(5) The term "inventory" means:

(i) In the case of a manufacturer or a feed mixer, the quantity of corn owned (whether or not mortgaged or pledged as security for a loan) by such manufacturer or feed mixer as of any given date, plus the quantity of corn which he is entitled to receive delivery of within 45 days of such given date, excluding, however, corn which he is entitled to receive under futures contracts;

(ii) In the case of a feeder, the quantity of corn owned (whether or not mortgaged or pledged as security for a loan) by such feeder as of any given date, plus the quantity of corn which he is entitled to receive delivery of within 90 days of such given date, excluding, however, corn which he is entitled to receive under futures contracts.

(6) The term "requirements" means:

(i) In the case of a manufacturer or a feed mixer, the quantity of corn which a manufacturer or a feed mixer used to

fill his manufacturing or sales (not including futures contracts) requirements during a period of 45 days next preceding any given date;

(ii) In the case of a feeder, the quantity of corn which was used to fill his feeding requirements during a period of 90 days next preceding any given date, or 5 bushels of corn for each animal unit on hand on such given date, whichever quantity is the greater.

(7) The term "animal unit" means:

(i) 1 mature horse, mature mule, or head of mature cattle; or

(ii) 2 hogs, calves, or colts; or

(iii) 7 sheep; or

(iv) 25 chickens or fowl.

(8) The term "country elevator operator" means any person who operates a grain elevator, located at a place other than a terminal market, or a type commonly known as country elevators, and who buys corn from producers for resale in connection with the operation of such elevator.

(9) The term "manufacturer" means a person who processes corn into cornstarch, corn meal, alcohol, or other products made in whole or in part from corn.

(10) The term "dealer" means a person engaged in the business of buying corn for resale to manufacturers, feed mixers, or feeders.

(11) The term "feed mixer" means a person who engages in the business of buying corn and mixing it with other feed ingredients for purposes of resale as feed.

(12) The term "feeder" means a person who buys corn for feeding livestock or poultry.

(13) The term "person" means any individual, partnership, corporation, association, or other business entity, excluding any department, agency or corporation of the United States.

(14) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee or agency of the United States Department of Agriculture designated by such Director.

(b) *Inventory limitation.* (1) No manufacturer, feed mixer, or feeder shall purchase corn if such purchase results in his inventory as of the date of purchase being in excess of his requirements.

(2) No manufacturer, feed mixer, or feeder shall accept delivery of corn, including corn delivered under futures contracts, if such delivery would result in his inventory being in excess of his requirements.

(3) No person other than a manufacturer, feed mixer, or feeder shall, directly or indirectly, accept delivery of corn for his own account, including corn delivered under futures contracts, unless such person at the time of the acceptance of delivery has existing contracts of sale requiring delivery within thirty days of an equal or greater amount of corn with:

(i) Manufacturers, feed mixers, or feeders;

(ii) Any department or agency of the United States;

(iii) Any dealer who has existing orders for corn from manufacturers, feed mixers, or feeders or contracts with any department or agency of the United States, requiring delivery within thirty days.

(4) Notwithstanding the provisions of (b) (3) hereof, any person other than a manufacturer, feed mixer, or feeder may accept delivery of corn on condition that such corn be sold, within thirty days from the date of delivery of such corn, to the persons and agencies specified in (b) (3) (i), (ii), and (iii) hereof.

(c) *Restrictions on sales.* No person shall sell or deliver, except under futures contracts, corn to any person unless the person to whom such corn is to be sold or delivered shall certify, in substantially the following form, that such purchase or acceptance of delivery and that the use or disposition of such corn by the purchaser is not and will not be in violation of this order.

The undersigned certifies to_____ (Name of _____ and to the United States Department of Agriculture that he is familiar with the provisions of Food Distribution Order No. 52, issued on May 4th, 1943, and all amendments thereto, and that the purchase or the acceptance of delivery of the quantity of corn herein specified is not or will not be in violation of the provisions of Food Distribution Order No. 52, and that the use or disposition of such corn by the purchaser will not be in violation of such order.

Quantity	Name
Date	Address

(d) *Purchase and acceptance of delivery in carlots.* No provision of this order shall be construed to prevent any person whose requirements are less than a carlot and who normally purchases corn in carlots, from purchasing or accepting delivery of a quantity of corn equivalent to a carlot: *Provided,* That the inventory of corn of such person, excluding the carlot quantity being received, at the time of the acceptance of delivery, does not exceed his requirements.

(e) *Delivery under existing contracts.* Nothing herein shall be construed to prevent the delivery of corn or acceptance thereof under contracts, including futures contracts, entered into prior to April 14, 1943.

(f) *Country elevator purchases and sales.* The provisions of this order shall not apply to sales of corn by producers to country elevator operators or to purchases or acceptance of deliveries of corn by country elevator operators from producers: *Provided,* That the purchase or acceptance of delivery of corn by a country elevator operator is conditioned upon such operator offering to resell such corn within thirty days from the date of the purchase or acceptance of delivery to persons or agencies specified in paragraph (b) (3) hereof.

(g) *Records and reports.* Every person subject to this order shall keep on file all certificates furnished under paragraph (c) hereof and shall keep records showing the quantity of corn on hand, the quantities purchased and sold, the quantities delivered and received, and such other records as the Director may require, for a period of two years, and shall submit such information as the Director may from time to time request or direct and within such times as he may prescribe.

(h) *Bureau of the Budget approval.* The record and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of corn and of the premises used in his business, and all his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(j) *Territorial scope.* The provisions of this order shall apply only to operations conducted within any of the 48 States or the District of Columbia.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition the Director in writing (in triplicate) for relief, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action by the Director shall be final.

(l) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or who wilfully conceals a material fact concerning a matter within the scope of this order may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(m) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Food Distribution Administration, United States Department of Agriculture, Washington, D. C., Ref.: FD 52.

(n) *Delegation of authority.* The Director is hereby designated and empowered to administer the provisions of this order.

(o) *Effective date.* This order shall become effective on May 5, 1943.

(E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 4th day of May 1943.

[SEAL] CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-7071; Filed, May 5, 1943; 11:12 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 54—ARMY EXCHANGES

PERSONNEL

Section 54.9 (b) is added as follows:

§ 54.9 *Personnel.* * * *

(b) *In exchanges* the entire operation is conducted by an exchange officer, and such assistant exchange officers and civilian assistants and enlisted men as authorized in § 54.10 as may be necessary for the proper conduct of the exchange.

(R.S. 161; 5 U.S.C. 22) [Par. 15*b*, AR 210-65, March 19, 1943]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-7005; Filed, May 4, 1943; 3:38 p. m.]

Chapter VII—Personnel

PART 70—THE ARMY NURSE CORPS

MISCELLANEOUS AMENDMENTS

Sections 70.1, 70.3, 70.5, 70.6, 70.7, and 70.8 are amended as follows.

The regulations contained in these sections are also contained in Army Regulations No. 40-20, April 5, 1943, the particular paragraphs being shown in brackets at end of sections.

§ 70.1 *Composition*—(a) *Statutory provisions.* That the Nurse Corps * * * of the Medical Department of the Army shall hereafter be known as the Army Nurse Corps, and shall consist of one superintendent, who shall be a graduate of a hospital training school having a course of instruction of not less than two years; of as many chief nurses, nurses, and reserve nurses as may from time to time be needed and prescribed or ordered by the Secretary of War, and, in the discretion of the Secretary of War, of not exceeding six assistant superintendents, and, for each Army or separate military force beyond the continental limits of the United States, one director and not exceeding two assistant directors of nursing service, all of whom shall be graduates of hospital-training schools and shall have passed such professional, moral, mental, and physical examination as shall be prescribed by the Secretary of War. (Sec. 1, act July 9, 1918 (40 Stat. 879; 10 U.S.C. 161))

(b) *Suspension.* The above-quoted provisions limiting the number of assistant superintendents of the Army Nurse Corps are temporarily suspended by section 2, act of June 5, 1942.

(c) *Definitions.* For purposes of military usage, the various designations of nurses are defined as follows:

(1) *Superintendent.* The administrative head of the Army Nurse Corps.

(2) *Assistant superintendent.* Assistant to the superintendent of the Army Nurse Corps to perform administrative functions in continental United States.

(3) *Director.* The designated administrative head of the nursing service of a department, defense command, or theater beyond the continental limits of the United States.

(4) *Assistant director.* Assistant to a director of a nursing service to perform administrative functions.

(5) *Chief nurse.* The administrative head of the nursing staff of a hospital, dispensary, or of a professional service within a hospital. The chief nurse who may be designated as chief of the entire nursing staff of a hospital is known as the principal chief nurse. Ordinarily chief nurses will perform both administrative and professional duties.

(6) *Nurse.* The term "nurse," in its broadest sense, means any member of the Army Nurse Corps, including all categories herein enumerated. The term "nurse" also indicates the grade in which a member of the Army Nurse Corps is initially appointed.

(7) *Reserve nurse.* The term "Reserve nurse" means any member of the Army Nurse Corps whose appointment is for a period of time dependent upon the existence of an emergency. A Reserve nurse may occupy any of the grades defined above. The status of a Reserve nurse may be changed to nurse in the permanent establishment if she certifies her intention of serving without regard to the existence of an emergency provided she is otherwise qualified, and provided there is a vacancy.

(d) *Relative rank of grades*—(1) *Superintendent.* Colonel.

(2) *Assistant superintendent.* Lieutenant colonel, major, captain.

(3) *Director.* Lieutenant colonel, major.

(4) *Assistant Director.* Captain.

(5) *Chief nurse.* First lieutenant.

(6) *Nurse.* Second lieutenant.

(See section 10, National Defense Act, as amended by act June 4, 1920 (41 Stat. 767; 10 U.S.C. 164;) and Public Law 828, 77th Congress approved December 22, 1942) [Par. 1]

In section 70.3, paragraphs (b), (c), and (d) are redesignated (c), (d), and (e), and are amended, and new paragraphs (b) and (f) are added.

§ 70.3 *Appointment.* * * *

(b) *Superintendent.* The superintendent is appointed by the Secretary of War for a period of 4 years unless sooner terminated. She may be reappointed at the direction of the Secretary of War.

(c) *Original appointment in permanent establishment.* (1) Application for appointment will be made to The Surgeon General who will furnish blanks therefor.

(2) The applicant must have a broad general knowledge, preferably a bachelors degree, but a minimum of graduation from an accredited high school giving a 4-year academic course.

(3) *Age requirements.* The applicant must be between 22 and 30 years of age.

(4) The physical standard and examination of applicants will be governed by the provision of AR 40-100.

(5) A professional examination ordinarily will not be required, though it may be when deemed necessary by The Surgeon General. An applicant will not be eligible for appointment unless she is a graduate of a school of nursing approved by The Surgeon General, or has a record of desirable postgraduate training or experience. The applicant's qualifications will be evaluated on her record as a student and on her performance as a nurse.

(6) The applicant will agree to serve for a period of 3 years. The periods of appointment or commission of all members of the Army of the United States have been extended for the period of the war and the 6 months immediately following the termination thereof. (See sec. 2, act December 13, 1941 (55 Stat. 800).)

(d) *Original appointment as Reserve nurse.* The requirements are the same as for appointment in the permanent establishment except:

(1) Applicant must be a graduate of an accredited high school or have an education equivalent thereto; or if graduated prior to 1934, must have a minimum of 2 years of high school education or its equivalent; a registered nurse, and a citizen of the United States or of the Philippine Islands, or a citizen of a co-belligerent or friendly country, who otherwise possesses the same qualifications as a citizen of the United States.

(2) Applicant will be accepted for appointment in the Army Nurse Corps, as Reserve nurse, until she has reached her 45th birthday.

(3) The periods of appointment or commission of all members of the Army of the United States have been extended for the period of the war and the 6 months immediately following the termination thereof. (See sec. 2, act December 13, 1941 (55 Stat. 800).)

(e) *Procurement of Reserve nurses.* The commanding general of each service command, the Commanding General of the Army Air Forces, and the commanding general of a department, defense command, and a theater of operations outside the continental limits of the United States are authorized to procure and announce the appointment of Reserve nurses of the Army Nurse Corps, assign them to stations under their jurisdictions, and transfer them from one station to another within their respective commands. They have the authority to make final decisions upon final type physical examination for general service or limited service.

(1) Reserve nurses will be procured from the registers furnished by the American Red Cross. No nurse will be appointed except on a volunteer basis.

(2) A registered nurse who has signified her intention to accept active duty will be authorized to appear at her own expense at the nearest Army station having adequate facilities for completing a final type physical examination with a view to determining her physical fitness for military duty. The physical standards for Reserve nurses will be those prescribed in AR 40-100.[1]

(3) As soon as the oath of office is executed, the appointing authority will order the nurse to any station under his jurisdiction or upon request of The Surgeon General to any station where her services may be required.

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[1] Administrative regulations of the War Department relative to physical examination.

(f) *Married nurses.* For the duration of the war and 6 months subsequent thereto, married nurses who meet all other requirements for military service may be accepted for appointment in the Army Nurse Corps as Reserve nurses.

In carrying out this provision, the following policy will govern:

(1) Only those who are willing to accept assignment unreservedly will be accepted.

(2) A nurse with dependent children will not be appointed unless she presents satisfactory evidence to the appointing authority that adequate provisions has been made for their care which will not interfere with the performance of her military duties.

(3) Commutation of quarters is not authorized for members of the Army Nurse Corps except where public quarters are not available.

(4) Married nurses will have the same status relative to assignment and commutation of quarters as single nurses.

(5) The maiden name of Army nurses married while in service will be retained on official records unless change to married name is specifically requested. [Par. 3]

§ 70.5 *Duties of Army Nurse Corps*—(a) *General.* Rules and regulations prescribing the duties of the Army Nurse Corps will be prescribed by The Surgeon General.

(b) *Duties of superintendent.* The superintendent of the Army Nurse Corps will advise The Surgeon General with regard to all matters pertaining to the Army nursing service. Under the direction of The Surgeon General, she will have general supervision of the Army Nurse Corps. [Par. 10]

§ 70.6 *Quarters, allowances, and supply of furniture*—(a) *Quarters in kind.* Quarters in kind will be made available to nurses when available.

(b) *Furniture.* Standard items of bedroom furniture for nurses will be provided by the Medical Department. Furniture for living and recreational rooms for nurses' quarters will be provided at the expense of individual members of the Army Nurse Corps. [Par. 11]

§ 70.7 *Subsistence at Army hospitals.* Members of the Army Nurse Corps will be subsisted under the provisions of existing regulations for the operation of messes for duty and patient personnel in an officer status. (See § 77.27 and 210-10.[1]) [Par. 12]

§ 70.8 *Transportation and traveling expenses.* Nurses traveling under orders are entitled to transportation at public expense. See AR 35-4820.[2] [Par. 13]

(40 Stat. 879, 41 Stat. 767; 10 U.S.C. 161, 164)

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-7050; Filed, May 5, 1943; 9:20 a. m.]

[1] Administrative regulations of the War Department relative to administration of Army hospitals.

[2] Administrative regulations of the War Department relative to travel allowances.

PART 74—ENLISTMENT OF AVIATION CADETS

MISCELLANEOUS AMENDMENTS

Sections 74.1 to 74.8, inclusive, are rescinded and the following §§ 74.1 to 74.7, inclusive, are substituted therefor:

So much of the regulations contained in this part as relate to age and other requirements for voluntary enlistment in the Aviation Cadets is at present inoperative because of provisions contained in Executive Order No. 9279, dated December 5, 1942.

Sec.
74.1 General information.
74.2 Eligibility requirements.
74.3 Applications.
74.4 Examination.
74.5 Qualified applicants.
74.6 Training and selection.
74.7 Commission as second lieutenant or appointment as flight officer.

AUTHORITY: §§ 74.1 to 74.7, inclusive, issued under 41 Stat. 765; 10 U.S.C. 42; sec. 1, act of June 3, 1941 (55 Stat. 239); and act of July 8, 1942, Pub. Law 633, 77th Cong.

§ 74.1 *General information*—(a) *Types of training; designation.* The Army Air Forces aviation cadet training program includes training at special service schools in the following courses:

(1) *Air crew.*

(i) Bombardier.
(ii) Navigator.
(iii) Pilot.

(2) *Ground duty.*

(i) Armament.
(ii) Communications.
(iii) Engineering.
(iv) Meteorology.
(v) Photography.

(b) *Information.* Detailed information with respect to the Army Air Forces aviation cadet training program, application blanks, and instructions for executing same, etc., may be obtained from:

(1) Any aviation cadet examining board.

(2) Commanding general of any service command.

(3) Any United States Army recruiting and induction station.

(4) Commanding General, Army Air Forces, Washington, D. C.

(5) The Adjutant General, Washington, D. C.

(c) *Applicability of these regulations.* The regulations contained in §§ 74.1 to 74.7, inclusive, will apply only to aviation cadets appointed or enlisted subsequent to July 7, 1942. Aviation cadets appointed or enlisted as such prior to July 8, 1942, will be governed by laws, regulations, and instructions in effect at the date of any such appointment or enlistment. [Pars. 2, 3, and 4]

§ 74.2 *Eligibility requirements*—(a) *General requirements.* (1) Male citizens of the United States and men having an enlisted status in the Army of the United States are eligible for enlistment or appointment as aviation cadets.

(2) A candidate at time of application must:

(i) Have been a citizen of the United States or of the Commonwealth of the Philippines for not less than 10 years immediately preceding appointment or enlistment, unless waiver of this requirement is obtained from The Adjutant General upon recommendation of the Commanding General, Army Air Foces.

(ii) Have reached his 18th birthday but not have reached his 27th birthday, except that candidates for ground duty training must not have reached their 31st birthday.

(iii) Be of excellent character.

(iv) Be of sound physique and in excellent health.

(v) Be able to pass such mental qualifying examinations and/or possess such educational qualifications as are prescribed by the Commanding General, Army Air Forces.

(vi) Possess such other general qualifications as may be prescribed by the Commanding General, Army Air Forces.

(b) *Maximum age.* No candidate will be appointed or enlisted as an aviation cadet, other than candidates for ground duty training, after he has reached the age of 27 years and 6 months. No candidate for ground duty training will be appointed or enlisted as an aviation cadet after he has reached the age of 31 years and 6 months.

(c) *Applicants who have previously received flying training at a service school.* An applicant who has been eliminated from a service flying school due to failure in flying or who has completed in a service flying school a course of instruction leading to an aeronautical rating of pilot will not be eligible for aviation cadet pilot training.

(d) *Enlistment.* All enlistments will be for the period of the duration of the present war and for 6 months thereafter unless sooner terminated by the President. [Pars. 5, 6, 7, and 8]

§ 74.3 *Applications*—(a) *Form.* The form of application for appointment or enlistment as aviation cadet will be prescribed by the Commanding General, Army Air Forces, and published by The Adjutant General.

(b) *Who may submit.* Any person fulfilling the requirements of § 74.2 may apply for appointment or enlistment as an aviation cadet. The necessary forms and instructions may be obtained as indicated in § 74.1 (b).

(c) *Accompanying documents.* Each application will be accompanied by such affidavits, certificates, letters of recommendation, and evidence of age and citizenship, as may be prescribed by the Commanding General, Army Air Forces.

(d) *To whom forwarded*—(1) *Applications of civilians for air crew training.* Application of a civilian and accompanying papers may be submitted to the president of the nearest aviation cadet examining board or to the commanding general of the service command covering the area in which he resides.

(2) *Applications for ground duty training.* All applications and accompanying papers will be forwarded (with appropriate remarks and recommendations if applicant is an enlisted man) to the agency designated by the Commanding General, Army Air Forces, pursuant to § 74.4 (b) (1) (ii).

(e) *Action upon*—(1) *Applications for air crew training; civilians.* When the

application and accompanying papers of a civilian are submitted to the president of an aviation cadet examining board, arrangements for taking the required examinations will be made direct with such civilian by the president of the board. If such an application is submitted to the commanding general of a service command, it will be transmitted by such commanding general to the president of the examining board nearest the residence of the applicant, regardless of the service command in which the board is located. The applicant will be advised to correspond direct with the president of the examining board before which he is to be examined for the purpose of making arrangements for his examinations.

(2) *Applications for ground duty training; civilians.* The agency designated by the Commanding General, Army Air Forces, pursuant to § 74.4 (b) (1) (ii), will examine the educational qualifications of the applicant and certify his application as provided in Army Regulations for enlisted men, and forward it to the president of the aviation cadet examining board nearest the residence of the applicant. Action will then be taken by the president of the board as provided in subparagraph (1) above for air crew applicants, for the purpose of determining the applicant's qualifications under § 74.4 (b) (2) (ii) and (3).

(f) *Miscellaneous*—(1) *Change of address of applicants.* Any enlisted man or civilian who has submitted an application for appointment or enlistment as an aviation cadet (air crew training) will inform the president of the examining board or the commanding general of the service command to whom his application was sent of any change of station or address. In the case of an applicant for ground duty training, such notification will be made to the Commanding General, Army Air Forces. Failure to do this is sufficient cause for removal of his name from the list of applicants.

(2) *Expenses of civilian applicants.* A civilian applicant will be required to bear all expenses incident to his appearance before a board and no claims for reimbursement for expenses incurred by him before his enlistment will be considered, except that an applicant for air crew training who has been otherwise qualified may, when necessary, be transported at Government expense from the station at which the examining board is located to the nearest station where a physical examination for flying may be given, and return.

(3) *Notification of ineligibility.* Applicants found ineligible will be so notified by authority authorized to act upon applications as soon as their ineligibility shall have been determined. [Pars. 9 to 14]

§ 74.4 *Examination*—(a) *Examining boards*—(1) *Appointment.* The Adjutant General, upon recommendation of the Commanding General, Army Air Forces, will authorize commanding generals of service commands or other designated officers to appoint examining boards for the purpose of examining applicants for appointment of aviation cadets.

(2) *Composition.* Aviation cadet examining boards will consist of:

(i) At least two suitably experienced officers (Air Corps officers, if available) and as many others as practicable.

(ii) One Medical Corps officer or Army contract surgeon. For the examination of applicants who are to be enlisted in the Enlisted Reserve Corps, a civilian physician may be substituted under the provisions of § 71.10.

(3) *When and where convened.* Examining boards will be convened regularly for the examination of applicants for appointment or enlistment as aviation cadets at the locations specified in the orders creating such board, and at such other times and places as conditions warrant or necessitate.

(b) *Examinations.* Each applicant appearing before an examining board will be given the following examinations, unless otherwise prescribed by the Commanding General, Army Air Forces:

(1) *Educational examination*—(i) *Air crew training.* The scope of the mental qualifying examination will be determined by the Commanding General, Army Air Forces, who will prepare the examination to be given to applicants for air crew training. The examination prescribed for these candidates will be administered by the aviation cadet examining boards under instructions prescribed by the Commanding General, Army Air Forces, and issued by The Adjutant General.

(ii) *Ground duty training.* The educational requirements for the various courses of ground duty training will be prescribed by the Commanding General, Army Air Forces. The Commanding General, Army Air Forces, will designate the agency which shall be the sole judge as to whether the applicant meets the standards prescribed for these training courses.

(2) *Physical examination.* (i) Each applicant appearing before an examining board for appointment or enlistment as an aviation cadet (air crew training) will be given a physical examination prescribed in AR 40-110,[1] or the examination prescribed in AR 40-105,[2] with such modifications as are prescribed by the Commanding General, Army Air Forces.

(ii) Each applicant appearing before an examining board for appointment or enlistment as an aviation cadet (ground duty training) will be given the physical examination prescribed in AR 40-105.[2]

(3) *Moral character and general fitness.* An examination into and determination will be made of the moral qualifications, adaptability, and general fitness of each applicant appearing before an examining board. These qualities will be determined by means of oral questioning of the applicant, consideration of the letters of recommendation submitted by him, and such other examinations as the board may consider necessary or desirable. In this phase of the examination the candidate will be required to measure up to standards prescribed for cadets of the United States Military Academy. [Pars. 15 and 16]

§ 74.5 *Qualified applicants*—(a) *Enlistment of civilians.* Civilian applicants found qualified for appointment as aviation cadets will be enlisted in the Army of the United States pursuant to War Department policies and instructions applicable at the time.

(b) *Appointment and assignment*—(1) *Assignment.* If there are more qualified candidates than vacancies, assignments to training will be made from eligibles in accordance with an order of priority established by the Commanding General, Army Air Forces.

(2) *Method.* Applicants who qualify for aviation cadet appointment will be appointed aviation cadets prior to their assignment for training. Applicants will be appointed and assigned to training at such time, in such numbers, and in such manner as is recommended by the Commanding General, Army Air Forces. Orders accomplishing such appointments and assignments will be issued by the Commanding General, Army Air Forces, The Adjutant General, or by such agencies as either may direct. [Pars. 18, 19, and 20]

§ 74.6 *Training and selection*—(a) *Training.* (1) The Commanding General, Army Air Forces, will designate courses of training for aviation cadets and will prescribe the duration and scope thereof.

(2) So far as practicable, aviation cadets will be segregated from other enlisted men in all activities, including housing, messing, and hospitalization.

(b) *Selection.* (1) Selected aviation cadets who successfully complete a prescribed course of air crew training will be commissioned second lieutenants in the Army of the United States. All other aviation cadet graduates of air crew training will be appointed flight officers in the Army of the United States.

(2) The system for selecting those aviation cadets referred to in subparagraph (1) above, who will be commissioned second lieutenants, will be prescribed by the Commanding General, Army Air Forces. Such system will be so designed as to assure fairness and uniformity of application to all concerned, will provide for an accurate and impartial appraisal of each aviation cadet during all stages of his training, and will include a final examination. Selection will be based upon an appropriate comparative analysis of all data and information assembled. Nothwithstanding the foregoing provisions of this paragraph, all persons who applied and qualified for aviation cadet training prior to July 15, 1942, and who did not have aviation cadet status prior to July 8, 1942, will be commissioned second lieutenants in the Army of the United States upon successfully completing a prescribed course of air crew training.

(3) All aviation cadets who successfully complete a prescribed course of ground duty training will be commis-

[1] Administrative regulations of the War Department relating to standards of physical examination for flying.

[2] Administrative regulations of the War Department relating to standards of physical examination.

sioned second lieutenants in the Army of the United States. [Pars. 21 and 22]

§ 74.7 *Commission as second lieutenant or appointment as flight officer.* Aviation cadets recommended to be commissioned second lieutenants or appointed flight officers in the Army of the United States will be so commissioned or appointed in the manner prescribed by the War Department. [Par. 24]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-7004; Filed, May 4, 1943; 3:38 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 273]

PART 40—AIR CARRIER OPERATING CERTIFICATION

EASTERN AIRLINE PILOTS

Non-compliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to Eastern Airlines.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of April 1943.

The following regulation is made and promulgated to become effective April 28, 1943:

Notwithstanding § 40.2611 (b) of the Civil Air Regulations, any first pilot listed in the Eastern Air Lines Airman Operations Specifications on April 15, 1943 who is qualified as competent to operate an aircraft in scheduled air transportation between Miami, Florida, and Washington, D. C. on April 15, 1943, may pilot aircraft under day contract conditions in scheduled transportation for said carrier into and out of the new Raleigh-Durham Airport, near Raleigh, North Carolina, upon furnishing evidence satisfactory to the Administrator, showing that the pilot is thoroughly familiar with the form and condition of the airport and with the location and nature of any obstructions in the vicinity.

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

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-7068; Filed, May 5, 1943; 11:04 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

EXEMPTION OF CERTAIN ACQUISITIONS FROM NON-AFFILIATES

Amendment to rule providing exemption from requirements of section 9 (a) of the Act of certain acquisitions from non-affiliates.

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 3 (d) and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby amends § 250.40 [Rule U-40] by adding thereto the following paragraph (c):

§ 250.40 *Exemption of certain acquisitions from non-affiliates.* * * *

(c) Section 9 (a) (2) shall not apply to the acquisition by a person who is neither a registered holding company, nor a subsidiary company thereof, of securities owned by a registered holding company, or subsidiary thereof, which are the subject of a divestment order under section 11 (b), where such securities constitute all the vendor's interest in a company which does not operate any utility assets and which is a public-utility company only by reason of the ownership of a reversionary interest in utility assets: *Provided,* That such utility assets are operated under lease by a company which is not an affiliate of either the vendor or of the vendee, and the Commission finds that by reason of the duration of the lease, the ownership by the lessee of securities of the lessor and similar matters, there is no substantial probability of the lessor resuming operation of said utility assets. Such finding of the Commission may be made in connection with an application by the vendor company with respect to such sale.

Effective 12:00 m., May 3, 1943.
By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-7001; Filed, May 4, 1943; 3:38 p. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[General Order 9]

PART 905—OCCUPATIONAL DEFERMENT OF EMPLOYEES OF THE FEDERAL GOVERNMENT

DELEGATIONS, INSTRUCTIONS AND PROCEDURES GOVERNING REQUESTS

By virtue of authority vested in me as Chairman of the War Manpower Commission, by Executive Order No. 9309, the following delegations, instructions and procedures are prescribed with respect to the administration of the provisions of Executive Order No. 9309 governing requests for the occupational deferment of employees of the Executive Branch of the Federal Government:

Sec.
905.1 Delegation to Chairman of Review Committee.
905.2 Designation of Review Committee.
905.3 Duties of Review Committee.
905.4 Duties of Agency and Regional Committees.
905.5 Appeals from decisions of local boards.
905.6 Release to enter armed forces.
905.7 Appeal from denial of release.
905.8 Where release granted after appeal.
905.9 No action on III-B classifications.
905.10 Reports of regional committees.
905.11 Deferment of employees in scientific and technical fields.
905.12 Deferment of employees in active ocean going service.
905.13 Submission of proposed key positions.
905.14 Deferment of employees not holding key positions.
905.15 Use of manning tables and replacement schedules.
905.16 Requests for short stays of induction.
905.17 Requests for permit to leave country.
905.18 Issuance of necessary Selective Service Regulations.

AUTHORITY: §§ 905.1-905.18, inclusive, issued under E.O. 9309, 8 F.R. 2911.

§ 905.1 *Delegation to Chairman of Review Committee.* The duties and powers vested in me as Chairman of the War Manpower Commission by Executive Order No. 9309 have been delegated to, and will be exercised by, the Chairman of the Review Committee on Deferment of Government Employees. The Chairman of the Review Committee is authorized to interpret provisions of the Executive Order and to issue and revise regulations thereunder.

§ 905.2 *Designation of Review Committee.* With the approval of the President, the following members of the Review Committee have been designated:

Robert M. Barnett, War Manpower Commission, Chairman.
Colonel Edward A. Fitzpatrick, Selective Service System.
Kenneth Vipond, United States Civil Service Commission.

§ 905.3 *Duties of Review Committee.* This Review Committee is responsible for the immediate supervision of the policies and procedures controlling governmental requests for occupational deferment of employees in the Executive Branch of the Federal Government. It will perform the functions and duties assigned to it by Executive Order No. 9309.

§ 905.4 *Duties of Agency and Regional Committees.* Agency Committees on Deferment of Government Employees (or approved Regional Committees) designated by agency heads pursuant to Executive Order No. 9309, shall be the sole contact within their agency with the Selective Service System on matters of occupational deferment of the agency's employees, except as provided in paragraph 12, hereof.

§ 905.5 *Appeals from decisions of local boards.* The Executive Order requires the filing of an appeal from a denial by a local board of a request for an occupational deferment. This appeal will be made by the Agency or Regional Committee by asking the local board to forward the case to the local appeal board. If the local appeal board also denies the deferment request, and further appeal is desired, the Agency Committee will submit the case to the Review Committee requesting authorization of further appeal.

§ 905.6 *Release to enter armed forces.* Part V of Executive Order No. 9309 governing the release of employees to enter the armed forces by voluntary enlistment or by acceptance of a commission, applies only to male employees between the ages of 18 and 45.

§ 905.7 *Appeal from denial of release.* When an employee has been denied a release to enter the armed forces by his agency or Regional Committee, acting under Part V of Executive Order No. 9309, he shall be advised in writing by the Agency or Regional Committee of his right to appeal provided he files with the Review Committee a written request for review within ten days of the date of the notice of denial.

§ 905.8 *Where release granted after appeal.* If, following such review, the Review Committee determines that release should be granted as provided in the Executive Order, the head of the agency upon receipt of such advice will arrange for such release at a time which will not jeopardize the employee's receiving his commission, or, in the case of voluntary enlistment, within ten days. The reemployment rights of such employee, if any, will be protected.

§ 905.9 *No action on III-B classifications.* Since the former Selective Service classification of III-B has been abolished, no action is to be taken under Part VI of the Executive Order.

§ 905.10 *Reports of Regional Committees.* Regional Committees when established pursuant to Executive Order No. 9309, will make such reports as are required by the Review Committee through the Agency Committee.

§ 905.11 *Deferment of employees in scientific and technical fields.* In agencies having employees engaged in those scientific and technical fields in which "National Committees" have been approved as outlined in Activity and Occupational Bulletin No. 35 of the Selective Service System, dated March 1, 1943, all requests for occupational deferment of persons engaged in such fields will be forwarded by the Agency Committee to the Review Committee prior to submission to the local boards. The Review Committee may consult with the appropriate National Committee or other technical or scientific persons when necessary, and will advise the Agency Committee whether a request for occupational deferment should be made.

§ 905.12 *Deferment of employees in active ocean-going service.* In agencies having employees engaged in active ocean-going service (Activity and Occupation Bulletin No. 26-2, Selective Service System dated March 1, 1943) Agency or Regional Committees will submit deferment requests for such employees to the Recruitment and Manning Organization of the War Shipping Administration which, in accordance with the procedure outlined in the bulletin mentioned above, will handle the cases with the local Selective Service boards. The Recruitment and Manning Organization, upon request of the Chairman of the Review Committee, will furnish to the Review Committee information and data as to cases handled under this provision.

§ 905.13 *Submission of proposed key positions.* Agency Committees will submit proposed key positions at the time and in the form prescribed by the Review Committee. Seven days after approval by the Review Committee, the list of key positions will be effective and the interim procedure prescribed in War Manpower Commission General Order No. 7 may no longer be used.

§ 905.14 *Deferment of employes not holding key positions.* Requests for the occupational deferment of persons not occupying key positions will be handled as specified in Part IV, 1 (b) of Executive Order No. 9309.

§ 905.15 *Use of manning tables and replacement schedules.* Any agency wishing to use manning tables and replacement schedules with respect to any part of its manufacturing, servicing, operating or transporting activies will submit its request to the Chairman, Review Committee, with full details as to the nature and geographical location of the activity and the approximate number of employees affected.

§ 905.16 *Requests for short stays of induction.* Requests for short stays of induction (not exceeding 60 days) for any employee may be sent by an Agency or Regional Committee to the appropriate State Director of Selective Service in letter form; copies of all such requests are to be forwarded to the Review Committee.

§ 905.17 *Requests for permit to leave country.* Copies of all requests filed by Agency or Regional Committees with local boards subsequent to May 1, 1943, for permits to leave the country will be forwarded to the Review Committee. Committees will also notify the Review Committee of local board action on such requests and the date of such action.

§ 905.18 *Issuance of necessary Selective Service regulations.* The Director of Selective Service, with the prior approval of the Review Committee, will issue to local boards and State Directors such regulations as are necessary to carry out the intent of Public Law No. 23 and Executive Order No. 9309 with respect to employees of the Executive Branch of the Federal Government.

PAUL V. MCNUTT,
Chairman.

MAY 3, 1943.

[F. R. Doc. 43-7077; Filed, May 4, 1943; 11:37 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1918]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices and for other relief for the coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with this Division by District Board No. 9, requesting, among other matters, a change in the shipping point from Morton to Earlington, Kentucky, for the coals of Barnsley No. 1 Mine, Mine Index No. 972, of Newman & Brackett (Murel E. Newman) in District No. 9, for All Shipments Except Truck; and

An order granting temporary relief and conditionally providing for final relief having been issued in the above-entitled matter on April 9, 1943, 8 F.R. 5438, which, among other matters, established Earlington, Kentucky, as a shipping point for the coals of Mine Index No. 972; and

It appearing that said order should be amended;

Now, therefore, it is ordered, That Supplement R, § 329.5 (*Alphabetical list of code members*), attached to and made a part of the order granting temporary relief and conditionally providing for final relief, issued on April 9, 1943, in the above-entitled matter, be, and it hereby is, amended by adding thereto the following language: "Morton, Kentucky, is no longer applicable as a shipping point for the coals produced at Barnsley No. 1 Mine, Mine Index No. 972, of Newman & Brackett (Murel E. Newman)."

It is further ordered, That the said order issued in the above-entitled matter on April 9, 1943, 8 F.R. 5438, shall, in all other respects, remain in full force and effect.

Dated: May 3, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-7066; Filed, May 5, 1943; 10:48 a. m.]

Chapter VI—Solid Fuels Administration for War

[Reg. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

DISTRIBUTION OF SOLID FUELS

§ 602.1 *Solid Fuels Regulation No. 1*—(a) *Purpose.* The marked increase in fuel requirements incident to the war economy of the United States threatens certain inequitable distributions of solid fuels. This regulation is issued in the public interest and to promote the war program.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) The term "solid fuels" includes all forms of anthracite, bituminous, subbituminous, and lignitic coals (including

packaged and processed fuels, such as briquettes).

(c) *Directions.* The Solid Fuels Administrator for War may from time to time issue specific directions requiring, forbidding, or otherwise providing for the delivery of solid fuels by or to any person or persons.

(d) *Violations.* Any person who wilfully violates any provision of this regulation or any provision of any direction issued pursuant to this regulation, or who, by any act or omission, falsifies records kept or information furnished in connection with this regulation or any direction issued pursuant to this regulation is guilty of a crime and upon conviction may be punished by fine or imprisonment. Any person who wilfully violates any provision of this Regulation or any provision of any direction issued pursuant to this regulation may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(E.O. 9332, 8 F.R. 5355; 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 4th day of May 1943.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 43-7070; Filed, May 5, 1943; 11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 181]

NOTICE OF CONTINUANCE OF CLASSIFICATION ON APPEAL

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 58, entitled "Notice of Continuance of Classification on Appeal," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing discontinuance shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 1, 1943.

[F. R. Doc. 43-7019; Filed, May 4, 1943; 4:44 p. m.]

[1] Filed as part of the original document.

MEXICAN CITIZENS ENTERING UNITED STATES AS ALIEN LABORERS

RELIEF FROM REGISTRATION REQUIREMENT

Order describing a group of individuals not required to present themselves for and submit to registration under the provisions of § 611.13 (a).

By virtue of the authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition; and more particularly §§ 611.13 and 611.29, Selective Service Regulations, Second Edition, I hereby prescribe that:

Each citizen of Mexico who has not declared his intention to become a citizen of the United States and who has entered or hereafter enters the United States for the sole purpose of engaging in labor under conditions prescribed by the Attorney General pursuant to arrangements between the Governments of the Republic of Mexico and the United States of America, and who has in his personal possession a valid Alien Laborer's Identification Card issued by the Immigration and Naturalization Service of the United States Department of Justice, a copy of which is filed herewith,[1] shall not be required to present himself for and submit to registration under the Selective Training and Service Act of 1940, as amended, during the "period of admission" specified on such Alien Laborer's Identification Card, provided that during such "period of admission" he continues in such labor.

LEWIS B. HERSHEY,
Director.

MAY 4, 1943.

[F. R. Doc. 43-7020; Filed, May 4, 1943; 4:45 p. m.]

[Amendment 149, 2d Ed.]

PART 627—APPEAL TO BOARD OF APPEAL

PROCEDURE WHEN APPEAL IS RETURNED

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 627.31 to read as follows:

§ 627.31 *Procedure of local board when appeal to the board of appeal is returned.* When the file of the registrant is received by the local board it shall:

(1) Mail a Notice of Classification (Form 57) to the registrant and a Classification Advice (Form 59) to the government appeal agent; to every person whose signed Affidavit—Occupational Classification (General) (Form 42), Affidavit—Occupational Classification (Industrial) (Form 42A), or Affidavit of Dependent Over 18 Years of Age (Form 40A) is on file in the registrant's Cover Sheet (Form 53); and to the person who made the appeal, if other than any of the foregoing.

(2) If one or more members of the board of appeal dissented from the determination of that board, indicate on such notice the numerical division of the board of appeal.

(3) Enter on the Classification Record (Form 100) the date of mailing such notice and advice.

(4) If the local board classification of the registrant has been changed by the board of appeal, enter the new classification in the Classification Record (Form 100) and, with red ink, draw a line through the local board classification.

2. Amend the regulations by deleting § 627.32 in its entirety.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 1, 1943.

[F. R. Doc. 43-7017; Filed, May 4, 1943; 4:44 p. m.]

[Amendment No. 150, 2d Ed.]

PART 628—APPEAL TO THE PRESIDENT

APPEAL TO PRESIDENT AND PROCEDURE WHEN APPEAL IS RETURNED

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 628.2 to read as follows:

§ 628.2 *Appeal to the President.* The registrant or any person who claims to be a dependent of the registrant or any person who has filed written information as to the occupational status of the registrant, at any time within 10 days after the mailing by the local board of the Notice of Classification (Form 57), notifying the registrant that the local board classification has been affirmed or changed, may appeal to the President provided the registrant was classified by the board of appeal in either Class I-A, Class I-A-O, or Class IV-E and one or more members of the board of appeal dissented from such classification. The local board may permit any person who is entitled to appeal to the President under this paragraph to do so, even though the 10-day period herein provided for such an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 10-day period was due to a lack of understanding of the

right to appeal or to some cause beyond the control of such person. Unless the local board permits such an appeal, the right of such persons to appeal to the President shall terminate at the end of the 10-day period herein provided.

2. Amend § 628.6 to read as follows:

§ 628.6 *Procedure of local board when appeal to the President is returned.* When the file of the registrant is received by the local board, it shall:

(1) Mail a Notice of Classification (Form 57) to the registrant and a Classification Advice (Form 59) to the person making the appeal, if other than the registrant;

(2) Enter in the Classification Record (Form 100) the date of the mailing of such notice and advice; and

(3) If the classification of the registrant by the board of appeal has been changed, enter the new classification in the Classification Record (Form 100) and, with red ink, draw a line through the board of appeal classification.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 1, 1943.

[F. R. Doc. 43-7018; Filed, May 4, 1943; 4:44 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 21]

RUBBER-BORNE TRANSPORTATION EQUIPMENT AND FACILITIES

Delegation of authority with respect to the use of rubber-borne transportation equipment and facilities to the Director of the Office of Defense Transportation.

§ 903.33 *Directive 21.* (a) The Director of the Office of Defense Transportation is hereby authorized to perform the functions and exercise the power, authority and discretion conferred upon the President by Section 2 (a) of the Act of June 28, 1940 (54 Stat. 676), as amended by Title III of the Second War Powers Act (1942), Public No. 507, 77th Congress, for the purpose of allocating the use of rubber-borne transportation equipment and facilities by carriers or operators thereof, upon such conditions, and to such extent as the said Director shall deem necessary or appropriate in the public interest and to promote the national defense. In order to perform such functions and exercise such power, authority and discretion, the Director is further authorized to exercise the authority conferred upon the President by said Second War Powers Act (Public No. 507, 77th Congress) to obtain information, require reports and the keeping of records, make inspection of books, records and other writings, premises or property of any person, make investigations, administer oaths and affirmations, and require the attendance and testimony of witnesses and the production of books, records or other documentary or physical evidence pursuant to said statute.

(b) The Director of the Office of Defense Transportation may exercise the power, authority and discretion conferred upon him by this Directive through such persons and agencies and in such manner as he may determine.

(c) Nothing herein shall be construed to limit or modify any regulation, order or directive heretofore issued by or under the authority of the Chairman of the War Production Board, nor to terminate or limit the power of the Chairman of the War Production Board to issue further directives, regulations or orders regulating the transactions referred to above, nor to affect the authority vested in the Chairman of the War Production Board, pursuant to Executive Orders 8875, 8989, and 9024, to determine the relative importance of deliveries and certify as to the preferential treatment to be accorded them with respect to any of the transactions referred to above.

Issued this 1st day of May 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-7078; Filed, May 5, 1943; 11:49 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under 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.

PART 982—MINES AND SMELTERS

[Preference Rating Order P-56, as Amended May 5, 1943]

MINES

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

§ 982.1 *Preference Rating Order P-56*—(a) *Definitions.* (1) "Producer" means a person operating any of the following enterprises:

(i) Any plant actually engaged in the extraction by surface, open-pit, or underground methods, or in the beneficiation, concentration, or preparation for shipment, of the products of mining activity;

(ii) Any plant wholly engaged in the processing and burning of refractories;

(iii) Any prospecting enterprise for the discovery or exploration of new or additional mining projects, including the construction of access roads.

(2) "District" means a mine supply control district of the Board of Economic Warfare.

(3) "Maintenance, repair and operating supplies" means material used for the following purposes in the conduct of any enterprise described in paragraph (a) (1):

(i) Minimum upkeep necessary to continue the working condition of essential property or equipment;

(ii) Restoration of essential property or equipment to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like have made the property or equipment unfit or unsafe for service;

(iii) Where such material is essential to and consumed in such operation. The term does not include raw materials which enter into or form part of the finished product.

(4) "Priorities assistance" means any preference rating, allotment under the Controlled Materials Plan, or other form of authorization to acquire material, issued by or under authority of the War Production Board.

(b) *Purpose and scope.* The purpose of this order is to provide procedures for producers, as defined herein, to obtain maintenance, repair, and operating supplies and mining machinery and other material and equipment.

(c) *CMP Regulation No. 5 not applicable.* None of the provisions of CMP Regulation No. 5 shall apply to any producer, as defined herein, and no such producer shall obtain any material under said regulation.

(d) *Issuance of serial numbers.* Producers and districts may apply to the War Production Board for serial numbers. Such applications may be addressed to War Production Board, Washington, D. C., Reference: P56, or may (in the case of producers) be filed with the appropriate War Production Board Regional Office, Attention: Regional Technical Adviser, Mining Equipment Division, or with the appropriate State Coordinator of Mines. Serial numbers may be issued to producers and districts and may be denied or cancelled by the War Production Board in appropriate cases. In taking such action and in assigning priorities assistance, the War Production Board will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of critical material involved, the importance to national defense of competing demands for such material, and competing demands for manpower.

(e) *Priorities assistance for producers with serial numbers.* Producers holding serial numbers may apply for priorities assistance as follows:

(1) For maintenance, repair and operating supplies, by filing the appropriate form in the PD-400 series.

(2) For mining machinery and other material and equipment, by submitting to the War Production Board a written application describing the machinery or equipment needed, the reasons why such machinery or equipment is essential for the proper operation of the producer's

plant, and such other or further information as may from time to time be required, and shall also file such forms and supply such information as may be required by the provisions of any other order with respect to any particular type of equipment.

(f) *Priorities assistance for certain foreign producers.* To enable a producer not holding a serial number hereunder and located outside the United States and within the jurisdiction of a district, to obtain priorities assistance, the following procedure is established:

(1) For maintenance, repair, and operating supples, a district may apply for priorities assistance by filing the appropriate form in the PD-400 series, and the War Production Board will grant such priorities assistance as it deems appropriate. A producer not holding a serial number and located in a district may apply for priorities assistance by submitting to such district his purchase orders for maintenance, repair or operating supplies, together with such information as the applicant may deem relevant in support of his application and such information as may be required by the district. Within the limits of the priorities assistance granted to it pursuant to this paragraph (f) (1), such district may authenticate any such purchase order for maintenance, repair or operating supplies by indicating the appropriate priorities assistance and countersigning the purchase order as follows:

Approved:

_____
Name of district.

_____
Signature of authorized official.

(2) For mining machinery and other material and equipment, a producer not holding a serial number and located within a district, may submit to the War Production Board a written application containing the information described in paragraph (e) (2), which must be endorsed with the signed approval of the district within which he is located.

(3) A distributor of maintenance, repair or operating supplies or of other mining machinery or equipment, located outside the United States and within the jurisdiction of a district may apply for priorities assistance in the same manner as prescribed in paragraphs (f) (1) and (f) (2) for producers not holding serial numbers and located within the jurisdiction of a district. A distributor shall not dispose of material so acquired except upon written approval of the district.

(g) *Priorities assistance in other cases.* A preference rating of A-2 is hereby assigned to deliveries of maintenance, repair, and operating supplies to all producers not holding serial numbers or otherwise specifically provided for in this order. Such producers may apply for priorities assistance for mining machinery or equipment, or for further priorities assistance for maintenance, repair, or operating supplies, by submitting to the War Production Board a written application containing the information described in paragraph (e) (2).

(g-1) *Emergency procedure.* In case of actual or impending breakdown, application for priorities assistance may be made on form PD-333 or by telegraph, and may be made either to the Washington office or the nearest regional or district office of the War Production Board.

(h) *Restrictions on use of priorities assistance.* Notwithstanding the provisions of any other order or regulation of the War Production Board, no producer shall acquire any mining machinery or equipment, or maintenance, repair, or operating supplies through use of a preference rating or other form of priorities assistance assigned otherwise than pursuant to this order or an order in the P-19 series.

(i) *Application and extension of priorities assistance.* Preference ratings assigned and allotments of controlled materials made pursuant to this order shall be applied, extended or made in accordance with the terms of Priorities Regulation No. 3, CMP Regulation No. 1, or other relevant War Production Board regulation. A producer in making use of any such priorities assistance, shall endorse on his contract or purchase order "P-56, Serial number _____," inserting in the blank his serial number hereunder, if any. The use of such endorsement by a producer shall constitute a representation, subject to the criminal penalties for misrepresentation contained in section 35A of the Criminal Code (18 U. S. C. 80), that the item ordered will be used for the purpose for which priorities assistance was granted to acquire it.

(j) *Restrictions on receipts and inventory.* Notwithstanding the provisions of any other order or regulation of the War Production Board, including CMP Regulation No. 2, receipts and inventories of producers shall be subject to the following restrictions only: No producer shall receive any delivery of material which will increase his inventory to an amount greater than the minimum necessary to sustain his current level of operations, and the ratio of such inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(k) *Restrictions on use and recall of material.* No person shall use any material obtained pursuant to this order for any purpose other than that for which priorities assistance was granted to acquire it; and no person shall recall any such material except:

(1) To a producer holding a serial number hereunder, or

(2) With the approval of the Mining Equipment Division, or

(3) If he is located outside the United States and within a district, with the written approval of such district.

(l) *Records, audits, and reports.* Each producer and each distributor shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order, and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each producer and each distributor shall execute and file with the War Production Board or other designated agency such reports and questionnaires as the War Production Board may from time to time require.

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

(n) *Communications.* All reports and applications hereunder and all other communications with respect to this order shall, except as otherwise specifically provided, be addressed to War Production Board, Washington, D. C., Reference: P-56.

Issued this 5th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7053; Filed, May 5, 1943; 9:53 a. m.]

PART 1213—SAFETY EQUIPMENT

[Limitation Order L-114 as Amended May 5, 1943]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies for the war effort, for private account and for export, of materials entering into the production of safety equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 1213.1 *General Limitation Order L-114*—(a) *Definitions.* For the purposes of this order:

(1) "Safety equipment" means equipment and devices designed to promote safety or to prevent or reduce accidents, injuries, occupational hazards or diseases, including, but not by way of limitation, the following articles: guards, goggles, shields, safety cans, oily waste cans, harnesses, headgear, belts, shoes, safety clothing, masks, respirators, inhalators, resuscitating apparatus, hazard measuring devices, protective creams, treads, and warning signs. The term shall not include any automotive or traffic equipment or devices.

(2) "Hazard measuring devices" means devices or instruments designed to detect, indicate, measure or record the presence of poisonous or combustible gases or other harmful substances in the atmosphere for the purpose of promoting safety or preventing or reducing occupational accidents, diseases and hazards of all types. The term shall not include "industrial instruments" as defined in Limitation Order L-134, nor "laboratory equipment" as defined in Limitation Order L-144.

(b) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) below, or upon specific authorization of the War Production Board, no person shall incorporate in the manufacture of safety equipment, or in any component part thereof, or sell, deliver, rent, purchase, accept delivery of, or

obtain any safety equipment or parts thereof, in which there is incorporated or used, any of the following materials: aluminum, asbestos cloth, chromium, copper, copper base alloys, nickel, corrosion resisting steel, alloy steel, tin, synthetic plastics, magnesium, rubber or synthetic rubber, neoprene, or elastic fabric, as defined in Conservation Order M-174.

(c) *General exceptions.* Paragraph (b) shall not apply to safety equipment assembled or manufactured:

(1) Prior to May 5, 1942, or from parts which were finished and ready for assembly on said date, provided such safety equipment is delivered to fill purchase orders bearing preference ratings of A-10 or higher, or

(2) From materials to the extent permitted in Appendix A hereof, or

(3) For delivery to, or for the account of, the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics or the government of any country entitled to deliveries under the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided, and to the extent that the materials designated in paragraph (b) are necessary for efficient functioning and required endurance of safety equipment intended for use:

(i) In or on completed vehicles, aircraft, or ships, or

(ii) Outside of continental United States, or in Alaska, or

(iii) In the protection of military or naval personnel while not engaged in production, maintenance, or repair.

(4) Any order or contract from any agency or government mentioned in paragraph (c) (3) requiring the incorporation or use of scarce materials designated in paragraph (b) shall constitute a representation that the conditions exist under which such scarce materials may be incorporated or used within the terms of this order. Said representation may be relied on by the person with whom the purchase order or contract is placed, his sub-contractors, and suppliers.

(d) *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.

(e) *Records.* All persons to whom this order applies shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

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

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

(j) *Communications.* All reports required to be filed hereunder and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington, D. C., Ref.: L-114.

(k) *Effect of other orders.* With respect to the use of the materials named herein for incorporation in the products named herein, or in component parts thereof, this order shall be subject to all other orders to conserve specific raw materials (M orders), and all orders providing for a preference rating in deliveries, or for allocation, as are now or may hereafter be in effect.

Issued this 5th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

NOTE: Paragraphs (2) (a), (3) (d), and (9) (a) of Appendix A were amended, and paragraphs (6) (j) and (10) added May 5, 1943.

Pursuant to the provisions of paragraph (b) of the above order, the following materials may be used to the extent indicated:

(1) Asbestos cloth in protective clothing, for industrial operations involving intense heat or handling of hot objects, or for fire-fighting.

(2) Copper or copper base alloys, other than nickel silver, when essential to the proper functioning of:

(a) Eyelets, rivets, and fasteners worn on the person and required to be non-corrosive or non-sparking; and eyelets having a diameter of 1/16 inch or less for safety equipment where steel eyelets in available sizes cannot be used.

(b) Frames, side screen binders and temples for spectacle type goggles.

(c) Valves, unions, ferrules, tubing, connections, housings, non-sparking fittings, fastenings, gaskets, pins, probe tubes, orifices, regulators and bearings, for respirators, gas masks or hazard measuring devices through which explosive, toxic, or corrosive gases, dusts or fumes may pass.

(d) Valves, tubing, manifolds, chambers, gaskets, discs, breaker valves, unions, connections, mouthpieces, orifices and facepiece parts on safety equipment through which oxygen or air under pressure is conducted.

(e) Conductors of electricity for safety devices and appliances.

(f) Lens retaining rings and fittings on gas mask facepieces.

(g) Exhalation and inhalation valve inserts and angle tubes for gas masks, air line respirator and breathing apparatus, face and mouth pieces.

(h) Tubing and fittings in hazard measuring devices.

(i) Screen for mask type goggles or hoods but not including side screens on spectacle type or molded goggles.

(j) Bridge clips for molded goggles.

(k) Cylinders, valves, tubing and regulators for compressed air, mechanical guarding devices.

(3) Nickel in:

(a) Nickel silver for pad inserts for nose pads on spectacle type goggles, but not to exceed 10% in such alloy.

(b) Nickel silver for the following, but not to exceed 10% nickel in such alloy:

(i) Valve inserts for respirators.

(ii) Reducing, admission, dilution, check and safety valve pins, stems, plungers, inserts, screws, spiders, sleeves, yokes and bearings on gas masks, breathing apparatus, or hazard measuring devices.

(c) Leaded nickel silver for goggle frame screws and rivets, but not to exceed 18% nickel in such alloy.

(d) Nickel plating for:

(i) Spectacle type goggles until, but not after, November 30, 1943.

(ii) Safety and admission valves, saliva tubes and mouthpieces for oxygen breathing apparatus; facepiece check valve bodies for inhalators; and check valves for hose masks; to the extent necessary for the efficient functioning of the named parts.

(e) Nickel silver for end pieces and guard arms on spectacle type goggles, but not to exceed 10% nickel in such alloy.

(4) Alloy steel in oxygen cylinders for breathing apparatus and inhalators, for which NE 8124 or 8233 steel may be applied.

(5) Tin in solder as permitted by Conservation Order M-43, as amended from time to time.

(6) Synthetic plastics in:

(a) Protective hats and caps.

(b) Face shields.

(c) Goggle frames.

(d) Lenses and laminated glass.

(e) Respirator and gas mask parts.

(f) Mounting panels, rheostats, connections, plugs, and insulation in cases, for hazard measuring devices when necessary for efficient operation.

(g) Safety clothing.

(h) Salt tablet dispensers.

(i) Machine guards.

(j) Goggle headbands.

(7) Rubber as permitted under Supplementary Order M-15-b, as amended from time to time.

(8) Synthetic rubber on specific authorization of the War Production Board.

(9) Elastic fabric in safety equipment to the extent necessary for efficient functioning and required endurance, except that when elastic fabric is used in headbands for the following safety equipment it shall not exceed the lengths specified hereafter:

(a) Cup type goggles—21 inches.

(b) Respirators—12 inches when crude or synthetic rubber is used; to the extent necessary for efficient functioning and required endurance when reclaimed or scrap rubber is used.

(10) Aluminum in machine guards (where the use of any less scarce material is not practicable): *Provided,* That proper authorization to use aluminum is obtained pursuant to application under paragraph (d) of Supplementary Order M-1-1.

[F. R. Doc. 43-7054; Filed, May 5, 1943; 9:58 a. m.]

PART 1280—ETHYL CELLULOSE

[General Preference Order M-175, As Amended May 5, 1943]

Section 1280.1 (General Preference Order No. M-175, as amended) is hereby amended to read:

§ 1280.1 *General Preference Order No. M-175*—(a) *Definitions.*

(1) "Ethyl cellulose" means any product made by the ethylation of cellulose and having an ethoxyl content greater than forty percent, by weight.

(2) "Producer" means any person engaged in the production of ethyl cellulose and includes any person who has ethyl cellulose produced for him pursuant to toll agreement.

(3) "Supplier" means any person who sells ethyl cellulose, including ethyl cellulose produced by him and ethyl cellulose purchased for resale.

(4) "Orders on hand" means all orders placed with a person applying for authorization to accept delivery of or to use ethyl cellulose, prior to the filing of the application.

(b) *Directions with respect to production.* War Production Board may from time to time issue directions to a producer or producers with respect to the types or grades of ethyl cellulose which may be manufactured.

(c) *Restrictions on deliveries and use.* (1) No person shall deliver, accept delivery of or use ethyl cellulose except as specifically authorized or directed in writing by War Production Board.

(2) Authorizations or directions with respect to delivery and use, will so far as practicable be issued by War Production Board prior to the commencement of each month, but War Production Board may at any time at its discretion and notwithstanding the provisions of paragraph (d) hereof, issue directions with respect to deliveries to be made or accepted or with respect to use or uses which may or may not be made of ethyl cellulose to be delivered or then in inventory.

(3) Each person specifically authorized to accept delivery of ethyl cellulose shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(4) Ethyl cellulose allocated for inventory may not be used, except as specifically authorized or directed in writing by War Production Board. Ethyl cellulose allocated to fill anticipated orders for specified primary products and product end uses may not be converted into primary products in advance of receipt of actual orders for such primary products with such product end uses.

(5) Ethyl cellulose allocated to fill an order on hand which is subsequently cancelled prior to the conversion of such ethyl cellulose into a primary product—and ethyl cellulose allocated to fill anticipated orders which fail to materialize—shall revert to inventory as though originally allocated therefor.

(6) In the event that ethyl cellulose is converted into a primary product, pursuant to an authorized order which is subsequently cancelled, specific authorization in writing of the War Production Board must be obtained for the use or delivery of the primary product.

(d) *Exception to requirement for specific authorization.* Notwithstanding the provisions of paragraph (c) (1) hereof, specific authorization of War Production Board shall not be required for:

(1) Acceptance of delivery or use by any person in any calendar month for any purpose of not more than 10 lbs. (dry weight), in the aggregate: *Provided,* That such person has not been specifically authorized to accept delivery or to use any quantity of ethyl cellulose during such month.

(2) Acceptance of delivery or use by any one person in any one calendar month for experimental purposes only and not for resale as ethyl cellulose or for the manufacture of standard commercial products, of not more than 50 lbs. (dry weight), in the aggregate: *Provided,* That such person has not been specifically authorized to accept delivery of or to use any quantity of ethyl cellulose during such month.

(3) Delivery by any supplier to any person in any calendar month of not more than 50 lbs. of ethyl cellulose: *Provided,* That such delivery does not prevent the making of any delivery which such supplier has been specifically authorized or directed to make in such month.

(e) *Certification of consumer use.* (1) No manufacturer who uses ethyl cellulose in the manufacture of any product and who, to receive or use such ethyl cellulose is required by paragraph (c) (1) hereof to obtain specific written authorization of War Production Board, shall accept or fill an order for such product unless the person placing the order shall, at or prior to the time of placing the order, have filed a certificate specifying the ultimate use to which such product is to be put. Such certificate may be placed on the purchaser's purchase order and shall be in substantially the following form:

The undersigned hereby certifies pursuant to War Production Board Order M-175, that the material hereby ordered will be used solely in the manufacture of the following product or products:

Product A _____ lbs.
Product B _____ lbs.
[Omit "lbs." where use is in manufacture of one product only]
[For instructions see subparagraph (e) (2)]

_____
Name of Customer

_____ By _____ _____
Date Authorized Official Title

The above certificate shall constitute a representation to (but shall not be filed with) War Production Board.

(2) The certification provided for in paragraph (e) (1) shall be sufficiently specific to enable the manufacturer with whom the order is placed accurately to indicate product use on the application for ethyl cellulose filed by him pursuant to paragraph (f) (1). "Wire coating", for example, is not a sufficient description of ultimate use. The certificate must show, rather, the type of wire and use to which the wire will be put; for example "airplane ignition cable". Also, it should indicate whether the ultimate user is the Army, Navy, other government agency, Lend-Lease or civilian customer, and should state Army, Navy or other government agency specification and contract numbers. If the material ordered is to be used for more than one product, indicate the quantity applicable to each product.

(f) *Applications and reports.* (1) Each person requiring authorization to accept delivery of ethyl cellulose during any calendar month, whether for own consumption or resale, and each person requiring authorization to use ethyl cellulose in any calendar month, shall file application therefor on or before the 20th day of the month preceding the month for which authorization for delivery or use is requested. Where the application relates to delivery or use in May, 1943, the application shall be filed as many days as possible in advance of the requested delivery or use. In any case, the application shall be made on Form PD-600, in the manner prescribed therein, subject, however, to the following specific instructions:

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

(ii) An original and four copies shall be prepared, of which the original and three copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-175, the fourth copy to be retained for applicant's files. The original and first two copies of the application filed with War Production Board shall be manually signed by applicant by a duly authorized official. Where application is solely for authority to use ethyl cellulose, applicant need file only an original and two copies.

(iii) In the heading, under "Name of chemical", specify "Ethyl cellulose"; under "WPB Order No.", specify "M-175"; under "Indicate unit of measure", specify "pounds, dry weight". On the original and the first two copies furnished War Production Board, insert name of usual supplier under heading "Supplier with whom this order is placed" and give his mailing address and shipping point, except that where application is solely for authority to use ethyl cellulose, applicant will write "From inventory" in that space. On the third copy filed with War Production Board (where application is for authority to accept delivery) applicant will leave blank the questions with respect to supplier.

(iv) In the heading at top of Table I and III, insert month and year for which authorization to accept delivery or use is sought.

(v) In columns 1, 11 and 19, indicate grade and viscosity number.

(vi) Fill in column 3 (Primary product) as follows, listing only those items for which authorization is requested:

(a) Orders on hand:

Lacquer	Decalcomania
Dope	Other (specify)
Plastic	Resale (as ethyl cellulose)
Cement	

(b) Anticipated orders:

Lacquer	Decalcomania
Dope	Other (specify)
Plastic	Resale (as ethyl cellulose)
Cement	

(c) Inventory (as ethyl cellulose).

(*d*) "Orders on hand" must be shown separately from "anticipated orders".

(vii) In column 4 (Product end use), specify end use of product (for example, where the "primary product" called for by column 3 is "lacquer" the "Product end use" might be "airplane wing coating"). Also specify in each case whether the person to whom product is sold is Army, Navy, other government agency, Lend-Lease or commercial customer, and state Army, Navy or other government agency specification and contract numbers. Where the Form PD-600 is an application for ethyl cellulose for resale to others or for inventory, leave column 4 blank.

(viii) In column 2, state separately the quantities required for each primary product and each product end use, and in column 10 list name of customer from whom order for primary product has been received. Where more than one customer is buying for the same primary product and product end use, the quantity must be listed separately in column 2 for each customer, and each customer's name listed in column 10.

(ix) In each case where the application on Form PD-600 for authority to accept delivery of ethyl cellulose or for authority to use ethyl cellulose is granted, one copy of Form PD-600 signed by War Production Board will be returned to the applicant. Where authorization is to accept delivery, a second copy similarly signed will be sent to the supplier selected by War Production Board, and will constitute an authorization to such supplier to make delivery of ethyl cellulose to the person entitled by such Form PD-600 to accept delivery. Where authorization is to accept delivery, War Production Board may, in the alternative, prepare and transmit to a supplier, Form PD-601 signed by War Production Board authorizing such supplier to make delivery to the one or more persons listed thereon.

(x) On the third copy filed with War Production Board, applicant will leave blank Tables II, III and IV.

(2) Authorizations issued prior to May 1, 1943, on Form PD-550, and covering acceptance of delivery of ethyl cellulose in April or May, 1943, shall be deemed to authorize the use of ethyl cellulose in May or June, 1943, for the purposes stated in said Form PD-550.

(3) Each producer of ethyl cellulose shall file Form PD-601 on or before the 20th day of each month, beginning with May, 1943. Such Form PD-601 shall be executed in the manner prescribed therein, subject to the following specific instructions:

(i) Copies of Form PD-601 may be obtained at local field offices of War Production Board.

(ii) An original and one copy shall be prepared of which the original shall be forwarded to War Production Board, Chemicals Division, Washington, D. C., Ref: M-175, the copy to be retained for producer's file.

(iii) In the heading, under "Name of chemical", specify "ethyl cellulose"; under "WPB Order No.", specify "M-175"; under name of company, state name and mailing address; in heading "This schedule is for deliveries to be made during the month of _____, 194__", strike out the words "to be" and specify the month which precedes the month in which Form PD-601 is filed; under "Indicate unit of measure", specify "pounds, dry weight".

(iv) In columns 1 and 2 list the name and delivery destination of each customer to whom in the preceding month deliveries of more than 10 lbs. and not more than 50 lbs. of ethyl cellulose were made pursuant to paragraph (d) (3) without specific authorization or direction, and in column 4 specify the quantity delivered to each. A producer need not, however, list the names of any customer to whom in the preceding month he delivered 10 lbs. or less of ethyl cellulose pursuant to said paragraph (d) (3), but he will insert in column 1 "Deliveries of 10 lbs. or less last month", and in column 4 will state the total quantity of ethyl cellulose so delivered.

(v) Leave blank columns 8, 15 and 16.

(4) War Production Board may issue special direction to any such person with respect to the preparing and filing of Forms PD-600 and PD-601.

(g) *Notification of customers.* Each supplier 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.

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

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

(3) *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 Division, Washington, D. C.; Ref: M-175.

This amendment shall take effect May 10, 1943.

Issued this 5th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7055; Filed, May 5, 1943; 9:58 a. m.]

Chapter XI—Office of Price Administration

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

[RPS 32, Amendment 5]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

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.*

Revised Price Schedule No. 32 is amended in the following respects:

1. Section 1347.54 is amended to read as follows:

§ 1347.54 *Records and reports.* (a) Every person making purchases or sales aggregating ten tons or more of any or all grades of paperboard in any one month shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, accurate records of each purchase or sale of paperboard made during such month and each month thereafter, showing the date thereof, the name and address of the purchaser or seller, the prices paid or received, and the quantity and grade or grades so purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) Every producer selling paperboard for which maximum prices are established by this price schedule shall preserve for examination by the Office of Price Administration for so long as the Price Control Act of 1942 shall remain in effect all his existing records relating to the prices which he charged for such paperboard and specialty paperboard as he sold or contracted to be sold at a definite price during the period of October 1, 1940 to October 15, 1941, inclusive.

2. Section 1347.55 is hereby revoked.

This Amendment No. 5 to Revised Price Schedule No. 32 shall become effective May 10, 1943.

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

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6987; Filed, May 4, 1943; 3:21 p. m.]

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

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Amendment 5]

EGGS AND EGG PRODUCTS

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

Maximum Price Regulation 333 is amended in the following respects:

1. Section 1429.55 (c) is amended to read as follows:

(c) *Evasion by selling f. o. b. seller's shipping point.* Except as provided in §§ 1429.67 (1), 1429.69 (b) (3), 1429.69 (c) (2), 1429.69 (j), 1429.71 (b), and 1429.74 (e) hereof, the maximum prices established by this regulation are maximum prices per dozen eggs or per pound of egg products delivered to the buyer as herein provided and the provisions of this regulation shall not be evaded by selling such eggs or egg products at a price f. o. b. the seller's shipping point.

2. Section 1429.65 (s) (1) is amended to read as follows:

(1) The grades, sizes, weight classes, and standards promulgated by the United States Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs" shall be the grades, sizes, weight classes, and standards for all shell eggs sold to retailers and commercial, industrial, institutional, or non-federal governmental users and for which maximum prices are established by this regulation. The sizes and weight classes promulgated in such publication are as follows:

Size of weight class	Minimum net weight per dozen (ounces)	Minimum net weight per 30 dozen (pounds)	Maximum weight for individual eggs at rate per dozen (ounces)
Jumbo	28	52	27
Extra large	26	48.5	25
Large	24	45	23
Medium	21	40	20
Small	18	34	15

The grades and standards promulgated by the United States Department of Agriculture in the publication entitled "Tentative U. S. Procurement Grades" or the grades and standards promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs" or from May 4, 1943 to June 26, 1943, inclusive, the grades and standards promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" shall be used as the standards and grades of all shell eggs sold to the United States or any agency thereof. The average and minimum weights prescribed by the Department of Agriculture for each wholesale grade in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" shall be the prescribed average and minimum weights for all shell eggs of wholesale grades sold to the United States or any agency thereof. The average and minimum weights prescribed in such publication are as follows:

Weight Requirements for Tentative U. S. Wholesale Grades for Eggs

Grade	Average net wt. per 30 dozen (pounds)	Minimum net wt. per 30 dozen (pounds)	Basic minimum wt. per individual eggs (ounces per dozen)	Percent eggs under basic minimum weight permitted per 30 dozen: Under 23 oz. but not under 21 oz.	Percent eggs under basic minimum weight permitted per 30 dozen: Under 22 oz. but not under 20 oz.
All U. S. specials	46	45	23	10	
U. S. No. 1 and 2 extras	45	44	23	10	
U. S. No. 3 and 4 extras	44	43	23	15	
U. S. No. 1 and 2 standards	44	43	23	15	
U. S. No. 3 and 4 standards	43	42	22		10
All U. S. trades	42	41	22		15
U. S. light dirties	43	42	22		15
U. S. dirties	No requirements				
U. S. checks	No requirements				
Medium size eggs of any grade	40	39	20	*Below 20 oz. but not below 19 oz.* 10	

The standards and grades set forth in the publication entitled "Tentative U. S. Procurement Grades" and the standards, grades, and prescribed average and minimum weights set forth in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" shall not be used as the grades, standards, or weights for shell eggs purchased by retailers or by commercial, industrial, institutional, or non-federal governmental users. The United States or any agency thereof shall not purchase assorted eggs. The terms "commercial user" and "industrial user", as used in this regulation, shall not include the manufacturer of any egg product defined in § 1429.65 purchasing shell eggs which he manufactures into such egg products.

3. Section 1429.65 (u) is amended to read as follows:

(u) Retail grades of shell eggs means all grades other than "procurement grades" and "wholesale grades" for which maximum prices are established herein, including U. S. Department of Agriculture consumer grades as defined in paragraph (s) (3) of this section and "assorted eggs", "checks", and "dirties" as defined in paragraph (s) (3) of this section.

4. Section 1429.69 (g) is added to read as follows:

(g) *Maximum prices for "wholesale grades" in Chicago and basing point cities from May 4, 1943 to June 26, 1943, inclusive.* The maximum prices for shell eggs sold and delivered from May 4, 1943 to June 26, 1943, inclusive, to the United States or any agency thereof, according to "wholesale grades" as defined in § 1429.65 (s) (1) in a basing point city for each week shall be the price per dozen for eggs of the particular wholesale grade, size, average net weight, and other identification set forth for the particular basing point city in Table 1 of this section for the week in which delivered. Such maximum prices in Chicago, Illinois shall be the maximum prices per dozen for eggs of the particular wholesale grade, size, average net weight, and other identification and for the week of delivery set forth in Table 2 of this section.

5. Section 1429.69 (h) is added to read as follows:

(h) *Maximum prices for "wholesale grades" in "Area 1" except New York City from May 4, 1943 to June 26, 1943, inclusive.* In all places in "Area 1", except New York City, the maximum prices of shell eggs of "wholesale grades" sold and delivered to the United States or any agency thereof from May 4, 1943 to June 26, 1943, inclusive, for the week in which delivered shall be the maximum prices per dozen for eggs of the particular grade, size, average net weight, and other identification set forth in Table 2 of this section, plus the "transportation factor."

(1) "Transportation factor", when applied to shell eggs of "wholesale grades" sold to the United States or any agency thereof, means the actual carlot freight rate per pound to or from a basing point city or as herein provided, from Chicago, Illinois to the place where the eggs are delivered, multiplied by the appropriate "multiplier" for the particular wholesale grade of eggs sold and for the period in which such eggs are delivered. If there is no actual carlot freight rate between such places, then the lowest transportation charge by other means shall be used.

(2) The "multiplier" to be used in calculating the "transportation factor" for each wholesale grade of shell eggs shall be 1.9 for all weeks from May 4, 1943 to June 26, 1943, inclusive.

6. Section 1429.69 (i) is added to read as follows:

(i) *Maximum prices for "wholesale grades" in "Area 2" except basing point cities from May 4, 1943 to June 26, 1943, inclusive.* In "Area 2", except basing point cities, the maximum prices of shell eggs of wholesale grades sold and delivered to the United States or any agency thereof from May 4, 1943 to June 26, 1943, inclusive, at any place shall be determined as follows:

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

[1] 8 F.R. 2488, 3002, 3070, 3735, 5342.

(1) From the maximum prices in the basing point city reflecting the highest price of shell eggs of the wholesale grade, size, and average net weight sold for the week in which they are to be delivered, the "transportation factor" for such wholesale grade of eggs from the point of delivery to the basing point city shall be subtracted. The resulting figure is the maximum price of such eggs delivered at their destination.

7. Section 1429.69 (j) is added to read as follows:

(j) *Maximum prices of wholesale grades of shell eggs sold to the United States or any agency thereof f. o. b. seller's shipping point from May 4, 1943 to June 26, 1943, inclusive.* The maximum prices for wholesale grades of shell eggs sold to the United States or any agency thereof from May 4, 1943 to June 26, 1943, inclusive, f. o. b. the seller's shipping point in "Area 1" or in "Area 2" shall be the maximum prices for any place in which the seller's shipping point is located as determined above, paragraphs (g) through (i) of this section.

8. Section 1429.69 (k) is added to read as follows:

(k) *Maximum prices in cents per dozen by weeks for wholesale grades of shell eggs for the United States or any agency thereof in the basing point cities of New York, Seattle, Los Angeles, San Diego, Phoenix, and Tucson.*

TABLE 1

Wholesale grades	For May 4, 1943 through May 29, 1943	For May 31, 1943 through June 26, 1943, inclusive
U. S. No. 1 Specials	41	42
U. S. No. 2 Specials	40.5	41.5
U. S. No. 3 Specials	40	41
U. S. No. 4 Specials	39.5	40.5
U. S. No. 1 Extras	38.7	39.5
U. S. No. 2 Extras	38.2	39
U. S. No. 3 Extras	37.5	38.2
U. S. No. 4 Extras	37	37.7
U. S. No. 1 Standards	36.5	37
U. S. No. 2 Standards	36.2	36.7
U. S. No. 3 Standards	35.7	36
U. S. No. 4 Standards	35.5	35.7
U. S. No. 1 Trades	35	35
U. S. No. 2 Trades	34.5	34.5
U. S. Light Dirties	35	35

(1) Maximum prices in the basing point city, San Francisco, are ½ cent lower than those in the above table.

(2) Maximum prices in the basing point city, Miami, are 1½ cents higher than those in the above table.

(3) For each pound of average net weight above the average net weight prescribed for the particular wholesale grade stated in § 1429.65 (s) (1), there may be added to the maximum price for the particular grade and prescribed average net weight ¾ cent per dozen.

(4) For each pound or fraction of a pound less in average net weight than the average net weight prescribed for the particular wholesale grade in § 1429.65 (s) (1), there shall be subtracted from the maximum price of the particular wholesale grade and prescribed average net weight the sum of ¾ cent per dozen, and the reduced amount shall be the maximum price for the wholesale grade of eggs sold having such reduced weight.

(5) Shell eggs of wholesale grades when treated with a mineral oil for purposes of preservation may sell at 1 cent per dozen above the price for the particular grade, size, average net weight, and other identification determined as provided herein.

9. Section 1429.69 (l) is added to read as follows:

(l) *Maximum prices in cents per dozen for wholesale grades of shell eggs of prescribed average net weight for the United States or any agency thereof in the City of Chicago and for use in pricing in "Area 1". (But not to be used as a "basing point city" for calculating prices in "Area 2".)*

TABLE 2

Wholesale grades	For May 4, 1943 through May 29, 1943	For May 31, 1943 through June 26, 1943
U. S. No. 1 Specials	39.4	40.4
U. S. No. 2 Specials	38.9	39.6
U. S. No. 3 Specials	38.4	39.4
U. S. No. 4 Specials	37.9	38.9
U. S. No. 1 Extras	37.1	37.9
U. S. No. 2 Extras	36.6	37.4
U. S. No. 3 Extras	35.9	36.6
U. S. No. 4 Extras	35.4	36.1
U. S. No. 1 Standards	34.9	35.4
U. S. No. 2 Standards	34.6	35.1
U. S. No. 3 Standards	34.1	34.4
U. S. No. 4 Standards	33.9	34.1
U. S. No. 1 Trades	33.4	33.4
U. S. No. 2 Trades	32.9	32.9
U. S. Light Dirties	33.4	33.4

This amendment shall be effective as of May 4, 1943.

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

Issued this 4th day of May, 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-6986; Filed, May 4, 1943; 3:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 434 Under § 1499.3 (b) of GMPR]

DY-NU COMPANY

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

§ 1499.1672 *Approval of maximum prices for Fond All-Purpose Cleaner*—(a) *Maximum prices.* Maximum prices for sales of Fond All-Purpose Cleaner are established as follows:

Sales to—	4 oz. jar	9 oz. jar	16 oz jar
	Each	*Each*	*Each*
Individual ultimate consumers	$0.50	$1.00	$1.50
	Per doz.	*Per doz.*	*Per doz.*
Retailers	$4.35	$8.65	$13.00
Service wholesale grocers and similar wholesalers	3.698	7.353	11.05
Institutional wholesale jobbers	3.045	6.055	9.10

(b) *Discounts and allowances.* Each seller making sales of Fond All-Purpose Cleaner shall apply to the maximum prices established for such sales in paragraph (a) all quantity differentials, trade practices, credit terms, practices relating to transportation costs, and other customary discounts and allowances which were in effect on his sales during March 1942 of the cleaner most comparable to Fond All-Purpose Cleaner.

(c) *Definitions.* When used in this order the term "Fond All-Purpose Cleaner" means a concentrated cleaner manufactured by the Dy-Nu Company of 1046 South Olive Street, Los Angeles, California.

(d) *Notifications.* With or prior to the first delivery of each size of Fond All-Purpose Cleaner to a wholesaler, the Dy-Nu Company shall furnish such wholesaler with a notice containing the following information:

(1) The maximum price established by this order for sales by the Dy-Nu Company to such wholesaler.

(2) Wholesalers' maximum price to retailers.

(3) Retailers' maximum price to individual ultimate consumers.

(4) A statement that wholesalers' and retailers' maximum prices are subject to the seller's customary discounts, allowances, and trade practices in effect during March 1942 on his sales of the cleaner most comparable to Fond All-Purpose Cleaner.

(e) *Marking.* The Dy-Nu Company shall mark on each package of Fond All-Purpose Cleaner packaged by it after July 5, 1943, and on each package delivered to a wholesaler or retailer after the effective date of this order in such manner as to be plainly visible to a purchaser, the maximum price to individual ultimate consumers established by this order. Such marking shall be in the following form:

	Marking
4 ounce	Ceiling Price 50¢
9 ounce	Ceiling Price $1.00
16 ounce	Ceiling Price $1.50

(f) This Order No. 434 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6979; Filed, May 4, 1943; 3:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 435 Under § 1499.3 (b) of GMPR]

GAMBLE MANUFACTURING COMPANY

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

§ 1499.1673 *Approval of maximum prices for sales of AA1 wood flour.* (a) On and after May 5, 1943, the Gamble Manufacturing Company of Tacoma, Washington, may sell and deliver and any person may buy and receive AA1

wood flour at a price not in excess of that hereinafter set forth:

$75.00 per ton, f. o. b. plant; containers extra, returnable for full credit.

(b) All discounts, allowances and trade practices in effect with respect to comparable wood flours during March 1942 by the seller shall remain in effect under this order.

(c) This Order No. 435 (§ 1499.1673) may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6983; Filed, May 4, 1943; 3:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 436 Under § 1499.3 (b) of GMPR]

CHEMICAL PRODUCTS CORPORATION

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

§ 1499.1674 *Approval of maximum prices for sales of L-4356 Quick Drying Enamel.* (a) On and after May 5, 1943, Chemical Products Corporation may sell and deliver and any person may buy and receive L-4356 Quick Drying Enamel at a price not in excess of that hereinafter set forth:

$1.50 per gallon in 50 gallon drums, f. o. b. plant.

(b) All discounts, allowances and trade practices in effect with respect to comparable paints during March 1942 by the seller shall remain in effect under this order.

(c) This Order No. 436 (§ 1499.1674) may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6980; Filed, May 4, 1943; 3:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 437 Under § 1499.3 (b) of GMPR]

HERCULES POWDER COMPANY, INC.

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

§ 1499.1675 *Approval of maximum prices for sales of Lewisol SS Resin by Hercules Powder Company, Inc.* (a) The maximum prices for sales by Hercules Powder Company, Inc., Wilmington, Delaware, of Lewisol SS Resin shall be the prices set forth below:

	Per pound
Sales in carload lots	0.2237
Sales in lots of 10 or more drums	0.2437
Sales in lots of 1 to 9 drums	0.2637

(b) All discounts, trade practices, and practices relating to the payment of transportation charges in effect during March 1942 on the sale of Petrex SS resin by Hercules Powder Company, Inc., shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 437 may be revoked or amended by the Price Administrator at any time.

This Order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6981; Filed, May 4, 1943; 3:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 438 Under § 1499.3 (b) of GMPR]

HERCULES POWDER COMPANY

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

§ 1499.1676 *Approval of maximum prices for 90% solids-caustic potash neutralized-N pexite No. 42-15% free rosin.* (a) Hercules Powder Company of Wilmington, Delaware may sell and deliver and any purchaser may buy and receive 90% solids-caustic potash neutralized-N pexite No. 42-15% free rosin at prices not in excess of those hereinafter set forth; f. o. b. Savannah, Georgia.

	Per cwt.
Tank cars	$5.01
Carloads in drums	5.11
10,000 lb. to carloads	5.26
5,000 to 10,000 lb	5.41
Less than 5,000 lb	5.57

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to sales of 70% solids-soda ash neutralized-I pexite rosin-15% free rosin during March 1942, by the seller, shall remain in effect under this order.

(c) This Order No. 438 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6985; Filed, May 4, 1943; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 439 Under § 1499.3 (b) of GMPR]

WAKEM AND WHIPPLE, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1677 *Approval of maximum prices for sales of two new phonographs assembled by Wakem and Whipple, Inc.* (a) This Order No. 439 sets maximum prices for sales of two new phonographs assembled by Wakem and Whipple, 200 East Illinois Street, Chicago, Illinois, and described in its application as models 609 and 610.

(1) For sales by the assembler, the maximum prices are those set forth below, exclusive of federal excise tax.

Model:	*Price*
609	$22.65
610	25.35

(2) For sales at retail, the maximum prices are those set forth below, exclusive of federal excise tax.

Model:	*Price*
609	$37.75
610	42.25

(b) To every phonograph to be shipped to a purchaser for resale, the assembler shall attach a tag or label which plainly states the retail ceiling price.

(c) The assembler shall notify every every person who buys from it of the maximum prices set by this Order No. 439 for resales by the purchaser. This notice shall be given at or prior to the first invoice to each purchaser and may be given in any convenient form.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This Order No. 439 may be revoked or amended by the Price Administrator at any time.

This Order No. 439 shall become effective May 5, 1943.

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6982; Filed, May 4, 1943; 3:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 440 Under § 1499.3 (b) of GMPR]

THE SMITHS, INC.

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

§ 1499.1678 *Authorization of maximum prices of bed ends and spring rails manufactured by The Smiths, Inc.* (a) On and after May 5, 1943, The Smiths, Inc., of Barnesville, Georgia, may sell and deliver and any person may buy and receive from The Smiths, Inc., sets of its No. 8 bed spring rails consisting of the following specifications, and its assembled No. 8 bed ends of the following specifications, at a price not in excess of $1.97 per set of spring rails f. o. b. and $1.05 per bed end f. o. b. mill:

Set of spring rails—4 side rails 1 1/16" x 3 1/2" x 6'4"
4 end rails 1 1/16" x 3 1/2" x 2'5 1/2" manufactured from gum, maple or magnolia

Assembled bed end consisting of—
2 posts 1¾" x 1¾" x 60", and 2 cross rails 13/16" x 3" x 28¾", mortised into posts with over-all measurements of 30¼", manufactured from gum, maple, or magnolia lumber.

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices herein.

(c) All prayers of the applicant not granted herein are denied.

(d) This Order No. 440 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6978; Filed, May 4, 1943; 3:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 235 Under § 1499.18 (b), as Amended, of GMPR]

SERVICE ICE COMPANY, INC.

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

§ 1499.1835 *Adjustment of maximum prices for sales of salt by Service Ice Company, Inc.* (a) Service Ice Company, Inc. of Lake Charles, Louisiana may sell and deliver and any person may buy salt for icing railroad refrigerator cars at prices not in excess of that set forth below:

60¢ per cwt., placed with ice in refrigerator car bunkers.

(b) This Order No. 235 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 235 (§ 1499.1835) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 235 shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Price Administrator.

[F. R. Doc. 43-6984; Filed, May 4, 1943; 3:22 p. m.]

PART 1300—PROCEDURE

[Rev. Procedural Reg. 7]

ADJUSTMENT OF MAXIMUM PRICES IN THE TERRITORIES AND POSSESSIONS

Procedural Regulation 7 is revised and amended to read as follows:

§ 1300.501 *Procedure for the adjustment of maximum prices in the Territories and possessions under § 1499.202 of Supplementary Regulation No. 13 to the General Maximum Price Regulation.* Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942, as amended (Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871) the following rules are hereby prescribed for the adjustment of maximum prices in the Territories and possessions under § 1499.202 of Supplementary Regulation No. 13 [1] to the General Maximum Price Regulation.[2]

AUTHORITY: § 1300.501 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

REVISED PROCEDURAL REGULATION 7—ADJUSTMENT OF MAXIMUM PRICES IN TERRITORIES AND POSSESSIONS

SEC.

1 Definitions.
2 Right to apply for adjustment.
3 Application must be verified.
4 Place for filing applications and number of copies.
5 Investigation of application by Territorial Office.
6 Action by Territorial Director.
7 Review by Regional Administrator.
8 Action by Regional Administrator.
9 Review by Administrator.
10 Action by Administrator.
11 Protest of denial of application.

SECTION 1 *Definitions.* (a) As used in this Revised Procedural Regulation No. 7, unless the context otherwise requires, the term:

(1) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person or persons as he may appoint or designate to carry out any of his duties.

(2) "Regional Administrator" means the Administrator of the Office of Price Administration for the Ninth Region, comprising the Territories and possessions of the United States, or such person or persons as the Regional Administrator may appoint or designate to carry out any of his duties.

(3) "Territorial Director" means the Director of the Office of Price Administration for a Territory or possession of the United States, or such person or persons as the Regional Administrator may appoint or designate to carry out any of his duties.

(4) "Appropriate Territorial office" means the Office of Price Administration for the Territory or possession in which the particular selling unit or store of the applicant for adjustment is located.

(5) "General Maximum Price Regulation" means the Maximum Price Regulation issued by the Office of Price Administration on April 28, 1943 (CFR, Title 32, Chapter XI, Part 1499, §§ 1499.1 to 1499.25 inclusive).

(6) "General Maximum Price Regulation for Hawaii" [3] means the Maximum Price Regulation issued by the Office of Price Administration.

(7) "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 its political subdivisions, or any agency of any of the foregoing.

(8) "Seller" means a seller of any commodity or service. Where a seller makes sales or supplies services through more than one selling unit, other than salesmen making sales at uniform prices, each separate place of business of the seller shall be deemed to be a separate seller.

SEC. 2 *Right to apply for adjustment.* (a) Any seller who finds that the maximum price of a commodity established for him under the provisions of the General Maximum Price Regulation, the General Maximum Price Regulation for Hawaii, or under the provisions of any other maximum price regulations, or any order, is abnormally low:

(1) Because of increased cost of importation resulting from increased rail and ocean freight and increased war risk insurance; or

(2) Because of the high cost of a commodity received by the seller on or before August 1, 1942; and that this abnormality subjects him to substantial hardship, may apply for adjustment of that maximum price in the manner set forth below. In establishing substantial hardship, the applicant shall produce evidence showing the loss suffered on the particular commodity as a result of the maximum prices established, and the effect of such loss on his over-all operations.

(b) Any seller or group of sellers may apply for adjustment of a maximum price established for him by the General Maximum Price Regulation, the General Maximum Price Regulation for Hawaii, or any other maximum price regulation or any order when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a commodity or service which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity or service; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 3 *Application must be verified.* An application for adjustment shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall, without charge, administer the oath required by this section.

SEC. 4 *Place for filing applications and number of copies.* An original and two copies of an application for adjustment shall be filed in the appropriate Territorial office.

SEC. 5 *Investigation of application by Territorial office.* Upon receipt of an

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[1] 7 F.R. 4798, 5058, 5911; 8 F.R. 980, 1861.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978.

[3] 8 F.R. 5307.

application for adjustment, the Territorial office, acting under the direction of the Territorial Director shall make such investigation of the facts involved in the application, hold such conferences, and request the filing of such affidavits as may be necessary to the proper disposition of the application.

SEC. 6 *Action by Territorial Director.* After due consideration, the Territorial Director may grant, in whole or in part, or deny any application for adjustment which is properly pending before him. The decision shall be accompanied by a statement of the reasons for his action. In cases of unusual difficulty or importance the Territorial Director may refer the application for decision to the Regional Administrator in Washington, D. C.

SEC. 7 *Review by Regional Administrator.* Any applicant whose application for adjustment has been denied, in whole or in part, by the Territorial Director may, within sixty days after the date on which such order of denial was mailed to him, file with the appropriate Territorial office a request for review by the Regional Administrator of the order of denial. The request for review should contain a brief, concise and separately-numbered statement of the objections to the order of denial.

SEC. 8 *Action by Regional Administrator.* After due consideration, the Regional Administrator shall grant, in whole or in part, or deny any application for adjustment which is properly pending before him. The decision of the Regional Administrator shall be accompanied by a statement of the reasons for his action.

SEC. 9 *Review by Administrator.* Any applicant whose application for adjustment has been denied, in whole or in part, by the Regional Administrator may, within sixty days after the date on which order of denial was mailed to him, file with the appropriate Territorial office a request for review by the Administrator of the order of denial. The request for review should contain a brief, concise and separately-numbered statement of the objections to the order of denial.

SEC. 10 *Action by Administrator.* After due consideration, the Administrator shall grant, in whole or in part, or deny any application for adjustment which is properly pending before him. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

SEC. 11 *Protest of denial of application.* Any applicant whose application for adjustment is denied, in whole or in part, by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such application, file a protest against such order in accordance with the provisions of Revised Procedural Regulation No. 1.[4] Such protest shall be deemed filed on the date received by the Territorial Director; or if such protest bearing the postmark dated within the applicable sixty day period specified above is received after the expiration thereof, it shall be deemed to have been filed on the date of the postmark.

This Revised Procedural Regulation 7 shall become effective May 10, 1943.

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7016; Filed, May 4, 1943; 4:24 p. m.]

[4] 7 F.R. 8961; 8 F.R. 3313, 3533.

PART 1305—ADMINISTRATION

[Gen. RO 3A,[1] Amendment 3]

RATION BANKING: DEPOSITORS

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

General Ration Order 3A is amended in the following respects:

1. Section 1305.434 is amended to read as follows:

§ 1305.434 *Checks issued only by depositors for authorized purposes.* Only a depositor may issue a check. No person other than a depositor may issue a document purporting to be a check. A check may be issued by and accepted from a depositor only for a purpose permitted and with the effect prescribed by the ration order authorizing the check.

2. Section 1305.466 is hereby revoked.

3. Section 1305.471 is amended to read as follows:

§ 1305.471 *Checks transferable except by depositors.* (a) A depositor who receives a check must endorse it and transfer it to his bank for deposit in his account. His bank will forward the check to the bank carrying the account on which it is drawn, where it will be charged to that account.

(b) A person who is not, and is not required to be, a depositor, who receives a check, may transfer or surrender it to any person, and such other person may accept it, for any purpose for which other evidences may be transferred or surrendered under the ration order authorizing the account on which the check is drawn. He must endorse the check before transferring or surrendering it. Any board or any office of the Office of Price Administration receiving a check from such a person must endorse it and return it to the bank carrying the account on which it is drawn, where it will be charged to that account.

4. Section 1305.472 is amended to read as follows:

§ 1305.472 *Altered and mutilated checks returned; lost checks reported.* (a) An altered, mutilated or partially destroyed check may not be deposited or transferred. A person who holds such a check and any person to whom it is returned as herein provided, must return it either to the depositor on whose account it is drawn or to the person from whom he received it, and request a new check or other evidences in its place, as the case may be.

(b) A person who loses or unintentionally destroys a check received by him, and any person who replaces such a lost check as provided in § 1305.473, shall notify in writing either the depositor on whose account it is drawn or the person from whom he received it of the circumstances of the loss or destruction, and request a new check or other evidences, as the case may be.

5. Section 1305.473 is amended to read as follows:

§ 1305.473 *Altered or lost checks replaced; lost checks reported to bank.* Any person to whom an altered, mutilated or partially destroyed check is returned, or who receives notification of the loss or destruction of a check, if the original issuer, must replace it with a new check, and if a subsequent holder, must replace it with other evidences. The person on whose account the original check was drawn must enter on the stub of the original check, or on the record used in place of the stub, the fact that it has been lost, altered, mutilated, or partially or completely destroyed, and on the stub or other record of the new check the fact that it replaces the original check. Each depositor shall immediately send his bank a written description of any checks drawn on his account and lost before deposit, together with a statement of the circumstances of the loss and a description of the check issued to replace the lost check.

This amendment shall become effective May 10, 1943.

(Pub Laws 421, 507, and 729, 77th Cong., E.O. No. 9125, 7 F.R. 2719; W.P.B. Dir. No. 1, 7 F.R. 562)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7012; Filed, May 4, 1943; 4:22 p. m.]

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

[1] 8 F.R. 1130, 1149, 1863, 3529, 4627.

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amendment 19]

FOOD RATIONING FOR INSTITUTIONAL USERS

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

General Ration Order No. 5 is amended in the following respect:

1. Section 9.3 is amended to read as follows:

SEC. 9.3 *Certificate may be issued in certain cases to institutional users who have unbalanced stocks.* (a) Upon application on OPA Form R-315 by a Group II or III institutional user whose remaining excess inventory of processed foods or of foods covered by Ration Order 16 is more than half of his allotment for the period for which application is made and whose inventory (together with the certificates, if any, issued to him for that period) will not provide him with a reasonable quantity of particular types

[1] 8 F.R. 2195, 2348, 2598, 2666, 2667, 3178, 3210, 3616, 3351, 4365, 4131, 4724, 4785, 4839, 5341, 5265, 5476, 5485.

of those foods needed in the operation of his establishment or establishments, the board may issue certificates to him to enable him to acquire a reasonable quantity of such foods. The amount of such certificates (together with any other certificates issued for that period) shall not exceed fifty (50) percent of his allotment for that period. Issuance of such certificates shall not be deemed to be an increase in the allotment, but the amount of the certificates is added to the applicant's excess inventory (or, if he has no excess inventory shall be treated as excess inventory).

This amendment shall become effective May 10, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M, and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, 3471, respectively)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7014; Filed, May 4, 1943; 4:23 p. m.]

PART 1405—FERRO-ALLOYS

[MPR 379]

TOOL STEEL SCRAP

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of tool steel scrap by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of tool steel scrap 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 is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1405.151 *Maximum prices for tool steel scrap.* 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. 379 (Tool Steel Scrap), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1405.151 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

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

MAXIMUM PRICE REGULATION 379—TOOL STEEL SCRAP

SEC.
1 What this regulation covers.
2 Maximum prices for tool steel scrap.
3 Maximum prices for tool steel scrap of unusual form or type.
4 Dealer's differentials and commissions.
5 Sales to buyers other than consumers.
6 Records and reports.
7 Applicability.
8 Adjustable pricing.
9 Petitions for amendment.
10 Prohibition against paying or receiving higher than maximum prices.
11 Enforcement.
12 Definitions.

SECTION 1 *What this regulation covers*—(a) *Type of sales covered.* This regulation covers sales of tool steel scrap to a consumer. It specifically exempts all sales of tool steel scrap to a buyer other than a consumer. A "consumer" means a person who remelts tool steel scrap and uses it for such purposes as the production of tool steels, special alloy steels, or alloying materials.

(b) *Definition of tool steel scrap.* "Tool steel scrap" means any alloy steel material with a tungsten content of 1% or more or a molybdenum content of 1½% or more, which is the waste of industrial operations, or which has been discarded on account of obsolescence, failure or other reasons, or which is not usable in its present state or location except by reason of its recoverable alloy content for remelting purposes. It may but need not include cobalt or other alloying materials. The five types of tool steel scrap, set out below, are set up on the basis of contained tungsten and molybdenum.

(c) *Types of tool steel scrap.* In section 2 of this regulation specific maximum prices are established for the five types of tool steel scrap which follow:

Type 1: Tungsten content of 12% or more with a maximum molybdenum content of 1%.

Type 2: Tungsten content of 5% or more up to but not including 12% with a maximum molybdenum content of 1%.

Type 3: Tungsten content of less than 5% but not less than 1% with a maximum molybdenum content of 1½%.

Type 4: Molybdenum content of 7% or more with a maximum tungsten content of 2%.

Type 5: Molybdenum content of not less than 3½% or more than 6% with tungsten content of not less than 4½% or more than 6½%.

In section 3 a method is provided for establishing a maximum price for any tool steel scrap which does not conform to any one of these five types but which, by reason of its uniformity of analysis, can be said to constitute a separate and distinct type.

(d) *What is segregated tool steel scrap.* Higher prices are provided in section 2 for segregated than for unsegregated scrap. To qualify as segregated under section 2, tool steel scrap must be separated into one of the five types listed above and, in the case of solids, at least 90% of the material, by weight, must be of the type specified. To be considered as segregated, tool steel scrap must be separated as to form as between solids on the one hand and millings and turnings on the other. Even though otherwise segregated, no tool steel scrap with a cobalt content of more than 0.50% and up to but not including 3% shall be considered as segregated.

All tool steel scrap which is not segregated into the five types listed above shall be considered as unsegregated unless it is separated into another type and a maximum price determined for it under section 3 below.

SEC. 2 *Maximum prices for tool steel scrap.* The maximum prices for tool steel scrap sold to a consumer shall be determined by using the following base prices, premiums, penalties, and quantity differentials:

(a) *Base prices for segregated tool steel scrap in the form of solids.*

$1.80 per pound of contained tungsten for Type 1. (12% min. W and 1% max. Mo.)
$1.60 per pound of contained tungsten for Type 2. (5% to 12% W and 1% max. Mo.)
$1.25 per pound of contained tungsten for Type 3. (1% to 5% W and 1½% max. Mo.)
$0.125 per pound of scrap material for Type 4. (7% min. Mo. and 2% max. W.)
$0.135 per pound of scrap material for Type 5. (3½% to 6% Mo. and 4½% to 6½% W.)

(b) *Base prices for segregated tool steel scrap in the form of millings and turnings.*

$1.60 per pound of contained tungsten for Type 1. (12% min. W and 1% max. Mo.)
$1.40 per pound of contained tungsten for Type 2. (5% to 12% W and 1% max. Mo.)
$1.25 per pound of contained tungsten for Type 3. (1% to 5% W and 1½% max. Mo.)
$0.105 per pound of scrap material for Type 4. (7% min. Mo. and 2% max. W.)
$0.115 per pound of scrap material for Type 5. (3½% to 6% Mo. and 4½% to 6% W.)

(c) *Base prices for unsegregated tool steel scrap in the form of solids.*

$1.50 per pound of contained tungsten if the tungsten content is 5% or more.
$1.15 per pound of contained tungsten if the tungsten content is 1% or more but less than 5%.
$0.80 per pound of contained molybdenum if the molybdenum content is 1½% or more.

Where both tungsten and molybdenum are contained, within the ranges specified, payment may be made for both the tungsten and molybdenum content.

(d) *Base prices for unsegregated tool steel scrap in the form of millings and turnings.*

$1.30 per pound of contained tungsten if the tungsten content is 5% or more.
$1.00 per pound of contained tungsten if the tungsten content is 1% or more but less than 5%.
$0.70 per pound of contained molybdenum if the molybdenum content is 1½% or more.

Where both tungsten and molybdenum are contained, within the ranges specified, payment may be made for both the tungsten and molybdenum content.

(e) *Premium for cobalt content of 3% or more.* On sales of segregated tool steel scrap a premium of $1.50 for each pound of contained cobalt may be added if the cobalt content is 3% or more.

(f) *Penalty for cobalt content of more than .50% and up to 3%.* If tool steel scrap has a cobalt content of more than 0.50% and up to but not including 3%, no charge may be made for contained

cobalt and such material, although otherwise segregated as to type, shall be considered, for the purpose of determining the maximum price, to be unsegregated tool steel scrap. The maximum price of such tool steel scrap shall be determined under paragraphs (c) and (d) above.

(g) *Penalty for copper or nickel.* If any tool steel scrap has a copper content of more than 0.25% or a nickel content of more than 0.25%, the maximum price of such tool steel scrap, as determined above, shall be reduced by 50%.

(h) *No payment for contained elements other than tungsten, molybdenum and cobalt.* No addition shall be made to the maximum price of any tool steel scrap by reason of any element other than tungsten, molybdenum or cobalt which is contained therein. This means, for example, that no charge may be made for contained chromium, manganese or vanadium. Neither may an additional charge be made for iron.

(i) *Quantity differential.* If a seller of tool steel scrap delivers segregated scrap to a consumer in a quantity of less than 500 pounds of one type and form or if he delivers unsegregated scrap in a quantity of less than 500 pounds, his maximum price, as determined above, shall be reduced by 2¢ per pound of scrap material. This quantity differential shall be on the basis of pounds of scrap material even though the maximum price for the material delivered is determined on the basis of pounds of contained alloy.

(j) *Weight.* The maximum prices set by this regulation are for tool steel scrap on a clean, dry basis. By "clean, dry basis" is meant the absence of grease, oil, moisture and all foreign inclusions. Thus the maximum price for any lot of tool steel scrap shall be figured on the basis of the weight as determined after the elimination of, or allowance for, grease, oil, moisture and all foreign inclusions. In the case of segregated scrap "foreign inclusion" means any material other than tool steel scrap of the type specified for the particular lot. In the case of unsegregated scrap it means any material other than iron or steel.

(k) *Basing point and transportation charges.* The maximum prices set out above for tool steel scrap are f. o. b. shipping point with transportation charges for the account of the buyer. If the seller transports tool steel scrap or arranges transportation, the transportation charges paid to him by the buyer shall not exceed the seller's actual costs and, in no case, shall the buyer make any payment to the seller for transportation which would cause the total cost of transportation to exceed the applicable published rate for transporting the material by the type of facilities specified by the buyer.

(l) *Credit.* No charge shall be made for extension of credit where payment is made within thirty (30) days of date of invoice.

SEC. 3 *Maximum price of tool steel scrap of unusual form or type.* The maximum price for any tool steel scrap which, by reason of its form or type, cannot be priced under section 2, above, shall be a price to be approved by the Administrator. This price and a description of the material shall be reported within fifteen (15) days after delivery and, pending approval, the price reported may be paid and received subject to adjustment between the parties if it is disapproved. A price once reported and approved need not thereafter be reported by the same seller.

Reports called for by this section shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and the price reported may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch.

Where a price is disapproved by letter, the Administrator will issue a formal order to the same effect if, within thirty days, he is requested in writing to do so. It is necessary that such a formal order be entered if the party reporting the price, which is disapproved, wishes to file a formal protest under Revised Procedural Regulation No. 1 issued by the Office of Price Administration, which forms the basis for an appeal to the United States Emergency Court of Appeals.

In order to qualify as a type under this section, tool steel scrap must be separated on the basis of a uniform analysis. This analysis will, of necessity, be different from the analyses specified for the five types of tool steel scrap listed in section 1; but the range of analysis for such unusual or new type must be comparable to the range of analysis specified for these five types. This section shall not apply to any scrap which does not contain 1% or more tungsten or 1½% or more molybdenum.

SEC. 4 *Dealer's differentials and commissions*—(a) *Differentials.* When a dealer segregates tool steel scrap in the form of solids, he may, on sales of such scrap make the following additions to the maximum prices set out in section 2 (a):

Type 1: 2¢ per pound of scrap material.
Type 2: 1½¢ per pound of scrap material.
Type 3: 1¢ per pound of scrap material.
Type 4: 1½¢ per pound of scrap material.
Type 5: 1½¢ per pound of scrap material.

However, no seller other than a dealer may add the differentials provided by this paragraph; and these differentials may be added by a dealer only when he has physically segregated the particular lot of scrap sold. "Dealer" means a person, other than a producer or consumer, whose business includes the acquisition of any material for the purpose of sale as waste, scrap or salvage material.

Example: A dealer segregates some scrap in the form of solids and sells a lot of such scrap as segregated Type 1. If 80% or more by weight of the material sold has a tungsten content of 13% or more and a maximum molybdenum content of 1%, the dealer may charge $1.80 per pound of contained tungsten plus 2¢ per pound of scrap. If only 85% by weight of the scrap conforms to the analysis for Type 1, the dealer may not collect the premium of 2¢ per pound of scrap and he may charge only the applicable price for unsegregated scrap.

(b) *Commissions.* If a consumer of tool steel scrap engages any person to buy tool steel scrap for his account and to collect, clean, segregate, test or analyze such scrap, he may pay a commission for such service. However, this commission, when paid on segregated millings and turnings or on solids which are delivered to the consumer's plant in an unsegregated condition, shall be limited to an amount which, when added to the price paid by the consumer to the seller, will not exceed the maximum price for the particular scrap as determined by section 2. This commission, when paid on solids which are delivered to the consumer's plant in a segregated condition, shall be limited to an amount which, when added to the price paid by the consumer to the seller, will not exceed the maximum price for the particular scrap as determined by section 2 *plus* the amount of the dealer's differential on such scrap permitted by section 4.

SEC. 5 *Sales to buyers other than consumers.* Neither this regulation nor the General Maximum Price Regulation[1] shall apply to any sale of tool steel scrap to a buyer other than a consumer.

SEC. 6 *Records and reports.* (a) On and after May 10, 1943, every person making a sale of tool steel scrap to a consumer and every consumer of tool steel scrap making a purchase of tool steel scrap shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale showing (1) the date thereof, (2) the name and address of the buyer and the seller, (3) the quantity purchased or sold, (4) the form of each lot, (5) the condition of every lot as to whether segregated or unsegregated, (6) the type of every lot of segregated scrap, (7) the date of delivery of each shipment, (8) the method of delivery and delivery charges paid or received, and (9) the price paid or received.

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require.

SEC. 7 *Applicability*—(a) *Geographical.* The maximum prices established by this regulation shall apply to the forty-eight States and the District of Columbia.

(b) *Export sales.* The maximum price at which any person may export tool steel scrap shall be determined in accordance with the provisions of the Second Revised Maximum Export Regulation[2] issued by the Office of Price Administration.

(c) *Relation to General Maximum Price Regulation.* This regulation supersedes the General Maximum Price Regulation as to sales and deliveries which are covered by, or expressly excluded from, this regulation.

SEC. 8 *Adjustable pricing.* It is permissible under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the

[1] 8 F.R. 3036, 3849, 4347, 4483, 4724, 4848, 4978.

[2] 8 F.R. 4132.

maximum price in effect at the time of delivery.

SEC. 9 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

SEC. 10 *Prohibitions against paying or receiving higher than maximum prices.* (a) On and after May 10, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver tool steel scrap, and no person in the course of trade or business shall buy or receive tool steel scrap at prices higher than the maximum prices set out in this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) No fees or other charges except those specifically provided for in this regulation shall be paid by a consumer of tool steel scrap in addition to the maximum prices set out in this regulation.

(c) Any practice or device which is an attempt to get the effect of a price higher than the maximum without actually charging a higher price is prohibited and is as much a violation of this regulation as an outright excessive price. This applies to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(d) Prices lower than the maximum prices permitted by this regulation may be paid or received.

SEC. 11 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) The provisions of Supplementary Order No. 5—Licensing[4], are applicable to every dealer subject to this regulation. As used in this paragraph (b) "dealer" shall have the meaning given to it by Supplementary Order No. 5. "Dealer" is there defined as a person "whose business includes the acquisition of any material for the purpose of sale as waste, scrap or salvage material."

SEC. 12 *Definitions.* (a) When used in this regulation 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 its political subdivisions, or any agency of any of the foregoing.

(2) "Tool steel scrap" means any tungsten or molybdenum bearing waste or obsolete material as defined and limited in section 1.

(3) "Segregated tool steel scrap" means tool steel scrap separated as to type and form as specified in section 1.

(4) "Type" means one of the five base analyses specified in section 1 or a comparable analysis, as is more specifically explained in sections 1 and 3.

(5) "Form" means the physical condition of the scrap and is illustrated by the difference between solids on the one hand and millings and turnings on the other.

(6) "Consumer" means a person who, as more specifically explained in section 1, remelts scrap and uses it for the production of some new material.

(7) "Producer" means a person who, as an incident to his manufacturing or industrial process, produces or generates tool steel scrap.

(8) "Dealer" is defined in section 4 for the purpose of determining when the dealer's differential therein provided may be added. As used in section 11 (b), "dealer" has the meaning set out there.

(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 in this regulation.

Effective Date

This regulation shall become effective May 10, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7015; Filed, May 4, 1943; 4:24 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amendment 58]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.140 (d) is amended to read as follows:

(d) A person who neither is nor is required to be a depositor to whom a check is issued by a depositor or to whom a check is transferred by endorsement may transfer such check by endorsement to any person to whom and for any purpose for which stamps or certificates are authorized to be surrendered by Rationing Order No. 3.

2. Section 1407.140 (g) is amended to read as follows:

(g) Whenever Rationing Order No. 3 refers to the delivery or acquisition of sugar (including the replenishment of inventory), upon or without the receipt or surrender of stamps or certificates, the issuance of checks by a depositor or, in the case of a person who neither is nor is required to be a depositor, the transfer of checks by endorsement shall be deemed to be included in such reference, unless the context shall otherwise require.

This amendment shall become effective May 10, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7013; Filed, May 4, 1943; 4:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,[1] Amendment 34]

COFFEE RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 12 is amended in the following respects:

1. Section 1407.1032 (c) is amended by deleting the word "only".

2. Section 1407.1032 (d) is amended to read as follows:

(d) A person who is not and is not required to be a depositor to whom a check is issued by a depositor or to whom a check is transferred by endorsement may transfer such check by endorsement to any person to whom and for any purpose for which evidences are authorized to be issued or surrendered by Ration Order No. 12.

3. Section 1407.1032 (g) is amended to read as follows:

(g) Whenever Ration Order No. 12 refers to the transfer or acquisition of roasted coffee (including the replenishment of inventory), upon or without the receipt or surrender of coffee stamps or certificates, the issuance of checks by a depositor or, in the case of a person who is not and is not required to be a depositor, the transfer of checks by endorsement shall be deemed to be included in such reference, unless the context shall otherwise require.

4. A new paragraph (h) is added to § 1407.1032 reading as follows:

(h) No person may accept evidences which he knows or has reason to believe are issued, transferred, or surrendered in violation of this section.

This amendment shall become effective May 10, 1943.

(Pub. Law 671, 76th Cong.; as amended 7 F.R. 10129; W.P.B. Dir. No. 1, Supp.

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[3] 7 F.R. 8961; 8 F.R. 3313, 3533.

[4] 7 F.R. 3403, 6077, 9723; 8 F.R. 605.

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

[1] 8 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7269, 7321, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556, 10845, 8 F.R. 166, 262, 445, 620, 1028, 1204, 1288, 2026, 2153, 2432, 2433, 2675, 2758, 3176, 3180, 3522, 4484, 4519, 4644, 4930, 4977, 5318.

[1] 8 F.R. 3400, 3843, 4486, 4519, 4977, 4893, 5318, 5480, 5318, 5480, 5486.

Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, by Pub. Laws 89, 507, 421, and 729, 77th Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7009; Filed, May 4, 1943; 4:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amendment 22]

PROCESSED FOODS

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

Ration Order 13 is amended in the following respects:

1. Section 2.4 (e) is amended to read as follows:

(e) *How mail order purchases are made.* A consumer who orders processed foods for delivery by mail may detach stamps from his War Ration Book Two and send them with his order. The stamps are good if the envelope in which they are enclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or any part of the order, he will return a ration check for the difference. The consumer may endorse that check and use it to get processed foods.

2. The fourth sentence of section 5.8 (e) is amended to read as follows:

If he does not have a ration bank account, he may give up the points in any form. If he has a ration bank account, he must give up the points in the form of a certified check drawn on that account, made payable to the Office of Price Administration.

3. The third sentence of section 8.2 (c) is amended to read as follows:

Also, any retailer who receives points (stamps, certificates, or endorsed ration checks) from, and makes transfers to, consumers by mail must have a ration bank account.

4. Section 9.4 (b) is amended to read as follows:

(b) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of blue stamps from his War Ration Book Two, a certificate issued for him, or a ration check issued to him and endorsed by him.

5. Section 9.4 (g) (1) is amended to read as follows:

(g) *Mail order sales.* (1) Processed foods may be transferred to consumers by mail if a certificate, detached stamps, or a ration check payable to, and endorsed by the consumer, are received with the order. Stamps or certificates which are received after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

6. Section 9.4 (g) (4) is amended to read as follows:

(4) No retailer may receive points from and make transfers to consumers by mail unless he has a ration bank account.

7. Section 9.4 (h) is added to read as follows:

(h) *Ration checks.* A ration check may be accepted from a consumer only if it is payable to him and has been endorsed by him (or by someone authorized to act for him, if he cannot write).

8. The first sentence of section 9.5 (d) is amended to read as follows:

Form in which transferor must get points. The transferor may take points from the transferee only in the form of stamps, certificates, or a ration check drawn on the transferee's ration bank account or endorsed by him.

9. Section 9.5 (d) (3) is amended to read as follows:

(3) *Ration checks.* A ration check may be accepted by a transferor only if it is made payable to him and if it is drawn by his transferee, or if it is endorsed by his transferee and by the person to whom the check was issued, if the check was not issued to the transferee. (The rules for handling ration checks are set forth in General Ration Order 3A.)

10. Section 9.5 (e) (2) is amended to read as follows:

(2) *Retailer.* A retailer who is required to have a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps, certificates, or ration checks endorsed by them.

11. Section 9.5 (e) (3) is amended to read as follows:

(3) *Industrial and institutional users.* An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Any other industrial or institutional user may give up points only in the form of certificates or ration checks endorsed by him.

12. Section 11.1 (b) is amended to read as follows:

(b) *Purchaser of retail or wholesale establishments may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. (If it is a wholesale establishment, however, he may not use those points to exceed its maximum allowable inventory, except as permitted by section 4.7 (a).) If the establishment has a ration bank account, the transferor is to give all the establishment's points to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee the stamps and certificates he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get processed foods.)

13. Section 15.4 is revoked.

This amendment shall become effective May 10, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7011; Filed, May 4, 1943; 4:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amendment 16]

MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The last sentence of section 2.3 (e) is amended to read as follows:

The consumer may endorse that check and use it to get foods covered by this order.

2. The last sentence of section 2.3 (f) is amended to read as follows:

The consumer may endorse that check and use it to get foods covered by this order.

3. The fourth sentence of section 6.6 (e) is amended to read as follows:

If he does not have a ration bank account, he may give up the points in any form. If he has a ration bank account, he must give up the points in the form of a certified check drawn on that account, made payable to the Office of Price Administration.

4. Section 9.2 (d) is amended to read as follows:

(d) *Mail order houses.* Any primary distributor or retailer who receives points ("stamps", "certificates", or endorsed ration checks) from, and makes "transfers" to, "consumers" by mail must open a ration bank account.

5. Section 9.2 (h) is amended to read as follows:

(h) *Certain primary distributors and retailers.* Any primary distributor or retailer who receives points (stamps, certificates, or endorsed ration checks) from consumers before the time when "butter" or "rationed cheeses" are transferred from his mobile conveyance operated on a regular delivery route, must open a ration bank account.

6. Section 10.4 (d) is amended to read as follows:

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

[1] 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4784, 4726, 4921, 5318, 5342, 5480, 5568.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4724, 4933, 4967, 5172, 5318, 5567.

(d) *How points are given up.* Points may be given up by, and taken from a consumer only in the form of red "stamps" from his War Ration Book Two, a "certificate" issued for him, a ration check issued to him and endorsed by him, or loose one-point stamps.

7. The first sentence of section 10.4 (i) (1) is amended to read as follows:

Foods covered by this order may be transferred to consumers by mail if a certificate, detached stamps, or a ration check payable to, and endorsed by the consumer, are received with the order.

8. Section 10.4 (i) (4) is amended to read as follows:

(4) No primary distributor or retailer may receive points from and make transfers to consumers by mail unless he has a ration bank account.

9. Section 10.4 (j) (1) is amended to read as follows:

(1) "Butter" or "rationed cheeses" may also be transferred to consumers from mobile conveyances operated on a regular delivery route if a certificate, stamps, or a ration check payable to, and endorsed by the consumer, are received before the time the foods are transferred.

10. Section 10.4 (j) (3) is amended to read as follows:

(3) No primary distributor or retailer may receive points from and make transfers to consumers under this paragraph unless he has a ration bank account.

11. Section 10.4 (k) is added to read as follows:

(k) *Ration checks.* A ration check may be accepted from a consumer only if it has been endorsed by him (or by someone authorized to act for him, if he cannot write).

12. The first sentence of section 10.5 (e) is amended to read as follows:

The transferor may take points from the transferee only in the form of stamps, certificates, or a ration check drawn on the transferee's ration bank account or endorsed by him.

13. Section 10.5 (e) (3) is amended to read as follows:

(3) *Ration checks.* A ration check may be accepted by a transferor only if it is made payable to him and if it is drawn by his transferee, or if it is endorsed by his transferee and by the person to whom the check was issued, if the check was not issued to the transferee. (The rules for handling ration checks are set forth in General Ration Order 3A.)

14. The last sentence of section 10.5 (f) (1) is amended to read as follows:

Other primary distributors may give up points in the form of stamps, certificates or ration checks endorsed by them.

15. The last sentence of section 10.5 (f) (3) is amended to read as follows:

Other retailers may give up points in the form of stamps, certificates or ration checks endorsed by them.

16. The last sentence of section 10.5 (f) (4) is amended to read as follows:

Other industrial or institutional users may give up points only in the form of certificates or ration checks endorsed by them.

17. Section 12.1 (b) is amended to read as follows:

(b) *Purchaser of retail or wholesale establishment may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. If the establishment has a ration bank account, the transferor is to give all the establishment's points to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee the stamps and certificates he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get foods covered by this order.)

18. Section 16.4 is revoked.

This amendment shall become effective May 10, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7010; Filed, May 4, 1943; 4:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14 to GMPR,[1] Amendment 167]

SALES OF PAN BREAD IN SPECIFIED AREAS

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

Supplementary Regulation No. 14 to the General Maximum Price Regulation is amended by adding § 1499.73 (a) (99) to read as follows:

(99) *Maximum prices for sales of pan bread in specified areas.* The maximum price for sales of pan bread in the areas described below shall be the maximum price determined in accordance with the provisions of § 1499.2 and other applicable sections of this General Maximum Price Regulation, or the maximum prices specified below:

Areas	Net weight per loaf	Sales at wholesale	Sales at retail	Sales at retail by chain store private label
In the state of Utah	16 to 18 oz.	7½¢	8½¢	7½¢
	19 to 22 oz.	9¢	11¢	9¢
In Fargo, N. D. and Moorhead, Minnesota.	24 to 27 oz.	10¢	12¢	10¢

(i) *Maximum prices for sales of all other kinds of bread.* Except as specified in this subparagraph (99), maximum prices for all sales of bread shall remain subject to the provisions of the General Maximum Price Regulation.

(ii) When used in this subparagraph (99), the term "Chain store private label" means pan bread sold under its own name or label by a retail outlet of a chain of stores under common ownership and consisting of three or more units.

"Pan Bread" means any bread baked in a pan.

All terms used in this subparagraph (99) and not otherwise defined herein shall have the same meaning as ascribed to them in § 1499.20 of the General Maximum Price Regulation.

This Amendment shall become effective May 4, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7008; Filed, May 4, 1943; 4:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amendment 56]

SUGAR RATIONING

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.183 (c) is amended by deleting the words, "Coast and Geodetic Survey."

2. Section 1407.183 (d) is added to read as follows:

(d) Allotments of sugar for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

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

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4619, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9399, 10017, 10258, 10550, 10845; 8 F.R. 166, 262, 445, 620, 1029, 1204, 1288, 2026, 2153, 2432, 2433, 2675, 2758, 3176, 3180, 3522, 4484, 4519, 4644, 4930, 4977, 5318.

This amendment shall become effective May 10, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6988; Filed, May 4, 1943; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Order 248 Under § 1499.3 (b) of GMPR]

DOUBLE-MIX, INC.

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

§ 1499.1484 *Authorization of maximum prices for sales of "Double-Mix," a reagent compound in tablet form used with milk and butter to produce a butter-like spread, by Double-Mix, Inc., Kansas City, Missouri, by wholesalers and by retailers*—(a) *Sales of "Double-Mix" packed eight 35 grain tablets to an envelope, 50 envelopes to a carton.* (1) On and after March 25, 1943, the maximum selling price for 87,312 cartons of "Double-Mix" for sale by Double-Mix, Inc., Kansas City, Missouri, shall be:

Per carton of 50 envelopes, eight 35 grain tablets per envelope..... $1.93

The maximum price established herein applies on a delivered basis to the purchasers' stations and shall be subject to a discount of 2% for prompt payment.

(2) Sellers at wholesale are authorized a maximum selling price of $2.41 per carton of 50 envelopes, each envelope containing eight 35 grain tablets of "Double-Mix" delivered to the purchasers' customary receiving points.

(3) Sellers at retail are authorized maximum selling prices per envelope of eight 35 grain tablets of "Double-Mix" as follows: If the retailer's customary supplier is a wholesaler, such retailer's maximum price shall be 7 cents per envelope of eight 35 grain tablets. If the retailer's customary supplier is the manufacturer (Double-Mix, Inc.), such retailer's maximum price shall be 6 cents per envelope of eight 35 grain tablets for single envelope sales, and shall be 5½ cents per envelope of eight 35 grain tablets for sales of "Double-Mix" in quantities of two or more envelopes.

(4) On and after March 25, 1943, Double-Mix, Inc. shall supply to each of its purchasers before or at the time of the first delivery of "Double-Mix" to such purchasers a written notification for each type of purchaser, and for a period of three months thereafter, unless its present packed stock is sooner disposed of, shall include with each carton of "Double-Mix" a written notification to retailers. If such retailer notification is enclosed in the carton, a legend shall be affixed to the outside of such carton to read "Retailer's Notice Enclosed." The written notifications for each type of purchaser shall include the following appropriate statements:

Notification From Double-Mix, Inc. to Purchasers

The OPA has authorized us to charge the following price for "Double-Mix":

$1.93 per carton of 50 envelopes, each envelope containing eight 35 grain tablets, subject to a discount of 2% for prompt payment.

Sellers at wholesale are authorized a maximum delivered selling price of $2.41 per carton of 50 such envelopes of "Double-Mix." Sellers at retail who customarily purchase "Double-Mix" from wholesalers are authorized a maximum selling price of 7 cents per envelope of eight 35 grain tablets. Sellers at retail who customarily purchase "Double-Mix" directly from us are authorized a maximum selling price of 6 cents per envelope of eight 35 grain tablets for single envelope sales and 5½ cents per envelope for sales in quantities of two or more such envelopes. A copy of a notification to retailers is included in or on every shipping unit of this item. If the initial sale of this item is a split carton sale, i. e. less than one carton of 50 envelopes, wholesalers are required to provide such retailers with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification From Double-Mix, Inc. to Retailers

The OPA authorizes sellers at retail the following maximum selling prices for "Double-Mix" per envelope of eight 35 grain tablets; Sellers at retail who customarily purchase "Double-Mix" from wholesalers are authorized a maximum selling price of 7 cents per envelope of eight 35 grain tablets. Sellers at retail who customarily purchase "Double-Mix" directly from us are authorized a maximum selling price of 6 cents per envelope of eight 35 grain tablets for single envelope sales and 5½ cents per envelope for sales in quantities of two or more such envelopes.

(b) *Sales of "Double-Mix" packed twelve 35 grain tablets to an envelope, 25 envelopes to a carton.* (1) On and after May 5, 1943, the maximum selling price of "Double-Mix" for sale by Double-Mix, Inc., Kansas City, Missouri, shall be:

Per carton of 25 envelopes, twelve 35 grain tablets per envelope..... $1.36

The maximum price established herein applies as a delivered basis to the purchasers' stations and shall be subject to a discount of 2% for prompt payment.

(2) Sellers at wholesale are authorized a maximum selling price of $1.70 per carton of 25 envelopes, each envelope containing twelve 35 grain tablets of "Double-Mix" delivered to the purchasers' customary receiving points.

(3) Sellers at retail are authorized maximum selling prices per envelope of twelve 35 grain tablets of "Double-Mix" as follows: If the retailer's customary supplier is a wholesaler, such retailer's maximum price shall be 10 cents per envelope of twelve 35 grain tablets. If the retailer's customary supplier is the manufacturer ("Double-Mix, Inc."), such retailer's maximum price shall be 8 cents per envelope of twelve 35 grain tablets.

(4) On and after May 5, 1943, Double-Mix, Inc. shall supply to each of its purchasers before or at the time of the first delivery of "Double-Mix" to such purchasers a written notification for each type of purchaser, and for a period of three months thereafter shall include with each carton of "Double-Mix" a written notification to retailers. If such retailer notification is enclosed in the carton, a legend shall be affixed to the outside of such carton to read "Retailer's Notice Enclosed." The written notification for each type of purchaser shall include the following appropriate statements:

Notification From Double-Mix, Inc. to Purchasers

The OPA has authorized us to charge the following price for "Double-Mix":

$1.36 per carton of 25 envelopes, each envelope containing twelve 35 grain tablets, subject to a discount of 2% for prompt payment.

Sellers at wholesale are authorized a maximum delivered selling price of $1.70 per carton of 25 such envelopes of "Double-Mix." Sellers at retail who customarily purchase "Double-Mix" from wholesalers are authorized a maximum selling price of 10 cents per envelope of twelve 35 grain tablets. Sellers at retail who customarily purchase "Double-Mix" directly from us are authorized a maximum selling price of 8 cents per envelope of twelve 35 grain tablets. A copy of a notification to retailers is included in or on every shipping unit of this item. If the initial sale of this item is a split carton sale, i. e., less than one carton of 25 envelopes, wholesalers are required to provide such retailers with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification From Double-Mix, Inc. to Retailers

OPA authorizes sellers at retail the following maximum selling prices for "Double-Mix" per envelope of twelve 35 grain tablets: Sellers at retail who customarily purchase "Double-Mix" from wholesalers are authorized a maximum selling price of 10 cents per envelope of twelve 35 grain tablets. Sellers at retail who customarily purchase "Double-Mix" directly from us are authorized a maximum selling price of 8 cents per envelope of twelve 35 grain tablets. OPA requires that you keep this notice for examination.

(c) Sellers at wholesale shall apply the same discounts, allowances and trade practices to their sales of "Double-Mix" as they apply to their sales of comparable commodities of this type and classification, unless a change in such discounts, allowances and trade practices results in lower net selling prices.

(d) This Revised Order No. 248 may be revoked or amended by the Price Administrator at any time.

(e) This Revised Order No. 248 (§ 1499.1484) shall be effective as follows:

(1) As to maximum prices authorized in paragraph (a), March 25, 1943.

(2) As to maximum prices authorized in paragraph (b), May 5, 1943.

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

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7159; Filed, May 5, 1943; 10:37 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 315 Under § 1499.3 (b) of GMPR, Amendment 1]

CLIMAX INDUSTRIES, INC.

For reasons stated in an opinion issued simultaneously herewith, *It is ordered:*

Section 1499.1751 is amended to read as follows:

§ 1499.1751 *Approval of Maximum prices for Climax Crumbleless Wallpaper Cleaner.* (a) On and after May 6, 1943 any person may sell and deliver Climax Crumbleless Wallpaper Cleaner packaged in 30-ounce glass containers at a price not in excess of that hereinafter set forth:

To wholesalers, $1.86 per dozen in lots of 12 dozen.

(b) The prices set forth above shall be subject to terms by the seller, with respect to transportation charges and discounts, which are no less favorable than those which were in effect during March 1942, on sales of the above commodity in a 40-ounce can.

(c) Climax Industries, Inc., Cleveland, Ohio, shall supply each wholesaler, before or at the time of its first delivery of the above commodity in 30-ounce glass containers to such wholesaler, a written statement as follows:

The OPA has authorized us to charge the following maximum price for Climax Crumbleless Wallpaper Cleaner, in 30-ounce jars subject to all customary discounts, allowances and freight practices.

$1.86 per dozen in lots of 12 dozen.

This amendment shall become effective May 6, 1943.

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

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7062; Filed, May 5, 1943; 10:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 441 Under § 1499.3 (b) of GMPR]

IMPERIAL PAPER AND COLOR CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1679 *Authorization of maximum prices for conversion operations performed by Imperial Paper and Color Corporation in printing and embossing felted cotton.* (a) On and after May 6, 1943, the maximum prices for conversion operations performed by Imperial Paper and Color Corporation of Glens Falls, New York, in printing and embossing felted cotton shall be the following:

	Per 100 yds.
500 yd. Rolls:	
Conversion, including embossing	$3.75
Conversion without embossing	3.30
50 yd. Piece roll:	
Conversion, including embossing	4.50
Conversion without embossing	4.05

(b) Within 75 days from the effective date of this order, Imperial Paper and Color Corporation shall file with the Office of Price Administration in duplicate a complete and detailed analysis of the cost of its services in performing the operations covered by this order. It shall also state the number of yards processed and the price received for its services. This report shall cover a period of at least 60 days subsequent to the effective date of this order.

(c) The maximum prices set forth in this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 441 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 441 (§ 1499.1679) shall become effective May 6, 1943.

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

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7060; Filed, May 5, 1943; 10:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 442 Under § 1499.3 (b) of GMPR]

FARNSWORTH TELEVISION AND RADIO CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1680 *Authorization of maximum prices for sales of unframed reproductions of paintings by Farnsworth Television and Radio Corporation and its dealers.* (a) On and after May 6, 1943, the maximum prices for the sale by Farnsworth Television and Radio Corporation of Fort Wayne, Indiana of unframed reproductions of paintings shall be the following:

Group A (Size 32" x 20"):	
To dealers	$4.15 f. o. b. South Bend, Ind.
To consumers	$8.30 delivered
Group B (Size 20" x 16"):	
To dealers	$3.55 f. o. b. South Bend, Ind.
To consumers	$7.10 delivered

(b) The maximum prices which may be charged upon the resale of these reproductions shall be the maximum prices specified in paragraph (a) for sale by the Farnsworth Television and Radio Corporation to consumers.

(c) The maximum prices set forth in this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 442 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 442 (§ 1499.1680) shall become effective May 6, 1943.

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

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7061; Filed, May 5, 1943; 10:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 236 Under § 1499.18 (b) of GMPR]

BLOUGH MANUFACTURING COMPANY

Order No. 236 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GF3-2716.

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

§ 1499.1836 *Adjustment of maximum prices for children's coverall, made of cotton chambray, Style No. 6115, manufactured by Blough Manufacturing Company.* (a) Blough Manufacturing Company of Harrisburg, Pennsylvania, may sell and deliver to Sears Roebuck and Company, and Sears Roebuck and Company may buy and receive Style No. 6115 children's coverall made of cotton chambray, at $5.25 per dozen, the garments to have the same specifications as to quality of fabrics and trimmings, standard of construction and garment dimensions as those for which Blough Manufacturing Company established a price of $4.40 per dozen under § 1499.2 of the General Maximum Price Regulation.

(b) The adjustment granted to Blough Manufacturing Company in paragraph (a) is subject to the following conditions:

(1) This order is limited to sales to Sears Roebuck and Company by Blough Manufacturing Company.

(2) All discounts, trade practices relating to shipping and shipping charges in effect in March 1942 shall be applicable to the maximum prices set forth in paragraph (a) hereof.

(3) Blough Manufacturing Company shall mail to Sears Roebuck and Company a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of Style No. 6115 children's coveralls from $4.40 to $5.25 per dozen. This amount represents increases in costs which we were unable to absorb, and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you to raise your maximum prices for these coveralls.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 236 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 236 is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(f) This Order No. 236 shall become effective May 6, 1943.

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

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7063; Filed May 5, 1943; 10:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 21 Under § 1499.29 of GMPR]

FRAZER CEMENT PRODUCTS CO.

Order No. 21 under § 1499.29 of General Maximum Price Regulation; Docket No. 3188-57.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered,* That:

§ 1499.421 *Authorization of a maximum price for one-part cement laundry trays for the Frazer Cement Products Company.* (a) The Frazer Cement Products Company of 3020 Andrita Street, Los Angeles, California, may sell and deliver under government contract or government subcontract, one-part cement laundry trays at not more than $4.00 each, f. o. b. point of manufacture.

(b) If the Frazer Cement Products Company has negotiated any contracts at a price higher than that established by this Order No. 21, such price shall be adjusted downward to the established price. If any payments have been made under any such contracts at a price higher than that established by this Order No. 21, refund of the excess must be made to each company respectively.

(c) All prayers of the application not granted by this Order No. 21 are denied.

(d) The Frazer Cement Laundry Tray Company shall submit such reports which the Office of Price Administration shall at any time request.

(e) This Order No. 21 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 21 (§ 1499.421) shall become effective May 6, 1943.

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

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7057; Filed, May 5, 1943; 10:37 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 22 Under § 1499.29 of GMPR]

FRAZER CEMENT PRODUCTS CO.

Order No. 22 under § 1499.29 of General Maximum Price Regulation; Docket No. 3188-58.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered,* That:

§ 1499.422 *Authorization of a maximum price for two-part cement laundry trays for the Frazer Cement Products Company.* (a) The Frazer Cement Products Company of 3020 Andrita Street, Los Angeles, California, may sell and deliver under government contract or government subcontract, two-part cement laundry trays at not more than $6.00 each, f. o. b. point of manufacture.

(b) If the Frazer Cement Products Company has negotiated any contracts at a price higher than that established by this Order No. 22, such price shall be adjusted downward to the established price. If any payments have been made under any such contracts at a price higher than that established by this Order No. 22, refund of the excess must be made to each company respectively.

(c) All prayers of the application not granted by this Order No. 22 are denied.

(d) The Frazer Cement Laundry Tray Company shall submit such reports which the Office of Price Administration shall at any time request.

(e) This Order No. 22 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 22 (§ 1499.422) shall become effective May 6, 1943.

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

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7058; Filed, May 5, 1943; 10:37 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5B,[1] Amendment 17]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale accompany this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1394.2405 (b) (1) is amended to read as follows:

(1) *S-1 ration book.* (i) Not more than one (1) book, to provide the gallonage necessary for the minimum mileage required for the valid period, unless the Board is satisfied beyond a reasonable doubt that public necessity requires the issuance of an additional book, but in no event more than two (2) books, except that

(ii) For the continued operation of publicos transporting passengers regularly between fixed terminals in different towns over fixed routes under schedules and at rates fixed by the Public Service Commission and for the operation of which Certificates of Necessity and Public Convenience have been continuously outstanding since August 1, 1942, sufficient S-1 ration books, to provide the gallonage necessary for the minimum mileage required for the valid period for not more than one daily round trip over its fixed routes between the fixed terminals.

This amendment shall become effective April 20, 1943.

(Pub. Laws 671, 76th Cong.; W.P.B. Dir. 1, 7 F.R. 562; Supp. Dir. No. 1-J, 7 F.R. 8731; E.O. 9125; 7 F.R. 2719)

Issued this 20th day of April 1943.

WILLIAM B. MEAD,
Director,
Office of Price Administration for Puerto Rico.

[F. R. Doc. 43-7083; Filed, May 5, 1943; 11:53 a. m.]

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

[1] 7 F.R. 5607, 6389, 6390, 7400, 6671, 7803, 8385, 8335, 9134.

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

[MPR 337]

PULPWOOD PRODUCED IN THE STATES OF SOUTH CAROLINA, GEORGIA AND FLORIDA

In the judgment of the Price Administrator the prices of pulpwood have risen and are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

The Price Administrator has ascertained and given due consideration to the price of pulpwood prevailing in the States of South Carolina, Georgia, and Florida, between October 1, 1942 and October 15, 1942, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The Price Administrator has advised and consulted with representative members of the industry. 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 said Act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.*

§ 1347.1005 *Maximum prices for pulpwood produced in the States of South Carolina, Georgia and Florida.* 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. 337 (Pulpwood Produced in the States of South Carolina, Georgia and Florida) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: §1347.1005 issued under Pub. Laws 421 and 729; 77th Cong. E.O. 9250, 7 F.R. 7671.

MAXIMUM PRICE REGULATION NO. 337—PULPWOOD PRODUCED IN THE STATES OF SOUTH CAROLINA, GEORGIA AND FLORIDA

CONTENTS

Sec.
1. Prohibitions.
2. Less than maximum prices.
3. Adjustable pricing.
4. Evasion.
5. Records and reports.
6. Enforcement.
7. Petitions for amendment.
8. Definitions.
Appendix A: Maximum prices for pulpwood.

SECTION 1 *Prohibitions.* (a) On and after May 5, 1943, in the continental limits of the United States, regardless of any contract, agreement, lease or other obligation, no person shall buy and no person shall sell, deliver or transfer pulpwood cut from the stump in the States of South Carolina, Georgia and Florida, at prices in excess of the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling-price.

(c) *Specific prohibited practices.* The following are among the practices prohibited:

(1) Paying a banking charge for wood not banked, or for wood banked without a request by the buyer, or banked unnecessarily at the buyer's request;

(2) Up-grading, up-scaling or allowing a greater net scale than the actual scale content of the logs or bolts;

(3) Increasing the price of logs or bolts by failing to make an effort in good faith to collect monetary or other advances such as trucks, tires or other equipment to producers. Any advance whatsoever to a producer is to be considered as part of the price of the logs or bolts to be supplied by the producer.

SEC. 2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.

SEC. 3 *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.

SEC. 4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 387 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 pulpwood cut in the States of South Carolina, Georgia or Florida, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, discount, premium or other privilege, or by tying agreement or other understanding, or otherwise.

SEC. 5 *Records and reports.* (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 shall be in effect, the same records of such purchases and sales as such person customarily made prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

SEC. 6 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 387 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 7 *Petitions for amendment.* (a) Persons seeking any amendment of this Maximum Price Regulation No. 387 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 8 *Definitions.* (a) When used in this Maximum Price Regulation No. 387 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 its political subdivisions, or any agency of the foregoing;

(2) "Pulpwood producer" or "seller" includes any person who sells pulpwood;

(3) "Consumer" includes any person who purchases pulpwood for its own consumption;

(4) "Pulpwood" means any species of wood (exclusive of mill waste or mill by-products) sold for manufacture into woodpulp;

(5) "Pine wood" includes longleaf pine, shortleaf pine, loblolly pine, slash pine, pond pine, sand pine, spruce pine, and any other species of the genus pinus;

(6) "Southern hardwood" includes red gum, black gum, maple, poplar, tupelo, all species of oak, willow and associated species;

(7) "Rough pulpwood" means pulpwood from which the bark has not been removed;

(8) "Peeled pulpwood" includes any pulpwood which has been sap-peeled or barked prior to its delivery to a consumer;

(9) "Cord of pulpwood" means an amount of pulpwood which, when properly prepared and stacked, contains 128 cubic feet, or where pulpwood is sold in the form of logs, means 128 cubic feet at a ratio in proportion to the log scale used;

(10) "Dealer" means any person who sells to consumers pulpwood not cut or prepared by such person but purchased by such person in the condition in which it is to be delivered to the consumer;

(11) "Banked wood" means wood which has been temporarily stored at a shipping point at the request of the buyer;

(12) "Sale" or "sold" includes sales and deliveries, and sales and contracts to sell pulpwood.

(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 herein.

Appendix A: Maximum prices for pulpwood. (a) (1) The maximum price per cord for pulpwood cut from the stump in the States of South Carolina, Georgia and Florida shall not exceed the following, delivered at seller's expense at the points indicated:

F. o. b. freight cars or barges

Pine	$6.80
Southern hardwood (rough)	7.30
Southern hardwood (peeled)	10.00

Delivered mill by truck or similar vehicle. When pulpwood is delivered to a consumer by truck or similar vehicle, the maximum price shall be the f. o. b. car price stated above plus or minus the same dollars and cents differential, if any, which the particular mill paid over or under its highest f. o. b. car price in the months of January and February, 1943, for the same type of delivery.

(2) (i) The maximum price for pulpwood sold at points other than those listed above shall be arrived at by deducting from the maximum price established above, f. o. b. cars or on a barge, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood at the point of shipment actually used, or, in the case of wood trucked to the mill, the actual costs of such trucking.

(ii) If wood is banked at a rail siding or barge landing at the buyer's request, and is later loaded at seller's expense on the railway car or barge, an amount not in excess of 80¢ per cord may be added to the maximum price in the case of wood shipped by rail, $1.00 in the case of wood shipped by barge.

(b) The maximum prices provided herein are for sound wood of standard quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(c) When one consumer sells pulpwood to another, the maximum price shall not exceed the actual cost which the wood stands the seller, plus such actual costs of moving the wood to the buyer as the seller incurs.

(d) *Dealers.* (1) In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in Section 8 (a) (10) hereof, such consumer may pay such dealer not more than the maximum price herein plus a dealer's allowance not in excess of 50¢ per cord.

(2) The maximum prices established in paragraph (a) of Appendix A, can in no case be augmented by more than one dealer's allowance for each cord. In no event shall a person receive a dealer's allowance or the proceeds of a dealer's allowance on pulpwood cut by him or by his own operations. In no event shall a person receive a dealer's allowance on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge an allowance on the wood cut by the other. In no event shall the dealer's allowance be split or divided with any other person. In addition to the price paid by the consumer a dealer may receive a dealer's allowance only from a consumer and only if the dealer fulfills all of the following requirements with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's allowance is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The pulpwood sold by the dealer to the consumer has been completely prepared for delivery and delivered by a person other than the dealer;

(iv) The dealer guarantees the merchantable quality of the pulpwood and that the pulpwood is free from all liens and incumbrances;

(v) The dealer's allowance in such transaction is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer has had no part in the preparation or delivery of the pulpwood, and that the charges are not in excess of Maximum Price Regulation No. 387;

(vi) The dealer's allowance is not split or divided with any other person;

(vii) All pertinent provisions in this Maximum Price Regulation No. 387 are strictly complied with.

NOTE: This regulation has been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This Maximum Price Regulation No. 387 shall become effective May 5, 1943.

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7082; Filed, May 5, 1943; 11:53 a. m.]

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

[MPR 388]

PULPWOOD CUT FROM THE STUMP IN CERTAIN SOUTHEASTERN STATES

In the judgment of the Price Administrator the prices of pulpwood have risen and are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

The Price Administrator has ascertained and given due consideration to the price of pulpwood prevailing in the certain Southeastern States, between October 1, 1942 and October 15, 1942, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The Price Administrator has consulted and advised with representative members of the industry. 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 said act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.*

§ 1347.1006 *Maximum prices for pulpwood cut from the stump in certain Southeastern States.* 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. 388 (Pulpwood Cut From the Stump in Certain Southeastern States) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.1006 issued under Pub. Laws 421 and 729, 77th Cong.; E.O 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION NO. 388—PULPWOOD CUT FROM THE STUMP IN CERTAIN SOUTHEASTERN STATES

CONTENTS

Sec.
1 Definitions.
2 Prohibitions.
3 Maximum Prices.
4 Less than maximum prices.
5 Evasion.
6 Enforcement.
7 Amendments.
8 Adjustable pricing.

SECTION 1 *Definitions.* (a) When used herein the term:

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

(2) "Mill" means a paper mill, board mill, pulp mill or similar consumer of pulpwood.

(3) "Pulpwood" means any wood sold for manufacture into woodpulp.[1]

(4) "Cord" means the unit by cubic feet or feet board measure, in which any particular seller made deliveries of, or had in contracts for the delivery of pulpwood, in the period February 27, 1943 to March 4, 1943.

(5) "Sale" or "sell" includes any sale, delivery or transfer of pulpwood, and any contract or agreement to do any of the foregoing.

(6) "The Southeastern States" include the States of Kentucky, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas and Mississippi.

(7) "Roadside" means the side of a public highway maintained by Federal, state, or county authority.

(8) "Prior to the period February 27, 1943, to March 4, 1943," means the six months prior to February 27, 1943.

SEC. 2 *Prohibitions.* (a) On and after May 5, 1943, regardless of any contract or arrangement of any kind to the contrary notwithstanding, no person shall sell or deliver pulpwood cut from the stump in the Southeastern States, and no person shall buy or receive such pulpwood in the course of trade or business at prices in excess of those set forth in section 3 below.

(b) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 3 *Maximum prices for pulpwood cut from the stump in the Southeastern States.* (a) A seller's maximum price per cord for pulpwood cut from the stump in the Southeastern states shall be the highest price which he charged per cord for deliveries in or prior to the period February 27, 1943 to March 4, 1943, or the highest price which he had charged in a firm contract existing during that period, even though the contract called for later delivery. Maximum prices are established on the basis of the types of delivery points listed below in this paragraph. (A delivery point means a point at which the price is set.) The maximum price at any one of the delivery points becomes the seller's maximum price for all deliveries at a similar point to all buyers, whether or not delivery in that particular way was previously made to that buyer. The types of delivery points are as follows:

Delivered millyard
F. O. B. or f. a. s. railway cars
F. O. B. or f. a. s. trucks
F. O. B. or f. a. s. vessel
At a roadside

(b) If a seller made no such deliveries of or had no such contracts for deliveries for the same kind of pulpwood at one or more of said points in or prior to said period, then his maximum price at such point or points shall be the highest price at which he made a delivery or had a contract at another of the points mentioned above, less the actual transportation and loading costs incurred by him in moving the wood from the roadside to the delivery point involved in such highest priced delivery, and plus the actual transportation and loading costs he will incur in the delivery which he wishes to make. The seller's maximum price thus established shall thereafter be his maximum price for all deliveries to the same type of pricing point.

(c) If a seller cannot determine his maximum prices under paragraphs (a) or (b) of this section, he shall communicate this fact to the nearest regional office of the Office of Price Administration, together with a statement of the reasons why he cannot ascertain his said maximum price. Such regional office of the Office of Price Administration shall thereupon assist the seller to ascertain his maximum price under paragraphs (a) or (b) or, if this cannot be done, will proceed to establish a maximum price for such seller, which price shall be a price in line with prices generally prevailing in the period February 27, 1943 to March 4, 1943, and in line with the prices paid by the seller's prospective buyers in said period, or in the nearest five-day period thereto in which said buyers received deliveries of wood.

SEC. 4 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 5 *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, delivery, purchase or receipt of or relating to pulpwood, alone or in connection 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.

SEC. 6 *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 7 *Amendments.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

SEC. 8 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the

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

[1] "Woodpulp" includes any pulped fibre material which has been produced either mechanically or chemically from any fibrous cellulose raw material and from which, by a suitable process of manufacture, paper, paperboard, rayon, nitrocellulose, plastics, and any related products can be made, and also siderun paper or paperboard in rolls when sold for manufacture into any of the aforesaid paper products, or any related products.

[2] 7 F.R. 8301, 8 F.R. 3313, 3533.

maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment 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.

NOTE: This regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Maximum Price Regulation No. 388 shall become effective May 5, 1943.

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7081; Filed, May 5, 1943; 11:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 37]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART Z—LESS-THAN-TRUCKLOAD DELIVERIES BY PETROLEUM TANK TRUCK

Pursuant to Executive Orders 8989 and 9156, and in order to conserve and providently utilize vital transportation facilities, services, materials and equipment, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.
501.340 Definitions.
501.341 Scope of order.
501.342 Operating requirements.
501.343 Minimum drop provisions for motor fuel deliveries.
501.344 Certain practices prohibited.
501.345 No call-backs to be made.
501.346 Bulk deliveries of motor fuel directly into tanks of automotive equipment prohibited.
501.347 Exemptions.
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AUTHORITY: §§ 501.340 to 501.349, inclusive, issued under E.O. 8989 and 9156, 6 F.R. 6725, 7 F.R. 3349.

§ 501.340 *Definitions.* As used in this order (§§ 501.340 to 501.349, inclusive), or in any order, direction or permit issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

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

(c) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades known as Nos. 1, 2, 3, 4, 5 and 6, Bunker C, diesel oil, diesel fuel, kerosene, range oil, stove oil, or any liquid petroleum product, except liquefied petroleum gas, used for the same purposes as the above designated kinds or grades.

(d) "Motor fuel" means any liquid fuel of any kind commonly used for the propulsion of motor vehicles or motor boats, including any liquid fuel to which Federal gasoline taxes apply, except diesel fuel, kerosene, benzene, benzol, naphtha, liquefied petroleum gas, natural gasoline, liquid fuel commonly used for the propulsion of aircraft, and light fuel distillates commonly used for operating farm tractors or other farm machinery.

(e) "Retail outlet" means any place of business or part thereof where motor fuel normally is sold and delivered into the fuel supply tanks of motor vehicles or motor boats.

(f) "Farm" means any tract of land approximately 3 acres or more of which are used for agricultural purposes or for the breeding or raising of livestock, poultry, or bees.

(g) "Bulk consumer" means any person, except any operator of a farm or a retail outlet, who is the ultimate user of motor fuel delivered to him into other than fuel supply tanks of motor boats, motor vehicles, or motorized equipment of any kind.

(h) "Petroleum tank truck" or "tank truck" means either a straight truck, a combination truck-tractor and semi-trailer, or full trailer, the primary carrying capacity of which is occupied by a permanently mounted tank or tanks used for the transportation of liquid petroleum products.

(i) "Truckload" or "full load" means the maximum quantity of liquid petroleum product or products that the tank truck is able and lawfully permitted to carry in its cargo tanks on the particular movement.

(j) "Less-than-truckload delivery" means any delivery, or transporting for delivery, of motor fuel or fuel oil in bulk by tank truck, other than a delivery at one unloading point of a single truckload shipment.

(k) "Automotive equipment" means any self-propelled vehicle, machine or equipment not operated on rails or on water.

§ 501.341 *Scope of order.* This order shall apply only within the continental United States.

§ 501.342 *Operating requirements.* (a) Every tank truck operated for the purpose of making less-than-truckload deliveries of motor fuel or fuel oil shall be dispatched with a full load and routed in a manner that will best conserve mileage and time.

(b) In order to facilitate operation in accordance with paragraph (a) of this § 501.342, no person, notwithstanding any provision of contract or agreement to the contrary, shall be required to make any less-than-truckload delivery of motor fuel or fuel oil by tank truck within less than 48 hours of receipt of the order therefor.

§ 501.343 *Minimum drop provisions for motor fuel deliveries.* All less-than-truckload deliveries of motor fuel made by tank truck to a retail outlet, bulk consumer or farm shall be made in accordance with the following minimum drop requirements:

(a) When delivery is made other than by compartment lots, the minimum drop shall be:

(1) To a retail outlet, in a quantity not less than 60 per cent of the total storage capacity of the tank or tanks currently in use at that retail outlet for the particular grade or brand being delivered;

(2) To a bulk consumer, in a quantity not less than 60 per cent of the total storage capacity of the tank or tanks currently in use by that consumer at the place of delivery for the particular grade or brand being delivered, but in no case less than 150 gallons;

(3) To a farm, either the amount necessary to fill to its proper full level the storage tank or tanks currently in use at the place of delivery for the particular grade or brand being delivered, or a quantity not less than 60 per cent of the total storage capacity of said tank or tanks, but in no case less than 25 gallons: *Provided,* That (i) when delivery is accepted of a total amount aggregating at least 50 gallons, made up of various kinds of liquid petroleum products, there is no requirement as to the minimum amount of any one particular product that must be delivered, and (ii) in no case is a single delivery of more than 150 gallons of motor fuel required.

(b) When delivery is made by compartment lots, the minimum drop shall be such lesser quantity most nearly equal to the applicable minimum drop prescribed in paragraph (a) of this § 501.343 as can be attained by the complete emptying of one or more full compartments.

(c) There is no minimum drop requirement when:

(1) The delivery completes the emptying of the tank truck; or

(2) At the same time and place of delivery, some other type or brand of motor fuel is delivered by the same tank truck and in a quantity complying with the minimum drop provisions set forth in paragraph (a) or (b) of this § 501.343.

§ 501.344 *Certain practices prohibited.* No person shall make or cause to be made any call by a petroleum tank truck for a purpose other than the loading or delivery of liquid petroleum products in bulk except:

(a) Calls for the purpose of servicing, maintaining, or repairing a tank truck;

(b) Calls for the purpose of pumping out storage tanks;

(c) Calls for the purpose of delivering any type of petroleum product or any service station supplies, when such deliveries are made from a tank truck dispatched with a full load of liquid petroleum products and routed in a manner that will best conserve mileage and time.

§ 501.345 *No call-backs to be made.* Whenever a call is made by tank truck for the purpose of making a less-than-truckload delivery of motor fuel or fuel

oil, and the operator for any reason fails to make or complete the intended delivery, no subsequent call shall be made on the same calendar day for the purpose of making or completing that intended delivery, unless the subsequent call:

(a) Completes the emptying of the cargo tank or tanks of any tank truck; or

(b) Is made by a tank truck that is making any other delivery of motor fuel or fuel oil at the same premises.

§ 501.346 *Bulk deliveries of motor fuel directly into tanks of automotive equipment prohibited.* No person shall make any delivery of motor fuel from a tank truck into the fuel tank of any automotive equipment or vehicle, except:

(a) A delivery of 25 gallons or more made into the fuel tank or tanks of any farm vehicle or any piece of farm machinery;

(b) A delivery of motor fuel made by a bulk consumer or operator of a farm into the fuel tank of any automotive equipment or vehicle used by him.

§ 501.347 *Exemptions.* (a) The provisions of §§ 501.342 to 501.346, inclusive, shall not apply:

(1) To tank trucks operated by or under the direction of, or to deliveries made to, the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, the War Shipping Administration or the United States Maritime Commission;

(2) To deliveries in emergencies, exclusively for the protection or preservation of life, health or public safety.

(b) The minimum drop requirements of paragraphs (a) and (b) of § 501.343 shall not apply:

(1) In any case where compliance with said requirements would be in conflict with any inventory restrictions ordered by the Petroleum Administration for War;

(2) In any case where compliance therewith would result in discrimination among the seller's customers because of a shortage of motor fuel beyond the seller's control in his distribution area.

§ 501.348 *Special or general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances or to prevent undue hardship.

§ 501.349 *Communications.* Communications concerning this order should refer to "General Order ODT 37" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This General Order ODT 37 shall become effective June 1, 1943.

Issued at Washington, D. C., this 5th day of May 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-7075; Filed, May 5, 1943; 11:20 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE OF VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3743) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 23, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulation, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Union Underwear Company, Incorporated, Frankfort, Kentucky; Men's and boys' cotton shorts; 5 percent (T); effective May 12, 1943, expiring May 12, 1944.

Wilkes Barre Cap Manufacturing Company, 88-94 E. Northampton Street, Wilkes Barre, Pennsylvania; Cotton work caps, miner's caps, industrial helmets; 3 learners (T); effective May 7, 1943, expiring May 7, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Carbondale Children's Dress Company, 7th Avenue and Mill Street, Carbondale, Pennsylvania; Children's dresses; 5 learners (A. T.); effective May 5, 1943, expiring August 27, 1943.

Ely & Walker Dry Goods Company, Kennett, Missouri; Shirts; 17 learners (A. T.); effective May 3, 1943, expiring November 12, 1943.

Garment Corporation of America, 925 Main Street, Mount Vernon, Indiana; Boys' sport clothes; 10 percent (T); effective May 3, 1943, expiring May 3, 1944.

Liondale Shirt Corporation, State & Clay Streets, Paterson, New Jersey; Men's dress and sport shirts, military shirts; 20 learners (T); effective May 5, 1943, expiring May 5, 1944.

Phillips-Jones Corporation, 323 Mauch Chunk Street, Pottsville, Pennsylvania; Shirts, civilian and officer's pajamas; 10 percent (T); effective May 12, 1943, expiring May 12, 1944.

R & G Knitting Mills, 1005 West Third Street, Williamsport, Pennsylvania; Rayon slips and rayon underwear; 10 percent (T); effective May 29, 1943, expiring May 29, 1944.

Royal Miss, Incorporated, 1 South Webster Avenue, Scranton, Pennsylvania; Cotton and rayon dresses; 30 learners (E); effective May 5, 1943, expiring November 5, 1943.

Irving Sobel & Company, 2300 W. Armitage Avenue, Chicago, Illinois; Wash dresses—cotton and rayon; 5 learners (T); effective May 2, 1943, expiring May 2, 1944.

Gloves Industry

The Boss Manufacturing Company, Chillicothe, Missouri; Work gloves; 50 learners (E); effective May 4, 1943, expiring November 4, 1943.

The Boss Manufacturing Company, Leavenworth, Kansas; Work gloves; 50 learners (E); effective May 4, 1943, expiring November 4, 1943.

Hosiery Industry

Bland Silk Hosiery Mills, Incorporated, Bland, Virginia; Full-fashioned hosiery; 5 learners (A. T.); effective May 2, 1943, expiring November 2, 1943.

Crown Hosiery Mills, Incorporated, 426 S. Hamilton Street; High Point, North Carolina; Seamless hosiery; 5 percent

(A. T.); effective May 2, 1943, expiring November 30, 1943.

Knit Sox Hosiery Mills, Highland Avenue, Hickory, North Carolina; Seamless hosiery; 23 learners (A. T.); effective May 5, 1943, expiring January 4, 1944.

Orange Knitting Mills, Incorporated, Orange, Virginia; Full-fashioned hosiery; 10 learners (A. T.); effective May 2, 1943, expiring September 28, 1943.

Signed at New York, N. Y., this 4th day of May 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-7074; Filed, May 5, 1943; 11:10 a. m.]

[Administrative Order 192]

STONE, CLAY, GLASS, AND ALLIED INDUSTRIES

APPOINTMENT OF INDUSTRY COMMITTEE NO. 59

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene for the Stone, Clay, Glass, and Allied Industries (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public

Robert P. Brecht, Chairman, Philadelphia, Pennsylvania.
Ruth Allen, Austin, Texas.
Frederick Dewhurst, New York, New York.
Frank T. deVyver, Durham, North Carolina.
F. B. Gear, Memphis, Tennessee.
William S. Hopkins, Palo Alto, California.
Colston E. Warne, Amherst, Massachusetts.
William E. Wickenden, Cleveland, Ohio.

For the Employers

W. H. Hodges, Atlanta, Georgia.
George Dougherty, Pittsburgh, Pennsylvania.
Vincent P. Ahearn, Washington, D. C.
J. Frazier Glenn, Asheville, North Carolina.
W. M. Palmer, Ocala, Florida.
E. Ray Rankin, Statesville, North Carolina.
J. A. Riggs, Fort Spring, West Virginia.
Fred Smith, Spruce Pine, North Carolina.

For the Employees

Leland Beard, Columbus, Ohio.
H. C. Ledyard, Fort Wayne, Indiana.
Ralph Reiser, Festus, Missouri.
Harry H. Cook, Toledo, Ohio.
John Garvey, Washington, D. C.
Frank Kasten, Chicago, Illinois.
William Schoenberg, Chicago, Illinois.
Boris Shishkin, Washington, D. C.

Such representatives have been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "Stone, Clay, Glass, and Allied Industries" means:

The mining, quarrying or other extraction and the further processing of all minerals other than metal ores and the manufacture of products from such minerals.

a. It includes, but without limitation, glass and glass products; structural clay products; china, pottery, ceramic whiteware and electrical procelain products; refractories; dimension and cut stone; crushed stone, sand and gravel; abrasives; cement; concrete, gypsum and plaster products; and talc, soapstone, feldspar, mica, and asbestos products.

b. *Provided, however,* That the definition shall not include:

(1) The extraction of coal, petroleum or natural gases or the manufacture of products therefrom; or

(2) The manufacture of basic chemicals or chemical products; or

(3) Any product included in the Metal, Plastics, Machinery, Instrument, and Allied Industries (as defined in Administrative Order No. 173) or in the Jewelry Manufacturing Industry as defined in the wage order for such industry.

3. The definition of the Stone, Clay, Glass, and Allied Industries covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale: *And provided further,* That where as employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. Any person, who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person. Moreover, any interested person may submit in writing pertinent data to the committee either through the Administrator or through the chairman of the committee.

5. The industry committee herein created shall meet at 10:00 a. m. on May 27, 1943 at 165 West 46th Street, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 30th day of April 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-7072; Filed, May 5, 1943; 11:10 a. m.]

DEHYDRATING AND MILLING OF ALFALFA

NOTICE OF HEARING

Notice of hearing in the matter of the proposed amendment of § 536.1 of regulations, part 536 (Area of Production) issued under the Fair Labor Standards Act of 1938, with respect to the dehydrating and milling of alfalfa.

Whereas, section 7 (c) of the Fair Labor Standards Act of 1938 provides that the maximum hours provisions contained in section 7 (a) of the Act shall not apply during a period or periods of not more than 14 workweeks in the aggregate in any calendar year to employees of an employer engaged in the first processing, within the "area of production" as defined by the Administrator, of any agricultural or horticultural commodity during seasonal operations; and

Whereas, pursuant to the authority contained in said section, the Administrator of the Wage and Hour Division has issued Regulations, Title 29, Chapter V, Code of Federal Regulations, Part 536, § 536.1, defining the term "area of production" as used in section 7 (c) of the Fair Labor Standards Act; and

Whereas, pursuant to § 536.3 of Regulations, Part 536, there has been filed with the Administrator a petition to amend § 536.1 of said regulations with respect to the dehydrating and milling of alfalfa by adding thereto a new paragraph to be designated "(c)" reading in substance as follows:

(c) With respect to the dehydrating and milling of alfalfa, if he is so engaged in an establishment which is a first concentration point for the dehydrating and milling of alfalfa. As used in this paragraph (c), "first concentration point" means the place where such alfalfa is first assembled from nearby farms for dehydrating and milling, but shall not include any establishment normally receiving a portion of the alfalfa from other first concentration points;

Now, therefore, pursuant to § 536.3 of regulations, Part 536, notice is hereby given of a public hearing to be held at the U. S. Custom and Court House, Room 516, 12th and Market Streets, St. Louis, Missouri, on May 21, 1943 at 10 a. m. before Nathan Rubinstein, a duly authorized representative of the Administrator, who is hereby authorized to receive evidence and hear argument on the following question:

Wh..t, if any, amendment should be made to § 536.1 of regulations, Part 536, defining the term "area of production" as used in section 7 (c) of the Fair Labor Standards Act with respect to the dehydrating and milling of alfalfa.

Any interested person may appear at the hearing to offer evidence provided that not later than May 18, 1943, such person shall file with the Administrator of the Wage and Hour Division, U. S. Department of Labor, 165 West 46th Street, New York, New York, a notice of intention to appear containing the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. A statement whether the appearance is in support of or in opposition to the petition for amendment.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing, or may be filed with the presiding officer at the hearing.

Signed at New York, New York, this 4th day of May 1943.

WILLIAM B. GROGAN,
Deputy Administrator.

[F. R. Doc. 43-7073; Filed, May 5, 1943; 11:10 a. m.]

CIVIL AERONAUTICS BOARD.

INTERNATIONAL AIR TRANSPORTATION

NOTICE OF INQUIRY

Notice is given that a statement of questions relating to international air transportation has been issued by the Civil Aeronautics Board in connection with its consideration of international aviation problems.

Interested persons may submit responses to the questions. Responses should be submitted not later than June 1, 1943, and should be addressed to the Civil Aeronautics Board, Washington, D. C.

Copies of the statement may be obtained at the offices of the Board in Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

MAY 5, 1943.

[F. R. Doc. 43-7069; Filed, May 5, 1943; 11:04 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4776]

NATIONAL RETAIL TEA & COFFEE MERCHANTS ASSOCIATION, INC. 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 4th day of May, A. D. 1943.

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 John L. Hornor, 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 Tuesday, May 18, 1943, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 713, Pere Marquette Bldg., 150 Baronne Street, 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. 43-7070; Filed, May 5, 1943; 11:41 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1146]

PAUL PUTTMANN, INC.

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

1. Finding that Deutsche Gelatinfabriken, A. G., Schweinfurt-Goppingen, Germany, and Eurotank Handelgesellschaft, m. b. H. Berlin, Germany, whose principal places of business are in Germany, are nationals of a designated enemy country (Germany);

2. Finding that 105 shares of $100 par value common capital stock of Paul Puttmann, Inc., a corporation organized under the laws of, and doing business in, the State of New York, are registered in the name of and owned by the aforesaid Deutsche Gelatinfabriken, A. G.;

3. Finding that said corporation is a business enterprise within the United States and that said 105 shares of stock constitute a substantial part (namely, 52.5%) of all outstanding capital stock of said business enterprise and are evidence of control thereof;

4. Determining, therefore, that said business enterprise is a national of a designated enemy country (Germany);

5. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Deutsche Gelatinfabriken, A. G., and Eurotank Handelgesellschaft, m. b. H., and each of them, in and to all obligations contingent or otherwise and whether or not matured, owing to them, and each of them, by said Paul Puttmann, Inc., including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for any collect such obligations and including particularly the interests of said Deutsche Gelatinfabriken, A. G., and Eurotank Handelgesellschaft, m. b. H., and each of them, as represented on the books and records of said company as accounts payable,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and is also property within the United States owned or controlled by nationals of a designated enemy country (Germany);

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

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 105 shares of stock described in subparagraph 2 and the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

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

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on March 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7044; Filed, May 5, 1943; 9:05 a. m.]

[Vesting Order 1352]

ESTATE OF ADOLPH BERGER

In re: Estate of Adolph Berger, deceased; File D-28-1951; E. T. sec. 1900.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The First National Trust and Savings Bank of San Diego, 5th and Broadway, San Diego, California, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Diego;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Martha Roth	Germany.
Mrs. Toni Guenther	Germany.
Mrs. Jula Schmitt	Germany.
Mrs. Martha Tuscher	Germany.
Alfred Hartmuth	Germany.
Dr. Richard Hartmuth	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martha Roth, Mrs. Toni Guenther, Mrs. Jula Schmitt, Mrs. Martha Tuscher, Alfred Hartmuth and Dr. Richard Hartmuth, and each of them, in and to the estate of Adolph Berger, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7022; Filed, May 5, 1943; 9:01 a. m.]

[Vesting Order 1353]

ESTATE OF CHARLES P. DEUSER

In re: Estate of Charles P. Deuser, deceased; File D-28-3527; E. T. sec. 5707.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Edward A. Kern and Catherine Kalvelage, Executors, acting under the judicial supervision of the Orphans Court of Erie County, Pennsylvania.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Therese Knoerzer	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Therese Knoerzer in and to the Estate of Charles P. Deuser, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7023; Filed, May 5, 1943; 9:01 a. m.]

[Vesting Order 1354]

TRUST UNDER WILL OF CARL EDELHEIM

In re: Trust under the will of Carl Edelheim, deceased; File D-66-359; E. T. sec. 2610.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Girard Trust Company, Trustee, acting under judicial supervision of the Orphans Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Gabriela Stein (Frau Dr. Gustave Stein), committee of the Estate of Louis August Edelheim, incompetent, resident of Germany.	Germany.
Louis August Edelheim	Germany.
The issue, names unknown, of Louis August Edelheim.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gabriela Stein (Frau Dr. Gustave Stein), committee of the Estate of Louis August Edelheim, incompetent, resident of Germany, Louis August Edelheim and the issue, names unknown, of Louis August Edelheim and each of them in and to the trusts created under the will of Carl Edelheim, deceased.

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

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7024; Filed, May 5, 1943; 9:01 a. m.]

[Vesting Order 1355]

ESTATE OF JOHN HAHNER

In re; Estate of John Hahner, deceased; file D-28-2291; E. T. sec. 3104.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Commonwealth Trust Company, Administrator, acting under the judicial supervision of the Orphans Court of Allegheny County, Pennsylvania; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
John F. Hahner	Germany.
Elizabeth Hahner	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of John F. Hahner and Elizabeth Hahner, and each of them, in and to the Estate of John Hahner, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7025; Filed, May 5, 1943; 9:01 a. m.]

[Vesting Order 1356]

ESTATE OF ALBERT HOLZAPFEL

In re: Estate of Albert Holzapfel, deceased; File D-28-2217; E. T. sec. 2870.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Phil C. Katz, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Katharine Karoline Holzapfel (Holzpafel).	Germany.

And determining that—

If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Katherine Karoline Holzapfel (Holzpafel) in and to the Estate of Albert Holzapfel, deceased,

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

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7026; Filed, May 5, 1943; 9:01 a. m.]

[Vesting Order 1357]

INTEGRITY TRUST COMPANY

In re: Liquidation of Integrity Trust Company; Files: D-28-2480; E. T. sec. 3700; D-28-2479; E. T. sec. 3699; D-28-2264; E. T. sec. 3053; F-28-15880; E. T. sec. 686; D-28-2613; E. T. sec. 5355; D-28-2614; E. T. sec. 5373; D-38-1166; E. T. sec. 3720; D-28-6507; E. T. sec. 4292.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Secretary of Banking, Commonwealth of Pennsylvania, Receiver of Integrity Trust Company, acting under the judicial supervision of Court of Common Pleas, Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Italy, namely,

Nationals:	*Last known address*
Anton Schabet	Germany.
Joseph Schabet	Germany.
Katharine Kiefer	Germany.
George Truck	Germany.
Otto Stenger	Germany.
Emilie Stenger	Germany.
Carmela Ranzino	Italy.
Vincenzo Ranzino	Italy.
Konrad Schmid	Germany.

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Italy, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following cash:

Anton Schabet, $7.00; Joseph Schabet, $7.00; Katharine Kiefer, $239.55; George Truck, $14.00; Otto Stenger, $41.66; Emilie Stenger, $44.67; Carmela Ranzino, $22.37; Vincenzo Ranzino, $22.38; Konrad Schmid, $541.53,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7027; Filed, May 5, 1943; 9:01 a. m.]

[Vesting Order 1358]

ESTATE OF RICHARD JESSACHER

In re: Estate of Richard Jessacher, deceased; File D-28-2528; E. T. sec. 3770.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Thomas Herlihy, Jr., Administrator, acting under the judicial supervision of the Register of Wills of New Castle County, Delaware;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany (Austria), namely,

Nationals:	*Last known address*
Alois Jessacher	Germany (Austria).
Marie Jessacher	Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany (Austria); and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alois Jessacher and Marie Jessacher and each of them in and to the Estate of Richard Jessacher, deceased,

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

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7028; Filed, May 5, 1943; 9:02 a. m.]

[Vesting Order 1359]

ESTATE OF EDWARD FRANZ KERKAU

In re: Estate of Edward Franz Kerkau, deceased; File D-28-2265; E. T. sec. 2979.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Peoples-Pittsburgh Trust Company, Executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Marie Kerkau	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Kerkau in and to the Estate of Edward Franz Kerkau, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7029; Filed, May 5, 1943; 9:02 a. m.]

[Vesting Order 1360]

ESTATE OF WOLF L. LANDSMAN

In re: Estate of Wolf L. Landsman, deceased; File D-55-366; E. T. sec. 3194.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Registry of the Probate Court, Washington, D. C., acting under the judicial supervision of the U. S. District Court, Washington, D. C.; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Solomon Landsman	Germany.
Leona Jasny	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Solomon Landsman and Leona Jasny, and each of them, in and to the estate of Wolf L. Landsman, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7030; Filed, May 5, 1943; 9:02 a. m.]

[Vesting Order 1361]

ESTATE OF ANNA LERCH

In re: Estate of Anna Lerch, deceased, File D-28-2461; E. T. sec. 3545.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Register of Wills and Clerk of the Probate Court, Washington, D. C., acting under the judicial supervision of the United States District Court, District of Columbia; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Wilhelm Lenz	Germany.
Annelorre Lenz	Germany.
Wilhelm Stolz, Jr.	Germany.
Herbert Stolz	Germany.
Gerda Stolz	Germany.
Hans Stolz, Jr.	Germany.
Wilhelm Stolz	Germany.
Antoinette Stolz	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Wilhelm Lenz, Annelorre Lenz, Wilhelm Stolz, Jr., Herbert Stolz, Gerda Stolz, Hans Stolz, Jr., Wilhelm Stolz and Antoinette Stolz, and each of them, in and to the estate of Anna Lerch, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7031; Filed, May 5, 1943; 9:02 a. m.]

[Vesting Order 1362]

ESTATE OF ANGELO LOMBARDI

In re: Estate of Angelo Lombardi, deceased; File D-38-1180; E. T. sec. 4563.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by J. Raymond Love, Administrator of the estate of Angelo Lombardi, deceased, acting under the judicial supervision of the Orphans' Court of Mercer County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Filomena Lombardi	Italy.
Salvatore Lombardi	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Filomena Lombardi and Salvatore Lombardi and each of them, in and to the estate of Angelo Lombardi, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7032; Filed, May 5, 1943; 9:02 a. m.]

[Vesting Order 1363]

ESTATE OF JOHN PAINO

In re: Estate of John Paino, deceased; File No. D-38-341; E. T. sec. 229.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Yacono and Frances DiPietro, as Administratrices, acting under the judicial supervision of the Surrogate's Court, Cortland County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely, Marian Paino, whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marian Paino in and to the Estate of John Paino, deceased,

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

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be

deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7033; Filed, May 5, 1943; 9:02 a. m.]

[Vesting Order 1364]

ESTATE OF BABETTE RAUCH

In re: Estate of Babette Rauch, deceased; File No. D-28-1457; E. T. sec. 138.

Under authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anni Fleissner, administratrix, c. t. a., acting under the judicial supervision of the Surrogate's Court, Columbia County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Kathrina Brandstetter	Germany.
Babette Huber, nee Brandstetter.	Germany.
Katharina Reiter, nee Brandstetter.	Germany.
Florian Brandstetter	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Kathrina Brandstetter, Babette Huber, nee Brandstetter, Katharina Reiter, nee Brandstetter and Florian Brandstetter, and each of them, in and to the Estate of Babette Rauch, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7034; Filed, May 5, 1943; 9:03 a. m.]

[Vesting Order 1365]

ESTATE OF FRANK RETTKOWSKY

In re: Estate of Frank Rettkowsky, deceased; File D-28-1934; E. T. sec. 1793.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Union Bank and Trust Company of Los Angeles, Executor of the Estate of Frank Rettkowsky, deceased, acting under the judicial supervision of Superior Court in and for the County of Los Angeles, California,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Carl Rettkowsky, Jr.	Germany.
Herbert Rettkowski	Germany.
Curt Rettkowski	Germany.
Helen Scholtz	Germany.
Hedwig Raykowski	Germany.
Charlotte Krieger nee Raykowski.	Germany.
Erwin Raykowski	Germany.
Gertrude Raykowski	Germany.
Meta Hellmis	Germany.
Otto Schmidt	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Carl Rettkowsky, Jr., Herbert Rettkowski, Curt Rettkowski, Helen Scholtz, Hedwig Raykowski, Charlotte Krieger nee Raykowski, Erwin Raykowski, Gertrude Raykowski, Meta Hellmis and Otto Schmidt, and each of them, in and to the estate of Frank Rettkowsky, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7035; Filed, May 5, 1943; 9:03 a. m.]

[Vesting Order 1366]

TRUST U/W FRANK RETTKOWSKY

In re: Trust u/w Frank Rettkowsky, deceased; File D-28-1934; E. T. sec. 1793.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Union Bank and Trust Company of Los Angeles, Trustee of the trust created under the Will of Frank Rettkowsky, deceased, acting under the judicial supervision of Superior Court of the State of California, in and for the County of Los Angeles,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Gertrude Raykowski	Germany.
Hedwig Raykowski	Germany.
Charlotte Krieger nee Raykowski.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the na-

tional interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Gertrude Raykowski, Hedwig Raykowski, Charlotte Krieger nee Raykowski, and each of them, in and to a trust created under the will of Frank Rettkowsky, deceased.

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7036; Filed, May 5, 1943; 9:03 a. m.]

[Vesting Order 1367]

TRUST U/W JACOB SCHAEFER

In re: Trust under the will of Jacob Schaefer, deceased; File No. F-28-12033; E. T. sec. 1291.

Under the authority of the Trading with the Enemy Act as amended and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Land Title Bank & Trust Company, 100 South Broad Street, Philadelphia, Pennsylvania, as substituted trustee under the Will of Jacob Schaefer, deceased, acting under the judicial supervision of the Orphans' Court, of the State of Pennsylvania, in and for the County of Philadelphia;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Helen Schaefer	Germany.
Adolph Schaefer	Germany.
Eugene Schaefer	Germany.
Lena Betz	Germany.
Christiana Holder	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Helen Schaefer, Adolph Schaefer, Eugene Schaefer, Lena Betz and Christiana Holder, and each of them, in and to the Estate of Jacob Schaefer, deceased.

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

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7037; Filed, May 5, 1943; 9:04 a. m.]

[Vesting Order 1368]

ESTATE OF JOSEPH SCHIPANO

In re: Estate of Joseph Schipano (Guiseppe Schipano), (Giuseppe Schipano), deceased; File D-38-389; E. T. sec. 1191.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Antonio Greco, Administrator c. t. a., 3305 Robert Street, Dearborn, Michigan, acting under the judicial supervision of the Probate Court for the County of Wayne, of the State of Michigan;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Tommasina Schipano	Italy.
Anna Ferri	Italy.
Rose Lucente	Italy.
Theresa Schipano	Italy.
Marrietta Schipano Desimone	Italy.
Angeline Schipano	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All rights, title, interest and claim of any kind or character whatsoever of Tommasina Schipano, Anna Ferri, Rose Lucente, Theresa Schipano, Marrietta Schipano Desimone and Angeline Schipano, and each of them, in and to the estate of Joseph Schipano (Guiseppe Schipano), (Giuseppe Schipano), deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7038; Filed May 5, 1943; 9:04 a. m.]

[Vesting Order 1369]

ESTATE OF ADOLF WEISS

In re: Estate of Adolf Weiss, deceased; File No. F-28-14299; E. T. sec. 1229.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Union and New Haven Trust Company, as Executor, acting under the judicial supervision of the Court of Probate, District of New Haven, Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Tekla Weiss	Germany.
Pauline Endris	Germany.
Karl Weiss	Germany.
Karl Weiss, as administrator of the estate of Franz Weiss, late of Germany, deceased.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Tekla Weiss, Pauline Endris, Karl Weiss, and Karl Weiss, as administrator of the estate of Franz Weiss, late of Germany, deceased, and each of them, in and to the Estate of Adolf Weiss, deceased,

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

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7039; Filed, May 5, 1943; 9:04 a. m.]

[Vesting Order 1370]

ESTATE OF CARLO ZANUSO

In re: Estate of Carlo Zanuso, deceased; File D-38-1054; E. T. sec. 2842.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Antonio Zanuso, Administrator, acting under the judicial supervision of the Hudson County Orphans' Court, Hudson County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Rinaldo Zanuso	Italy.
Guiseppe Zanuso	Italy.
Angelo Zanuso Pretto	Italy.
Paolo Zanuso	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rinaldo Zanuso, Guiseppe Zanuso, Angela Zanuso Pretto and Paolo Zanuso and each of them in and to the Estate of Carlo Zanuso, deceased,

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

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7040; Filed, May 5, 1943; 9:04 a. m.]

[Vesting Order 1373]

ESTATE OF JOSEPH JAROSIEWICZ

In re: Estate of Joseph Jarosiewicz, deceased; File D-55-391; E. T. sec. 5044.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Theodore Hoffman and Mikolaj Cybulko, Executors of the estate of Joseph Jarosiewicz, deceased, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country (Austria) Germany, namely,

National:	*Last known address*
Albina Gutetzky, also known as Albina Gudecka.	(Austria) Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Austria) Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Albina Gutetzky, also known as Albina Gudecka, in and to the estate of Joseph Jarosiewicz, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7041; Filed, May 5, 1943; 9:04 a. m.]

[Vesting Order 1374]

TRUST U/W NANCY KENTOR

In re: Trust under the will of Nancy Kentor, deceased; File D-6-155; E. T. sec. 3140.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The Property and interests hereinafter described are property which is in the process of administration by Denver National Bank, Trustee, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country (Austria) Germany, namely,

Nationals:	*Last known address*
Rosa Jaffe Dresner	(Austria) Germany.
Eugenie Jaffe	(Austria) Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Austria) Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rosa Jaffe Dresner and Eugenie Jaffe and each of them in and to the trust estate created under the will of Nancy Kentor, deceased,

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

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: April 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-7042; Filed, May 5, 1943; 9:04 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-43]

SANTA FE TRAIL TRANSPORTATION CO. AND WHITE STAR MOTOR COACH LINES OF ILL.

COORDINATED OPERATION BETWEEN CHILLICOTHE AND FARMINGTON, ILL., VIA PEORIA, ILL.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Santa Fe Trail Transportation Company, Chicago, Illinois, and White Star Motor Coach Lines of Illinois, Peoria, Illinois, pursuant to § 501.49 of General Order ODT 11, as amended (7 F.R. 4389, 11099), and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered,* That:

1. Santa Fe Trail Transportation Company, Chicago, Illinois, and White Star Motor Coach Lines of Illinois, Peoria, Illinois (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Chillicothe, Illinois, and Farmington, Illinois, as common carriers by motor vehicle, shall:

(a) Except as otherwise specified herein, honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. The Santa Fe Trail Transportation Company shall provide passenger service for intrastate passengers moving between Chillicothe, Illinois, and Farmington, Illinois, via Peoria, Illinois, and to, from or between all intermediate points, providing passengers traveling only between Chillicothe, Illinois, and Farmington, Illinois, and to, from or between all points intermediate thereto, hold tickets issued by the White Star Motor Coach Lines of Illinois.

3. Between Peoria, Illinois, and Farmington, Illinois, the White Star Motor Coach Lines of Illinois shall operate a through service of not to exceed two (2) round trips daily, and the Santa Fe Trail Transportation Company shall operate a through service of not to exceed two (2) round trips daily.

4. The provisions of this order shall not be so construed or applied as to require either carrier to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any passenger. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier, such carrier shall apply forthwith to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. Each of the carriers shall file a copy of this order forthwith with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

6. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B-43".

This order shall become effective May 17, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly pro-

claimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3rd day of May, 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-7051; Filed, May 5, 1943; 9:51 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Correction to Order 112 Under MPR 120]

RAILROAD FUEL

ORDER GRANTING ADJUSTMENTS

Correction to Order No. 112 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant. Docket No. 3120-267.

The reference in paragraph (d) of Order No. 112 under Maximum Price Regulation No. 120, and in the opinion accompanying said order, to the "Manor No. 1 Mine, Mine Index No. 309" is corrected to read "Manor No. 3 Mine, Mine Index No. 895".

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6998; Filed, May 4, 1943; 3:24 p. m.]

[Order 33 Under MPR 136, as Amended]

CUMMINS NORTHWEST DIESEL SALES

APPROVAL OF MAXIMUM PRICES

Order No. 33 under Maximum Price Regulation No. 136, as amended—Machines and Parts, and Machinery Services; Docket No. 3136-123.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1390.25a (b) of Maximum Price Regulation No. 136, as amended, and Revised Procedural Regulation No. 1, *It is hereby ordered:*

(a) Cummins Northwest Diesel Sales, of Seattle, Washington, is hereby authorized to charge $2.50 per hour for straight time, $3.75 per hour for overtime and $4.50 per hour for double time for the machinery services it performs in the repair, rebuilding and maintenance of Diesel engines.

(b) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective May 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6997; Filed, May 4, 1943; 3:24 p. m.]

[Order 34 Under MPR 136, as Amended]

NEILSEN PUMP CO.

ORDER GRANTING ADJUSTMENTS

Order No. 34 under Maximum Price Regulation No. 136, as amended—Machines and Parts, and Machinery Services; Docket No. 3136-61.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1390.25a (c) of Maximum Price Regulation No. 136, as amended, and Revised Procedural Regulation No. 1, *It is hereby ordered:*

(a) The maximum prices for sales by Neilsen Pump Co. of Long Beach, California of the oil well production pumps and parts listed in its Catalogue No. 41 issued April 1, 1942, are adjusted to be the prices set forth in such catalogue.

(b) Neilsen Pump Co. shall file a report with the Office of Price Administration, Washington, D. C. every six months from the effective date of this order showing a comparison of its total sales for the preceding month at the prices authorized by this order and the amount of total sales that would have been made in that month if the items had been sold at the prices set forth in its Catalogue No. 35.

(c) The issuance of this order shall not in any way affect or relieve the liability of Neilsen Pump Co. for violation of any regulation or order issued by the Office of Price Administration.

(d) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective May 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6995; Filed, May 4, 1943; 3:25 p. m.]

[Order 17 Under MPR 157, as Amended]

ALFRED DECKER & COHN, INC.

ORDER ADJUSTING MAXIMUM PRICES

Amendment No. 1 to Order No. 17 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes.

An opinion accompanying this amendment to Order No. 17 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Order No. 17 is amended in the following respects:

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

(a) The applicant may sell and deliver the following commodity under Maximum Price Regulation No. 157 at a price not exceeding the following price:

$3.85 each for overcoats conforming to specifications of Contract W 669 qm—16847 (O. I. No. 8464), Philadelphia Quartermaster Depot, Quartermaster Corps, United States Army.

2. Paragraph (b) is revoked.

This Amendment No. 1 to Order No. 17 under Maximum Price Regulation No. 157 shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7000; Filed, May 4, 1943; 3:23 p. m.]

[Rev. Order 105 Under MPR 188]

OWENS-ILLINOIS GLASS COMPANY

APPROVAL OF MAXIMUM PRICES

Revised Order No. 105 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Order No. 105 is revised and amended to read as follows:

For the reasons set forth in an Opinion issued simultaneously herewith and pursuant to § 1499.158 of Maximum Price Regulation 188, *It is hereby ordered:*

(a) The maximum prices which may be charged by the Owens-Illinois Glass Company of Toledo, Ohio for new products, as defined in paragraph (c) below, shall be determined in accordance with the provisions of this order. The Owens-Illinois Glass Company shall submit detailed standard manufacturing cost data both for any new glass container being priced, and for a glass container comparable to it (on the basis of capacity, glass weight, finish, size, maximum height, color and shipping weight) which already is being or has been manufactured by the company, in accordance with the company's regular accounting practices as filed with the Office of Price Administration. These data will not include any of the following: General and administrative and selling expenses, packaging cost, freight expense and cost of fittings.

The company shall then determine both the average percentage and the average dollar difference between the manufacturing cost as so computed and the selling price in any carton for which a maximum price has been established, for the container which has been selected as comparable. It shall then apply to the manufacturing cost of the new container, as computed under this order, either the average percentage or average dollar difference computed for the comparable container, whichever will yield the lower price. The resulting price shall be the maximum price for the new glass container in the same base carton as was used in the computation for the comparable container.

Fifteen days after the submission of this report, unless the company is notified to the contrary by the Office of Price Administration, it may be assumed that approval of the price applied for has been granted and the company may proceed to sell or offer for sale the container in question.

(b) The maximum prices which may be charged by the Owens-Illinois Glass Company for special cartons, as defined in paragraph (c) below, shall be determined by adding to the established price for the glass container in a carton the maximum price of which is already established, an amount no greater than the differential between the cost of that latter carton and the cost of the special carton being priced, both costs being taken as of the same date, which date must be within sixty days of the date of the computation. When the carton is manufactured by the Owens-Illinois Glass Company, the "cost" of that carton for the purposes of this order may be taken as the selling price for such carton determined under applicable regulations of the Office of Price Administration.

(c) When used in this revised order, the term:

(1) "New product" means any glass container manufactured by the Owens-Illinois Glass Company which is subject to Maximum Price Regulation 188 and which meets all of the following conditions:

(i) Which was not delivered or offered for delivery during March 1942 by the Owens-Illinois Glass Company; and

(ii) The price of which cannot be determined upon the basis of prices which the Owens-Illinois Glass Company had in effect for glass containers during March 1942; and

(iii) Which may not be priced under § 1499.155 of Maximum Price Regulation 188.

(2) "Special carton" means any carton for which no maximum price has already been established by inclusion in the price lists of the Owens-Illinois Glass Company or by some provision in a Regulation or Order of the Office of Price Administration. The term "special carton" under this Revised Order shall include any special packaging, including wooden boxes as well as any other types of shipping cases or packages for glass containers.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Revised Order No. 105 may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6994; Filed, May 4, 1943; 3:25 p. m.]

[Order 325 Under MPR 188]

JOHNS-MANVILLE SALES CORPORATION

APPROVAL OF MAXIMUM PRICES

Order No. 325 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 pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) The Johns-Manville Sales Corporation, Twenty-Two East Fortieth Street, New York, New York, may offer for sale, sell and deliver and any person may buy or receive in the course of trade, the following products manufactured and sold by it at the prices provided below:

(1) Fibratone and Fibratex Field Units, size 12" x 12", 7/8" thick, and painted with two coats of flat white:

	Price per square foot (cents)
Shipments of 5,000 square feet or less	17
Shipments to one destination of more than 5,000 square feet up to and including 15,000 square feet at one time	16
Shipments made at one time to one destination of more than 15,000 square feet	15

(2) Fibratone and Fibratex Border Units, size 12" x 12", 7/8" thick, painted with two coats flat white, any quantity—9¢ per square foot.

(b) The maximum prices authorized in paragraph (a) above are f. o. b. factory (New York, New York, for Fibratone Field and Border Units and Jarratt, Virginia, for Fibratex Field and Border Units) with full freight allowed to any destination in the United States, with the following exception:

(1) The freight allowance may be based on the weight of the shipment at the carload rate on less than carload shipments to any point in the States of Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Colorado, Wyoming, Idaho and Montana.

(c) The maximum prices set forth above are subject to a discount of 2% for payment within 10 days, or of 1% for payment within 70 days.

(d) All prayers of the application not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6930; Filed, May 4, 1943; 3:23 p. m.]

[Order 326 Under MPR 188]

T-K ROOFING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 326 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 pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) The T-K Roofing Company of Chester, West Virginia, may sell, deliver and offer for sale and all other persons may buy or receive in the course of trade, 12" 3-Tab Mica Strip Shingles (220 pounds per square) and 12" x 16" Dutch Lap Mica Individual Shingle (166 pounds per square) at the following list prices, subject to the discounts from list prices and the transportation provisions shown in Revised Price Schedule No. 45, as amended:

12" 3-Tab mica strip shingle (220 pounds per square):

	Per square
Carload	$5.63
Less than carload	6.56

12" x 16" Dutch lap mica individual shingles (166 pounds per square):

	Per square
Carload	$4.83
Less than carload	5.63

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

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6933; Filed, May 4, 1943; 3:24 p. m.]

[Order 327 Under MPR 188]

LUCE CORPORATION

APPROVAL OF MAXIMUM PRICE

Order No. 327 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 pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Luce Corporation, 50 Wealthy Street, S. W., Grand Rapids, Michigan, may sell and deliver its new collapsible tent pole described in its application dated December 11, 1942, f. o. b. factory, at a price no higher than $.2568.

(b) This Order No. 327 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 327 shall become effective on the 5th day of May 1943.

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6931; Filed, May 4, 1943; 3:21 p. m.]

[Order 328 Under MPR 188]

CORNWALL INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 328 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 pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Cornwall Industries, Inc., Cornwall Landing, New York, is authorized to sell and deliver its various wooden toys, described in its application of March 8, 1943, at prices to retailers, f. o. b. Cornwall Landing, New York, no higher than those set forth below:

	Each
Ironing board #4302	$0.70
Sack of shaped blocks #4304	.70
Chest (toy box) #4308	4.00
Hobby horse (Pony rocker) #4321	1.30
Pony roller #4322	1.30
Table, 2 chairs #4323	6.80
Gym set #4328	13.60
Desk and chair set #4331	9.00
See-saw #4332	4.50
10 ft. slide #4333	18.00
Machine gun #4334	1.60
Wheelbarrow #4335	2.50
Tank #4336	.80
Scooter #4330	5.50
Stake truck #4338	9.50
Express wagon #4300	6.60

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 5, 1943.

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6992; Filed, May 4, 1943; 3:21 p. m.]

[Amendment 4 to Order A-1 Under MPR 188]

MANUFACTURERS OF COMMERCIAL REFRIGERATION AND APPARATUS

MODIFICATION OF MAXIMUM PRICES

Amendment No. 4 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturer's Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (5) is added to read as follows:

(5) *Modification of maximum prices of commercial refrigeration and commercial refrigeration apparatus.* (i) On and after May 10, 1943, all manufacturers of commercial refrigeration and commercial refrigeration apparatus, shall reduce their presently established maximum prices for such commodities by an amount equal to the federal excise tax previously paid on the sales of such commodities under the provisions of section 546, Title V, Part IV of the Revenue Act of 1941 and subsequently repealed by section 614, Title VI of the Revenue Act of 1942.

(ii) *Definitions.* (a) For the purpose of this paragraph the term "commercial refrigeration and commercial refrigeration apparatus" means beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, milk cooler cabinets, refrigerators having a net storage space of more than 20 cubic feet, which were primarily designed for use with a mechanical refrigeration unit; and compressors, condensers, evaporators, expansion units, absorbers and controls for, or suitable for use as a part of or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated above.

(b) The term "manufacturer" means any person who makes the first sale of any article of commercial refrigeration or commercial refrigeration apparatus.

This amendment shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6989; Filed, May 4, 1943; 3:23 p. m.]

[Order 2 Under MPR 282]

ALLIED PRODUCTS, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 2 under § 1396.255 of Maximum Price Regulation No. 282—Certain Private Formula Pharmaceutical, Proprietary Drug and Cosmetic Products.

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

(a) Maximum prices for sales of dusting powder in 11 ounce containers by Allied Products, Inc. having its principal office at 30 Rockefeller Plaza, New York, New York, to Jean Nate, Inc., said dusting powder having the formula submitted by Allied Products, Inc., in a letter to the Office of Price Administration under date of April 13, 1943, are established as follows:

$209.03 per thousand packages, delivered.

(b) This Order No. 2 may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6996; Filed, May 4, 1943; 3:24 p. m.]

[Order 5 Under RPS 10]

STRUTHERS IRON AND STEEL CO.

GRANTING PETITION FOR ADJUSTMENT

Order 5 under Revised Price Schedule No. 10—Pig Iron; Docket 3010-7.

On February 22, 1943, The Struthers Iron and Steel Company, Struthers, Ohio, filed a petition for adjustment pursuant to § 1306.55 (b) of Revised Price Schedule No. 10. Due consideration has been given to the petition 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, *It is hereby ordered:*

(a) The Struthers Iron and Steel Company may sell or deliver or offer to sell or deliver pig iron produced at its plant at Struthers, Ohio at prices not to exceed the basing point base prices established by Revised Price Schedule No. 10 for No. 2 Foundry, Basic, Bessemer and Malleable Pig Iron, plus $1.00 per gross ton, in addition to the exception of $0.50 per ton granted to The Struthers Iron and Steel Company in § 1306.56 of said schedule. The prices herein established are to be subject to the switching charges and differentials set forth in Revised Price Schedule No. 10. Any person may buy or accept delivery or offer to buy or accept delivery from The Struthers Iron and Steel Company of such products at prices not to exceed those herein established.

(b) The permission hereby granted to The Struthers Iron and Steel Company is subject to the condition that there be filed with the Office of Price Administration before the end of each calendar month following the effective date of this order itemized statement of costs incurred in the production of pig iron during the preceding month, also profit and loss statement of The Struthers Iron and Steel Company as of the last day of the preceding month.

(c) All prayers of the petition not granted herein are denied.

(d) This Order 5 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in §1306.51 of Revised Price Schedule No. 10 shall apply to terms herein.

(f) This Order 5 shall become effective as of March 1, 1943.

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6999; Filed, May 4, 1943; 3:23 p. m.]

[Order 19 Under MPR 244]

LAKE ERIE ENGINEERING CORPORATION

ADJUSTMENT OF MAXIMUM PRICES

Order No. 19, Under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings; Docket No. 3244-8.

For the reasons set forth in the opinion, issued simultaneously herewith, 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 Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices for gray iron castings sold by Lake Erie Engineering Corporation. (a) On and after February 10, 1943, Lake Erie Engineering Corporation, Kenmore Station, Buffalo, New York, may sell, offer to sell and deliver to Niagara Machine & Tool Works of Buffalo, New York, and Niagara Machine & Tool Works may buy, offer to buy and receive from said Lake Erie Engineering Corporation the following gray iron castings at prices not in excess of the following maximum prices, f. o. b. Buffalo, New York:

Pattern number:	*Maximum prices (cents per pound)*
U459C, U459E	5.80¢
U459D	6.67¢
U444A	8.34¢
U472, U473	9.87¢
U448A	9.49¢
U459B	5.11¢
615-H	4.85¢
Press U435B	6.56¢
U450, U451	9.33¢

(b) Lake Erie Engineering Corporation is further ordered (1) to reduce to the maximum prices herein ordered any prices agreed upon with Niagara Machine & Tool Works for the sale of the castings specified in the preceding paragraph (a) which are in excess of the maximum prices herein ordered, (2) to refund within thirty days from the effective date of this order to said Niagara Machine & Tool Works any payments made which are in excess of the maximum prices specified in paragraph (a), and (3) to file a statement with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., within 45 days from the effective date of this order to the effect that any such prices were reduced in accordance with the terms of this order, and wherever required, refunds were made.

(c) The permission granted herein to Lake Erie Engineering Corporation is subject to the conditions specified in the preceding paragraph (b) and also the following conditions: Said Company shall file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., the following documents and financial information all prepared in accordance with recognized accounting principles and submitted under oath or affirmation: (1) quarterly profit and loss statements covering its gray iron operations, said statements to be filed within thirty days following the close of each quarter beginning with the first calendar quarter of 1943, except that the statement for the first calendar quarter of 1943, may be filed not later than May 31, 1943, (2) quarterly profit and loss statements covering its entire operations, said statements to be filed within thirty days following the close of each quarter beginning with the first calendar quarter of 1943, except that the statement for the first calendar quarter of 1943, may be filed not later than May 31, 1943, (3) quarterly balance sheets, said balance sheets to be filed within thirty days following the close of each quarter-year beginning with the first calendar quarter of 1943, except that the balance sheet for the first calendar quarter of 1943 may be filed not later than May 31, 1943; (4) the profit and loss statements filed pursuant to (1) and (2) of this paragraph (c) must show (i) gross sales, (ii) returns and allowances, (iii) net sales, (iv) manufacturing costs, segregating total labor costs, exclusive of general and administrative salaries, total metal costs, and total other manufacturing costs, (v) general and administrative expenses, segregating total compensation to owners, officers and directors, (vi) net profits before income and excess profit taxes, (vii) weight of good castings produced and weight of castings delivered, and (viii) all charges to operations representing accumulations of reserves: *Provided,* That said Company need not file any of the foregoing financial data if it has filed such data or in the future does file such data on or before the time limits specified in this paragraph (c), on Form A—Annual Financial Report or Form B—Interim Financial Report issued by the Office of Price Administration.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

This Order No. 19 shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7007; Filed, May 4, 1943; 4:23 p. m.]

[Order 2 Under 2d Rev. Maximum Export Price Reg.]

FALLEK PRODUCTS COMPANY

ORDER GRANTING PETITION FOR RELIEF

Order No. 2 under the 2d Revised Maximum Export Price Regulation; Docket No. ME3-43.

The opinion accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register, and in accordance with section 12 of the 2d Revised Maximum Export Price Regulation, *It is hereby ordered:*

(a) The Fallek Products Company is authorized to invoice directly to the Secretary of Agriculture in Brazil, fifty tons of lead arsenate at 16 cents per pound, f. a. s. New York.

(b) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 2 shall become effective May 5, 1943.

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

Issued this 4th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7006; Filed, May 4, 1943; 4:23 p. m.]

[Order 329 Under MPR 188]

ADLER MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 329 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 pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Adler Manufacturing Company, Inc., Louisville, Kentucky, may sell and deliver the number of card files and component parts listed herein, which were described in its letter, dated January 22, 1943, to the Office of Price Administration, Washington, D. C., at prices no higher than those set forth below:

No.	Description	Quantity	Maximum selling price
18	Tray tabulator card files	137	$36.60
8	Drawer, 3 compartments 3 x 5 card files	52	40.15
8	Drawer, 2 compartments 4 x 6 card files	143	37.85
7	Drawer, 2 compartments 5 x 7 card files	270	39.80
	Letter size drawer compartment inserts for card files	50	1.83
	Cap size drawer compartment inserts for card files	50	1.97
	Special drawer units-letter-individual units	50	6.75
	Special drawer units-letter-exchange for regular drawer		3.40
	Special drawer units-cap—individual units	50	7.15
	Special drawer units-cap—exchange for regular drawer		3.60

(b) This Order No. 329 may be revoked or amended by the Price Administrator at any time.

This Order No. 329 shall become effective on the 6th day of May 1943.

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7065; Filed, May 5, 1943; 10:33 a. m.]

[Order 9 Under MPR 225]

KELLER-CRESCENT PRINTING & ENGRAVING CO.

ORDER DENYING APPLICATION FOR ADJUSTMENT

Order No. 9 under Maximum Price Regulation No. 225 — Printing and Printed Paper Commodities; Docket No. 3225-4.

On November 14, 1942, Keller-Crescent Printing & Engraving Company, 20 Riverside Street, Evansville, Indiana, filed an application for an adjustment pursuant to § 1347.469 of Maximum Price Regulation No. 225. Due consideration has been given to the application and an opinion in support of this Order No. 9 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 Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The application for adjustment of Keller-Crescent Printing & Engraving Company is hereby denied.

(b) This Order No. 9 shall become effective May 5, 1943.

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7064; Filed, May 5, 1943; 10:37 a. m.]

[Order 186 Under MPR 120]

CLOVER SPLINT COAL COMPANY, INC.

ORDER GRANTING ADJUSTMENT

Order No. 186 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant; Docket No. 3120-341.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328 and in accordance with § 1340.207 (e) of Maximum Price Regulation No. 120; *It is ordered:*

(a) Modified screenings as described in key size No. 65 and included in Size Group 18 in the Effective Minimum Price Schedule for District No. 8 established by the Bituminous Coal Division, Department of the Interior, and produced by Clover Splint Coal Company at its Clover Splint Mine (Mine Index No. 123) may be sold and purchased for shipment by all methods of transportation except truck or wagon at prices not to exceed $3.10 per net ton f. o. b. mine.

(b) Within thirty (30) days from the effective date of this order, Clover Splint Coal Company shall notify all persons purchasing its coals of the adjustment granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Revised Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale except in accordance with and subject to conditions in Revised Maximum Price Regulation No. 122.

(c) This Order No. 186 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definition set forth in § 1340.-208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) All prayers of the applicant not granted herein are hereby denied.

(f) This Order No. 186 shall become effective May 6, 1943.

Issued this 5th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7079; Filed, May 5, 1943; 11:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-699]

UNITED GAS IMPROVEMENT CO. AND CHARLES ULRICK BAY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of May 1943.

The United Gas Improvement Company, a registered holding company, having filed an application and declarations, pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, 44 and 50 promulgated thereunder, regarding the sale of 71,805 shares of Preferred Stock and 39,-046 shares of Common Stock of its subsidiary, Connecticut Railway and Lighting Company, to Charles Ulrick Bay, an individual and an affiliate of a public-utility company, who has also filed an application, pursuant to sections 9 (a) (2) and 10 of said Act, concerning his proposed acquisition of such securities for a cash consideration of $1,815,000; and

The United Gas Improvement Company having also included in its filings a proposal to exercise its right to call for purchase from the public $5,303,000 principal amount of the First and Refunding 4½% 50-Year Bonds, due January 1, 1951, of Connecticut Railway and Lighting Company at 105% and accrued interest, and the sale of said bonds at the same price to Connecticut Light and Power Company, lessee of the electric and gas utility properties of Connecticut Railway and Lighting Company; and The United Gas Improvement Company having requested that the sale of said stocks and Mortgage Bonds be exempted from the competitive bidding requirements of Rule U-50; and

The United Gas Improvement Company having requested that the Order of the Commission to be issued herein conform to the pertinent requirements of the Internal Revenue Code, as amended, including section 1808 (f) thereof and other specifications therein set forth; and

A consolidated public hearing having been held upon said applications and declarations after appropriate notice, and the Commission having considered the record and having made and filed its Findings and Opinion herein; and

The Commission deeming it appropriate, in the public interest and in the interests of investors and consumers, to permit The United Gas Improvement Company's declarations to become effective and to grant said company's applications and the request for exemption from competitive bidding; and having found that said acquisition by Charles Ulrick Bay is exempt from the requirements of section 9 (a) (2) and section 10 of the Act, pursuant to paragraph (c) of Rule U-40 promulgated thereunder:

It is ordered, That the declarations of The United Gas Improvement Company be and they hereby are permitted to become effective forthwith, and that said company's application be and it hereby is granted, and that its request for exemption of the sale of the stocks and bonds from the competitive bidding requirements of Rule U-50 be and it hereby is granted; subject, however, to compliance with the terms and conditions prescribed by Rule U-24 of the Act.

It is further ordered, That, in accordance with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) thereof, said sale and transfer by The United Gas Improvement Company of 71,805 shares of Preferred Stock, of the par value of $100 per share, and 39,046 shares of Common Stock, of the par value of $100 per share, of Connecticut Railway and Lighting Company is specified as being necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-7002; Filed, May 4, 1943; 3:38 p. m.]

[File Nos. 70-326, 59-22, 54-73]

NORTH AMERICAN GAS AND ELECTRIC CO. AND LOEB AND EAMES, INC.

NOTICE OF FILING OR PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of May 1943.

Notice is hereby given that North American Gas and Electric Company, a registered holding company, and Loeb & Eames, Inc., a wholly-owned subsidiary, have filed on April 8, 1943, with the Commission, an application pursuant to section 11 (b) (2) and section 11 (e) of the Public Utility Holding Company Act for an order approving a Plan of Liquidation and Dissolution of North American Gas and Electric Company (North Ameri-

can) and Loeb & Eames, Inc. and certain incidental transactions in compliance with an order of the Commission dated February 3, 1943.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

(1) North American proposes to convert the assets hereinafter listed into cash in the manner set forth as follows:

(a) Pursuant to an interim order of authorization by this Commission, $19,000 principal amount Southern Utah Power Company 6% Debentures will be sold to Southern Utah Power Company for $18,000 in cash plus accrued interest;

(b) $7,000 face amount of United States Savings Bonds will be presented for redemption at current redemption value of approximately $5,550, and the redemption price will be received in cash;

(c) $7,000 principal amount of notes payable and $13,900 open accounts payable by Loeb & Eames, Inc. will be collected from Loeb & Eames, Inc. in cash.

(2) North American will distribute the 4,250 shares of common stock it owns in Colonial Ice Company among the holders of the 6% cumulative income debentures of North American and among the lawful owners of such unissued debentures (totalling $21,977) pursuant to the 1937 Plan of Reorganization, in the manner hereinafter set forth in paragraphs 8 and 9, pro rata at the rate of 1.02346 shares of such stock for each $100 principal amount of such debentures outstanding;

Fractional Scrip Certificates to be issued for fractional shares of such stock may be presented for exchange any time prior to August 1, 1945; holders of such Fractional Scrip will not be entitled to receive any dividend or portion thereof declared upon the stock of Colonial Ice Company, nor shall they have any rights of a stockholder as to voting or otherwise;

(3) North American will cause Loeb & Eames, Inc., its wholly-owned subsidiary, to sell, pursuant to an interim order of authorization from this Commission, a small amount of investments in non-affiliated companies for cash, and to present for redemption in cash $16,800 face amount United States Savings Bonds at current redemption value of approximately $13,132, and to liquidate all of its remaining assets consisting of furniture and fixtures, accounts receivable, etc.

(4) North American will then cause Loeb & Eames, Inc., its wholly-owned subsidiary, to be dissolved in a voluntary proceeding for dissolution under the Stock Corporation Law of the State of New York and will execute the necessary Certificate of Dissolution as the owner of all of its outstanding stock; thereafter, Loeb & Eames, Inc., will, after payment of all its obligations, distribute the remaining cash realized from its liquidation, to North American in the form of a liquidating dividend.

(5) North American will surrender for cancellation and without receiving any consideration all the common stock (100,000 shares) it holds in Washington Gas and Electric Company to Nathan A. Smyth and Leo Loeb, as Trustees of Washington Gas and Electric Company which is undergoing reorganization under Chapter X of the Federal Bankruptcy Act; the application states that such common stock has no value.

(6) Upon the realization by North American of the cash proceeds from the sale and redemption of the aforedescribed securities and upon the liquidation of Loeb & Eames, Inc., as above-described, North American will cause such cash, together with all other cash held by it, to be applied and distributed (after first deducting a reasonable estimated amount for expenses incidental to the consummation of the Plan) as follows:

(a) To the payment in full of all current obligations, including all taxes due or payable;

(b) The balance to be paid or distributed pro rata to the holders of outstanding 6% cumulative income debentures of North American and to the lawful owners of the unissued 6% cumulative income debentures (totalling $21,977) in the manner described in paragraphs 8 and 9 hereof;

(c) Provision for the payment of unclaimed interest in the amount of $5,878.92 (now carried in a special account) on the 6% cumulative income debentures which remain unissued, under the April 2, 1937, Plan of Reorganization effected under section 77 (b) of the Bankruptcy Act, will be made by paying $26.75 for each $100 principal amount of such debentures outstanding to the holders of unsurrendered old securities, for a period of 6 months after the first publication of a notice to be published as provided for in the Plan; thereafter, any balance of such unclaimed interest remaining unpaid will be deposited with the Continental Bank and Trust Company of New York as liquidating trustee to be held and disposed of according to further provisions of said Plan set forth in paragraph 11 hereof.

(7) The right of the owners of unsurrendered old securities of North American, pursuant to the 1937 Plan of Reorganization, to receive common stock of North American shall terminate upon the approval of the Plan by this Commission.

(8) Before making any distribution of cash or securities in the manner above stated, North American will cause to be published at least once in a newspaper printed in the English language and of general circulation and published in the Borough of Manhattan, City, County and State of New York, a notice to the holders of the 6% cumulative income debentures and to the holders of old debentures, coupons, and notes of North American not yet surrendered under the 1937 Plan of Reorganization, which will be in such a form as to adequately describe the Plan of Liquidation and Distribution herein set forth; such notice will also fix July 1, 1945 as the last date upon which the holders of the old debentures, coupons and notes of North American not yet surrendered under the 1937 Plan of Reorganization may receive their pro rata shares under the Plan of Liquidation herein proposed; publication of said notice will also be made once in each of the years 1944 and 1945, the last publication to be published at least ninety days prior to July 1, 1945.

(9) Immediately following the publication of the aforedescribed first notice, North American will proceed with the distribution of cash, and of shares of common stock of Colonial Ice Company or Fractional Scrip Certificates therefor among the registered owners of the outstanding 6% cumulative income debentures.

(10) For a period of 6 months after publication of the first notice above-described, North American will make the distribution of cash and securities in the manner already described in paragraphs (2), (6) and (9) above. Upon the expiration of 6 months after the publication of said notice, North American will deposit all remaining cash, shares of common stock of Colonial Ice Company and Fractional Scrip Certificates then remaining undistributed, with the Continental Bank and Trust Company of New York as liquidating trustee for North American, and said trustee shall hold said cash, securities and Fractional Scrip Certificates for distribution to the lawful holders thereof until July 1, 1945, on which date, all rights to claim the balance of said undistributed cash, securities, and Fractional Scrip Certificates, will terminate.

(11) As soon as practicable after July 1, 1945 and before August 1, 1945, the liquidating trustee shall convert all securities and Fractional Scrip Certificates remaining in its possession undistributed into cash, and as soon as possible thereafter shall distribute the proceeds thereof, together with all other cash remaining in its possesion pro rata to the registered holders as of July 1, 1945 of the 6% cumulative income debentures.

(12) As soon as practicable after the expiration of 6 months following the publication of the first notice above-described, North American shall be dissolved by a decree of Court.

(13) If this Commission should approve the above Plan, North American has requested that pursuant to sections 11 (e) and 18 (f) of the Act the Commission shall apply to a United States District Court to carry out the terms and provisions of such Plan. No provision is made in said Plan for securing the consent thereto of any of the security holders of North American.

The Commission being required by the provisions of section 11 (e) of said Act before approving any Plan thereunder to find after notice and opportunity for hearing that such Plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such Plan; and

It, therefore, appearing appropriate to the Commission, in the public interest and in the interest of investors and consumers, that notice be given and a hearing be held upon said Plan as filed or as modified to afford all interested persons an opportunity to be heard with respect thereto;

It is ordered, That a hearing on the Plan be held on May 27, 1943 at 10:00

a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII, on or before May 24, 1943.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said Plan particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed Plan is necessary and appropriate to effectuate the provisions of section 11 (b) of the Act and the Commission's order of February 3, 1943;

(2) Whether the proposed Plan is fair and equitable to the persons affected thereby, including holders of common stock;

(3) Whether the proposed method of distribution of the common stock of Colonial Ice Company and of the cash to be realized upon the liquidation of all other assets is appropriate and consistent with the applicable standards of the Act;

(4) Whether the fees and expenses to be paid directly or indirectly in connection with any of the proposed transactions are for necessary services and are reasonable in amount;

(5) In the event the Commission approves said Plan and the transactions incidental thereto, what terms and conditions, if any, should be imposed;

(6) Generally, whether the proposed transactions are in the public interest and in the interest of investors and consumers, and consistent with all applicable requirements of the Act and the Rules thereunder.

Notice is hereby given of said hearing to North American, to all security holders of North American and to any other interested persons, said notice to be given to said company by registered mail and to all other persons by a general release of this Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER; and

It is further ordered, That North American give notice of this hearing to each holder of 6% Cumulative Income Debentures and shares of common stock of North American (in so far as the identity of such security holders is known or available to North American as of May 1, 1943) by mailing to each of said persons a copy of this notice at his last-known address at least twenty days prior to the date of this hearing.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, these proceedings under section 11 (b) (2) and in respect to the application for approval of said Plan filed under section 11 (e).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-7003; Filed, May 4, 1943; 3:38 p. m.]

[File Nos. 54-47 and 59-43]

JACKSONVILLE GAS COMPANY, AMERICAN GAS AND POWER COMPANY

NOTICE OF FILING OF AMENDMENT AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of May, A. D. 1943.

Notice is hereby given that Jacksonville Gas Company has filed with this Commission Amendment No. 11 to its application, heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan to effectuate the provisions of section 11 (b) of the Act. This Commission, by order dated May 28, 1942, supplemental order dated December 8, 1942, and second supplemental order dated January 8, 1943, and the District Court of the United States for the Southern District of Florida, by orders dated October 14, 1942, and January 28, 1943, have approved said plan as heretofore modified.

All interested persons are referred to said Amendment No. 11, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The plan as heretofore approved by this Commission and by the District Court included estimates of reorganization expenses in the total amount of $30,000. The order of the District Court dated October 14, 1942, authorized and directed Jacksonville Gas Company, among other things (subject to further orders and control of the court and to such limitations, restrictions, terms and conditions as the court might from time to time impose and prescribe) to incur and pay, or cause Jacksonville Gas Corporation to incur and pay, taxes, charges, expenses, compensation and fees in connection with the consummation of the plan in amounts not exceeding the sums estimated as part of the plan, subject to obtaining approval of this Commission for all payments requiring such approval under the applicable rules and orders of this Commission.

In and by said Amendment No. 11, Jacksonville Gas Company requests that the Commission approve payment by Jacksonville Gas Company or Jacksonville Gas Corporation of reorganization expenses in amounts not exceeding the items contained in a revised estimate, aggregating $51,297.30. Included in said revised estimate is a proposed fee of $500 for Lawrence E. Fleischman, representative of certain stockholders and debenture holders, in addition to reimbursement of his expenses in the amount of $1,001.12. Included in said Amendment No. 11 is a petition of said Lawrence E. Fleischman for allowance of a fee of $3,500, in addition to reimbursement of his expenses.

The following tabulation shows the estimated expenses incident to consummation of the plan, according to the estimates included in the plan as heretofore approved, and according to the revised estimates contained in said Amendment No. 11:

	Estimates heretofore included in plan	Revised estimates	
		Amount	Increase
Charges incident to organizing new corporation	$6,250.00	$3,781.00	$(2,469.00)
Printing and mailing notices; printing and engraving mortgage, bonds and stock certificates	5,500.00	3,081.34	(2,418.66)
Charges and expenses of transfer agent and registrars	[1] 1,250.00	5,950.00	4,700.00
Fees and expenses of counsel, consultants, engineer and trustees:			
Humes, Buck, Smith & Stowell:			
Fees	7,500.00	7,500.00	
Expenses		1,550.38	1,550.38
Elliott Adams—Fees	2,500.00	2,500.00	
Gilman & Hickey:			
Fees	2,000.00	3,167.50	1,167.50
Expenses		224.27	224.27
C. Ross Holmes:			
Fees	3,000.00	4,620.00	1,620.00
Expenses		250.00	250.00
City Nat'l Bank & Trust Co. of Chicago and Arthur T. Leonard, Mortgage Trustees:			
Fees		1,750.00	1,750.00
Expenses		1,467.44	1,467.44
Central Republic Co.—Expenses		1,215.51	1,215.51
Pam, Hurd & Reichmann—Fees		2,500.00	2,500.00
Guaranty Trust Co. of N. Y., Debenture Trustee:			
Fees		1,200.00	1,200.00
Expenses		69.21	69.21
Davis Polk Wardwell Sunderland & Kiendl:			
Fees		3,500.00	3,715.22
Expenses		215.22	
Joseph A. Varon—Expenses		703.32	703.32
Lawrence E. Fleischman:			
Fees		[2] 500.00	1,501.12
Expenses		1,001.12	
Miscellaneous expenses	[3] 2,500.00	4,500.00	2,000.00
	$30,000.00	$51,297.30	$21,297.30

[1] Included estimated charges of trustees.
[2] Fleischman claims $3,500; Jacksonville Gas Company requests approval of $500.
[3] Included estimated expenses of Humes, Buck, Smith & Stowell, Gilman & Hickey, and C. Ross Holmes.
( ) Indicates decrease.

It appearing to the Commission that it is appropriate in the public interest, and in the interests of investors and consumers, that a hearing be held with respect to the reasonableness of such increased fees and expenses, and that no such fees or expenses be paid, in excess of the amounts estimated as part of the Plan heretofore approved, except pursuant to further order of the Commission, *It is*

Ordered, That a hearing on such matters under the applicable provisions of the Act and the rules of the Commission thereunder be held on May 17, 1943 at 10 a. m., e. w. t. at the offices of this Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On that date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

Further orders, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings on said matters. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

Further orders, That without limiting the scope of the issues otherwise to be considered in this proceeding, particular attention will be directed at the hearings to the following matters and questions:

1. Whether the Commission should approve the amounts tabulated above under the heading "Revised Estimates", or any amounts in excess of the estimates included in the plan as heretofore approved, as the maximum amounts that may be paid for services rendered or to be rendered in connection with the reorganization of Jacksonville Gas Company.

2. Whether the Commission should require payment to Lawrence E. Fleischman of the amounts requested in his petition for allowance of compensation and for reimbursement of expense, or of the amounts proposed to be paid to him according to the revised estimates contained in said Amendment No. 11, or of any amounts.

Further ordered, That no fees or expenses incurred or to be incurred in connection with the reorganization of Jacksonville Gas Company, in excess of the amounts estimated as part of the Plan heretofore approved, shall be paid, except pursuant to further order of this Commission, and that jurisdiction be and is hereby reserved as to all such additional fees and expenses.

Further ordered, That notice of such hearing is hereby given to Jacksonville Gas Company, Jacksonville Gas Corporation, American Gas and Power Company, City National Bank and Trust Company of Chicago and Arthur T. Leonard as Trustees, Guaranty Trust Company of New York as Trustee, The Continental Bank & Trust Company of New York, Florida National Bank of Jacksonville, The New York Trust Company, Humes, Buck, Smith & Stowell, Elliott, Adams, Pam, Hurd & Reichmann, Davis Polk Wardwell Sunderland & Kiendl, Joseph A. Varon, Lawrence E. Fleischman, Gilman & Hickey, C. Ross Holmes and Central Republic Company, such notice to be served by the Secretary of the Commission by mailing a copy of this notice and order by registered mail to each of the above named persons, such mailing to be made on or before May 7, 1943; to the respective security holders and consumers of Jacksonville Gas Company, Jacksonville Gas Corporation and American Gas and Power Company, to all States, municipalities and public subdivisions of states within which are located any of the physical assets of said companies and under the laws of which any of said companies are incorporated, all State Commissions, State Securities Commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over any of such companies or over any of the business, affairs, or operations of any of them; that such notice shall be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER on or before May 7, 1943.

It is further ordered, That any person proposing to intervene or to be heard in these proceedings shall file with the Secretary of the Commission on or before May 14, 1943 his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-7046; Filed, May 5, 1943; 9:20 a. m.]

[File Nos. 54-47 and 59-43]

JACKSONVILLE GAS COMPANY, AMERICAN GAS AND POWER COMPANY

ORDER APPROVING OPENING ENTRIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of May, A. D. 1943.

This Commission, by order dated May 28, 1942, supplemental order dated December 8, 1942, and second supplemental order dated January 8, 1943, having approved the Plan of Jacksonville Gas Company, as modified, to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and having reserved jurisdiction, among other things, with respect to the opening entries in the books of account of Jacksonville Gas Corporation; and

The District Court of the United States for the Southern District of Florida, by orders dated October 14, 1942, and January 28, 1943, having approved said plan, as modified; and

Jacksonville Gas Company having filed with this Commission Amendments Nos. 12 and 12A to its application for approval of said plan, proposing that the books of Jacksonville Gas Corporation be opened as of February 1, 1943, and setting forth the proposed opening entries and balance sheet of Jacksonville Gas Corporation as of February 1, 1943, together with supporting statements and schedules; and

Said Amendment No. 12 having been filed on March 18, 1943, and said Amendment No. 12A having been filed on March 30, 1943, and notice of said filing having been duly given by notice dated April 15, 1943, served on all parties to the proceedings, and published in the FEDERAL REGISTER on April 20, 1943, and the Commission not having received a request for a hearing with respect to said Amendments Nos. 12 and 12A within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met, and that said proposed opening entries in the books of account of Jacksonville Gas Corporation are appropriate to consummate the plan as heretofore approved, and deeming it appropriate in the public interest and in the interests of investors and consumers to approve said opening book entries:

It is hereby ordered, That the proposed opening entries in the books of account of Jacksonville Gas Corporation set forth in said Amendments Nos. 12 and 12A be and the same are hereby approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-7047; Filed, May 5, 1943; 9:20 a. m.]

[File No. 812-319]

EMPIRE POWER CORPORATION AND UNITED GAS AND ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of May, A. D. 1943.

Empire Power Corporation and The United Gas and Electric Corporation, registered investment companies, have filed a joint application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of sections 17 (a) (1) and 17 (a) (2) of the said Act the following proposed transaction:

Empire Power Corporation desires to call for redemption all of its $6 Cumulative Preferred Stock on July 1, 1943 at the call price of $110 per share plus accrued dividends from April 1 to June 30, 1943, inclusive. The United Gas and Electric Corporation, a wholly-owned subsidiary of Empire Power Corporation, owns 24,975 shares of the said $6 Cumulative Preferred Stock. Empire Power Corporation proposes to purchase the said 24,975 shares from The United Gas

and Electric Corporation by issuing to The United Gas and Electric Corporation a demand promissory note, dated May 15, 1943 and bearing 5¼% interest, in an amount equivalent to the call price of $110 per share plus accrued dividends from April 1 to May 15, 1943, inclusive, which amount is approximately $2,765,900.

It is ordered, Pursuant to section 40 (a) of the said Act, that a hearing on the aforesaid application be held on May 12, 1943 at 10 o'clock, A. M., Eastern War Time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Robert P. Reeder, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-7049; Filed, May 5, 1943; 9:20 a. m.]

MUTUAL FUNDS, INC., ET AL.

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of April, A. D. 1943.

In the matter of proceedings under sections 14 (a) and 40 (a) of the Investment Company Act of 1940, to determine whether the effectiveness of registration statements of Mutual Funds, Incorporated, Files No. 2-4869 and No. 2-4914, under the Securities Act of 1933, as amended, should be suspended and whether the registrations of Mutual Funds, Incorporated, File No. 811-457; and Mutual Funds Trust, File No. 811-463; under the Investment Company Act of 1940 should be suspended or revoked.

The Commission by order dated September 25, 1942, having instituted proceedings under sections 14 (a) and 40 (a) of the Investment Company Act of 1940 to determine whether the effectiveness of the registration statements filed under the Securities Act of 1933, as amended, by Mutual Funds, Incorporated (Files No. 2-4869 and 2-4914) should be suspended, and whether the registrations of Mutual Funds, Incorporated (File No. 811-457) and of Mutual Funds Trust (File No. 811-463) as investment companies under the Investment Company Act of 1940 should be suspended or revoked; and

Mutual Funds, Incorporated having requested withdrawal of the registration statements filed under the Securities Act of 1933, as amended; and

Mutual Funds, Incorporated and Mutual Funds Trust having filed applications under section 8 (f) of the Investment Company Act of 1940 for an order declaring that such companies have ceased to be investment companies;

The Commission, having due regard to the public interest and the protection of investors, hereby consents to the withdrawal of the registration statements under the Securities Act of 1933, as amended, filed by Mutual Funds, Incorporated; and

It is ordered, That the proceedings heretofore instituted pursuant to sections 14 (a) and 40 (a) of the Investment Company Act be and the same hereby are discontinued.

The determination of the applications under section 8 (f) of the Investment Company Act of 1940 is hereby reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-7048; Filed, May 5, 1943; 9:20 a. m.]

[File No. 1-45]

ELY & WALKER DRY GOODS CO.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of May, A. D. 1943.

In the matter of Ely & Walker Dry Goods Company; $100 par 7% cumulative first preferred stock, $100 par 6% cumulative second preferred stock, $25 par common stock; File No. 1-45.

The Ely & Walker Dry Goods Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw the above-mentioned securities from listing and registration on the St. Louis Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, June 7, 1943, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-7045; Filed, May 5, 1943; 9:20 a. m.]

WAR PRODUCTION BOARD.

[Certificate 61]

COORDINATION OF PASSENGER MOTOR VEHICLE SERVICE BY SANTA FE TRAIL TRANSPORTATION CO. AND WHITE STAR MOTOR COACH LINES OF ILL.

APPROVAL OF SPECIAL ORDER

The Attorney General: I submit herewith Special Order ODT B-43 (*supra*) issued by the Director of the Office of Defense Transportation with respect to the coordination of motor vehicle service in the transportation of passengers by Sante Fe Trail Transportation Company, Chicago, Illinois, and White Star Motor Coach Lines of Illinois, Peoria, Illinois.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the special order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Special Order ODT B-43 is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

MAY 3, 1943.

[F. R. Doc. 43-7052; Filed, May 5, 1943; 9:51 a. m.]